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Senate

Y2K ACT—CONFERENCE REPORT

Mr. McCAIN. Mr. President, I ask unanimous consent to lay aside the pending business and turn to the conference report to accompany H.R. 775.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 775), to establish certain procedures for civil actions brought for damages relating to the failure of any device or system to process or otherwise deal with the transition from the year 1999 to the year 2000, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of June 29, 1999.)

The PRESIDING OFFICER. Under the previous order, debate on the conference report is limited in the following manner:

The Senator from Arizona, Mr. MCCAIN, 20 minutes;

The Senator from Connecticut, Mr. DODD, 15 minutes;

The Senator from Oregon, Mr. WYDEN, 15 minutes;

The Senator from Vermont, Mr. LEAHY, 10 minutes;

The Senator from South Carolina, Mr. HOLLINGS, 50 minutes.

Immediately following that debate, the Senate will proceed to a vote on the adoption of the conference report with no other intervening action or debate.

The Senator from Arizona.

Mr. MCCAIN. Mr. President, I don't intend to use all of my time. I intend to yield 5 minutes to the Senator from Washington. I have talked to other Members who have time under this agreement. For the benefit of my colleagues, I think we will not use all of the time as outlined in the unanimous-consent agreement.

I am pleased to urge the final passage of the conference report on H.R. 775. This has been a long and arduous process. While there have been times when the bill appeared to be moving slowly, or even dying, I was always confident we would do the right thing and pass this final bill.

We are now ready to enact this critical legislation. For the benefit of my colleagues, the House has just passed the conference report by a vote of 404–24. This is a victory for the Nation and for the continued prosperity of our economy as we enter the new millennium.

This is a critical piece of legislation. It allows all of our businesses and industries, large and small, hitech and non-hitech, to concentrate their efforts for the next 6 months on preventing Y2K problems from happening, and planning remediation measures. Rather than spending time, resources and money planning litigation defenses, we can be focusing on the means for fixing the problems.

This legislation strikes a very fair and practical balance in protecting the economy and protecting the rights of consumers. And very importantly, I want to note, it addresses needs and problems of small businesses, as well as large.

I would like to dispel any misconceptions or misinformation that there was any underhandedness in the final negotiation and drafting of revisions to this bill. Despite attempts to address Administration concerns last week with revisions and compromises that were made Friday, over the weekend, and on Monday, final negotiations and proposals by the White House were made on Tuesday morning, as we pressed against the deadline for completion of the conference report. Final revisions and drafting were made with every effort and good faith intention to respond to the generalized requests of the White House. Challenges to the integrity, professionalism and honor of the conferees and staff are unwarranted. This is a fair bill that reflects a bipartisan compromise.

Perhaps the recent vote just a few minutes ago in the House might indicate that is an overwhelming view in the other body. I am sure the vote in the Senate will also indicate overwhelming support for this legislation.

During the conference, the Senate and the House proponents of the legislation agreed to at least 10 substantive changes to the bill. These significant compromises were in addition to 10 or more major concessions made in the Senate from the time it was passed by the committee until its passage on the floor. These revisions and compromises have resulted in a more narrowly tailored piece of legislation but one that will still accomplish everything we set out to accomplish when the bill was introduced in January.

We know the provisions of the bill:

The 30-day notice and 60-day remediation period allows prompt resolution of problems without time-consuming and expensive litigation

It provides that defendants are responsible for the share of harm they cause, with some exceptions to ensure that consumers are made whole.

It requires plaintiffs to mitigate damages.

It penalizes defendants who intentionally defraud or injure plaintiffs; or who are bad actors.

It provides liability protection for those not directly involved in a Y2K failure.

It assures that someone will not lose his house if a mortgage payment cannot be made or processed because of a Y2K failure.

It sunsets in three years.

It does not deny the right of anyone to redress legitimate grievances.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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This legislation will encourage an atmosphere of cooperation in solving problems, rather than rushing to the courthouse. Emphasizing the need to talk out and resolve differences rather than litigating them will be helpful not only in the Y2K situation, but I hope will move us away from the litigious nature of our country today.

I am especially pleased at the level of bipartisan and bicameral cooperation in bringing this legislation to fruition. This legislation demonstrated the true ability of both parties and both bodies of Congress to work together for the good of the country. The efforts on both sides of the aisle and both sides of the Capitol to achieve consensus have been tireless. This conference has truly been a civics class example of how Congress can rise above special interest demands to do the right thing in the public interest

Mr. President, there are many who have contributed to this effort, particularly during the conference with the House. I want to especially mention the steadfast support and efforts of both Senator DODD and WYDEN. They worked late into the night this week to negotiate with the White House and assure the President's support.

I thank my two colleagues, Senator DODD and Senator WYDEN. This bill passed the Commerce Committee 11–9 on a strict partisan vote. Thanks to the efforts of those two individuals, who have been tireless, we were able to not only work with the other side of the Capitol, but the White House. Senator WYDEN and Senator DODD have better relations with the White House than I do. That is no secret to anyone around here. The fact that they were able to work more closely with the White House than I ever could have was a significant and, frankly, critical part of this agreement that we made. I again extend my deep appreciation to them.

It did not win them the ''Miss Congeniality'' award in their own caucus—something I am familiar with on this side of the aisle.

My appreciation, as well as a certain amount of sympathy, goes out to them. In all seriousness, without their efforts we would not be here.

I also think they would join me in expressing appreciation to Congressman GOODLATTE and Congressman DAVIS on the other side. Congressman GOODLATTE and Congressman DAVIS started with a piece of legislation far more ''restrictive''—if that is the right word—in the opinion of some, a lot better.

The fact is, they were willing to agree to the movement in the compromises that were made. They clearly could have held their ground and we couldn't have moved forward.

By the way, Congressmen GOODLATTE, DAVIS, and SENSENBRENNER were the originators of this legislation.

I also thank Senator GORTON, Senator FEINSTEIN, Senator HATCH, and Senator BENNETT.

It reminds me of the old line of Jack Kennedy after the Bay of Pigs: Victory has 1,000 fathers and defeat has 1 poor lonely orphan.

Along with that philosophy, I thank the staff members on both sides of the aisle and both sides of the Capitol: Carol Grunberg of Senator WYDEN's staff; Shawn Maher of Senator DODD's staff; Jeanne Bumpus of Senator GORTON's staff; Larry Block with Senator HATCH; Steven Wall on Senator LOTT's staff; Laurie Rubenstein with Senator LIEBERMAN; Tania Calhoun of the Y2K Committee; Diana Schacht of the House Judiciary Committee; Phil Kiko, of Congressman SENSENBRENNER's staff; Amy Herrink, of Congressman DAVIS staff; and Ben Kline of Congressman GOODLATTE's staff.

Finally, I thank the coalition that got behind this legislation. Their help was as broad as any coalition of businesses—large, small, and medium sized—I have seen in my experience here in the Senate.

I thank the National Association of Manufacturers, the Chambers of Commerce, and hi-tech groups, including ITAA, ITI, and BSA.

I ask unanimous consent a list of the year 2000 coalition members be printed in the RECORD.

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

YEAR 2000 COALITION MEMBERS LIST

Aerospace Industries Association.
Airconditioning & Refrigeration Institute.
Alaska High-Tech Business Council.
Alliance of American Insurers.
American Bankers Association.
American Bearing Manufacturers Association.
American Boiler Manufacturers Association.
American Council of Life Insurance.
American Electronics Association.
American Entrepreneurs for Economic Growth.
American Gas Association.
American Institute of Certified Public Accountants.
American Insurance Association.
American Iron & Steel Institute.
American Paper Machinery Association.
American Society of Employers.
American Textile Machinery Association.
American Tort Reform Association.
America's Community Bankers.
Arizona Association of Industries.
Arizona Software Association.
Associated Employers.
Associated Industries of Missouri.
Associated Oregon Industries, Inc.
Association of Manufacturing Technology.
Association of Management Consulting Firms.
BIFMA International.
Business and Industry Trade Association.
Business Council of Alabama.
Business Software Alliance.
Chemical Manufacturers Association.
Chemical Specialties Manufacturers Association.
Colorado Association of Commerce and Industry.
Colorado Software Association.
Compressed Gas Association.
Computing Technology Industry Association.
Connecticut Business & Industry Association, Inc.
Connecticut Technology Association.
Construction Industry Manufacturers Association.
Conveyor Equipment Manufacturers Association.
Copper & Brass Fabricators Council.
Copper Development Association, Inc.
Council of Industrial Boiler Owners.
Edison Electric Institute.
Employers Group.
Farm Equipment Manufacturers Association.
Flexible Packaging Association.
Food Distributors International.
Grocery Manufacturers of America.
Gypsum Association.
Health Industry Manufacturers Association.
Independent Community Bankers Association.
Indiana Information Technology Association.
Indiana Manufacturers Association, Inc.
Industrial Management Council.
Information Technology Association of America.
Information Technology Industry Council.
International Mass Retail Association.
International Sleep Products Association.
Interstate Natural Gas Association of America.
Investment Company Institute.
Iowa Association of Business & Industry.
Manufacturers Association of Mid-Eastern PA.
Manufacturer's Association of Northwest Pennsylvania.
Manufacturing Alliance of Connecticut, Inc.
Metal Treating Institute.
Mississippi Manufacturers Association.
Motor & Equipment Manufacturers Association.
National Association of Computer Consultant Business.
National Association of Convenience Stores.
National Association of Hosiery Manufacturers.
National Association of Independent Insurers.
National Association of Manufacturers.
National Association of Mutual Insurance Companies.
National Association of Wholesaler-Distributors.
National Electrical Manufacturers Association.
National Federation of Independent Business.
National Food Processors Association.
National Housewares Manufacturers Association.
National Marine Manufacturers Association.
National Retail Federation.
National Venture Capital Association.
North Carolina Electronic and Information Technology Association.
Technology New Jersey.
NPES, The Association of Suppliers of Printing, Publishing, and Converting Technologies.
Optical Industry Association.
Printing Industry of Illinois-Indiana Association.
Power Transmission Distributors Association.
Process Equipment Manufacturers Association.
Recreation Vehicle Industry Association.
Reinsurance Association of America.
Securities Industry Association.
Semiconductor Equipment and Materials International.
Semiconductor Industry Association.
Small Motors and Motion Association.
Software Association of Oregon.
Software & Information Industry Association.
South Carolina Chamber of Commerce.

Steel Manufacturers Association.
Telecommunications Industry Association.
The Chlorine Institute, Inc.
The Financial Services Roundtable.
The ServiceMaster Company.
Toy Manufacturers of America, Inc.
United States Chamber of Commerce.
Upstate New York Roundtable on Manufacturing.
Utah Information Technology Association.
Valve Manufacturers Association.
Washington Software Association.
West Virginia Manufactures Association.
Wisconsin Manufacturers & Commerce.

Mr. MCCAIN. We could not have succeeded without them.

I do not intend to make further remarks except to reserve about 5 minutes of my time for the Senator from Washington. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time? The Senator from Oregon.

Mr. WYDEN. Mr. President, it is a great honor to be on the floor today to express my special appreciation at being able to work with Senator MCCAIN, Senator DODD, and so many of our colleagues on both sides of the aisle on this important legislation.

This bill is designed with one point and that is to make sure that America's prosperity does not screech to a halt when the calendar pages flip over to start a new millennium. I am of the view that with this bill, millions of consumers and businesses are more likely to be on line at the turn of the century than waiting in line for a courtroom date.

I am especially pleased at the bipartisan efforts to make sure the individual consumer was protected in this legislation. This legislation allows consumers to get punitive damages against the bad actors. It makes sure consumers cannot be ripped off with fraudulent misrepresentations. It greatly expands the opportunity for consumers to bring cases in State rather than Federal court. And the conference report ensures that the individual consumer doesn't get the shaft because they are going to be in a position to be made whole when you take the entire package of remedies that would be available to them.

I am going to focus for just a moment on the 20 major changes that were made in this legislation after it left the Senate Commerce Committee; seven of them Chairman MCCAIN and I agreed on and one of them was a bottom-line proposition for me. The Senator from South Carolina, who is so eloquent with respect to the rights of plaintiffs in our country, was concerned, legitimately, about the long-term ramifications of this legislation. At my insistence, after the Senate Commerce Committee completed its work, Chairman MCCAIN added a 3-year sunset provision to this legislation. So this is going to be a bill to deal with a finite, discrete problem, not something that is going to linger for decades and decades.

We also eliminated the vague Federal defenses that were involved early on. We dropped the preemptive standards for punitive damages. We made sure that bad actors were not going to get a free ride. We restored joint liability for defendants who knowingly committed fraud. There were extra damages for plaintiffs facing insolvent defendants and we restored limited liability for directors and officers. That is what we began with after it left the Senate Commerce Committee and why I was pleased to join with Chairman MCCAIN.

Then Senator DODD, who is the Democrats' leader on these technology issues and who has given me, as a junior Member of this body, so much counsel, came along and made an additional set of important changes so as to particularly protect small businesses. We also went further with respect to officers and directors, and we made sure that plaintiffs were not going to face tougher evidentiary standards because of the good work done by the Senator from Connecticut.

Then we went to the conference committee and there were 10 major changes made to address concerns of the White House. In the area of proportionate liability, we doubled the orphan share for the solvent defendants, we tripled the orphan share for defendants when the plaintiffs were bad actors, and we assured that individual consumers facing insolvent defendants were made whole.

We made a number of changes in the class action area. We boosted the monetary threshold. In committee, when we began it was at $1 million. Now it is at $10 million. We boosted the class size from 50 to 100 plaintiffs. We also added provisions to make sure cases could be dealt with under remand provisions to assist the consumer.

Finally, there were changes in securities law to exempt private securities claims under this act, strong provisions with respect to contract enforcement. And to address a number of the important issues that our colleague from North Carolina has raised with respect to economic loss, we stipulated the economic loss rules would apply in a number of instances so as to give the consumer yet another tier of protection.

Our Nation needs a game plan for Y2K. This legislation is not going to solve all of the Y2K problems that crop up early in the next century. But what we will do by passing this legislation is ensure that we do not compound the problems we know are going to occur. We are doing it in a way that is going to ensure consumers are made whole, that bad actors face the stiffest of penalties, and at the same time we do not encourage mindless litigation that does nothing other than drain the vitality out of our economic prosperity.

I have believed for a long time that failure to pass legislation in this area would be similar to lobbing a monkey wrench into the Nation's technology engine which is driving our prosperity. This legislation gives us the opportunity to keep that prosperity going. I am very honored to have had the opportunity to be part of this effort.

I pay special thanks, in wrapping up my remarks, to my colleague, Senator DODD, the Democratic leader on these technology issues. A little bit after midnight on Monday—I guess that would be early Tuesday morning—this relatively young Senator was getting a little pooped and beginning to wonder how much longer I could keep going. The distinguished Senator from Connecticut said: This is not an option. We are going to stay at it until this legislation gets done. I say to my pal from Oregon, I am going to be talking to the President of the United States tonight.

I looked at my watch and I thought: Well, it is quarter to 1. This is going to be interesting, to learn a little bit more about this call. But in fact, as a result of the efforts of Senator DODD, the work that was done by Chairman MCCAIN and his staff and a variety of colleagues on both sides of the aisle in those early morning hours, on Tuesday we consummated the 20 major changes that were made in this legislation to ensure we had a bipartisan bill. So I have to tell you, this legislation, which was on the ropes early Tuesday morning with a lot of us thinking that it was going down for the count, now is a bill that our body can be proud of. It is a genuine compromise. I am not going to continue further because I know there are a number of colleagues who wish to speak as well. But I do want to pay tribute to a number of our staff who put in these extraordinary hours.

I see Marti Allbright and Mark Buse over there, with Chairman MCCAIN; Senator DODD's staff as well. Carol Grunberg, who is here with me, is sort of the Senate's Bionic Woman. She just kept going when it was so important to keep the parties together.

I am proud to be part of this effort. I look forward to what I hope will be a resounding vote in the Senate before too long. I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Vermont.

Mr. LEAHY. Mr. President, how much time is reserved under the unanimous consent agreement for the Senator from Vermont?

The PRESIDING OFFICER. The Senator has 10 minutes.

Mr. LEAHY. Mr. President, this conference report on the Y2K liability protection bill is being roundly praised, but not universally. Not universally. And it should not be. This bill is worse than the bill the Senate passed only a few weeks ago. The conference report provides expanded legal protections, especially at the expense of consumers, and I believe it raises serious constitutional questions. I do not support it because it is an unjustified wish list for special interests that are or might become involved in Y2K litigation.

The conference report greatly expands the scope of the Senate-passed bill by amending this act to apply to a potential Y2K failure. In fact, section 4

of the bill was amended during the conference to apply to the act's legal restrictions for a potential Y2K failure that could occur or has allegedly caused harm or injury before January 1, 2003. Let me ask, what is a potential Y2K failure? Nobody knows. I tell you this, over the next 4 years almost every lawsuit involving any technology issue could trigger the bill's special legal protections under this sweeping definition.

Once again, the majority is manipulating a key phrase to suit the wants of a special interest. The business lobby has inserted its own expanded definition of a Y2K action to broaden the scope of this bill. A House conferee observed when this expanded definition was first proposed last Thursday that it was an expansive definition that had been expressly rejected during House Judiciary Committee proceedings. It certainly was not accepted here. Lo and behold, like the ''Lady of the Lake'' rising, we find this comes out of the ether during the conference.

Not really even during the conference. In fact, that may be one reason the conference was never called to meet for a second time to go over the proposed conference report or to even vote on these matters, because it was easier to have matters not considered by the House or the Senate or the conference or voted on, but those that came from somewhere—not from us. But there they are.

In fact, after the first truncated meeting was adjourned and a possible follow up meeting was postponed Tuesday morning, the conference was never called back into public session to debate the proposal or even permit amendments to be offered and voted on. I predicted at the first and only preliminary meeting of the conference that I would not be allowed an opportunity to improve the bill by adding balance and protecting consumers, or at least even get a vote on it. I am sorry to report that I was correct. In fact, the conference report was filed without any follow up meeting or votes by the conference committee.

That is an interesting way of doing things. If we have a lobby that does not want something, like the juvenile justice bill that passed—they do not want it because they lost on the gun issues—why, it comes to a screeching halt: We are studying it, we are reviewing it, we want to deliberate this, we need to have time for votes, we have to have a conference and go thoroughly into it.

We have another lobby that says we want this Y2K bill: We do not like the bill that passed the Senate, and the House did not do enough for us. Will you throw a bunch of stuff in, don't vote on it, don't talk about it, don't have any procedure, just toss it in, because this is what we want, and, oh, by the way, we want it right now, we need it in a hurry.

This vagueness of a potential Y2K failure will also add to more future litigation instead of curbing it. From a bill that is supposed to deter frivolous litigation, this new, vague definition will produce more lawsuits and may give special legal protection to many more companies than the Senate-passed bill.

These special legal protections include: 90-day waiting period to file a lawsuit, heightened pleading requirements, duty to anticipate and avoid Y2K damages, overriding implied warranties under State law, proportionate liability, and many others. All these special legal protections still apply to small business owners and consumers in this so-called compromise. In fact, the bill, as presently drafted, would preempt consumer protection laws of each of the 50 States.

I have to ask: Why does this bill create new protections for large corporations while taking away existing protections for ordinary citizens? Maybe they do not have as much influence at the conference.

Many consumers may not be aware of potential Y2K problems in the products they buy for personal, family, or household purposes. They just go to the store and buy it and expect it to work. They are going to find a real surprise if there is something in there that does not work. One thing that will not work is the usual remedies they expect out of the consumer protection laws.

This bill as presently drafted would preempt the consumer protection laws of each of the 50 states and restrict the legal rights of consumers who are harmed by Y2K computer failures.

Why is this bill creating new protections for large corporations while taking away existing protections for the ordinary citizen? We all know that individual consumers do not have the same knowledge or bargaining power in the marketplace as businesses with more resources.

Many consumers may not be aware of potential Y2K problems in the products that they buy for personal, family or household purposes. Consumers just go to the local store or neighborhood mall to buy a home computer or the latest software package. They expect their new purchase to work. What if it does not, due to a Y2K problem?

Then the average consumer should be able to use his or her home state's consumer protection laws to get a refund, replacement part or other justice. But not under this bill.

The conference report also greatly expands the jurisdiction of the federal courts to consider Y2K cases under its class action provisions—now throwing Y2K cases into Federal court if a plaintiff seeks an award of punitive damages. Again, this expansion of the Senate-passed bill is unjustified.

It could be legal malpractice for an attorney not to seek punitive damages at the beginning of a case, when the complaint is filed and before discovery of all the facts has commenced. This provision makes no sense and may cause great harm.

Chief Justice Rehnquist and the Judicial Conference soundly rejected this approach months ago. The Judicial Conference found that shifting Y2K cases from state courts ''holds the potential for overwhelming the federal courts, resulting in substantial costs and delays.'' I wonder who pays for that. I bet it is us.

In addition, the Judicial Conference concluded ''the proposed Y2K amendments are inconsistent with the objective of preserving the federal courts as tribunals of limited jurisdiction.''

These views are shared by the state court judges, as reflected in the position of the Conference of Chief Justices. They note that these Y2K bills ''pose a direct challenge to the principles of federalism underlying our system of government.'' They describe these bills as ''radically'' altering the complementary role of the state and federal courts. The Chief Justices of our state courts remind us: ''The founding fathers created our federal system for a reason that Congress should be extremely reticent to overturn.''

I thought the Administration had also rejected this approach.

Mr. President, I suspect that the sweeping federal procedural and substantive changes to state law in this conference report will not pass constitutional muster when challenged. The conference report does not create a federal cause of action for Y2K lawsuits. Instead, the bill forces federal rules and liability protections on state-based claims and procedures. This will result in the dismissal of claims that might otherwise succeed under state law and clearly usurps the ability of state legislatures to make and enforce the laws for their citizens.

The conference report is an arrogant dismissal of the basic constitutional principle of federalism. Given the Supreme Court's recent rulings on the power of the States in relation to the Congress under our Constitution, I predict the Supreme Court will strike down this new law as unconstitutional.

We in Congress should not be tramping on the rights of the States to set the legal procedures for their courts and define the legal rights for their citizens.

On May 1, 1999, Assistant Attorney General Eleanor Acheson outlined the Department of Justice's views on this legislation. The Department of Justice concluded that: ''Because the McCain-Wyden-Dodd proposal modifies tort and contract law so as to reduce the liability of potential Y2K defendants, it reduces the incentive for potential defendants to avert Y2K failures. In a similar fashion, we do not believe that modifying the rules of liability that apply to meritorious tort and contract actions will deter frivolous Y2K claims, which by definition will be filed regardless of the rules of liability. Instead, the modification in the McCain-Wyden-Dodd bill seem more likely to curtail legitimate Y2K lawsuits.''

I agreed with the Department of Justice on May 1, 1999, when this letter

was written, and I agree with this letter today. Mr. President, I ask unanimous consent that the full text of the Department of Justice's views as of May 1, 1999, be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LEAHY. This conference report is telling the business community: Don't worry, be happy when it comes to Y2K remediation; don't worry about fixing the problem, don't worry about trying to protect the consumers, because the Senate and the House are going to protect you; all you have to worry about is yourself, not those who buy your products.

If they take that attitude using this bill as a shield, it only makes Y2K computer problems worse next year instead of fixing them this year. The best defense against any Y2K lawsuit is to be Y2K compliant in 1999, not waiting for a problem to happen and in the year 2000 say: Oh, wait a minute, they took care of us in the Congress; too bad, we're home free.

That is why I hosted a Y2K conference in Vermont to help small businesses prepare for 2000. That is why I taped a Y2K public service announcement in my home state. That is why I cosponsored Senator BOND and Senator KERRY's new law, the ''Small Business Year 2000 Readiness Act,'' to create SBA loans for small businesses to eliminate their Y2K computer problems now. That is why I introduced, with Senator DODD as the lead cosponsor, the ''Small Business Y2K Compliance Act,'' S. 962, to offer new tax incentives for purchasing Y2K compliant hardware and software.

These real measures will avoid future Y2K lawsuits by encouraging Y2K compliance now.

Last year, I joined with Senator HATCH to pass into law a consensus bill known as ''The Year 2000 Information and Readiness Disclosure Act.'' We worked on a bipartisan basis with Senator BENNETT, Senator DODD, the Administration, industry representatives and others to reach agreement on a bill to facilitate information sharing to encourage Y2K compliance.

The new law, enacted less than nine months ago, is working to encourage companies to work together and share Y2K solutions and test results. It promotes company-to-company information sharing while not limiting rights of consumers. That is the model we should use to enact balanced and narrow legislation to deter frivolous Y2K litigation while encouraging responsible Y2K compliance.

Unlike last year's Y2K information sharing law, this conference report is not narrow or balanced. Instead it is an justified wish list for special interests that are or might become involved in Y2K litigation.

The coming of the millennium should not be an excuse for cutting off the rights of those who will be harmed. It should not be an excuse for turning our States' civil justice system upside down. It should not be an excuse for immunizing those who recklessly disregard the coming problem to the detriment of American consumers.

EXHIBIT 1

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF POLICY DEVELOPMENT,
Washington, DC, May 1, 1999.

Hon. ALBERT GORE, Jr.,
President, U.S. Senate,
Washington, DC.

DEAR MR. PRESIDENT: I am writing to clarify the Justice Department's views on the McCain-Wyden bill, S. 96, as amended by Senator DODD's April 28 proposal. We appreciate the efforts of Senator DODD to improve S. 96. Nevertheless, Senator DODD's amendments do not cure many of the defects that prompted the Department to oppose S. 96, and the Department continues to oppose the bill, even with Senator DODD's amendments. The Department, however, understands that Senators KERRY and ROBB are working on an amendment in the nature of a substitute that addresses our primary concerns and which we can support.

The Administration has, all along, advocated Y2K legislation as long is it serves three important goals: (i) giving companies every incentive to become Y2K compliant; (ii) encouraging resolution of Y2K problems without resort to litigation; and (iii) deterring frivolous Y2K lawsuits without deterring legitimate Y2K claims. We are convinced, however, that the McCain-Wyden-Dodd bill does not achieve these goals. In fact, that bill may significantly undermine two of them. Because the McCain-Wyden-Dodd proposal modifies tort and contract law so as to reduce the liability of potential Y2K defendants, it reduces the incentive for potential defendants to avert Y2K failures. In a similar fashion, we do not believe that modifying the rules of liability that apply to meritorious tort and contract actions will deter frivolous Y2K claims, which by definition will be filed regardless of the rules of liability. Instead, the modifications in this McCain-Wyden-Dodd bill seem more likely to curtail legitimate Y2K lawsuits.

I will now outline briefly some of the Department's major concerns with the McCain-Wyden-Dodd version of S. 96.

COVERAGE ISSUES

The McCain-Wyden-Dodd proposal would apply to Y2K lawsuits brought by consumers and to private securities actions. McCain-Wyden-Dodd contains a number of provisions that make it more difficult for plaintiffs to assert and recover on their Y2K claims—they must provide more extensive notice to all defendants, satisfy higher pleading requirements, and may even then be denied their economic losses and punitive damages. Although these restrictions may be appropriate as applied to businesses with greater financial and other resources, imposing these heavier burdens is likely to erect insuperable obstacles for plaintiffs who are consumers.

The McCain-Wyden-Dodd proposal also applies to private securities actions, even though such actions are already governed by the comprehensive provisions of the Private Securities Litigation Reform Act of 1995 and the Securities Litigation Uniform Standards Act of 1998. Considerable time and effort was spent in designing those two laws as a means of barring meritless claims but allowing the filing of legitimate claims. In the absence of any evidence that this legislation was ineffective at achieving these purposes, there would appear to be no need to upset the careful balance it achieved by applying the sweeping reforms of McCain-Wyden-Dodd to litigation already covered by that prior legislation.

CLASS ACTION PROVISIONS

The McCain-Wyden-Dodd proposal creates federal jurisdiction over any Y2K class action where more than one million dollars is at issue. With this low threshold, this proposal allows most Y2K class actions brought in state court, even those based solely on state law, to be moved to federal court, where they would be analyzed under federal standards. Class action claims that could have been brought under state law would have to be dismissed unless they also satisfy those federal standards. Not only would this result in the dismissal of claims that might have succeeded under state law, but it would also usurp the ability of state legislatures to define the relief available to their citizens.

PROVISIONS MODIFYING STATE TORT LAW AFFECTING Y2K CLAIMS

The McCain-Wyden-Dodd proposal substantially rewrites state tort law as applied to Y2K claims. Section 13, for example, freezes in time many aspects of the state law governing resolution of Y2K tort claims as it existed on January 1, 1999, thereby preventing the States from enacting any reforms to their tort law, even reforms that apply generally to all tort claims. Other sections of McCain-Wyden-Dodd significantly curtail the damages Y2K plaintiffs may recover for their injuries. Most dramatically, section 12 bars recovery of economic losses in all tort suits not involving personal injury or property damage, including fraud and misrepresentation suits where the only damages are economic losses. This is not simply a codification of existing state law rules; section 12 establishes a new—and much broader—restriction for the recovery of these damages. Finally, section 5 of McCain-Wyden-Dodd usurps state law regarding recovery of damages with a rule of proportionate liability for all Y2K defendants, no matter how much they might have contributed to the plaintiff's injuries.

Because of the concerns I have outlined, the Department remains opposed to S. 96, even as modified by Senator DODD's proposed amendments.

The Office of Management and Budget has advised us that from the perspective of the Administration's program, there is no objection to the submission of this letter.

Sincerely,

ELEANOR D. ACHESON,
Assistant Attorney General,
U.S. Department of Justice.

The PRESIDING OFFICER. Who yields time?

The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I yield sufficient time as may be necessary under the time I am allotted under the agreement.

Mr. President, a notable author once stated that ''decades surrounding a new millennium are periods of severe disruptions and cultural transformations.'' In the context of American politics, it appears that this prophecy is coming to fruition even before the 21st century officially arrives.

From the manner in which this legislation has been considered, and unfortunately, from its ultimate passage, it appears that this country is embarking upon a serious transformation of America's constitutionalism.

For 200 years, we have honored a system of federalism that recognized the appropriate balance between States

and the Federal Government concerning the administration of civil law. Civil disputes unrelated to constitutional claims were considered to be reserved to the states and local citizens. But this cherished notion of states' rights no longer seems to be the case. Now, upon the idea of promoting industrialism, and more specifically, the so-called growth of technology, it appears that federalism, as well as the constitutional rights of American citizens, are becoming not only dishonored, but for sale to the highest bidder.

There are some who will support this legislation today upon the grounds that this is a bill limited in scope. Nothing could be further from the truth. This legislation includes some of the broadest limitations ever imposed on consumers' civil remedies, including severe restrictions on the recovery of economic losses and the ability to pursue class action suits.

The majority's claims about the recovery of economic losses greatly exceed the degree to which economic losses will be recoverable under the bill. In reality, the legislation will forbid the recovery of economic losses in almost every situation.

The conference majority contends that the class action provision has been made more pro-plaintiff because of the change made to the monetary requirement—from $1 million to $10 million—and the change made to the class size requirement, which is now 100 members. However, the conference majority failed to highlight the decision by the conference committee to add a provision that allows any class action suit to be removed to federal court in the event the suit includes a claim for punitive damages. The addition of this provision has expanded the federalization of class actions suits well beyond the provision in the original bill.

The conference report states that my provision on consumer credit protection has been revised to reflect the true intent of the provision, which was to prevent consumers from losing their mortgages because of Y2K failures. However, the purpose of the provision was not to singularly protect mortgages, but to protect consumers against adverse actions in relation to all debt-related transactions, including automobile loans and credit card obligations.

I know that many of my colleagues on this side of the aisle will vote for final passage because of the President's decision to sign this bill. I am most disappointed in the President's decision. When the President announced and carried out his veto of the products liability bill three years ago, I applauded. He states then that there was no justification for broad restrictions on punitive damages, joint and several liability, and broad preemption of State law. He reiterated those concerns in several statements on this bill. Yet, he announces his intention to sign the bill. In fact, his staff says he'll sign the legislation, even though it doesn't reflect the actual agreement between the White House and conference members.

I assure my colleagues that if we remain on this course, the constitutional and moral soul of this Nation will soon perish. This ideology of short term gain, and success at all costs, will surely work to our detriment. Consideration of this bill reminds me of a quote by Horace Rumpole, when he said:

> We went to all that trouble with King John to get trial by our peers, and now a lot of lawyers with the minds of business consultants want to abolish juries.

Mr. President, when I hear the expression by my distinguished chairman about a victory for the Nation and such nonsense from the distinguished Senator from Oregon about the consumers not getting the shaft—that is exactly what they are getting. That is exactly what is happening.

We tried our best to protect the consumers. You name the consumer organization in America—Public Citizen, Consumers Union—they are all still opposed to this conference report.

I stand here with a letter which the American Bar Association recently wrote:

> The American Bar Association opposes enactment of H.R. 775 in either the form that passed the Senate on June 15, 1999 or the form that passed the House of Representatives on May 12, 1999. . .The American Bar Association believes that the rights of the States should not be trampled in the rush to enact legislation to address concerns about Y2K. Traditionally, legal principles governing both tort and contract action have been the province of the States, not the Federal Government. The legal issues likely to be presented by the Year 2000 problem are not unique.

I ask unanimous consent the letter from the American Bar Association be printed in the RECORD.

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

AMERICAN BAR ASSOCIATION,
GOVERNMENTAL AFFAIRS OFFICE,
Washington, DC, June 22, 1999.

Hon. TRENT LOTT,
U.S. Senate,
Majority Leader of the Senate,
Washington, DC.

DEAR MR. MAJORITY LEADER: We understand that the Administration and key members of Congress are continuing to try to resolve differences with respect to H.R. 775, Y2K liability legislation. Last Friday, the ABA's Board of Governors met in Boston and adopted policy regarding the pending legislation. I am writing to you to express the American Bar Association's views on this legislation.

The American Bar Association opposes enactment of H.R. 775 in either the form that passed the Senate on June 15, 1999, or the form that passed the House of Representatives on May 12, 1999. The ABA is supportive of efforts to impose a reasonable waiting period before a lawsuit could be brought and encouraging potential litigants to utilize alternative dispute resolution methods during this period. The ABA is also supportive of encouraging the disclosure of known Y2K defects and of encouraging businesses, with appropriate antitrust relief, to cooperate in the development and implementation of remediation of Y2K defects. However, the ABA strongly opposes provisions in the versions of the legislation that passed both in the House and in the Senate that would: (1) provide for federal standards regarding the award of punitive damages; (2) limit the extent of defendants' liability to their proportional share of damages; (3) limit the liability of officers and directors in Y2K proceedings; (4) allow for removal of almost all Y2K class actions to federal court; and (5) preempt the state laws to place a federal cap on punitive damages. The ABA also opposes the fee-shifting provisions of section 508 of H.R. 775, as passed by the House.

The ABA believes that the rights of the states should not be trampled in the rush to enact legislation to address concerns about Y2K. Traditionally, legal principles governing both tort and contract actions have been the province of the states, not the federal government. The legal issues likely to be presented by the Year 2000 problem are not unique. Except for some regulatory action undertaken by federal and state agencies, there is little in the nature of special Y2K law. Disputes arising from Year 2000 computer failures likely will involve garden-variety claims of misrepresentation, fraud, breach of contract, insurance coverage and the like. There is no reason to believe that the legal standards and procedures applicable to non-Y2K-related tort, contract and class action claims are not appropriate for resolution of lawsuits involving the Year 2000 issue.

The ABA believes that it is doubtful that H.R. 775, as passed by either House, would encourage more or better Year 2000 remediation, or more or better disclosure about Year 2000 readiness. In fact, we believe that the opposite result is the more likely. Many businesses are inspired to undertake their Year 2000 remediation projects with a higher degree of diligence precisely because of potential legal liability. Legislation changing the standards of liability breeds uncertainty, and prudent business people frequently opt not to spend money in the face of uncertain returns. Where the relevant law of the jurisdictions in which businesses now operate is fairly certain, any new federal law will only muddy the waters. In light of the almost certain constitutional challenges and the necessity of litigation to interpret a new law in the various states, the efficacy of any new legislation will also be minimal at best.

From the perspective of directors and officers insurance issues, a Y2K safe harbor could put the directors and officers in a Catch-22 situation. Year 2000 compliance is expensive. Compliance obligations must be weighed, like any other business decision, against the costs and the liabilities of non-compliance. If the penalties associated with Year 2000 are removed, it is plausible the directors' and officers' decision-making pendulum would swing the other way—toward maximizing corporate short term profits.

Moreover, proposed legislation has the potential to penalize organizations that have been the most diligent in their Year 2000 preparations. Many companies have spent millions of dollars in this endeavor. More significantly, many started early, and have virtually completed their projects, performing innumerable tests and drills. Some are helping their customers and other members of the business community by sharing the knowledge they have learned. These efforts should be encouraged. However, by raising the bar for bringing and sustaining legal action, Congress may be penalizing those companies who through their own foresight spent their resources to adequately

deal with Year 2000 issues. Those who choose not to spend sufficient resources could have a competitive advantage. In short, whatever benefits the proposed legislation may have are likely to be too little, too late and to reward the wrong people.

The fee-shifting provisions of Section 508 of H.R. 775, as passed the House, would preempt federal, state and local statutes and court rules to apply a modified ''losers pay'' or fee-shifting court rule with respect to any Year 2000 claim for money or property. They would require that if either side rejected a settlement offer prior to trial and did less well at trial than the offer, that party would be responsible for the attorney's fees and costs of the other party from the date on which the last offer was made by the adverse party.

Section 508 would force parties either to accept a settlement offer or run the risk of incurring the fees of the other side. This would encourage ''low-ball'' settlement offers by the defendant rather than a realistic appraisal of the value of the case. Only the wealthy claimant would be able to run the risk of incurring such fees; in particular, the middle-class claimant who has some assets to lose would be in the greatest jeopardy. In a clear case of liability, the advantage might be partially alleviated by a counter offer or demand. But in all cases, the risk of litigation would be greater for someone who believes their claim or defense is just.

The American Bar Association does not endorse court rules or statutes that provide for fee-shifting based upon rejection of settlement offers. Such proposals would deter those who lack the financial wherewithal to absorb not only their own legal fees but also those of their adversaries from filing meritorious claims or defending meritorious positions. They favor the litigant with financial muscle, provide a disincentive to all claimants with limited financial means and encourage settlement by gamesmanship rather than encouraging realistic appraisals. Ultimately they erode our country's concept of equal justice under the law.

Although the ABA does not support court rules or statutes that provide for fee-shifting based on rejection of settlement offers, it adopted policy in February 1996 suggesting that if such a statute or rule is being contemplated, certain safeguards outlined in an ''offer of judgment procedure'' be incorporated in such a statute or rule. We would be happy to provide you with a copy of this offer of judgment procedure should you wish to review it and to answer any questions you may have about the ABA policy on this matter.

Please let me know if I can provide you with additional information or otherwise be of assistance to you on this matter.

Sincerely,

ROBERT D. EVANS.

Mr. HOLLINGS. No Governor, no Attorney General, no State legal group supports this legislation. On the contrary, there is a letter here from the Conference of Chief Justices of the several States in opposition to this measure.

I ask unanimous consent to have that printed in the RECORD.

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

CONFERENCE OF CHIEF JUSTICES, OFFICE OF GOVERNMENT RELATIONS, NATIONAL CENTER FOR STATE COURTS,

Arlington, VA, May 25, 1999.

Hon. TOM DASCHLE,
Minority Leader, U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR DASCHLE: I am writing on behalf of the Conference of Chief Justices (CCJ), to express our concern with S. 96 and H.R. 775 in their present form. We understand that S. 96 and H.R. 775 are attempts to address the serious problem of potential litigation surrounding the Y2K issue. However, in part, the bills pose a direct challenge to the principles of federalism underlying our system of government. We are particularly concerned that each bill would in effect replace established state class action procedures in favor of removal to the Federal courts on most cases. The members of CCJ seriously question the wisdom of such an action.

In this regard, CCJ agrees with the position of the U.S. Judicial Conference as submitted by Judge Walter Stapleton to the House Judiciary Committee on April 13, 1999. His testimony points out that:

''State legislatures and other rule-making bodies provide rules for aggregation of state-law claims into class-wide litigation in order to achieve certain litigation economies of scale. By providing for class treatment, state policymakers express the view that the state's own resources can be best deployed not through repetitive and potentially duplicative individual litigation, but through some form of class treatment. H.R. 775 could deprive the state courts of the power to hear much of this class litigation and might well create incentives for plaintiffs who prefer a state forum to bring a series of individual claims. Such individual litigation might place a greater burden on the state courts and thwart the states' policies of more efficient disposition.

Federal jurisdiction over class litigation is an area where change should be approached with caution and careful consideration of the underlying relationship between state and federal courts.''

We would emphasize that State courts presently handle 95 percent of the nation's judicial business. State and Federal courts have developed a complementary role in regard to our jurisprudence and these bills would radically alter this relationship. It is not enough to argue these bills affect only a segment of commerce, or that resolution of the problem on a state by state basis is inconvenient. It is a bad precedent that could have future ramifications. The founding fathers created our federal system for a reason that Congress should be extremely reticent to overturn.

If you have any questions, please feel free to contact me directly, or contact Tom Henderson or Ed O'Connell who staff our Government Relations Office. They can be reached at (703) 841–0200.

Respectfully,

DAVID A. BROCK,
Chief Justice,
President, Conference of Chief Justices.

Mr. HOLLINGS. Certainly everybody wants money. I want money. You want money. Republicans want money. Democrats want money. The White House is going crazy after money. Heavens above, everybody knows everybody wants money.

If you think this is just a spurious comment, let's go back. Here it is: ''GOP Vies for Backing of High-Tech Leaders. Party Aims to Exploit Y2K Vote. . .''

That is from the Washington Post, dated June 13. I ask unanimous consent to have that printed in the RECORD.

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

GOP VIES FOR BACKING OF HIGH-TECH LEADERS—PARTY AIMS TO EXPLOIT Y2K VOTE, CEO SUMMIT

(By Thomas B. Edsall)

Republicans will make an all-out bid to wrest the cash and prestige of Silicon Valley from the Democratic Party this week by capitalizing on a crucial Senate vote and a three-day National Summit on High Technology, events that will have high-tech executives lining the halls of Congress in unprecedented numbers.

The Senate vote on a measure to protect the high-tech industry from Y2K computer damage suits and the gathering of the industry's corporate elite at the summit sponsored by the Republican-controlled Joint Economic Committee are designed to demonstrate the commitment of the GOP to the unfettered market forces so beloved by the chip makers, venture capitalists and software CEOs of ''the new economy,'' and to reveal pointedly to high-tech leaders the influence in the Democratic Party of one of their most feared adversaries, the trial lawyers.

The trial bar has filed numerous securities suits against the industry and its members are expected to unleash lawsuits over the expected breakdown of computers that have not been adjusted to deal with the date change on Jan. 1, 2000, popularly known as the Y2K computer glitch.

''This is one of the few segments of the business community that hasn't reflexively gone Republican,'' said Rob Atkinson, director of the Technology and New Economy Project of the Democratic Progressive Policy Institute. ''Now, the Republicans have started to wake up and say, 'We want the high-tech community to be ours.'''

The high-tech industry is a significant source of political money. The Center for Responsive Politics estimated that the computer industry and its executives gave just under $9 million to congressional candidates in 1997–98, and early in the presidential nomination fights, Vice President Gore has raised an estimated $75,000 from the industry, slightly more than the $67,000 raised by Texas Gov. George W. Bush.

As, or perhaps more, important than the money, however, is the partisan competition to be on the side of a driving force in the national economy.

Rep. Thomas M. Davis III (Va.), chairman of the National Republican Congressional Committee and a leader of the GOP's high-tech drive, contends that high-tech executives realize that such ''vestiges of the old Democratic coalition'' as organized labor and the trial lawyers ''will not allow them [Democrats] to support high tech.''

In fact, the legislative record of both parties and of the Clinton administration on high-tech issues is mixed, with each taking stands for and against positions supported by the Information Technology Industry Council (ITIC), a group praised by both sides of the aisle.

In Congress, the GOP has a substantial advantage in its ITIC ratings. In the House, computations based on the ITIC's vote analysis showed Republicans receiving an average ranking of 69.7 percent, compared with the Democrats' 49.1 percent. The ratings were closer in the Senate: 83.9 percent for Republicans, 71.1 percent for Democrats.

The ratings were based on 1997-98 votes on securities litigation reform, Internet taxes, temporary work visas for skilled foreigners,

''fast-track'' trade proposals, computer export controls and encryption legislation.

Only votes on economic and regulatory issues were considered. Votes on social issues such as abortion, school prayer and pornography were excluded, since those have little bearing on the industry's bottom line. The libertarian tradition in the hightech community makes the religious right and the anti-abortion movement significant liabilities for the Republican Party.

Also, the development of sophisticated encryption and faster computers has put the industry in direct conflict with those seeking to restrict trade with potentially hostile nations, and with law enforcement officials seeking wiretap access to electronically transmitted information.

And the demand for technology-sophisticated workers runs head-on into anti-immigration forces in both parties.

In terms of partisan competition, Democrats are increasingly worried that the GOP's full-scale assault is likely to weaken the Democratic advantages among libertarian high-tech entrepreneurs.

Some Democrats have been stunned by the impressive collection of technology company executives who have joined a 72-member high-tech fund-raising committee for Bush. These computer industry leaders include America Online's James L. Barksdale, Cisco Systems' John Chambers, Intel's Gordon Moore, LSI Logic's Wilfred J. Corrigan, Applied Materials' James C. Morgan and Advance Mirco Devices' W.J. Sanders III.

Democratic conflicts pitting plaintiffs' lawyers against the technology sector will be thrust into the open when the Senate votes this week on legislation limiting corporate liability in Y2K damage suits, a measure backed strongly by the high-tech industry but opposed by trial lawyers.

That vote is expected to take place Tuesday, in the middle of the Joint Economic Committee's three-day summit. The sessions, put together by Republican Sens. Connie Mack (Fla.) and Robert F. Bennett (Utah), will provide a public forum to an extraordinary array of high-tech luminaries.

On Monday, those scheduled to testify include IBM's Louis V. Gerstner Jr., Intel's Craig R. Barrett and Federal Reserve Chairman Alan Greenspan. Day two will feature Microsoft's Bill Gates, Adobe Systems' John E. Warnock and Novell's Eric Schmidt. Wednesday will be the turn of Sun Microsystems' Scott McNealy, America Online chief technology officer Marc Andreessen and eBay's Meg Whitman.

Democrats are worried about the timing of the hearings and the Y2K vote, said Lisa Quigly, chief of staff of Rep. Calvin M. Dooley (Calif.), co-chairman of the New Democrat Coalition, which has strong ties to the technology sector.

''We are miles ahead of them [Republicans]; they don't have the relationships at all,'' Quigly said, but ''because some [Democrats] are not supporting Y2K [liability legislation], it looks as if Democrats are not for high tech.''

Democrats have made what they hope will be a preemptive strike that will take the edge off the Republican challenge.

Last week, House Minority Leader Richard A. Gephardt (D-Mo.), who has not had strong ties with the high-tech community, appointed a high-tech advisory committee headed by two Californians whose districts are centers of high-tech entrepreneurial activity: Reps. Zoe Lofgren and Anna G. Eshoo.

The Gephardt announcement coincided with a New Democrat Network-sponsored ''technology outreach'' day, which featured sessions with Microsoft senior vice president Craig Mundie, venture capitalist John Doerr, Dell Computer's Michael Dell and Hewlett Packard's Lewis E. Platt.

In what may prove to be a faint hope, Simon Rosenberg, executive director of the New Democrat Network, said that high-tech leaders are going to see the GOP drive this week as ''a very overt and clumsy attempt to catch up on high tech. But this challenge of which party is going to be the one that most adapts to the new realities and the new challenge is going to be with us for a long time.''

Mr. HOLLINGS. Here is the same: ''Congress Chasing Campaign Donors Early and Often'' about Y2K. That is from the New York Times, dated June 14. I ask unanimous consent to have that article printed in the RECORD.

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

[From the New York Times, June 14, 1999]

CONGRESS CHASING CAMPAIGN DONORS EARLY AND OFTEN

(By Alison Mitchell)

WASHINGTON, June 13—As campaign finance legislation languishes, Congress has gone on an allout funding-raising binge driven by the battle for control of the House, competition for money with the Presidential campaigns and an early push by incumbents to scare off challengers.

In a sign of just how intense the money chase has become, all four Senate and House campaign committees have, for the first time, created their own special programs to court and cater to donors willing to give them $100,000 in each of the two years of the 2000 campaign cycle.

Unabashed by the debate over President Clinton's use of the White House to court deep-pocketed donors in 1996, the committees are offering generous contributors an array of incentives, like access to party leaders, special issue briefings and meetings in lush locales.

In the case of the Democratic Congressional Campaign Committee, which is led this year by Representative Patrick J. Kennedy of Rhode Island, that even includes a weekend at the Kennedy family compound in Hyannisport, Mass., as close as it gets to a Democratic shrine.

''If we're going to raise more money,'' said Edward M. Kennedy of Massachusetts, ''we're going to have to do it in bigger chunks.''

The creation of the groups is a sign of how the 2000 battle for Congress is causing an escalation in the pursuit of so-called soft money, the kind of unrestricted contributions from wealthy individuals, corporations and labor unions that the parties have used to get around the post-Watergate contribution limits.

By law, an individual can give only $20,000 a year to the party committees to use for the direct purpose of electing a Federal candidate. So the bulk of these $100,000 donations would be considered of soft money, which can be used for activities like party building or advertisements advocating issues.

Once such money was largely the purview of the national political parties, not their Congressional arms. But last year the Congressional committees became more aggressive in pursuit of the money, and these programs show that they are now going even further. Previously the big-donor programs on Capitol Hill were tailored for the $15,000 and $25,000 contributor. (The Republicans had a $100,000 ''Majority '98'' program for the House and Senate elections last year, but divided the proceeds among several party committees.)

For those trying to stanch the flow of money into politics, these are bad omens.

''You've ended up with an absolutely 'anything goes' attitude,'' said Fred Wertheimer, an advocate of legislation, now stalled, that would ban soft-money contributions. He called the $100,000 groups a ''qualitative expansion of soft money.''

Representative Thomas M. Davis 3d of Virginia, the chairman of the National Republican Congressional Committee, says the Democrats are hypocrites for raising such donations because they have rallied around the bill to ban them while Republican leaders have firmly opposed it. ''The difference is they profess to oppose soft money,'' Mr. Davis said.

The Democrats say the will not disarm until the law changes.

''All of us are hoping for campaign finance reform, but we are also preparing for the worst'' said Senator Robert G. Torricelli of New Jersey, who as chairman of the Democratic Senatorial Campaign Committee is in charge of fund-raising and recruiting candidates.

The fund-raising flurry is driven in large part by an unusual political season in which not just the White House but the House could change hands. A few even argue that control of the Senate could be in play.

''It's impossible to predict which party will control which institution,'' Mr. Torricelli said.

The House and Senate committees are also pushing to raise money before they have to go into head-on competition with the Presidential race. And they want to show the kind of high-dollar strength that gives an air of victory and draws more donors. The committees are just as zealous in pursuit of the traditional donations for Federal campaigns as they are in seeking soft money.

''The stakes are high, whatever the outcome,'' said Gary J. Andres, a lobbyist who is working closely with the National Republican Congressional Committee to advise endangered Republicans and help them raise money. ''So I think you're going to see an expanded effort on both sides of the aisle.''

The fund-raising is particularly aggressive in the House, where a shift of just six seats in the next election could return the Democrats to the majority. Congressional leaders say the narrowness of the Republican majority is not only attracting more money for each party, it is causing some donors and interests to give to both.

It's a funny dynamic,'' Mr. Davis said. ''You have some people scared to death the Democrats will take the House and they will give you more. And there are groups that will hedge their bets. If they didn't think the Democrats had a chance they would probably just give to us.''

House Democrats are bluntly telling lobbyists and corporate interests with offices along K Street here that they had best take out some insurance should the Democrats take back the House.

Representative Kennedy said that Democrats in this cycle would be ''expecting much more from those who haven't traditionally been supporters of us but have been giving large contributions to our opponents and can't be expected to not at least meet us halfway.'' He said, ''They need to balance out the sheets a little bit.''

Through the first quarter of 1999, the House Democrats' campaign committee took in a record $6.8 million. By the end of this month, Democratic officials say they might reach about $14 million—what it took House Democrats the entire year to raise in 1997, the last comparable nonelection year. In three separate events last week, President Clinton, Vice President Al Gore and Hillary Rodham Clinton all appeared at fund-raisers for House Democrats.

The House Republicans' campaign committee will be posting its first contribution

figures at the end of this month. But the Republicans say they beat the Democrats in the first quarter in traditional donations by 2 to 1, raising over $7 million, and also topped the Democrats in soft money. On June 23, Republicans expect to raise more than $7 million at a gala for both the House and Senate.

The Republicans traditionally bring in far more money than the Democrats.

The fund-raising drive is equally intense for individual candidates. Particularly in the House, any incumbent who could face a competitive race in 2000 is working overtime to raise as much money as possible by June 30, the next filing deadline for the Federal Election Commission. Almost every night there is at least one fund-raiser somewhere in the vicinity of Capitol Hill.

The election commission reports are used by political strategists and donors to judge the potential strength of candidates. And in many cases the size of these bank accounts can draw in more donors—or scare them away from a competitor, helping determine whether a strong challenger should jump into a race.

House Republicans are pushing incumbents who already face significant challengers or who drew less than 55 percent of the vote in 1998. The goal is to try to have $200,000 in each of their campaign accounts by the end of the month.

Mr. Davis of Virginia says he knows the importance of the June 30 filing deadline. When he was trying to decide whether to challenge the incumbent Democrat, Leslie Byrne, in 1994, he looked at her campaign bank account. ''She had only 25 grand in the bank and I said, 'Maybe I can do this,'" he said. ''If she had had $250,000 in the bank, I guarantee I wouldn't have run.''

House Democrats are trying to make sure that all their freshmen in seats that may not be safe have about $150,000 in their accounts by the end of the month. ''It's a real focused and intense effort,'' said David Plouffe, the executive director of the Democratic Congressional Campaign Committee.

In some cases the House Democrats say they have challengers lined up and are helping them, too.

Patrick Casey, who lost by a whisker to Representative Donald L. Sherwood of Pennsylvania in one of the closest House races of 1998, traveled to Washington last Wednesday for a fund-raiser where Representative Richard A. Gephardt or Missouri, the minority leader, helped him raise $50,000.

Congressional leaders have also joined the sweepstakes. Speaker J. Dennis Hastert, for example, is now spending Mondays, Fridays and weekends raising money for House members, hopscotching the country.

He plans to take a four-day tour of California later this month to try to raise $2 million at 16 events, most of it for House candidates. His aides say he has raised $5 million this year for candidates and the party.

Mr. Gephardt, who would supplant Mr. Hastert as Speaker if the Democrats were to win back the House majority, is also on the circuit. Last week he helped raise money for Mr. Casey and for Representative Carolyn McCarthy of Long Island, attended a Rhode Island event with Mr. Gore and flew home to Missouri to appear with Mrs. Clinton. He aides say that by June 30, he will have raised $4 million.

Representative Tom Delay of Texas, the majority whip, has mobilized his entire whip organization of House members to help the Republicans' 10 most vulnerable incumbents. In a program he calls Romp, for Retain Our Majority Program, he has asked these members to raise $3,000 each for each of the 10 incumbents.

And all the House Republican leaders have helped raise money for a new group called the Republican Majority Issues Committee, which is trying to raise $25 million to get out the conservative vote in critical Congressional districts.

The Democrats have called for an investigation of the group because it is not registered with the Federal Election Commission as a campaign organization or disclosing its donors.

Karl Gallant, an ally of Mr. DeLay, who is forming the group, said it was not required to register because it would not be endorsing candidates. ''We are not giving money to candidates,'' Mr. Gallant said. ''We are going to be an independent committee that will educate voters on where candidates stand on conservative issues.

Mr. HOLLINGS. You think it is not timely on money? Here at 2 o'clock this afternoon an article was printed regarding Governor Bush. I guess have to be more respectful. He is liable to be President. It reads, Governor Bush—''At a breakfast this morning Bush gets big support from Silicon Valley.'' He got all the executives out there. He just pledges all these things, I am telling you right now, way better than the distinguished chairman. And the distinguished chairman is pretty good.

I ask unanimous consent to have this printed in the RECORD.

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

BUSH GETS BIG SUPPORT FROM SILICON VALLEY

(By Alan Elsner, Political Correspondent)

PALO ALTO, CA (Reuters)—Republican presidential front-runner George W. Bush's money-raising juggernaut roared through Silicon Valley Thursday, drawing support from a stellar list of high-tech industry titans.

Bush, the governor of Texas, has smashed all previous records by raising more than $36.3 million in the first half of the year. He began the second half with a fund-raising breakfast that had been expected to bring in an additional $300,000 but seemed likely to far exceed that estimate.

''This is not my first trip to this incredible land called Silicon Valley. This is my first trip as president of the United States,'' an elated Bush said, before quickly correcting himself to say, ''As soon-to-be president of the United States.''

Among the executives there to greet him were Cisco Systems chief executive John Chambers, Microsoft executive vice president Robert Herbold, Oracle Corp. (Nasdaq: *ORCL—news*) president and CEO Ray Alen, Intel Corp. (Nasdaq: *INTC—news*) chairman Gordon Moore, eBay president and CEO Meg Whitman, Hewlett Packard president Lew Platt and Charles Schwab, chairman and CEO of the stockbroker company that bears his name.

It was a highly impressive turnout from a region that Vice President Al Gore, who may be Bush's Democratic presidential opponent in next year's election, has been courting for years. But Bush had already raised more money from Silicon Valley than Gore in the first three months of this year.

Executives said they were attracted by Bush's program of supporting innovation, breaking down trade barriers and removing government regulation.

''The governor has strong support from the high-tech industry that is driven by ingenuity, innovation and the free enterprise system. It's great to have a candidate focused on those fundamentals,'' said Herbold.

Lane added: ''This industry needs support from government to continue growing and the Republicans and Bush have been more supportive of business aspects of building this industry.''

Bush, who leads the field for the Republican presidential nomination by a wide margin and has a 10 to 20 percentage point advantage over Gore in recent polls, said the attendance of so many prominent executives at his fund-raiser sent an important message that would be noted all across the country.

In his speech, Bush pledged to ''take the side of innovation over litigation every single time'' and put forward a number of general ideas of what he might do as president.

He said he would reduce the threat of massive litigation arising from the Year 2000 computer bug known as Y2K. He gave grudging praise to President Clinton, who this week struck a compromise with Congress to limit liability awards.

Bush has promised to fight for meaningful tort reform to limit lawsuits against business, a favorite Republican theme. He also proposed making the Internet a duty and tariff-free zone worldwide and promised to combat theft of U.S. intellectual property.

Bush said he would loosen regulations limiting the export of civilian computer technology while still protecting militarily sensitive technology.

He also proposed a permanent tax credit for research and development. Currently, the credit, worth about $2.5 billion, needs to be renewed annually by Congress.

Bush's unprecedented fund-raising prowess has led some commentators to predict the race for the Republican presidential nomination is virtually over before it has begun. Only publisher Steve Forbes, who can draw on a vast personal fortune, will be able to come close to matching Bush's financial resources.

Of the other Republicans, Arizona Sen. John McCain has a war chest of $6.1 million and the rest of the field is under $3.5 million. Bush also outpaced Gore in fund raising by two-to-one.

Mr. HOLLINGS. So the record is made with respect to money. Ordinarily, we have the rule—I want to be within the Senate rules of the dignity of the body. But we have to get to the reality. No one is asking for this except those in the money chase. And, yes, it is bipartisan. There isn't any question about that.

But this is a shabby performance. It is a sad day in the history of the Senate. Now what really occurred when we went into that conference is that the House receded to the Senate except for a minor amendment. We voted on it. Then they started negotiating on the fix, so as to ensure everybody was on board. They knew they were going to get a bill. The Senator from Connecticut then made the call to the President after midnight. I thought the only person who could get the President after midnight was Monica.

The White House sent five veto letters. Yet, the President plans to sign the bill, notwithstanding.

How emblematic of this administration. We fought like tigers to get this economy going with the 1993 budget. We cut spending. We raised taxes. We did away with 300,000 Federal employees. We got the economy going even though we could not get a single vote on the other side.

Then later, of course, the President joined the other side, went down and threw all of his friends in Congress overboard saying we taxed them too much. Then we had GATT. Then we had the NAFTA with Mexico, and he threw his labor friends overboard. Of course, that has been an abomination.

You cannot get to reality. They said it was going to increase trade. We went from a $5 billion-plus to a $20 billion-minus deficit. That was going to pay the Mexican worker better. He is taking home 20 percent less pay. It was going to solve the immigration problem. It is worse. It was going to solve the drug problem. They have a narcodemocracy down there.

But the President threw that crowd overboard. Now he throws overboard the consumers, middle America, after five veto messages on a much worse bill.

The Senator from Vermont is right on target. There isn't any question, when they put out this sheet here—even from my side—in the policy committee meeting there at lunch: How the conference report improves on the Senate-passed bill proportionate liability, even though they rejected Senator KERRY's proposal to place the burden on the defendant. They put the burden on the plaintiff. Individual consumers supposedly are carved out of proportionate liability, that is if they are not part of a class.

If by chance they are part of a class, their suit is automatically removable to federal court, in the event the claim seeks punitive damages. The President said he would never federalize class actions. They claim the bill preserves the authority of states to void contracts. But I can list a number of contracts that would be illegal under State law but would be enforceable under the conference-reported bill. So contracts which were entered into on a fraudulent or unconstitutional basis would still be enforced.

I will never forget the distinguished Senator from North Carolina; he tried to instruct the Senator from Oregon on economic damages.

I will give you the case. The client comes in. I am an old-time lawyer, and I represent clients. You have to tell them the truth. The poor client comes in and says: Hollings, I've got a $10,000 computer I bought last year, and now it's after January the first, and it has crashed. It is not Y2K compliant. They told me it was going to last for 10 years. I want you to bring my case.

I said: Wait a minute. They have to understand you have 90 days to wait around even though there is no duty to fix. The Senator from California, Mrs. BOXER, offered an amendment to require a free fix—that was in response to the Senator from Oregon's lament about fix the problem, fix the problem, just fix the problem. Well, that is exactly what were attempting to do. We said: Let's get rid of the lawyers. We will fix the problem. Yet, they would not accept that in the conference report.

So I say to the prospective client: In that 90 days nothing is going to happen. Then I have to investigate in great detail because on proportionate liability I do not want to find that the parquet from Hewlett-Packard was made in India and thus discover that I should have gone to New Delhi instead of Hartford to bring this case. I have to then file the pleadings. I have to thereupon get in with the interrogatories, attend all the discoveries because that is the billable-hour crowd.

You do not have money for billable hours obviously. This is middle America. That is how they get their day in court. So I will attend the interrogatories. I will conduct the trial, and I will handle the appeal.

By that time, you will owe me over $10,000. Now do you really want me to bring this case, considering you can't get any economic loss? I know you said you had to let two of your employees go because you could not pay them during all this time that it has been down. I know you have a loss of business. I know you have lost your reputation and everything else of that kind. But there is no economic loss.

The distinguished Senator from North Carolina is the best in the business. He will elaborate on that particular point. But that, more or less, gets rid of the lawyers. There never has been anything really for Y2K cases for attorneys. But to come in here now and say it does that, it is just shocking that we have just done away with middle America. The civil justice system has been permanently damaged. The very system that supports our Democratic society and consumers. That is why I stand here, for the consumers of America, for middle America, for those who cannot employ a trial attorney.

I go right to that White House and why they changed, because the best story that came out was in the New York Times. I think it is dated just yesterday, June 30. It has this statement in here, that the Vice President, as he begins his campaign for the Presidency, was eager to rid himself of the ''taint'' of financial support from trial lawyers.

No. 1, try to get some money out of that trial lawyer crowd, hard money. It is limited to $1,000. Soft money, let's go to Silicon Valley. There is Bush. He is there this morning, the Governor. This is the soft money bill. That crowd, he has $36 million. He has more than GORE, the Vice President, the President, and Bill Bradley all put together. One fellow has it. He can get that money. They know where to get soft money.

I can't get much hard money out of that trial lawyer crowd. I want more from them, I want them to know. I have publicly stated that on the floor. But they don't have soft money.

But the ''taint'' is the one I take exception to, because I am proud to be associated with trial lawyers. They are in there, down in the pits, on the front lines protecting middle America. All I hear in this Congress is about middle America—taxes, taxes, taxes. How about rights, rights, rights? They don't have the money for billable hours.

A crowd such as we have up here in this Washington group, all the lobbyists, I am glad they put that list—is that the billable hour list the distinguished chairman just handed in for the record?

So with the billable hour list, sure, they are lazy. They don't try cases. They continue cases. They go to the golf course. The clock runs and they send the bills. But you have to produce if you are a trial lawyer or you don't get anything. You take on all the expenses.

This is a system that has worked for over 200 years at the State level. All the State authorities now are opposed to this Federal adulteration, but they are talking about how they are looking out for consumers and a victory for America and those kind of things.

I am particularly shocked at my Republican chairman who has led the fight on campaign finance reform. I worked with him. I have a bill in for a constitutional amendment to try to legalize, if you please, the 1974 act before it was made unconstitutional by the Supreme Court of the United States. In one line: The Congress of the United States is hereby empowered to regulate or control spending in Federal elections. Once we do that, we go back to the 1974 act, do away with the soft money, everything on top of the table, and we are limited on the amount of money—we, candidate—we are limited on buying the office. But the money to buy the office is bad enough when the money goes so far as to buy the principle. That is a shocking thing to me. If there is such a thing as campaign finance reform, then in the name of campaign finance reform, kill this conference report, because this is an abortion. There isn't any question in my mind. It is way worse than we have ever had in any particular measure.

I want to say one word about the software industry, because I have worked in the Congress over the years with that particular industry, but they are learning a bad lesson now. They are learning they can buy anything, because they can change around State law, just them.

I have been up here, 32, now going on 33, years. We have never done this for any special group. Here they agree something could be fixed in 90 days. That is the provision in the bill.

We are giving them still—you have July, August, September, October, November, December, almost 6 months to still get it fixed, rather than 90 days. But they come in and demand this, when they now really are trying to demand everything.

Everybody ought to know that the Internet was started by the antigovernment crowd, free market, free market. After we developed the Internet in 1968, with Dopper, thereupon, there came, later on, in the middle of the 1980s, none other than the

best of the best, President Reagan. He gave a voluntary restraint agreement to the semiconductor industry because they were going broke. Intel had given up one of their particular display chips, if you remember. They were going out of business. They hung on, and we instituted Semi-Tech. When I went into the Intel plant in Dublin, Ireland, the manager there, Mr. Frank McCabe, said: Senator, we would have never had all of this if you hadn't put the $500 million in Semi-Tech. That is government.

They are all talking about pork, pork, pork. I want to emphasize the pork about which my distinguished colleague always talks. We gave them that particular pork, and now they have come to town and they want estate tax cuts. They want the capital gains tax cut. They want to do away with taxing the Internet. If you buy something on Main Street, America, you have to pay the sales tax. But if you buy it on the Internet, there is no tax. It is a free ride. Don't tax the Internet. And by the way, don't hold me liable. Let's legalize negligence. Let's legalize fraud, with this particular bill, and then just repeal the tort system.

This is a sad day for the Senate to come here with this particular conference report and talk in terms of a victory for America. It is a real bad setback by the White House, the leadership—not on the House side, I can tell you that. We have struggled over this thing. I tried to hold it up as much as I could, but the die has been cast.

I will retain at this particular point the remainder of my time.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Connecticut.

Mr. DODD. Mr. President, I don't think I know where the Senator from South Carolina stands on this issue, having listened to his eloquence. I disagree with him about this bill, but he is a wonderful Member of the Senate and a good friend. I always enjoy being a witness to his eloquence here on the floor of the Senate, even when I may be the object of some of that eloquence, along with my capital city of Hartford, CT.

Let me begin by saying I support this conference report. I commend the chairman of the committee, Senator MCCAIN, for his fine work. There was a tremendous amount of pressure on him last week. There were some who wanted to get this done about a week ago, with the hope there would be a veto. I guess they may have seen some political mileage if the bill had been vetoed. That would have been a victory in the minds of some. He willingly allowed us to have the weekend and the following few days to try to work out differences.

None of us knew whether we would succeed. Frankly, we weren't very optimistic we could work out the differences, given a lot of the rhetoric associated with this bill. The fact that we were able to spend some time at it and see if we couldn't find common ground, I appreciate very much. I know most of the Members of this body and others do, as well.

I also want to commend my colleague from Oregon, Senator WYDEN, who did a very fine job. We worked very closely on this to try to find some language and some provisions which would build broader support for this legislation. Also, I want to recognize the efforts of a number of our colleagues whose support was also instrumental in the successful completion of this conference report: Senator GORTON, Senator HATCH, Senator FEINSTEIN, my colleague, Senator LIEBERMAN, and Senator BENNETT, with whom I serve on the special committee on the Y2K issue, which was established by the majority leader and the minority leader, Senators LOTT and DASCHLE, about a year and a half ago, to look at the issue of the Y2K problem.

We have had some 22 hearings in that committee, examining all aspects of our society—government, the private sector, nonprofits, hospitals, telecommunications, transportation, utilities, financial markets—to determine to what extent this computer bug may affect people in this country and elsewhere. I think I can say with some degree of certainty that we think, at this juncture, things should not be too bad. A lot of work has been done at all levels in our society, from local communities to the States and the national government, to try to fix this problem so it doesn't cause the kind of disruptions that many thought could occur. But I can't stand here today and tell you we can say with absolute certainty there won't be disruptions and problems. There will be some. We just hope they aren't going to be as significant as some have predicted.

One of the areas we were asked to look at is the potential for widespread litigation, the rush to the courthouse. It is no great secret in this country that we have become tremendously litigious; we like suing each other. It has become a problem that has grown over the years. Anybody who has been around certainly knows the statistics and the numbers that tell of the rush to solve every problem by a lawsuit. Certainly, I will be the first to recognize, as a member of the legal profession, that without an active and vibrant legal profession, a lot of consumer rights would be lost in this country. You need that. It can't all be done by the Justice Department, the Securities and Exchange Commission, or other agencies at the federal, State and local level. You need a vibrant private bar. That is essential.

But it also has to be one that is tempered. You have to recognize certain fact situations as they occur and determine whether or not there may be a better way of trying to resolve some of these difficulties.

That is what this bill is really all about. I will start out by saying it is a 36-month bill. This bill sunsets; every provision of this bill dies after 36 months. We are not writing something in concrete or marble here that is going to last in perpetuity. For 36 short months, this bill will exist.

During that period of time, of course, we will learn whether or not we are going to have as widespread a problem with this Y2K computer issue as some have anticipated. If we don't, then this bill really isn't that important. I hope that will be the case. Nothing would make me, as one of the coauthors of this bill, happier than to find next January, February, and March, that all of the fears that have been raised by the Y2K issue turn out to be nothing more than that—fears—and that there would be no reason to litigate or to take 90 days to try to resolve the problems. If that is the case, then the bill will last for 36 months, but it won't have any significance.

If, however, there are problems that go beyond what I think will be the case, we could end up with people racing to the courthouse to litigate the issues rather than trying to solve the problem. If businesses are spending money on legal fees rather than trying to spend money on technicians and others to solve the problem so that the users of their equipment will be made whole, then we could end up having the Y2K problem be a lot more serious than I think it is apt to be.

This agreement, this conference report—even if you had no idea what was in it, I think you would be safe to conclude that it is probably a good one, for one basic reason: no one is fully satisfied. Everyone had to make concessions in this proposal.

It is not perfect, by any stretch of the imagination. But that should not obscure the fact that it is an outstanding achievement, in my view, arrived at in a manner that is bipartisan, bicameral, and in cooperation with the executive branch.

It is narrowly crafted to address the repercussions of an event that will only happen once in history: the changing of the calendar, 183 days from today, to the new millennium. We don't know, as I said, with precision what the repercussions will be. We hope and trust that, for our citizens, they will be minimal. But we know there will be repercussions, affecting virtually every facet of our lives, from energy to health care, from food to telecommunications.

We will encounter problems associated with the Y2K glitch. And in America, where there are problems, lawsuits are never far behind. The Y2K committee, as I mentioned earlier, which I cochair with Senator BENNETT, heard hard evidence that some members of the trial bar have been gearing up for quite some time to usher in the new millennium not with a celebration, but with a subpoena. By some estimates, they will file claims totalling $1 trillion or more.

While some of these suits will have merit, many, I am fearful, will not.

They will become vehicles for profit by select members of the trial bar, not to rectify wrongs done to consumers or to businesses.

Ultimately, an avalanche of frivolous lawsuits seeking to reap a bonanza from this Y2K problem could have a crippling effect on our economy, especially on the technology-based businesses that are creating the lion's share of new jobs in our Nation today.

This bill would slow the knee-jerk rush to the courthouse. It says to those who would seek litigation as a first resort: Look before you leap. It focuses businesses and consumers on fixing the problems, not fighting over them, and getting on-line, rather than getting in line at the courthouse. It encourages them to resolve differences in a conference room, not a courtroom.

This conference report is narrowly crafted to address frivolous Y2K-related litigation, and only frivolous Y2K-related litigation. Its carefully circumscribed scope was acknowledged—albeit reluctantly—the night before last by Mr. Mark Mandell, president of the Association of Trial Lawyers of America. He had this to say about the conference report:

> It is positive that this unique response to a unique situation will be law for only three years and that the legal rights of anyone who suffers a physical injury are preserved.

I commend him for the responsibility of that statement. He is the head of the trial lawyers in this country. I quickly add that he is not endorsing this bill; he disagrees with it, but he has framed it right. It is a unique answer to a unique problem that, for 36 months, we want on the books to avoid the potential problems that can affect our society.

These are two important points that deserve to be restated:

First, as I said, this is only a 3-year bill. It works no permanent changes in our legal system. Second, it completely and totally exempts consumers who allege they have suffered physical injury as a result of a Y2K failure.

In addition, the conference report contains several other responsible and modest provisions that weed out frivolous lawsuits, do no injury to tort law and, most important, allows America's businesses to continue to create jobs.

This bill establishes a 90-day period before a suit can be filed to at least create an opportunity for the parties to remedy the defects and avoid expensive, time-consuming litigation.

We are not going to guarantee the problem will get fixed in that 90 days, but it will sort of call a timeout for 90 days, 3 months, to try to solve the problem. That is not a radical idea. It is not a radical idea at all to try to get people to work out their differences. That may be a radical idea if your motivation is to get to the courthouse as fast as you can. To that crowd, it is a radical idea. But to the businesses and consumers who would like to be made whole and have the problem fixed, having a cooling-off period for 90 days as we try to solve this problem is not asking too much in a 3-year bill.

The bill also requires plaintiffs to plead with particularity about the nature of the harm allegedly done to them, and the monetary amount of damages they are seeking as a result of that harm. That is another ''radical'' idea—that you have to allege with some specificity what caused the problem. I know that is a bad idea if you would like to sort of use boilerplate language and race to the courthouse. If you are a defendant, you ought to know what you are charged with, what the plaintiff thinks you have done wrong. That ought not to be a great radical deviation from the norm. For 36 months, we are going to require that. That ought to be permanent law, in my view, but in this bill it lasts only 36 months.

The bill also prevents plaintiffs from recovering damages that they could have reasonably and foreseeably avoided. Another radical idea. To discourage plaintiffs from suing the so-called ''deep-pocket'' defendants, the bill establishes a rule of proportionate liability.

As a general matter, it holds the defendant responsible only for the harm it causes, and not for the harm caused by other defendants. Again, what a radical idea that is. If you are fractionally responsible, they would like you to have to pay the whole tab. Again, I appreciate their desire to do so. So you shop all around, and, if you can find anybody with deep pockets who may have handled the box for 5 minutes, then you can get them in a court, and, boom, you can hit them for the total amount.

That is what has caused as many problems as anything else—the lack of proportionality and balance.

At the same time, we don't allow that provision of proportionality to apply across the board without exception. We make several reasonable exceptions in the interest of fairness.

Plaintiffs who sue as individuals, rather than as members of a larger class, may recover jointly and severally from any defendant, even if they are marginally involved, thus helping to ensure that individual consumers will fully recover damages.

The bill contains other provisions to ensure that irresponsible, reckless, or intentionally wrongful defendants are in no way shielded and are fully responsible for their actions. Defendants that commit intentional torts will be held jointly and severally liable, even if only fractionally, including for economic losses.

In addition, defendants who knowingly make false statements about the Y2K readiness of their goods or services may not seek mitigation of damages when plaintiffs rely in good faith on such statements. That is yet another consumer protection contained within this conference report.

There are still other improvements that have been made here, largely at the behest of the Administration—improvements, which, in my view, strengthen the legislation. For instance, the class action provisions. Members of a class of under 100 people, and with claims under $10 million, can stay in State court.

We made change after change to accommodate the concerns that were raised—many of them reasonable concerns, I might add—to make this a stronger and a better bill.

We are trying to avoid frivolous lawsuits for 36 months. We are trying to solve the problem. I again want to thank the committee chairman and other colleagues who have played such an important role.

Lastly, I thank this President of the United States. When I saw the President—not at 1:30 in the morning, but he was in my State last Monday—I mentioned this bill to him in a conversation that may have lasted 1 minute. I said: We will have the Y2K issue up in the next day or so. The President said: I would like to sign a bill. I think it is important to have one. But there have to be changes in this legislation before I can sign it. If you can get those changes and work with our staff, I will take a look at it.

That is not an unreasonable statement for an American President to make on an issue like this that confronts our country in 183 days. We went to work that night and worked on these changes. It was late in the evening.

When I, along with my colleague from Oregon, submitted the final proposal to the President of the United States, he said, to his credit: If you can make one more change in this particular area, then I think I could support this bill.

That is how this happened.

He is being ridiculed today because he tried to get a bill done to do something about a problem that affects, or will affect, or could affect, millions of people in this country. He ought not be ridiculed. He ought to be commended for it. Yes, he could have caved in and gone along. I know a lot of his staff and others didn't want him to sign this bill. But this President went to work, and he listened to the proposal. He made some suggestions, and he said: If you can accommodate or meet me part way here on some of these ideas, then I would be willing to sign this bill into law.

As a result of those efforts, he could have said to me on Monday afternoon: I am sorry, there isn't anything you can do with this bill; I am just flat out against it. That would have been the end of it, frankly. I wouldn't have stayed up half the night trying to work out differences. But he said try. We did. And we reached that level of support, or a level of achievement which he thought he could support, and that brought us to the point of getting this legislation done.

Again, there is nothing perfect about it. I am fully aware that there may be

some problems with it down the road. I think this is a good effort to try to minimize those difficulties, to avoid lawsuits and solve the problems, and make this country stronger when it comes to the interest of the 21st century.

Let me again thank my colleagues who persisted in their efforts to reach this point. I also want to recognize the staff who were so instrumental in bringing us to this point, particularly: Marti Albright and Mark Buse of the Commerce Committee; Manus Cooney and Larry Block of the Judiciary Committee; Jeanne Bumpus with Senator GORTON; Robert Cresanti, Tania Calhoun, and Wilke Green of the Year 2000 Committee; Carol Grunberg with Senator WYDEN; David Hantman with Senator FEINSTEIN; Laurie Rubenstein with Senator LIEBERMAN; and Steven Wall with Senator LOTT.

I thank my colleague for yielding, and I urge adoption of the conference report.

Mr. HOLLINGS. Mr. President, I yield such time as necessary to the distinguished Senator from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. EDWARDS. Thank you, Mr. President.

Let me say, first, that there are two very important reasons that this has been an extraordinarily difficult issue for me. The first of those reasons is that I have extraordinary respect for the Senator from Arizona, the Senator from Connecticut, and the Senator from Oregon. They are friends of mine. They are good Americans. They are good people. They care about this country. They care about it deeply. I don't question their motives for one moment. I believe they are doing what they think is right.

The second reason is that I began this process myself desperately wanting to support some kind of Y2K bill.

The problem with the way the debate has been conducted is that the focus of my colleagues from Oregon, from Arizona, and from Connecticut has been on things we all agree on. We all agree—speaking for myself—that we should create incentives for computer companies to solve these problems, that we should create incentives for people who buy computers to work with those folks to solve problems, and to mitigate whatever damage or loss they may sustain.

We all believe there ought to be a cooling-off period. At least I believe there should be a cooling-off period. I do not think we want folks rushing to the courthouse the first time a problem rears its ugly head. I think we should have reasonable, thoughtful alternative dispute resolution.

I think all of those things are good things. They are laudable. They accomplish important goals. They are things I support and believe in. On those subjects, and on the subject of preventing frivolous litigation, I am totally in agreement with my colleagues who support this bill.

The problem is, we are not focusing on the single, most fundamental problem in this bill, which is that in 99 percent of the cases small businesses and consumers who suffer losses as a result of an irresponsible act by a computer company in respect to Y2K can recover nothing but the cost of their computer. They can't recover their lost wages. They can't recover their actual lost profit. They can't recover their overhead. If they are run out of business, they are just stuck.

Unfortunately, what we have here is what I am afraid happens too often in Washington. The little guy loses, and the big guy wins.

There is no question that the computer industry has a powerful voice in this body. The people who are going to be damaged and hurt by this bill don't even know it yet. They largely are completely unaware of it. The small business men and women of this country and consumers in small towns all over North Carolina and across the United States don't even know that they are going to suffer losses, that they are going to be put out of business. They do not know that. My question to my colleague is, Who speaks for them?

We have heard the voices loudly, clearly, powerfully, and articulately for powerful, big business. There are many things I will support industry on that I believe are in the best interests of America. The problem is, the people who are going to be injured by this bill, the people who are going to be put out of business, the people who by all accounts—my colleagues from Oregon and Connecticut have just conceded—will have real and legitimate losses, who speaks for them? I am afraid the answer is that no one speaks for them. They don't give big money to campaigns. They don't even know what is going to happen to them yet. They are out there and are innocent victims. Who is the voice for the little guy in this debate?

These losses we have talked about—I am eliminating frivolous lawsuits, I am eliminating causes that ought to be resolved, things that ought to be resolved by discussion between the seller and the buyer, all of those things that we are all in agreement on—I am talking about that little business guy or woman in Murfreesboro, NC, who bought a computer believing that it was Y2K compliant, having been told that it is Y2K compliant, and the computer is not Y2K compliant. They lose their business. They have lost thousands and thousands of dollars, and they are literally out of business.

That loss—no matter what we do in this Senate, no matter what we do in this Congress, and, with respect, no matter what the President signs in the Oval Office—that loss will not go away. It will be there, and it will not disappear.

There is a fundamental concept we all have to recognize when we come to the well later today to vote. Those who vote for this bill have made a conscious decision. As long as we are willing to recognize that decision, I will respect the vote. That decision is this: We have made a conscious decision that losses—which are real and legitimate, out-of-pocket losses suffered by small business men and women all over this country—that losses are going to be shifted. We are going to move them from the responsible party to the innocent party. In this case, the innocent party is a small business; is a consumer; is somebody who cannot pay their employees anymore; is somebody who has no cash-flow because their manufacturing operation has been shut down because of a Y2K problem.

The bottom line is this: We are making a judgment on the floor of the Senate that those real and legitimate losses which everyone concedes are going to occur—that is the ''nut'' of this. Everything else we agree on. I agree with my colleagues about eliminating frivolous lawsuits, about alternative dispute resolution, about cooling off periods, about trying to do everything in our power to solve these problems. The nut of this problem is, what happens to the little guy who suffers a real loss?

When this conference report passes on the floor of the Senate later tonight, we have made the judgment that we will shift that loss. We are going to shift it on to the people who have no voice, who don't even know they are victims. They are not sitting in our offices. They are not sitting there because they don't know they have been hurt yet. We are going to shift the loss to them. We are going to make sure it stays right with them. We are going to make sure that multimillion-dollar and multibillion-dollar businesses bear as little of that loss as possible. That is exactly what this bill does. It is that simple.

For all of the rhetoric on the floor, it is not about lawyers. It is about the people who make computers. It is about the people who make computer chips. It is about the people who buy computers. Those are the parties to this transaction.

The bill that came back from conference is worse than the bill that went to conference. It is worse for a very simple and fundamental reason: It creates multiple additional roadblocks to innocent people who get hurt by the Y2K problem. A job that was already extraordinarily difficult, for them to recover for what happened to them, has become almost impossible at this point.

I say with complete respect to my colleagues who have argued vehemently on the floor that this is a 3-year bill, that it will sunset in 3 years, and for that reason it is not bad, that the argument is a smokescreen. Every Y2K problem that will come into existence will happen during that 3-year period—99 percent. By its very nature this problem will show its ugly head in

the year 2000 or the year 2001. Essentially, we are going to cover every single Y2K problem that can come into existence.

One bit of language that has been referred to in the bill that proponents claim helps improve this report over the Senate-passed version has to do with the issue of recovery of economic losses such as lost profits, lost overhead, lost income. A phrase reads: ''A party to a Y2K action making a tort claim other than a claim of intentional tort''—up until then it is fine—''arising independent of a contract.''

I have spent the last 20 years of my life as a practicing lawyer. This is what that phrase means. If a computer person walks into a small business anywhere in this country and makes a fraudulent misrepresentation, intentionally misrepresents the Y2K compliance of their product, lies, commits criminal fraud, and induces somebody to sign a contract on that basis, and in fact, if the contract itself contains fraudulent misrepresentations, what that person can recover is the cost of their computer.

They are victims of criminal fraud. I want the American people to hear this. They are the victims of criminal fraud. What they can get back is the cost of their computer.

This bill started with a good purpose. It is supported by Members of the Senate whom I have extraordinary respect for. I absolutely have no question about their motives. They are doing what they believe is right. They have made beautiful cases for it on the floor of the Senate. My concern has been and continues to be that there is a voice that is not being heard on the floor of the Senate. It is the voice of the victims; it is the voice of the consumers; it is the voice of the people who don't know yet that they are going to be put out of business. It is the voice of people who don't know yet that they have been lied to or misrepresented to, been induced to sign a contract under the specific language of this bill.

As a result of this bill, they can recover absolutely nothing but the cost of their computer.

It is wrong. It violates every concept of justice that exists in the United States and has existed for the last 200 years.

We can do the things that my colleagues want to do: Get rid of frivolous lawsuits, induce people to solve these problems, get people to work together, not go into court. We can do all those things, and we can accomplish those things. But we can do it without gutting the right of the little guy who has a real and legitimate claim and has suffered a tremendous loss, been put out of business, without taking away that very fundamental right.

Those people are going to be sitting in our offices. So I have one last question to my colleagues: When those men and women are sitting in your offices in February, March, and April of the year 2000, saying: I have been put out of business, who do I go see? Who do I go see about this? I am out of business. Computer people made fraudulent misrepresentations in my contract. They were reckless in the way they made their product. I never knew it. I am out of business.

They are sitting on our couch in our offices, and they look in our eyes and say: Who do I go see about this problem? Maybe some of my colleagues have an answer to that question. Unfortunately, I do not.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. I have only been in this body for 13 years. I have never heard quite such a mischaracterization of legislation as the Senator from North Carolina just displayed.

I yield 5 minutes to the Senator from Washington.

Mr. GORTON. Mr. President, the success of legislation in a matter of considerable controversy in our society is always built upon the foundation of compromise. This relatively short debate on the final passage of H.R. 775 is a perfect example of that compromise. The Senator from Oregon, who was so responsible for the final form of this bill, listed all of the changes that he required in order to approve of this legislation. The Senator from Connecticut spoke eloquently of the way in which he worked with the administration to change a ''no'' into a ''yes,'' and make this legislation a reality. My very good friend, the chairman of the Commerce Committee, the Senator from Arizona, spoke of the fact that both the original House bill and the original Senate bill were much more sweeping and much more decisive in dealing with this Y2K problem. He deserves an extraordinary degree of our thanks and our admiration for working constantly and tirelessly toward a successful conclusion, even though that conclusion is not something he regards as wholly satisfactory.

I fall on his side of that debate. I think we should have done much more. I am, in fact, a radical reformer in this whole litigation field, whether it is this narrow issue or the broader issue of product liability or medical malpractice or the questionable utility of punitive damages in civil litigation. I would go much further than this bill does. But what we have done is to bring people together to solve a problem in a way that we can deem a success, all the way through to the signature of the President of the United States.

During the last 20 years, our society and our economy may have changed more dramatically than in any other similar period of history. We have become a computerized information society, due to the very technological developments that resulted in a Y2K challenge. But the Senator from North Carolina claims to speak for the voiceless. They are not voiceless. They played a major role in this debate. The coalition that has wanted far stronger legislation than this does, of course, consist of software and hardware companies. But it also consists of the great bulk of the representatives of the customers of those companies. The National Federation of Independent Business is the largest single organization of small business in this country. It favors this legislation. It favors legislation stronger than this. So whoever the Senator from North Carolina was speaking for, it was not the small businesspeople who do not look forward to a blizzard of litigation on this subject.

Of course, in retrospect, this new technology might have thought about the Y2K problem earlier than it did. But at this point, our goal should be a solution to the problem, not a blizzard of second-guessing litigation, especially litigation that will almost certainly slow down the future development of the very technology that has been so responsible for the growth in the American economy and has caused such significant changes for the good in the lives of people all around the world.

This bill is by no means perfect. In the view of this Senator it lacks that perfection because it is not all-encompassing enough. It is, however, at least a modest step in the right direction, one supported not only by the technology companies that are responsible for the computer revolution but by their customers and consumers as well.

So with my colleagues on both sides of the aisle, I can wholeheartedly recommend the passage of this legislation to the Senate and look forward with satisfaction to the President's approval of this bill.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER (Mr. BENNETT). The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, once again I do not yield from the statement made that this has been one shabby charade. I intended to, and did, take the President to task, and I do so. You don't send five veto messages and then come with a sorry bill, a worse compromise. It is obvious. You can look at it on the face of it. It did not take care of the consumers. Senator LEAHY tried to. It was what we adopted in the Congress last year, in the securities bill, in the other measure; we always take care of the consumers. But here the one group penalized, sidelined, damaged, if you please, are the consumers of America.

I ask unanimous consent to have printed in the RECORD the letter from Public Citizen, opposing the bill, opposing this report.

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

PUBLIC CITIZEN,
Washington, DC, June 24, 1999.

PLEASE OPPOSE THE SENATE Y2K IMMUNITY BILL

DEAR REPRESENTATIVE: On behalf of Public Citizen's 150,000 members, we thank you for

your vote against passage of H.R. 775, the Y2K immunity bill. We urge you to continue to stand up for consumers and small businesses by voting against the Senate-passed version of this unfair legislation if it is brought to the House floor. Although this measure is somewhat ''less extreme'' than the version of the bill that you opposed when the full House voted on this measure last month, the Senate bill is also sweeping in scope, and its effect on individual and small business consumers will be virtually the same as the House bill: it will make it next to impossible for those with legitimate Y2K claims to seek full and fair compensation in state courts.

Both the Senate and House Y2K bills bestow special legal protections upon companies responsible for manufacturing and selling technology products and computer systems that will not work in the Year 2000—even to those companies that knowingly sold Y2K defective products within the last few years, and even to those that are still selling defective products and systems today. This kind of blanket protection from accountability is unfair and unwise. Not only will these bills preempt important consumer protections under state law, they are likely to undermine Y2K readiness by sending a message that Congress will not allow companies to be held accountable for their acts and omissions. They will lead to more Y2K failures and injuries, not fewer.

The Senate bill has not all, but many, of the same kind of extreme provisions that made the House bill unacceptable. For example, the Senate proposal contains:

A mandate that, to receive punitive damages at all against any defendant—even a huge corporation—a plaintiff must prove applicable state law standards for punitive damages by clear and convincing evidence—a higher burden of proof than is required under many state laws; this provision would make it harder to hold the most irresponsible defendants fully accountable.

In addition, the bill also imposes a cap on punitive damages of $250,000 or three times actual damages, whichever is less, in cases involving defendants with 50 or fewer employees; this cap applies no matter how egregious the defendant's behavior unless the plaintiff can prove by clear and convincing evidence that the small business defendant specifically intended to harm the plaintiff—an extremely difficult standard for a plaintiff in a civil case to meet.

The elimination of joint liability of defendants in most instances—even for defendants that are substantially responsible for causing a Y2K failure—with no requirement that defendants take any steps to avoid Y2K failures in the first place to receive this liability limitation; this change in law would leave many injured individuals and small business consumers without full compensation.

A provision to allow defendants to remove most state law Y2K class actions into federal court—a proposal opposed by the Judicial Conference of the United States, chaired by U.S. Supreme Court Chief Justice Rehnquist.

Additional burdens on class action plaintiffs such as heightened notice and pleading requirements and requirements that courts find that the majority of class members' injuries to be ''material'' at the outset of any litigation; these requirements will make it harder for consumers to bring their cases as a class, even if that represents the most efficient way to adjudicate their cases.

So-called ''bystander liability'' provisions, limiting the liability of parties other than the product manufacturer or seller by making it more difficult to prove claims of fraud, negligent misrepresentation, interference with contract and other claims where the defendant knew or should have known about the Y2K failure at issue.

A mandatory waiting period of 90 days before plaintiff can bring a suit—with no requirement that defendants actually fix any Y2K problems during that time, even though some plaintiffs could suffer substantial losses during that period, such as a small business that is forced to close.

In addition, the Senate added more special protections for defendants and one-sided provisions that make the Senate bill even worse in some respects than the bill that passed the House. These include:

A complete one-way preemption of state law, preserving every state law that gives more liability protections to defendants while ensuring that the bill only wipes out all current state law rights that benefit consumer and small business plaintiff.

A complete affirmative defense against governmental enforcement actions for defendants that failed to comply with most federally enforceable measurement or reporting requirements because of a Y2K failure that was ''beyond the reasonable control of the defendant;'' this applies to rules of the Environmental Protection Agency, the Food and Drug Administration, the Occupational Safety and Health Administration and other agencies, unless the violation poses an imminent threat to the environment, health, or safety.

The suspension of federal penalties for any violation of any federal regulation caused by a Y2K failure (except a rule related to the banking or monetary system) for businesses with 50 or fewer employees as long as that business did not violate the same rule within the last three years and made some ''good faith effort'' to avoid the Y2K problem.

The only pro-consumer amendment added to the bill in the Senate offers temporary protection against adverse actions by financial institutions or credit agencies for individuals or small businesses unable to meet a financial obligation, such as making a mortgage payment or paying a credit card bill, because of a Y2K failure. This is an important provision to ensure that a person's credit is not ruined or a family evicted because of an inability to make a payment through no fault of their own. But this one pro-consumer amendment in no way makes up for the overwhelming unfairness of the underlying Senate bill to most consumers and small businesses who will experience Y2K failures in products and services they have purchased, or who suffer Y2K damages from chemical spills or other Y2K-caused accidents.

Please oppose the Senate version of H.R. 775.

Sincerely,

JOAN CLAYBROOK,
President, Public Citizen.
FRANK CLEMENTE,
Director, Public Citizen's Congress Watch.

Mr. HOLLINGS. Mr. President, this is the letter we received from the distinguished executive assistant, Mr. John Podesta. I ask unanimous consent this be printed in the RECORD.

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

THE WHITE HOUSE,
Washington, June 30, 1999.

Re H.R. 775—the Year 2000 Readiness and Responsibility Act.

Hon. THOMAS A. DASCHLE,
Democratic Leader, U.S. Senate,
Washington, DC.

DEAR MR. LEADER: The nation faces the possibility that widespread frivolous litigation will distract high technology companies and firms throughout the economy from the important work of preventing—and if necessary—repairing damage caused by the inability of systems to process dates in the new millennium. Special, time-limited legislation to deter unwarranted Y2K lawsuits is important to our economy.

Over the last few months, the Administration sought to ensure that, while we deterred frivolous claims, we also preserved important protections for litigants who suffer bona fide harm. We believed that the Senate-passed bill failed this test. The Conference Committee agreed to make a list of changes that were important to provide necessary protections.

The agreed-upon changes were translated into legislative language extremely narrowly, threatening the effectiveness of the negotiated protections. Nonetheless, we have concluded that, with these changes, the legislation is significantly improved. Specifically, as modified, the Conference Report: ensures that individual consumers can be made whole for harm suffered, even if a partially responsible party is judgment-proof; excludes actions brought by investors from most provisions of the bill and preserves the ability of the SEC to bring actions to protect investors and the integrity of the national securities markets; ensures that public health, safety and the environment are fully protected, even if some firms are temporarily unable to fully comply with all regulatory requirements due to Y2K failures; encourages companies to act responsibly and remediate because those defendants who act recklessly are liable for a greater share of a plaintiff's uncollectible damages; and ensures that unconscionable contracts cannot be enforced against unwary consumers or small businesses.

As a result, I will recommend to the President that he sign the bill when it comes to his desk.

In the normal course of business, the Administration would oppose many of the extraordinary steps taken in this legislation to alter liability and procedural rules. The Y2K problem is unique and unprecedented. The Administration's support for this legislation in no way reflects support for its provisions in any other context.

Sincerely,

JOHN PODESTA.

Mr. HOLLINGS. We go to what we knew. They made the agreement, it was all signed up, and after the agreement was sent over to the White House, it was not what they agreed to even then. I read:

The agreed-upon changes were translated into legislative language extremely narrowly, threatening the effectiveness of the negotiating protections. Nonetheless, we have concluded that, with these changes . . . [we are going to sign the bill].

They were going to sign a bill. They were going to get a bill for the Vice President. We have to get this Silicon money. And they ought to be taken to task for this kind of performance here. We know what this is about. Like I say, no State, no Governor, no Attorney General, no legislature supports this effort. Let say that my distinguished friend from Connecticut is very effective. He says: What a radical idea when we have a unique problem.

No, not at all. I am reading from the American Bar Association, all the lawyers:

Traditionally, legal principles governing both tort and contract actions have been the province of the States.

Not the Federal Government. We all know that.

The legal issues likely to be presented by the year 2000 problem are not unique.

We know that. He said it is not unique, it is not a radical idea, it is not a radical idea to say what is wrong, specify in your complaint what is wrong. When the computer breaks down, I don't know what is wrong. Who does? It is like in the Food and Drug Administration, when there is bad food we have good product liability; we have a Food and Drug Administration. These products they have within their own purview, the proprietary information on the manufacturer, so if there is a product that breaks down, they know where it is. We cannot find it ordinarily. But here, they really sidelined middle America, consumers and the poor small businessman.

They said that is a radical idea. It is a radical idea. It goes against the entire thrust of the safety principles we experience here in America. We have a safe society. You can depend on the food. You can depend on the products. The European Union is now following strict liability and joint and several liability that we have here in America. A radical idea to run to the courthouse? We are not running to the courthouse.

It is a litigious society, but we will show tort claims are down and business suing business is up; domestic cases, rights cases for this right, that wrong; environment and otherwise, are up. But tort liability cases are down.

This here really legalizes torts, it legalizes negligence, it legalizes fraud, all in the name of something that happens 6 months from now when, by their own measure they say we ought to have 90 days to fix it. Unreasonable? The Senator from California, she came and said: Let's get rid of all the lawyers, just use those 90 days to require the manufacturer to fix it; that's all we need. We need to get back in business. We do not need a rush to the courthouse.

Rush to the courthouse? That implies you are going to get a rush judgment. Try to get 12 jurors to agree on anything today. You cannot get 12 Senators.

They surely have gotten something very easily. Surely, it was not unreasonable to at least say you have to fix the problem, in return for expansive restrictions on plaintiffs' rights.

Instead, they say you have to find out what is wrong and specify it before they do anything. Come on. They say that is in behalf of the consumers of America? And that is a good measure and it is a victory for America? No, Mr. President; this is a sad day when the moneys in campaigns are not just taken to get elected, are not taken just to buy the office, but when they buy the principles in order to cater to a crowd to pass this kind of legislation.

How much time remains?

The PRESIDING OFFICER. The Senator has 10 minutes 37 seconds.

Mr. HATCH. Mr. President, I want to take a few moment to speak on behalf of the conference report. As you know, the negotiations over the details of the Y2K Act entered their final phase last Friday, during the weekend, and through Monday and Tuesday of this week. With the tremendous help and diligence, particularly of Senators MCCAIN, DODD, and WYDEN, we were able to craft a compromise bill which addresses every one of the major concerns of the White House.

Let me say that the final bill reflects the spirit of compromise. But I must admit that I believe the original Judiciary and Commerce Committee bills—along with the House bill—would have been far more effective in dealing with the problem of the expected frivolous and massive Y2K litigation—than the current compromise measure. But because of the overwhelming importance and need for this bill, both sides acted in good faith and reached an equitable agreement. Let me explain the depth and breadth of the changes that were made.

First of all, the House, recognizing the urgent need to pass this legislation, acceded to the far more lenient Senate bill. In practice, this meant that twelve major provisions of the House bill were dropped, ranging from elimination of both caps on director and officer liability to caps on attorneys fees. In the conference negotiations, seven further important concessions were made. Finally, in negotiations with the White House led by Senator DODD, we agreed to six further significant modifications to the bill. Mr. President, I have a list of these changes. I also have a letter from John Podesta to Senator DODD, dated June 29, that enumerates the changes requested by the White House and—except for minor technicialities—agreed to by the conference. I ask unanimous consent that these two documents be printed in the RECORD.

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

THE Y2K ACT

1. CONCESSIONS MADE ON Y2K ACT SINCE HOUSE & SENATE ACTION

House receded to the Senate, which means:

No caps on Directors and Officers liability;

Applies current state standards for establishing punitive damages, instead of new preemptive federal standard;

Cap on punitive damages no longer applies when defendant specifically intended to injure the defendant;

Removed caps on punitive damages for larger businesses;

Restore principle of joint liability for defendants who knowingly commit fraud. (House bill provided for several, but not joint, liability);

Definition of Y2K failure narrowed and targeted directly on year-2000 date-related data;

Dropped provisions dealing with attorneys fees;

Added sunset provision limiting application of Act;

Three major exceptions to proportional liability rule added. These exceptions and, indeed, the proportionate liability section itself, were taken from recent securities law sponsored by Senator Dodd;

Dropped the reasonable efforts defense or Federal rules for admissibility of reasonable efforts;

Dropped Federal rule for heightened state of mind requirement;

Confirms substitution of Federal question for minimal diversity standard

2. FURTHER CONCESSIONS

Revised definition of Y2K action—strike ''harm or injury resulted directly or indirectly'' and replace with the WH formulation of ''harm or injury [that] arises from or is related to'' an actual or potential Y2K failure. Add same formulation to claims or defenses.

Securities claims exclusion—Rejected WH formulation that private securities claims should be exempted from the bill. New provision would allow provisions of the securities law to stand only if conflicts with provisions of the Y2K Act. We also agreed to exempt from the Y2K Act's application of securities law the duty to mitigate section.

Revised language on duty to mitigate—Added an exception for intentional fraud (unless there was an unjustifiable reliance on defendant's misrepresentations). Also exempted securities claims from this section.

Revised language on Economic Loss Rule—Adopted the approach of the Kerry Amendment, which allow for economic damages where the defendant committed an intentional tart (except where the defendant committed misrepresentation or fraud ''regarding the attributes or capabilities of the project or service that forms the basis for the underlying claims.''

Warrany and contract preservation—Addition to existing language, makes clear that contract terms can be voided by state-law doctrines of unconscionability existing as of January 1, 1999, in controlling judicial precedent of applicable sate law.

Proportion liability—new section which includes: Added three provisions: (1) made clear that the provision does not apply to contract provisions; (2) remove the 50% cap placed on those whose shares are not collectable; (3) made clear that all state law (common law as well as statutory) with grater protection applies.

Revised language on class actions—Two changes: (1) to discourage the filing of all state class actions in federal court, we increase the jurisdictional amount from $1 million to $2 million. We also add a requirement that there must be 50 or more plaintiffs to remove state class actions to federal court; and (2) to prevent elimination of state class actions, which have been removed to federal court and the judge remanded the class action as not proper in federal court (does not meet the criteria of FRCP 23), such remands will be without prejudice allowing the class action to be refiled in state court (and, if appropriate, amended and returned to federal court).

Punitivies—Punitive damage cap for small business—50 or less employees—which is the lesser of $250,000 or 3 times compensatory damages. The cap does not apply if a defendant acted with specific intent to injure the plaintiff.

CONCESSIONS PROPOSED BY SENATOR DODD

Proportionate Liability; Double orphan share for all solvent defendants; Triple orphan share for defendants proven by plaintiffs to be had actors; Exempt individual consumers in individual, but not class, actions.

Class Actions; Increase monetary threshold to $5 million; Increase class size exemption to 100 plaintiffs; Securities.

Exempt all private security claims from Y2K Act, except from bystander provision of that Act (Sec. 13(a) and (b)).

Contract Enforcement: State law governing contracts of adhesion and unconscionability remains enforceable.

Economic Loss; Doctrine will not apply to claims of fraud related to contract formation; Regulatory Relief (Gregg and Inhofe amendments).

Inhofe: Exemption applies so long as defendant could not have known of the underlying violation because of a Y2K failure of a reporting system. Similar approach with respect to Gregg. (Specifics to be worked out with Administration and others.)

THE WHITE HOUSE,
Washington, DC, June 29, 1999.

Hon. CHRISTOPHER J. DODD,
U.S. Senate, Washington, DC.

DEAR SENATOR DODD: After our discussions regarding H.R. 775, the Year 2000 Readiness and Responsibility Act, to limit liability resulting from Y2K failures, I am prepared to recommend to the President that he sign legislation that includes the following changes:

Proportionate Liability—double orphan share for all solvent defendants, triple orphan share for defendants proven by plaintiffs to be bad actors, and exempt individual consumers in individual, but not class, actions.

Class Actions—Increase monetary threshold to $10 million, and increase class size exemptions to 100 plaintiffs.

Securities—exempt all private security claims from Y2K Act.

Contract Enforcement—State law governing contracts of adhesion and unconscionability and contracts that contravene public policy remain enforceable.

Economic Loss—Doctrine will not apply to claims of fraud related to contract formation.

Regulatory Relief (Gregg and Inhofe amendments)—Changes made to ensure that the provision would not endanger the environment, public health or safety.

Should the language of the legislation reflect our understanding of the resolution of these issues, I would advise that the President sign this bill. I am hopeful that if these changes are made, legislation can be enacted on a bipartisan basis.

Sincerely,

JOHN PODESTA.

Mr. HATCH. There can be no question that the final bill is more than a fair compromise. It balances the need to protect consumers against the need to safeguard business—particularly our high tech industries—from the ravages of unrestrained predatory litigation. Indeed, some experts maintain that litigation over the Y2K bug could cost the world economy over one trillion dollars.

I must emphasize the importance of this. One reason that our economy has been prospering is the beneficial effect of its increasing computerization. The Chairman of the Federal Reserve Board, Alan Greenspan, has asserted several times that the economy's increased productivity is in part due to computerization and the information revolution. And one of America's biggest exports is high technology goods and services. Without this bill, we would be strangling the proverbial goose that lays the golden egg. America must remain the pacesetter in high technology and the leader of the information revolution. Our security and national defense demands it.

Because of the importance of this issue, I have stated that I want a bill and not a partisan issue. I believed that compromise was the only way to achieve a product that was both fair and that would pass Congress. The bill we produced is a good product. But, it could have been a better product if the administration had been more forthcoming. Despite frequent requests by myself, Chairman MCCAIN, and other Senators, for the administration to become actively involved, the administration did not seriously enter into negotiations until last week. They now—after hours and hours of talks—reluctantly support the bill. Well, better late than never, I guess.

I want to reiterate my thanks to Chairman MCCAIN and Senators DODD and WYDEN. I also want to thank the other conferees, Senators BENNETT, THURMOND, GORTON, STEVENS, BURNS, LEAHY, HOLLINGS, and KERRY, for all their hard work and efforts in making this bill fair, as well as, effective. Senator BENNETT in particular was an early advocate for prompt and meaningful action on Y2K. I would also be remiss not to note my appreciation for the hard work and dedication of the cosponsor of my Senate Judiciary Y2K bill, Senator FEINSTEIN.

I also want to thank the House conferees for their hard work and for their wisdom and prudence. Finally, I want to thank the Senator and House staff for their dedication. I know the long hours they labored.

I urge all Senators to support this compromise conference report.

Mr. BOND. Mr. President, I rise to applaud my colleagues in the Senate and our friends in the House of Representatives for acting promptly to negotiate a conference report on the Y2K Act. As chairman of the Committee on Small businesses, I have paid particular interest to the small business community's concerns about the Y2K problems. While the ultimate consequences that will result from the Y2K problem are as yet unknown, small family-owned businesses are understandably concerned about their futures after the new year. They are concerned that their companies may be in danger either from the problem itself or from suits brought by trial lawyers concerned only with the fees they can obtain from settlements.

These businesses have reason to worry that they will be bankrupted by never-ending litigation. Small, woman-owned and family-owned businesses are the most vulnerable from costly litigation, either as plaintiffs or defendants, because they do not have the time to devote to it and do not have excess revenue to afford it. In addition, small businesses do not want to sue companies with which they have long-standing relationships and whose survival is tied to their own. Yet, these vulnerable businesses see the looming specter of endless litigation on the horizon.

Experts have estimated that total litigation costs related to the Y2K problem will be astronomical. For example, the Gartner Group, an international consulting firm has estimated that more than $1 trillion will be spent on Y2K litigation. Therefore, this legislation, by encouraging resolution of Y2K disputes outside the courtroom and decreasing the number of frivolous lawsuits that small businesses may have to face, will help to ensure that litigation arising from this problem will not devastate the millions of small businesses that are the engine of our nation's economy.

The small businesses that are troubled about the prospects of Y2K litigation are located on Main Streets all across America, not just Silicon Valley. They are this country's mom and pop groceries, its dry cleaners and its hardware stores. The National Federation of Independent Businesses, the nation's largest small business association, strongly supports this legislation. The NFIB surveyed its members and found that an overwhelming 93 percent support capping damage awards for Y2K suits. The small business community is speaking with a unified voice in support of legislation to limit the impact of Y2K suits for the good of this nation and by voting for the conference report today we are not ignoring this voice.

The conference report also contains an important amendment that was adopted in the Senate sponsored by Senator GREGG and co-sponsored by me. While the underlying bill will ensure that small businesses do not face financial ruin from costly litigation, the amendment will make certain that our own government does not bankrupt small businesses over the Y2K problem. This amendment will waive Federal civil money penalties for blameless small businesses that have in good faith attempted to correct their Y2K problems, but find themselves inadvertently in violation of a Federal regulation or rule, despite such efforts.

Most experts that have studied the Y2K problem agree that regardless of how diligent a business is at fixing its Y2K problems, unknown difficulties are still likely to arise that may place the operations of such businesses at risk. The last thing this government should do is levy civil money penalties on small businesses that find themselves inadvertently confronted with Y2K problems. Many of these businesses will already have had their operations disrupted and may be in danger of going out of business entirely. The Gregg-Bond amendment in the conference report ensures that the Federal government does not push them over the edge. I urge all my colleagues to support the conference report for the sake of our country's small woman- and family-owned businesses and to ensure that the economic health of our nation is not imperiled by the Y2K problem in the coming year and beyond.

Mr. KERREY. Mr. President, as I have stated before, the debate surrounding Y2K Liability is a very important one. The estimated cost associated with Y2K issues vary greatly,

ranging from $600 billion to $1.6 trillion worldwide. The amount of litigation that will result from Y2K-related failures is uncertain, but at least one study has guestimated the costs for Y2K related litigation and damages to be at $300 billion.

With that in mind, Congress has been debating legislation which encourages companies to prevent Y2K failures and to remedy problems quickly if they occur, and to deter frivolous lawsuits. Although I support the goals of the bill that passed the Senate last month, I voted against that bill because I did not feel it provided enough protection for consumers.

I am pleased to see that changes were made in the Conference Report that address my concerns and provide protection for consumers. Because of these important changes, I intend to support the Y2K Liability Conference Report. Many of my colleagues have pointed out positive changes to this bill. I would like to highlight just two provisions that will put consumers in a better position with respect to Y2K litigation.

The first provision concerns proportionate liability. Exceptions to the general rule of proportionate liability were made to ensure ordinary consumers are protected and ''bad actor'' defendants are not rewarded. These bad actor defendants, those who act recklessly, will bear a higher proportion of liability for otherwise uncollectible damage claims. This both protects consumer plaintiffs and provides companies with an incentive to identify and remedy Y2K problems.

The second provision deals with the duty to mitigate. Under the bill, plaintiffs have a duty to mitigate damages, which means that they have a duty to fix computer problems that could have been reasonably avoided. The Conference Report adds an important exception to this rule. Consumers who rely on fraudulent misrepresentations made by defendants about Y2K readiness will be exempted from this duty to mitigate. In other words, if a computer company tells a consumer in bad faith that his computer is ''Y2K compliant'' and that turns out to be false, the consumer will be in a better position to recover damages from that bad faith defendant.

The Y2K issue is a very unique, once in a millennium, problem. Because it is so unique, I agree that legislation is needed. I believe this legislation now strikes a proper balance between consumers and the high tech industry—-computer companies have an incentive to identify and remedy potential Y2K problems, and consumers have important protections when faced with bad actor defendants. Therefore, I will cast a vote in support of the Y2K Liability Conference Report.

Mrs. FEINSTEIN. Mr. President, I am pleased that the long road to enacting this critical legislation is finally coming to an end.

The conference report now before the Senate is the product of more than seven months of tough, complex negotiations between the high-tech industry, the White House, trial lawyers, consumer groups, computer consultants, countless Members of the House and Senate and other interested parties.

The final, bipartisan bill—now supported by the President—will create a once in a millennium, three-year law. Without it, I believe we could see the destruction or dismemberment of America's cutting edge lead in technology.

Mr. President, several well-known consultants and firms, including the Gartner Group, have estimated that Y2K litigation could quickly reach as high as one trillion dollars. This potential litigation flood could prevent companies from solving Y2K defects, and as a result could put the high-tech engine that has propelled our economy to new heights at risk.

This bill is especially important to California, where over 20 percent of the nation's high-tech jobs are located.

And the problem extends beyond high tech companies into the lives of employees, stockholders and customers of a wide range of American business.

We solved part of the Y2K problem last year when Congress overwhelmingly passed legislation to protect companies who make statements about Y2K problems in order to help others predict and solve these problems before they occur.

But we must now take an extra step, in order to encourage companies to work to prevent and fix Y2K problems with minimum delay.

Without this bill, companies may be forced to devote far too many resources to preparing for lawsuits rather than mitigating damages and solving Y2K problems.

And many consultants have come to us and said that they have refused to become involved in helping companies solve Y2K problems, for fear that they will open themselves up to being sued later on. They would rather just not get involved.

As a result, the very people capable of fixing Y2K defects are unavailable to perform those fixes.

I believe we face a real problem, and we have tried to craft a real solution.

And crafting that solution has not been easy. On almost a daily basis, Senate staffers, industry representatives, opponents of the bill and others have met for hours at a time to hammer out differences, clarify language, and make significant, substantive changes to the early versions of these bills.

In fact, even before the Conference Committee met over the last week, the original sponsors of Y2K litigation reform, including myself and Senators HATCH, MCCAIN and WYDEN, made dozens—if not hundreds—of changes to these bills. We addressed every concern we could, we significantly limited the scope of the bills, and we clarified many sections to ensure that plaintiffs and defendants alike will find an even, uniform playing field once the bill passes.

And it is important to remember that nothing in this bill is permanent—rather, it is a three-year bill limited to certain specific cases. The bill applies only to Y2K failures, and only to those failures that occur before January 1, 2003.

This bill contains a number of key provisions meant to deter frivolous suits and encourage remediation, arbitration, and problem-solving.

Most of these provisions have been modified or limited during the negotiations that have taken place over the last seven months. Several changes were made as late as this week, during negotiations with the White House.

The bill provides a 90-day ''cooling off period'' during which time no suit may be filed, so that businesses can concentrate on solving Y2K problems rather than on fending off lawsuits.

Only one 90-day period may be invoked per lawsuit, and the 90-day period does not delay any injunctive relief—a plaintiff may immediately file for a temporary restraining order or any other type of injunctive relief.

The purpose of this section is to give both parties an opportunity to focus on identifying and then correcting any Y2K problems quickly and efficiently.

The bill also provides for proportionate liability in many cases, so that defendants are punished according to their fault, and not according to their ''deep pockets.''

Under our current system of joint and several liability, a defendant found to be only twenty, ten or even one percent at fault can nonetheless be forced to pay 100 percent of the damages.

This system often encourages plaintiffs to go after ''deep pocket'' defendants first, in order to force a quick settlement.

I believe that this system is fundamentally unfair, and I am pleased to say that this bill eliminates joint and several liability in many Y2K cases.

Under the new system, defendants will be responsible only for that portion of damages that can be attributed to them.

However, the bill does have several specific exceptions to the elimination of joint and several liability.

First, any plaintiff worth less than $200,000 and suffering harm of more than 10 percent of that net worth may recover against all defendants jointly and severally. This exception in the bill protects those plaintiffs with a low net worth, but will not unduly injure defendants because the damages recovered will not be great.

Second, any defendant who acts with an intent to injure or defraud a plaintiff loses the protections under this bill and is again subject to joint and several liability. We do not want to protect those acting with an intent to harm.

Finally, the original Senate bill provided a compromise for those cases in

which certain defendants are ''judgement-proof.'' In cases where a plaintiff cannot recover from certain defendants, the other defendants in the case would each liable for an additional portion of the damages. However, in no case could a defendant be forced to pay more than 150 percent of its level of fault. The Conference Committee increased that cap to 200 percent, making it even easier for plaintiffs to recover the fullest possible extent of their damages.

The Conference Committee also inserted provisions in the bill, at the request of the White House, that will allow any individual consumer to recover jointly and severally against defendants for any share of damages that are uncollectible from other, judgment-proof defendants.

And for Y2K class action suits, the bill requires that a majority of plaintiffs have suffered some minimal injury, in order to avoid cases in which thousands of unknowing plaintiffs are lumped together in an attempt to force a quick settlement.

The bill moves many Y2K class actions into federal court for purposes of uniformity, but at the request of the White House the Conference Committee increased the threshold to get to federal court from the one million dollar level found in the Senate bill to ten million now. Furthermore, the number of required plaintiffs required to move a class action to federal court has been doubled from fifty to one hundred.

And the punitive damages section, which has been severely curtailed since early versions of the bill, now caps punitive damages for small businesses only—to $250,000 or three times compensatory damages, whichever is lesser.

Another change made to the bill in Conference exempts most intentional torts from the limits on recovery for economic loss.

Finally, the conference report provides that state laws on unconscionability will not apply to cases in which individual terms within a contract should not be enforced—a move further protecting the plaintiff's right to recover.

Each of the changes made before and during the Conference Committee negotiations has narrowed the focus and effect of the bill, while still maintaining the bill's clear intent to allow companies to prevent, solve and remediate Y2K problems without undue delay stemming from frivolous lawsuits and meritless claims.

The ''one trillion dollar litigation headache'' is rapidly approaching, and this Congress can provide some preventative medicine and some anticipatory pain relief in the form of the reasoned, fair, and thoughtful compromise before us.

The bill sets forth clear rules to be followed in all Y2K cases, and the bill levels the playing field for all parties who will be involved in Y2K suits—plaintiffs and defendants.

Companies and individuals alike will know the rules, and will know what they have to do. And most importantly, the stability that will come from this bill will allow companies to prevent Y2K problems when possible, fix Y2K defects when necessary, and proceed to remediation of damages in an orderly and fair manner.

This bill has been through a tortuous legislative drafting process, with criticisms, suggestions and changes made from every side and by every sector of our society.

So let us pass this conference report today, let us send it to the President, and let us show this nation that the Y2K crisis will not cripple our courts, will not disrupt our economy, and will not put a halt to the technology engine driving our progress towards the twenty-first century.

Mr. LOTT. Mr. President, as the Senate prepares to vote on the Conference Report on H.R. 775, the Y2K Act, I want to praise the bipartisan efforts of so many Senate and House Members who have worked diligently to construct an effective, fair bill that will address the important issue of liability as it relates to the possible Year 2000—or Y2K—computer problems. This has been a group effort, teaming members on both sides of the aisle with the private sector. The coalition of high technology businesses, large businesses, small businesses, and others provided the initiative and momentum that pushed this bill across the finish line.

This bill is constructive, positive legislation. It allows companies in the information technology industry to focus their limited resources on solving Y2K related problems in computer software by preventing frivolous litigation. Litigation which would divert those limited resources away from solving Y2K programming deficiencies.

Mr. President, so many Senators and their staffs have worked to insure the success of this legislation, even when faced with difficult hurdles and odds. The efforts of Senator MCCAIN, Senator WYDEN, Senator GORTON, Senator BENNETT, Senator DODD, Senator HATCH, Sentor FEINSTEIN and others, along with the efforts of the House sponsors and conferees, have brought us to this point.

Mr. President, I am pleased that the House has passed this important bill today by a vote of 404–24. With only 183 days left until the globe turns the page on the calendar to a new century and a new millennium, I urge my colleagues to vote for this important bill. I am confident that this Conference Report will pass the Senate by a wide margin, just as in the House, and I urge the President to sign this bill into law when he receives it.

Mr. HOLLINGS. Mr. President, we have some demands on this side of the aisle and some obligations.

I yield back the remainder of our time.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I congratulate the Senator from South Carolina for his spirited and impassioned defense of his position. It is a great privilege to do combat with him, both in the committee and on the floor. I appreciate his eloquence as always. Since this time I believe we have the votes, I yield back the remainder of my time.

Mr. HOLLINGS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the conference report. The yeas and nays have been ordered. The clerk will call the roll.

The legislative assistant called the roll.

Mr. NICKLES. I announce that the Senator from Alaska (Mr. MURKOWSKI) is necessarily absent.

The result was announced—yeas 81, nays 18, as follows:

[Rollcall Vote No. 196 Leg]

YEAS—81

Abraham	Dorgan	Lincoln
Allard	Enzi	Lott
Ashcroft	Feinstein	Lugar
Baucus	Fitzgerald	Mack
Bayh	Frist	McCain
Bennett	Gorton	McConnell
Bingaman	Graham	Mikulski
Bond	Gramm	Moynihan
Boxer	Grams	Murray
Brownback	Grassley	Nickles
Bryan	Gregg	Reed
Bunning	Hagel	Robb
Burns	Harkin	Roberts
Byrd	Hatch	Roth
Campbell	Helms	Santorum
Chafee	Hutchinson	Schumer
Cleland	Hutchison	Sessions
Cochran	Inhofe	Smith (NH)
Collins	Inouye	Smith (OR)
Conrad	Jeffords	Snowe
Coverdell	Kennedy	Stevens
Craig	Kerrey	Thomas
Crapo	Kerry	Thompson
Daschle	Kohl	Thurmond
DeWine	Kyl	Voinovich
Dodd	Lautenberg	Warner
Domenici	Lieberman	Wyden

NAYS—18

Akaka	Hollings	Rockefeller
Biden	Johnson	Sarbanes
Breaux	Landrieu	Shelby
Durbin	Leahy	Specter
Edwards	Levin	Torricelli
Feingold	Reid	Wellstone

NOT VOTING—1

Murkowski

The conference report was agreed to.

Mr. LOTT. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

ORDER OF BUSINESS

Mr. LOTT. Mr. President, I think it is important now we give Members some indication of what the schedule looks like. Senator DASCHLE and I have been talking about how we can move forward.

I believe we have two amendments that have to be dealt with, with the possibility of votes, at least two votes at 7:30, in order to finish the Treasury-Postal Service appropriations bill. I think there will probably just be one amendment vote and final passage, although there is another amendment that has to be disposed of in that time.

At that point, our plan is to go to the District of Columbia appropriations bill. Work is being done on that now. Senator DASCHLE and I are ready to announce right now that if we can get that done tonight at a reasonable hour, we will not have any votes on Friday. If we have difficulty, if we can't get it done tonight, then we will be in with votes tomorrow. We probably are going to have to be in tomorrow anyway. Senator DASCHLE and I had already planned on being here. We want company. We are still working on nominations tonight, and we might have some we will try to get cleared tomorrow.

Basically, I am saying that if we could get this D.C. appropriations bill completed, then we would not have recorded votes tomorrow. It behooves us all. We are in a good mode now. We are making progress. I urge those who are involved in the D.C. appropriations bill to work aggressively so we can complete this at a reasonable hour tonight. Otherwise, we will see you in the morning at 9:30.

Mr. BYRD. Will the distinguished majority leader yield?

Mr. LOTT. I am delighted to yield.

Mr. BYRD. I hope you will have a session tomorrow without votes. There are many of us who like to make some speeches from time to time. We don't get the opportunity to do that. I would like to give a speech concerning Independence Day, for example, and there are others.

Mr. LOTT. Mr. President, as I indicated, I thought we might have to have a session tomorrow anyway because of some wrapup business we may need to do. If we have Senators who would like to speak as to the Fourth of July, that is all the more reason. The key question for all other Senators is, will there be votes tomorrow morning or not. That will depend on finishing up the District of Columbia appropriations bill.

Mr. BYRD. Mr. President, I thank the distinguished majority leader.

Mr. LOTT. I yield the floor, Mr. President. I believe we have a D.C. unanimous consent request that is ready now.

UNANIMOUS CONSENT REQUEST—S. 1283

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that we take up and consider the District of Columbia appropriations bill with the following parameters: 40 minutes equally divided on the Coverdell needle exchange amendment, with a second-degree amendment by Senator DURBIN; 30 minutes for Senator DURBIN's tuition assistance program amendment, and 10 minutes for the opposition; 15 minutes for Senator DURBIN's sense-of-the-Senate amendment; the Hutchison managers' amendment, and a final vote.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Reserving the right to object, I have not seen the needle exchange amendment or Senator DURBIN's second degree, if he has one. I cannot agree to this at this time, until I see the amendment, because it affects a lot of people and it could mean the spread of disease. I need to see the amendment.

The PRESIDING OFFICER. Objection is heard.

Mrs. HUTCHISON. We will work with the Senator from California and let her see the amendment. I will ask Mr. COVERDELL to make the amendment available.

TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2000—Continued

The PRESIDING OFFICER. Under the previous order, the Senator from Minnesota, Senator WELLSTONE, is to be recognized.

Mr. WELLSTONE. Mr. President, I think I follow Senator DEWINE.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

AMENDMENT NO. 1200

(Purpose: To prohibit the use of funds to pay for an abortion or to pay for the administrative expenses in connection with certain health plans that provide coverage for abortions)

Mr. DEWINE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Ohio [Mr. DEWINE], Mr. ABRAHAM, Mr. BROWNBACK, Mr. SANTORUM, Mr. HELMS, Mr. ASHCROFT, Mr. MCCAIN, Mr. NICKLES, and Mr. HAGEL, proposes an amendment numbered 1200.

The amendment is as follows:

At the end of title VI, add the following:

SEC. . No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees health benefit program which provides any benefits or coverage for abortions.

SEC. . The provision of section shall not apply where the life of the mother would be endangered if the fetus were carried to term, or the pregnancy is the result of an act of rape or incest.

Mr. DEWINE. Mr. President, I rise to offer this amendment on behalf of myself and Senators ABRAHAM, BROWNBACK, SANTORUM, HELMS, ASHCROFT, MCCAIN, NICKLES, and HAGEL.

This amendment would maintain in force the current law restricting Federal funding for abortions only to cases of rape, incest, or life of the mother. Specifically, my amendment would maintain the status quo that limits Federal employee health plans to cover abortions only in the case of rape, incest, and threat to life of the mother.

This is the same amendment that was accepted during the debate for fiscal year 1999 Treasury-Postal appropriations, the same amendment agreed to by this body during the debate for fiscal years 1996 and 1997. In fact, this is the same language that has been consistently supported by a bipartisan group of Senators and Representatives from 1983 to 1999, with the exception of only 2 years.

I mention all of this to make it very clear to the Members of the Senate that this amendment stakes out no new ground. This amendment maintains the status quo. This amendment has been voted on time and time again by this body, and time and time again this body has accepted it.

The principle is a very simple one—one that goes beyond the conventional pro-choice/pro-life debates that we hear on this Senate floor. I think my colleagues know I am pro-life and, therefore, I wish to promote the values protecting innocent human life. However, I point out that the vast majority of Americans on both sides of the abortion issue strongly agree that they should not pay for someone else's abortion. That really is what this debate is about.

Fairly stated, this amendment is not about the morality of abortion or the right of a woman to choose abortion. Rather, this is a very narrowly focused amendment that answers a key question: Should taxpayers pay for these abortions?

This Senate, this Congress, has consistently answered no. Congress has consistently agreed that we should not ask taxpayers to promote a policy, in essence, of paying for abortion on demand by a Federal employee. My amendment would maintain the status quo that limits Federal employee health plans to cover abortions only in the case of rape, incest, and threat to the life of the mother.

The vast majority of Americans oppose subsidizing abortions. Employers, as a general principle, determine the health benefits employees receive. Taxpayers are the employers of Federal employees, and a large majority of taxpayers simply do not want their tax dollars to go to pay for abortions. Taxpayers provide a majority share of the funds to purchase health insurance for the Federal civilian workforce. This provision addresses the same core issue and simply says that the Federal Government, as the employer, is not in the business of funding abortions. Abortion is certainly a contentious issue, and we should not ask the taxpayers to pay for it.

In conclusion, this issue has been debated time and time again on the Senate floor. Current law limits abortion availability in Federal employee health care plans to cases of rape, incest, and to save the life of the mother. That has been the position of the Senate, that has been the position of the House, and that was approved last year and the year before as well. We should not involuntarily take the money of Americans—many of whom find abortion abhorrent—to pay for abortions.

We should not go against the will of the people of this country. We should uphold current law, and that is very simply what this amendment does.

I reserve the remainder of my time.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, I would like to understand the parliamentary situation. As I understand it, the Senator from Ohio has 22 and a half minutes and I have the same amount of time. Is that correct?

The PRESIDING OFFICER. That is correct.

Mrs. BOXER. I yield myself 7 minutes.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, I rise today in opposition to the amendment offered by the Senator from Ohio, Mr. DEWINE, and I want to tell you why. I hope colleagues will listen to this, because this is an amendment that impacts 1.2 million women in America today. It is a law that is aimed directly at them. It will harm them; it will take away their rights.

We do a lot of things around here, and some of them don't really affect real people. This affects real people who happen to be women, 1.2 million of them, who are hard-working women, who pay for their own health insurance—part of it. Yet, under the Senator's amendment, he says to those 1.2 million women: You are going to be treated differently from every other working woman in America today just because you happen to work for the Federal Government and just because the Senate has the power to impact you.

I think this is a sad day for us again, a very sad day. Every other woman in America who has a health insurance plan can avail herself of all the legal procedures that are known to exist today. They have no problem. Abortion is a legal procedure. Let me repeat that. Abortion is legal in America. That is what this is all about. This isn't a debate about these 1.2 million women, not at all.

It is about the underlying question.

The Senator from Ohio is a leader in the effort to take away a woman's right to choose. He is open about it. He is honest about it. He is forthright about it. He thinks abortion should not be legal under any circumstance. And his cosponsors today, if you look at their record, are all in favor of a constitutional amendment banning the right to choose.

What we are seeing is another way to get to the same end. If you can't repeal Roe, if you can't take away a woman's right to choose, take away her right to be able to pay for the procedure which is legal.

Federal employees work hard. They work in every aspect of our lives. Some of them are scientists at the NIH. Some of them work delivering the mail. They work hard.

It seems to me unconscionable that we would say, because we have the power to do it, we would say because of raw legal power, Federal employees, women, you are second-class citizens, and you do not have the same rights as someone who works for American Telephone, or any of the companies, small or large, in this country.

Why is it that the Senator from Ohio doesn't have that in his amendment? Because he can't get it passed. But he has figured out a way because, yes, the Federal Government, as part of our benefits package, pays part of the health insurance premium.

So that is the vote. It is true that this has passed a couple of times. We didn't have a debate on it really the last time. I found it very interesting when we started this because my friends came to me and said: Do we really need to have a vote? Do we really need to talk about this?

I want to say something about this. We have a lot of time to talk about Y2K. We have endless days to talk about Y2K, and then we add another hour and a half to talk about Y2K. When it comes to business, we have a lot of time. But when it comes to taking away the rights of women, oh, Senator BOXER. Do you really need to talk about it? Can't we just forget about it? We don't need a vote. We want to go home. I want to go home. But we are about to do again what we have done before, which is to say to these women, you can't be treated like other women.

Everyone who gets up on that side to talk about this—I guarantee it—really wants to outlaw abortion, period.

That is what this is about—make it tougher, make it harder, any hook that they can find to stop a woman from exercising her legal right given to her by the Supreme Court decision, and, by the way, ratified over and over and over again by that Court—even the current Court. Yes, it is legal for a woman to have control over her own body. Yes, it is legal, they said. It is within her privacy rights. It gives her dignity. It gives her options. It gives her the ability to take care of her own health.

This is an insult to women who work for the Federal Government.

The Senator from Ohio has no compunction about it—standing up here and looking at the women who work here; his own staff, by the way, who will be treated as second-class citizens, different from all the other women in this country.

I now yield 10 minutes to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I thank my colleague from California, Senator BOXER, who has risen to speak against this amendment, for her courage, and for her reminding all of us of how important this issue is to so many women across this country.

I speak today in strong opposition to the DeWine amendment, which once again, attempts to restrict access to safe, legal, affordable reproductive health care services for women. This amendment simply seeks to obstruct a women's right to choose.

I know the proponents of this amendment claim they are only prohibiting the use of federal funds to pay for abortion. The truth is this amendment is about the U.S. Senate determining what health benefits federal employees will receive.

Health insurance for federal employees is an earned benefit. It is part of an overall compensation package. It is no different than a salary. Through this amendment, Senator DEWINE and his colleagues attempting to give federal taxpayers a say in how federal employees spend their salaries. This is unfair. A federal employee's salary belongs to the federal employee and a federal employee' health benefits belong to the federal employee.

Yet, we are here today debating an amendment that is based on the premise that the taxpayer controls federal employee's benefits. Again, health insurance is an earned benefit offered in lieu of income. The value of this benefit is part of the overall compensation for work performed. Why are we attempting to dictate the value or scope of a benefit owned by the federal employee? The answer is because the majority believes it can and therefore that it should. That's unfortunate.

I have a solution for federal employees who object to receiving benefits that allow a women the right to a full range of reproductive health care services: refuse to purchase health insurance from a plan that offers these benefits. It's that simple. Since the Federal Employees Health Benefit Plan is, in part, funded by a premium paid by the employee that employee should have the right to refuse to support activities to which he or she objects. Those employees should simply not select these plans.

I think all federal employees should be outraged by this kind of amendment that we are debating. Dedicated, hard working federal employees are basically being asked to limit their constitutional right to choose when they enter federal employment. This amendment treats federal employees like second class citizens and gives them no ability to decide what kind of health insurance is appropriate to meet all of their health care needs, including reproductive health.

This amendment is not about the federal funding of abortions. This amendment is an assault on women's health. It is a creative way to deny access to abortion services for federal employees and their families. Federal employees should not be captive to the narrow views of a minority of the public. Allowing federal employees to purchase and receive insurance policies that allow them to have an abortion is not direct federal funding of abortion. It is a round-about way to limit some American's abilities to exercise the rights

granted them by the Constitution. I, and the majority of Americans, support that right and the Roe versus Wade decision. This Senate should not undermine the fundamental right of women to decide whether to bear a child.

Most of my colleagues know voters would be outraged if they sought to overturn Roe versus Wade. But instead of simply coming forward and admitting they oppose the idea that a woman has a constitutional right to decide what is in her best interest and the best interests of her family, they hide behind arguments about federal funding. Most of my colleagues know that a majority of the population supports the basic of privacy inherent in the Roe versus Wade decision. Abortion, up to viability, is a personal and private matter. Rather than seeking to overturn Roe versus Wade, they have decided to restrict access with a multitude of creative, but similarly offensive, ways.

By mandating that insurance companies participating in the Federal Employees Health Benefit Plan deny access to abortion services as part of their defined benefit package, the U.S. Senate is attempting to take a private and difficult decision and add to a woman's hardship by turning it also into a financial burden.

Many federal employees simply do not have the discretionary income to pay for an abortion. The cost of this procedure can be high. By removing this health care benefit from all federal insurance plans, we have placed a significant financial burden on employees and their families. For federal employees, the protections guaranteed under Roe versus Wade are seriously jeopardized. Financial barriers can be just as effective for many people as simply overturning Roe versus Wade.

I hope this amendment is defeated and that we can recognize the valuable contributions of all federal employees by not forcing them to surrender their rights and protections as a condition of being a civil servant. I also hope that we can stop these constant assaults on women's health care and that of their families.

Mr. President, I retain the remainder of our time.

Mr. DEWINE. Mr. President, let me just briefly respond to some of the comments that have been made. This matter has been debated many times on the Senate floor. I seriously doubt there will be any new points that I or anyone else will raise.

Sometimes the obvious must be stated: This amendment does not stop abortions. This amendment does not say to any woman what she can or cannot do. This simply says taxpayers are not going to pay for it. It is that simple. It is that basic.

We have to understand, on the average health plan in the Federal Government, 73 percent of the cost is paid for by the Government, which means 73 percent of the cost is paid for by the taxpayers.

We get back to the issue, should the American people, on an involuntary basis, through their taxes, have money taken out of their pay to be used to pay for abortions when many people believe very adamantly that this is wrong? I think the answer is absolutely not, we should not have this money involuntarily taken from taxpayers to pay for abortions, which violates the conscience of many taxpayers.

This is one Senator who doesn't quote polls too often on the Senate floor, but I think it has some relevance about what the American people expect us to do as far as how their taxes are spent. A Fox poll in 1998 asked: Do you think health care plans should pay for any of the cost of an abortion? That answer? Sixty percent said no. The question specifically had to do with the Federal Government paying for these Federal health care plans. Sixty percent said no; 28 percent said yes.

I think it is very clear, with the Federal Government paying almost three-fourths of the cost of these plans and taxpayers paying three-fourths of the cost, we understand what is at stake and what the issue is. It has nothing to do with whether or not a person has a legal right to an abortion. That is a debate for a different day.

Mr. SANTORUM. Will the Senator yield for a question?

Mr. DEWINE. I yield.

Mr. SANTORUM. The Senator from Washington was saying we are restricting someone's right by not paying for an abortion, which posits the interesting question that right now comes with a guarantee that the Government will pay for that right. We have freedom of speech guaranteed in the Constitution. Does the Government pay for someone who wants to speak? Do the taxpayers pay to put them on television if they want to speak?

Mr. DEWINE. The answer is no.

Mr. SANTORUM. If a group of people want to assemble, does the Government pay for a room or the assembly costs? Is that part of the right of speech—that the Government must pay for the cost of assembling?

Mr. DEWINE. The answer is no.

Mr. SANTORUM. If someone believes in freedom of religion, does that mean the Government should pay the church to make sure people have the freedom to worship, and make sure the freedom of religion is guaranteed?

Mr. DEWINE. The answer is no.

Mr. SANTORUM. That is the obvious question.

A right is a right, but it does not include the right of the Government to pay for the exercise of that right.

In fact, there could be complications—there is a separation of church and state—if the Government were to get involved in enforcing those rights in this kind of way.

I think we set a very dangerous precedent when we elevate a right to the point where the Government now has to pay for the access of that right or for the enforcement of that right. I think that is a dangerous standard that the Senator from Washington has posited and one I hope the Senate will reject tonight.

I thank the Senator.

Mr. DEWINE. I thank my colleague for his comments.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mrs. BOXER. Mr. President, I yield 1 minute to the Senator from New York.

Mr. SCHUMER. I thank the Senator from California.

I rise in agreement with the Senator from California against the amendment of the Senator from Ohio. I make this argument—and I am sorry the Senator from Pennsylvania is not here—if I were to offer an amendment that said you couldn't use your Federal dollars to buy a handgun from your salary, there would be outrage on that side. They would say: We haven't made handguns illegal.

You may think they should be. I don't, it so happens, but for the sake of argument you think handguns should be illegal. But fight it on the issue of handguns, don't fight it by taking away Federal employees' rights.

There would be outrage from the very same people who are now saying this.

Mr. SANTORUM. Will the Senator from New York yield?

Mr. SCHUMER. I am delighted, on the time of the Senator.

Mrs. BOXER. We have retained the remainder of our time.

Mr. DEWINE. I yield to the Senator.

Mr. SANTORUM. Is there any prohibition in the DeWine amendment from someone using their own money to purchase insurance to cover abortion?

Mr. SCHUMER. To prohibit an individual to use their own wages to purchase insurance for abortions——

Mr. SANTORUM. Whether one uses their own wages or is part of a Federal health plan, paid for, in fact by those wages——

Mr. SCHUMER. Will the Senator let me finish?

Mr. SANTORUM. Over 70 percent is paid for by taxpayer dollars.

Mr. SCHUMER. What I say again, it is a specious difference to argue that when you go out with your own dollars is any different from with a health plan.

Mr. SANTORUM. Than with taxpayer dollars. That is a specious difference? I don't think so.

Mr. SCHUMER. What the Senator from Ohio is seeking to do——

Mr. SANTORUM. The answer is obvious.

I retain my time.

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor.

Mr. SANTORUM. There is no prohibition in the DeWine amendment for someone taking their own wages and purchasing insurance to cover abortion. That is the analogy the Senator made, and it is invalid. I wanted to make that clear.

Mrs. BOXER. I yield to the Senator.

Mr. SCHUMER. I thank the Senator from California for yielding to me to allow me to answer the question of the Senator from Pennsylvania, which is what I was attempting to do. He asked me a question, and he didn't let me answer.

The answer is simple: What you are doing on this amendment is imposing your will on how a Federal employee can spend their money, despite the fact they have a right to choose. It is no different, I argue, from me imposing my will on the right of a Federal employee to spend their money—Federal dollars—on the right to, say, buy a handgun. What is good for the goose is good for the gander.

I wouldn't support that amendment for both the reasons I mention. I think you argue right head on—not try to deal with Federal dollars. Second, I am not for abolishing all handguns. However, I say to my colleagues, the analogy is exact. I think it shows the fallacy of the argument behind the amendment of the Senator from Ohio.

Mr. KENNEDY. Mr. President, I strongly oppose the DeWine amendment.

It has been 26 years since the Supreme Court decided the case of Roe versus Wade in 1973. That landmark decision recognized a woman's fundamental constitutional right to choose to terminate her pregnancy. It removed the barriers that for generations had prevented large numbers of American women from obtaining safe and legal medical care to terminate their pregnancies.

In recent years, however, the barriers blocking access to abortion have begun to be rebuilt. This amendment to ban abortion coverage under the Federal Employees Health Benefits Plan is part of that unacceptable effort.

Several million women currently serve the federal government in every state of the nation. Many work for modest pay and depend upon federal health benefits for all aspects of their medical care, including reproductive health services. The amendment offered today would deny those women access to a legal, medical procedure—a constitutional right—and subject them to discrimination, simply because they have chosen to work in public service.

The anti-choice Republican majority in Congress has failed to undo Roe and make abortion illegal. But, they are doing insidious work to make abortion more difficult and more dangerous for the women of this country.

The most important majority in America—the majority of the American people—believe in a woman's right to choose. They understand what the anti-choice leadership in the Republican Party is trying to do, and they oppose it very strongly. We must do everything we can to uphold this basic right of American women against this relentless attack.

A ban on abortion coverage under the federal health plan would undermine a woman's ability to make a decision on one of the most personal, private, and difficult medical issues that will ever occur in her life. I urge my colleagues to vote against this ban, and preserve the constitutional right to choose for all women who are federal employees.

Ms. MIKULSKI. Mr. President, I rise in strong opposition to the amendment offered by Senator DEWINE.

The bill reported by the Senate Appropriations Committee would enable federal employees, whose health insurance is provided under the Federal Employees Health Benefits Plan, to receive coverage for abortion services.

The DeWine amendment would prohibit coverage for abortion, except in cases of life endangerment, rape or incest. It would continue a ban which has prevented federal employees from receiving a health care service which is widely available for private sector employees.

I oppose this Amendment for two reasons. First of all, it is an assault on the earned benefits of federal employees. Secondly, it is part of a continuing assault on women's reproductive rights and would endanger women's health.

We have seen vote after vote designed to roll back the clock on women's reproductive rights. Every year, on this Appropriations measure and on many others, the assault on a woman's constitutional right to decide for herself whether or not to have a child continues. This amendment continues that assault.

Well, I support the right to choose. And I support federal employees. And that is why I strenuously oppose this amendment.

Let me speak first about our federal employees. Some 280,000 federal employees live in the State of Maryland. I am proud to represent them. They are the people who make sure that the Social Security checks go out on time. They make sure that our nation's veterans receive their disability checks. At NIH, they are doing vital research on finding cures and better treatments for diseases like cancer, Parkinson's and Alzheimers. There is no American whose life is not touched in some way by the hard work of a federal employee. They deserve our thanks and our support.

Instead, federal employees have suffered one assault after another in recent years. They have faced tremendous employment insecurity, as government has downsized, and eliminated over 200,000 federal jobs. Their COLAs and their retirement benefits have been threatened. They have faced the indignity and economic hardship of three government shutdowns. Federal employees have been vilified as what is wrong with government, when they should be thanked and valued for the tremendous service they provide to our country and to all Americans.

I view this amendment as yet another assault on these faithful public servants. It goes directly after the earned benefits of federal employees. Health insurance is part of the compensation package to which all federal employees are entitled. The costs of insurance coverage are shared by the federal government and the employee.

I know that proponents of continuing the ban on abortion coverage for federal employees say that they are only trying to prevent taxpayer funding of abortion. But that is not what this debate is about.

If we were to extend the logic of the argument of those who favor the ban, we would prohibit federal employees from obtaining abortions using their own paychecks. After all, those funds also come from the taxpayers.

But no one is seriously suggesting that federal employees ought not to have the right to do whatever they want with their own paychecks. And we should not be placing unfair restrictions on the type of health insurance federal employees can purchase under the Federal Employee Health Benefit Plan.

About 1.2 million women of reproductive age depend on the FEHBP for their medical care. We know that access to reproductive health services is essential to women's health. We know that restrictions that make it more difficult for women to obtain early abortions increase the likelihood that women will put their health at risk by being forced to continue a high-risk pregnancy.

If we continue the ban on abortion services, and provide exemptions only in cases of life endangerment, rape or incest, the 1.2 million women of reproductive health age who depend on the FEHBP will not have access to abortion even when their health is seriously threatened. We will be replacing the informed judgement of medical care givers with that of politicians.

Decisions on abortion should be made by the woman in close consultation with her physician. These decisions should be made on the basis of medical judgement, not on the basis of political judgements. Only a woman and her physician can weigh her unique circumstances and make the decision that is right for that particular woman's life and health.

It is wrong for the Congress to try to issue a blanket prohibition on insuring a legal medical procedure with no allowance for the particular set of circumstances that an individual woman may face. I deeply believe that women's health will suffer if we do so.

I believe it is time to quit attacking federal employees and their benefits. I believe we need to quit treating federal employees as second class citizens. I believe federal employees should be able to receive the same quality and range of health care services as their private sector counterparts.

Because I believe in the right to choose and because I support federal employees, I urge my colleagues to join me in defeating the DeWine Amendment.

The PRESIDING OFFICER. Who yields time?

Mr. NICKLES. How much time remains on both sides?

The PRESIDING OFFICER. There are 12 minutes 57 seconds under the control of the Senator from Ohio and 8 minutes 2 seconds under the control of the Senator from California.

Mr. DEWINE. I yield the Senator from Oklahoma 5 minutes.

Mr. NICKLES. On legislative procedure, I have advised my colleagues on both sides to go through the Chair. I think it is somewhat demeaning to the Senate to not have exchanges through the Chair. There is a reason for the rule.

I will make a couple of comments concerning this issue. I compliment my friend and colleague from Ohio for raising the issue. This is not about how someone spends their own money, I say to my colleague from New York. Anybody can spend their own money. A Federal employee can spend their own money and pay for an abortion.

It says ''no funds appropriated under this act.'' In other words, no taxpayer money shall be used to pay for abortion. That has been the law of the land. We have passed that many times. This administration wants to overturn it. They have not been successful.

I heard one of my colleagues, I believe my colleague from Washington, say it is only a minority, a radical minority. I am not sure if the word ''radical'' was used, but a small minority that wants to impose its will.

That is not the case. There was a poll taken some time ago that asked, ''Should the Government subsidize health care plans to pay for abortion?'' and 72 percent said no.

I have heard people say: You are trying to outlaw abortion.

That is not the case.

The purpose of the amendment is, we do not want to subsidize abortion and we don't want it to be a fringe benefit.

I heard a colleague saying this is a ''benefit.'' It shouldn't be a benefit. Abortion should not be a fringe benefit that is provided for and subsidized, three-fourths of which is paid for by the Federal Government.

Remember what we are talking about. Abortion happens to take the life of an unborn child.

I heard a colleague say we need a full range of reproductive services, we need reproductive health. What about health of the unborn child? Are we going to have the taxpayers pay to destroy the life of an unborn child? The majority in Congress and overwhelming majority of the American people have said no.

That is what our colleague's amendment does. It does not take away a woman's right to choose. It does not outlaw abortion. It just says we should not subsidize it. We should not be using taxpayers' money to provide a fringe benefit in the Federal employees' health care plans to help subsidize the destruction of innocent, unborn children.

So I compliment my colleague for the amendment. I urge my colleagues to support this amendment when we vote.

I yield the floor.

Ms. LANDRIEU. Will the Senator from Oklahoma yield for a question?

Mr. NICKLES. I will be happy to yield on the time of the Senator from California.

Mrs. BOXER. I yield 30 seconds.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Based on the argument he just made, would the Senator from Oklahoma then be in favor of repealing all tax benefits—tax subsidies or tax benefits to corporations in America that offer general health care plans to their employees?

Mrs. BOXER. Those that include abortions.

Mr. NICKLES. The answer to your question is no.

Ms. LANDRIEU. I would argue then that this argument makes no sense because this Senate and this Congress gives hundreds of millions, billions of dollars in subsidies to corporations all over this world that provide health care benefits. I will also argue that the Senator from California is correct; this is picking on a small group of employees.

Mrs. BOXER. I yield an additional minute to my friend.

Ms. LANDRIEU. In my mind, this amendment is not really about abortion one way or the other. It really is about the rights of employees, our employees who we are supposed to protect and treat fairly, men and women alike. It is not about direct subsidy. This is their wages that they earn, that they use to pay for their health care benefits. Since we give subsidies to all corporations everywhere, why can't we help our own employees for something that is legal? I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mrs. BOXER. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from California has 6 minutes 32 seconds. The Senator from Ohio has 10 minutes 23 seconds.

Mrs. BOXER. I yield 2 minutes to my friend from Minnesota. Before I do, I want to make a point. If you heard the Senator from Oklahoma, you heard it right. He says abortion is not a health fringe benefit. He says it is taking the life of an unborn child. In other words, in his opinion it is murder.

Unfortunately for my friend——

Mr. NICKLES. Will the Senator yield?

Mrs. BOXER. I will yield on your time. I am happy to yield on your time. I will yield on your time.

Mr. DEWINE. I yield the Senator 30 seconds.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for 30 seconds.

Mr. NICKLES. Through the Chair, I want to caution my colleague. I have been close to making a rule XIX order. It is against the rules of the Senate to impugn the motives or the intentions of Senators, and the Senator from California has been very close to doing that, both to the Senator from Ohio and now to the Senator from Oklahoma. I wanted to make her aware of that.

The PRESIDING OFFICER. The time of the Senator from Oklahoma has expired.

Mrs. BOXER. Let me strongly disagree with my friend from Oklahoma. I am merely quoting him. I would be happy to ask the Chair to have read back his exact quote. He said abortion is not a fringe benefit. It is taking the life of an unborn child. Therein lies this debate. That is what he believes. He has said it in his own words.

I say to him that a woman's right to choose is legal. It is a legal health benefit for her to have that option. And to take it away from 1.2 million women who happen to be Federal employees and then to stand up here and say no, you wouldn't take it away from women who work for corporations, even though they get billions of dollars in subsidies, is an inconsistent position, in my view.

I yield 2 minutes to my friend from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, let me, first of all, thank my colleagues for speaking on this. I actually will be very brief. I just want to make one point.

The Senator from Ohio is a good friend. We have worked together on many issues. I just see it a little differently.

I really do believe we are talking about a health benefit that the Federal employees have negotiated. This is a part of their package. It is the same thing as the salary they make.

What the Senate is trying to say to employees, or workers, is we are going to take away that benefit. We are going to take away your health benefit. From the point of view of a lot of working people and from the point of view of just thinking about it, from the point of view of employers and employees, I do not think that is what we should be doing. I do not think that is what we should be doing. I think it is a mistake in terms of what kind of respect we have for labor. I think it is a mistake in terms of the kind of respect we should have for employees. I do not think on the floor of the Senate we should try to take action to take away a benefit, a very important benefit—access to abortion services—from Federal employees. I think that is a profound mistake. I hope my colleagues will vote against this.

The PRESIDING OFFICER. Who yields time?

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Mr. President, not to take time, but I ask unanimous consent that Rachel Gragg and Ben

Highton, who are two fellows, be granted the privilege of the floor. I reserve the remainder of our time.

The PRESIDING OFFICER. Without objection, it is so ordered. Who yields time?

Mrs. BOXER. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from California has 3 minutes 46 seconds. The Senator from Ohio has 9 minutes 58 seconds.

Mrs. BOXER. May I ask if the Senator would like to use his time?

Mr. DEWINE. I see no speakers on our side. I am not prepared to yield back, but we are getting down to the closing at this point.

Mrs. BOXER. I yield a minute and a half to Senator ROBB.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Virginia.

Mr. ROBB. Mr. President, I have not been present for all of the debate this time, but this issue has been before us many times in the past. I stand to oppose the amendment and to speak on behalf of the 1.2 million Federal employees who would be directly affected by the amendment. If this amendment were to pass, it would take away their health benefit rights which have been negotiated. The bottom line is, and I say this as one who represents a disproportionate number of Federal employees, this would make Federal employees, women who are eligible for this health benefit, second-class citizens. It would deny to them a benefit that is available to every other woman under every other private health plan that chooses to offer such coverage. I think it would be wrong.

I reserve the remainder of the time, and I thank the Senator from California and the Senator from Washington for their extraordinary leadership, again, on this very important issue.

The PRESIDING OFFICER. Who yields time?

Mr. BENNETT. Will the Senator from Ohio yield me 3 minutes?

Mr. DEWINE. I yield the Senator from Utah 3 minutes.

The PRESIDING OFFICER. The Senator from Utah is recognized for 3 minutes.

Mr. BENNETT. Mr. President, I shall try to stay out of the more contentious part of this debate. But there is a point I think I have to make which has to do with the whole health care issue. That is, the health care system in this country is based on employer choice, not individual choice. I have spoken out against that. I did it during the debate on the Clintons' health care program. I have not made much headway, but this debate gives me the opportunity to point out, once again, that the benefits in a health care plan are always determined by the employer and not by the employee.

During the debate over the Clinton health care plan, people would say we should give everybody the same plan that you Senators have. I responded by saying I wish I had the same plan I had before I came to the Senate because I worked for an employer who gave me a better deal than the health care plan adopted by the Federal Government. I happened to be the CEO of that company. I, therefore, had something to say about what that deal would be.

I know of health care plans that deny pregnancy benefits. I would not want to work in such a place, having fathered six children. I took great advantage of the pregnancy benefits. But an employer could say and does often say: We can't afford pregnancy benefits. If you are going to have a baby, you are going to have to pay for it yourself.

Fortunately, during the period of time when I had no health care coverage because my employer could not afford it, we did not have any children. We had our six children under plans that provided pregnancy benefits. But it is not unusual for benefits to vary from company to company, from employer to employer, and for the employer to make the decision.

The decision will be made on the basis of the conscience of individual Senators. But let us understand that as the employers of Federal employees, we are not engaged in any unusual activity to make a decision as to which procedures will be covered and which will not, and there are a whole host of procedures in the Government health care plan that are not covered for which other plans pay.

That is the way the system works. I would like to change the system and give the individual the right to control those dollars absolutely, but I know of no program under our current tax laws where that is done, except in the case of the self-employed. Unfortunately, within this Chamber, we have made the decision not to allow the self-employed to deduct the entire cost of that decision.

I add those particular facts to this debate, trying to stay out of the more emotional side of it. I yield the floor.

Mrs. BOXER. Mr. President, how much time do we have left on our side?

The PRESIDING OFFICER. The Senator from California has 2 minutes 21 seconds.

Mrs. BOXER. I yield myself such time as I might consume.

Mr. President, abortion is legal in this country, and I know there are many on the other side particularly who do not like that. But it is legal. It is a health procedure that impacts on the rights of women, and the Supreme Court has said over and over it is legal.

This amendment by the Senator from Ohio, supported by the Senator from Pennsylvania and others, picks on women. It picks on a procedure only a woman would need. And it says to that woman: You cannot use your own health insurance to access the health care system for a procedure that you decide you want to have because it is legal in this country.

This amendment does not say you cannot use your health care insurance for a vasectomy. It does not target men and say you cannot use your own health insurance for a vasectomy. Some may not like that procedure. It does not say you cannot use your health insurance for Viagra. No, it picks on women, 1.2 million women.

My friend from Louisiana pointed out that corporations all over America offer their employees this benefit. We subsidize them every day with tax breaks and sometimes even direct payments, and yet we do not touch them. We are picking on 1.2 million women who work for the Federal Government. It is wrong. These are good women. These are hard-working women. They deserve equal rights. They deserve dignity.

I hope some are listening to this debate and will come over and vote no, or if I move to table, will vote aye to table this amendment.

I reserve whatever few seconds I may have left.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. I yield myself such time as I may consume. How much time is available?

The PRESIDING OFFICER. The Senator from Ohio has 6 minutes 40 seconds and the Senator from California has 2 seconds.

Mr. DEWINE. Two seconds?

Mr. President, this matter has been debated out, and I believe everyone knows what the issue is. It is really not a question, though, of taking anything away from Federal employees. As I pointed out earlier, my amendment simply maintains the status quo. It keeps the current law. It keeps the law that has been in effect virtually for the last decade, with the exception of a 2-year period of time. It does not take anything away.

It simply says taxpayers' dollars will not be used to subsidize the payment for abortions. The vast majority of the American people do not believe their tax dollars should be used to pay for someone else's abortion. Poll after poll has disclosed that. That is all this amendment does.

My amendment would maintain the status quo that limits Federal employee health plans to cover abortions only in the case of rape, incest and threats to the life of a mother. That is what the amendment does. It is very simple. We have voted on it time and time again.

I simply ask my colleagues to follow the will of the American people. The American people are the employer in this case. As my colleague from Utah pointed out so very eloquently a moment ago, that is the way every other health plan is determined. The taxpayers of this country have the right to determine this plan, and they have the right to say their tax dollars will not be used to fund abortions.

Mrs. BOXER. Mr. President, I move to table the DeWine amendment.

The PRESIDING OFFICER. The motion to table is not in order while time remains.

Mr. DEWINE. If the Senator wants to yield back her 2 seconds, I am willing to yield back the several minutes I have left.

Mrs. BOXER. Absolutely.

Mr. DEWINE. I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I move to table the DeWine amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 1200. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) and the Senator from Alaska (Mr. MURKOWSKI) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 47, nays 51, as follows:

[Rollcall Vote No. 197 Leg.]

YEAS—47

Akaka	Feinstein	Lincoln
Baucus	Graham	Mikulski
Bayh	Harkin	Moynihan
Bingaman	Hollings	Murray
Boxer	Inouye	Reed
Bryan	Jeffords	Robb
Byrd	Johnson	Rockefeller
Campbell	Kennedy	Sarbanes
Chafee	Kerrey	Schumer
Cleland	Kerry	Snowe
Collins	Kohl	Specter
Daschle	Landrieu	Stevens
Dodd	Lautenberg	Torricelli
Durbin	Leahy	Wellstone
Edwards	Levin	Wyden
Feingold	Lieberman	

NAYS—51

Abraham	Dorgan	Lugar
Allard	Enzi	Mack
Ashcroft	Fitzgerald	McConnell
Bennett	Frist	Nickles
Biden	Gorton	Reid
Bond	Gramm	Roberts
Breaux	Grams	Roth
Brownback	Grassley	Santorum
Bunning	Gregg	Sessions
Burns	Hagel	Shelby
Cochran	Hatch	Smith (NH)
Conrad	Helms	Smith (OR)
Coverdell	Hutchinson	Thomas
Craig	Hutchison	Thompson
Crapo	Inhofe	Thurmond
DeWine	Kyl	Voinovich
Domenici	Lott	Warner

NOT VOTING—2

McCain	Murkowski

The motion was rejected.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Ohio.

The amendment (No. 1200) was agreed to.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

UNANIMOUS CONSENT AGREEMENT—S. 1283

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that Senator COVERDELL's needle exchange amendment have 30 minutes of debate, 20 minutes under the control of Senator COVERDELL and 10 minutes under the control of Senator DURBIN, at the end of which time Senator COVERDELL will withdraw the amendment; Senator DURBIN's tuition assistance program amendment have 30 minutes of debate, with 20 minutes under the control of Senator DURBIN and 10 minutes under the control of Senator HUTCHISON, at the end of which time the amendment will be withdrawn; Senator DURBIN's sense-of-the-Senate amendment on D.C. quality of life, with 15 minutes under control of Senator DURBIN and 5 minutes under the control of Senator HUTCHISON, at the end of which time there will be a voice vote; Senator DASCHLE's Rock Creek Park amendment, with 20 minutes under the control of Senator DASCHLE, at the end of which time there will be a voice vote; two amendments by Senator DORGAN, with 5 minutes on each, controlled by Senator DORGAN, at the end of which time they will be accepted by managers; managers' amendments, and then a voice vote on final passage.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2000—continued

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, there are a number of amendments that Senator CAMPBELL and I have discussed, which we are prepared to accept. He has a number of them he will mention.

Let me mention the amendments by number that we are prepared to accept:

No. 1209, by Senator HARKIN, and he will be modifying that in a moment; amendment No. 1213, by Senator TORRICELLI; amendment No. 1212, by Senator WELLSTONE; amendment No. 1198, by Senator ENZI.

My understanding is that the remaining amendments that are pending will be withdrawn. My understanding, also, is that there is no request at this point for a recorded vote on final passage.

I am happy to yield to the chairman, Senator CAMPBELL.

Mr. CAMPBELL. Mr. President, the amendments Senator DORGAN mentioned have been cleared with the majority, and we are prepared to accept them.

Mr. DORGAN. Mr. President, I amend that to say that the Torricelli amendment, No. 1213, will be accepted as modified, and it is the same case with the Harkin amendment, No. 1209, as modified. That has been cleared on both sides of the aisle.

My understanding, at the moment, is that Senator SCHUMER from New York is not able to clear the Torricelli sense-of-the-Senate amendment No. 1213.

So we have cleared all of the remaining amendments that Senator CAMPBELL and I have just described: No. 1209, a Harkin amendment, as modified; No. 1212 by Senator WELLSTONE; and No. 1198 by Senator ENZI.

AMENDMENTS NOS. 1198, 1209, AND 1212, EN BLOC

Mr. DORGAN. Mr. President, I send three amendments to the desk, en bloc.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] proposes amendments numbered 1198, 1209, and 1212, en bloc.

The amendments are as follows:

AMENDMENT NO. 1198

(Purpose: To include Campbell and Uinta Counties to the Rocky Mountain High Intensity Drug Trafficking Areas for the State of Wyoming)

On page 48, line 2, strike the period following ''HIDTA'', insert a colon (:), and after the colon insert the following: ''*Provided further,* That Campbell County and Uinta County are hereby designated as part of the Rocky Mountain High Intensity Drug Trafficking Area for the State of Wyoming.''

AMENDMENT NO. 1209

(Purpose: To provide additional funding to reduce methamphetamine usage in High Intensity Drug Trafficking Areas)

On page 47, strike lines 9 through 11 and insert in lieu thereof the following: ''Area Program, $205,277,000 for drug control activities consistent with the approve strategy for each of the designed High Intensity Drug Trafficking Areas, of which $7,000,000 shall be used for methamphetamine programs above the sums allocated in fiscal year 1999, $5,000,000 shall be used for High Intensity Drug Trafficking Areas that are designated after July 1, 1999 and $5,000,000 to be used at the discretion of the Office of National Drug Control Policy with no less than half of the $7,000,000 going to areas solely dedicated to fighting methamphetamine usage, of which''.

Amend page 53, line 3 by reducing the dollar figure by $17,000,000.

Amend page 51, line 15 by reducing the first dollar figure by $17,000,000.

Amend page 55, line 2 by reducing the figure by $17,000,000.

Mr. HARKIN. Mr. President, I am offering this amendment on behalf of myself, Senator DASCHLE, Senator GRAHAM, Senator BINGAMAN, Senator MURRAY, and Senator JOHNSON. Our amendment is simple and I believe makes common sense. It would give a needed shot in the arm to our war against drugs by modestly increasing funding for the High Intensity Drug Trafficking Areas—so-called HIDTAs—under the Office of National Drug Control Policy.

The bill before us freezes funding for this important and successful program. It provides no increases for the existing 31 HIDTAs across the Nation and it provides no funding for new HIDTAs. Our amendment would increase HIDTA funding by $17 million. It would provide $7 million to combat the rising scourge of methamphetamine abuse. It would

provide $5 million to increase existing HIDTAs. And it would allot $5 million to allow the establishment and funding of new HIDTAs.

I fully recognize the challenges faced by the distinguished chair and ranking member of this Subcommittee. They were dealt a bad check and they have done a commendable job within the allocation they were given. However, we believe that we have found a reasonable offset—one that will not undermine the effective functioning of the government.

We would take $17 million—less then 2.5 percent from the General Services Administration account dedicated to the repair and alterations of federal government buildings. There is $624 million in this account and over $300 million of its goes for unspecified projects. I have no doubt that much of these funds are needed, but clearly $17 million could be absorbed or a short deferral of a project could be made in order to make room for a modest increase in our war on drugs.

The need for this increase in the HIDTA program could not be clearer, particularly as it relates to combating methamphetamine abuse.

There is a plague sweeping across our Nation, ruining an untold number of lives, and claiming countless numbers of our children.

On our streets as well as well as our classrooms, drugs have become more abundant. But there is a new drug, one that is far more addictive and readily available than heroin, cocaine, or any other illegal narcotic. Methamphetamine is fast becoming the leading addictive drug in this nation. From quiet suburbs, to city streets, to the corn rows of Iowa, meth is destroying thousands of lives every year. A majority of those lives, unfortunately, are our children.

Methamphetamine is commonly referred to as Iowa's drug of choice. This drug is reaching epidemic proportions as its sweeps from the west coast, ravages through the Midwest, and is now beginning to reach the east. The trail of destruction of human life as a result of methamphetamine addiction stretches across America from coast to coast.

To illustrate the violence meth elicits in people, methamphetamine is cited as a contributing factor in 80 percent of domestic violence cases in Iowa and a leading factor in a majority of violent crimes.

The $17 million we provide would be used for increased enforcement and prosecution of drug dealers, additional undercover agents, and to help pay for the tremendous cost of confiscation and clean up of clandestine meth labs.

I believe that we have a window of opportunity as a nation to take a stand right now to defeat the meth scourge plaguing our nation. Our amendment will not solve all of these problems, but it will give law enforcement the support that they vitally need in their efforts to defeat this dangerous drug.

While we debate this modest proposal, another family is being devastated, another community is fighting an uphill battle, and another child is getting hooked by this deadly drug. The time is now to make a stand to protect our communities and schools by passing this important amendment. I ask my colleagues to support this amendment.

AMENDMENT NO. 1212

(Purpose: To require the Secretary of Health and Human Services to provide bonus grants to high performance States based on certain criteria and collect data to evaluate the outcome of welfare reform, and for other purposes)

At the appropriate place, insert the following:

SEC. ___. EVALUATION OF OUTCOME OF WELFARE REFORM AND FORMULA FOR BONUSES TO HIGH PERFORMANCE STATES.

(a) ADDITIONAL MEASURES OF STATE PERFORMANCE.—Section 403(a)(4)(C) of the Social Security Act (42 U.S.C. 603(a)(4)(C)) is amended—

(1) by striking ''Not later'' and inserting the following:

''(i) IN GENERAL.—Not later'';

(2) by inserting ''The formula shall provide for the awarding of grants under this paragraph based on criteria contained in clause (ii) and in accordance with clauses (iii), (iv), and (v).'' after the period; and

(3) by adding at the end the following:

''(ii) FORMULA CRITERIA.—The grants awarded under this paragraph shall be based on—

''(I) employment-related measures, including work force entries, job retention, and increases in household income of current recipients of assistance under the State program funded under this title;

''(II) the percentage of former recipients of such assistance (who have ceased to receive such assistance for not more than 6 months) who receive subsidized child care;

''(III) the improvement since 1995 in the proportion of children in working poor families eligible for food stamps that receive food stamps to the total number of children in the State, and

''(IV) the percentage of members of families which are former recipients of assistance under the State program funded under this title (which have ceased to receive such assistance for not more than 6 months) who currently receive medical assistance under the State plan approved under title XIX or the child health assistance under title XXI.

For purposes of subclause (III), the term 'working poor families' means families which receive earnings equal to at least the comparable amount which would be received by an individual working a half-time position for minimum wage.

''(iii) EMPLOYMENT RELATED MEASURES.—Not less than $100,000,000 of the amount appropriated for a fiscal year under subparagraph (F) shall be used to award grants to States under this paragraph for that fiscal year based on scores for the criteria described in clause (ii)(I) and the criteria described in clause (ii)(II) with respect employed former recipients.

''(iv) FOOD STAMP MEASURES.—Not less than $50,000,000 of the amount appropriated for a fiscal year under subparagraph (F) shall be used to award grants to States under this paragraph for that fiscal year based on scores for the criteria described in clause (ii)(III).

''(v) MEDICAID AND SCHIP CRITERIA.—Not less than $50,000,000 of the amount appropriated for a fiscal year under subparagraph (F) shall be used to award grants to States under this paragraph for that fiscal year based on scores for the criteria described in clause (ii)(IV).''.

(b) DATA COLLECTION AND REPORTING.—Section 411(a) of the Social Security Act (42 U.S.C. 611(a)) is amended by adding at the end the following:

''(8) REPORT ON OUTCOME OF WELFARE REFORM FOR STATES NOT PARTICIPATING IN BONUS GRANTS UNDER SECTION 403(a)(4).—

''(A) IN GENERAL.—In the case of a State which does not participate in the procedure for awarding grants under section 403(a)(4) pursuant to regulations prescribed by the Secretary, the report required by paragraph (1) for a fiscal quarter shall include data regarding the characteristics and well-being of former recipients of assistance under the State program funded under this title for an appropriate period of time after such recipient has ceased receiving such assistance.

''(B) CONTENTS.—The data required under subparagraph (A) shall consist of information regarding former recipients, including—

''(i) employment status;

''(ii) job retention;

''(iii) poverty status;

''(iv) receipt of food stamps, medical assistance under the State plan approved under title XIX or child health assistance under title XXI, or subsidized child care;

''(v) accessibility of child care and child care cost; and

''(vi) measures of hardship, including lack of medical insurance and difficulty purchasing food.

''(C) SAMPLING.—A State may comply with this paragraph by using a scientifically acceptable sampling method approved by the Secretary.

''(D) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to ensure that—

''(i) data reported under this paragraph is in such a form as to promote comparison of data among States; and

''(ii) a State reports, for each measure, changes in data over time and comparisons in data between such former recipients and comparable groups of current recipients.''.

(c) REPORT OF CURRENTLY COLLECTED DATA.—Not later than July 1, 2000, the Secretary of Health and Human Services shall transmit to Congress a report regarding earnings and employment characteristics of former recipients of assistance under the State program funded under this part, based on information currently being received from States. Such report shall consist of a longitudinal record for a sample of States, which represents at least 80 percent of the population of each State, including a separate record for each of fiscal years 1997 through 2000 for—

(1) earnings of a sample of former recipients using unemployment insurance data;

(2) earnings of a sample of food stamp recipients using unemployment insurance data, and

(3) earnings of a sample of current recipients of assistance using unemployment insurance data.

(d) EFFECTIVE DATES.—

(1) The amendment made by subsection (a) applies to each of fiscal years 2000 through 2003.

(2) The amendment made by subsection (b) applies to reports in fiscal years beginning in fiscal year 2000.

Mr. DORGAN. Mr. President, I ask unanimous consent that these amendments be agreed to.

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

The amendments (Nos. 1198, 1209, and 1212) were agreed to.

Mr. DORGAN. Mr. President, I yield the floor.

Mr. CAMPBELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

AMENDMENTS NOS. 1205, 1196, 1194, 1199, 1204, 1217, AND 1206

Mr. CAMPBELL. Mr. President, I ask unanimous consent to modify amendment No. 1205 and ask for its immediate adoption.

I ask unanimous consent to withdraw amendment No. 1196 by Senator KYL.

I ask unanimous consent to withdraw amendment No. 1194 by Senator WARNER, amendment No. 1199 by Senator GRASSLEY, amendment No. 1204 by Senator HUTCHISON, amendment No. 1217 by Senator COCHRAN, and amendment No. 1206 by Senator BAUCUS.

The PRESIDING OFFICER. Without objection, it is so ordered.

Amendment No. 1205, as modified, is as follows:

On page 11, strike line 17, and insert the following: ''$39,320,000 may be used for the Youth Crime Gun Interdiction Initiative, of which $1,120,000 shall be provided for the purpose of expanding the program to include Las Vegas, Nevada.

On page 11, line 18, strike ''diction Initiative.''

On page 62, line 9 strike through page 62 line 15.

The amendment (No. 1205), as modified, was agreed to.

AMENDMENT NO. 1210 WITHDRAWN

Mr. CAMPBELL. Mr. President, I ask unanimous consent to withdraw amendment No. 1210 by Senator SCHUMER.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1198

Mr. CAMPBELL. Mr. President, amendment No. 1198 has been cleared by both sides. I ask unanimous consent that it be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1198) was agreed to.

AMENDMENT NO. 1213 WITHDRAWN

Mr. DORGAN. Mr. President, I have visited with Senator TORRICELLI. He is willing to withdraw the amendment, provided that he is offered 5 minutes to discuss it. Senator SCHUMER would like 5 minutes as well. They are willing to do that when we finish the wrap-up.

I ask unanimous consent to withdraw amendment No. 1213 on behalf of Senator TORRICELLI.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Michelle Vidovic be able to be on the floor of the Senate for the rest of our proceedings tonight.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent that any remaining amendments at the desk be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 1208, AS MODIFIED, 1218, 1219, AND 1220, EN BLOC

Mr. CAMPBELL. Mr. President, I send to the desk a managers' package of amendments, and I ask unanimous consent they be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado (Mr. CAMPBELL) proposes amendments numbered 1208, as modified, 1218, 1219, and 1220, en bloc.

Mr. CAMPBELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMNT NO. 1208 AS MODIFIED

(Purpose: To ensure that health and safety concerns at the Federal courthouse at 40 Centre Street in New York, New York, are alleviated)

Page 56, Line 6, after ''Missouri;'' insert and $1,250,000 shall be available for the repairs and alteration of the Federal Courthouse at 40 Center Street, New York, NY.''

AMENDMENT NO. 1218

On page 62, line 8 after ''building operations'' insert ''*Provided*, That the amounts provided above under this heading for rental of space, building operations and in aggregate amount for the Federal Buildings Fund, are reduced accordingly''.

AMENDMENT NO. 1219

At the appropriate place, at the end of the General Services Administration, General Provisions insert the following new sections:

''SEC. 411. Notwithstanding 31 U.S.C. 1346, funds made available for fiscal year 2000 by this or any other Act to any department or agency, which is a member of the Joint Financial Management Improvement Program (JFMIP) shall be available to finance an appropriate share of JFMIP salaries and administrative costs.

''SEC. 412. The Administrator of General Services may provide from government-wide credit card rebates, up to $3,000,000 in support of the Joint Financial Management Improvement Program as approved by the Chief Financial Officers Council.''.

AMENDMENT NO. 1220

(Purpose: To require the Secretary of the Treasury to develop an Internet site where a taxpayer may generate a receipt for an income tax payment which itemizes the portion of the payment which is allocable to various Government spending categories)

On page 98, insert between lines 4 and 5 the following:

SEC. 636. ITEMIZED INCOME TAX RECEIPT.

(a) IN GENERAL.—Not later than April 15, 2000, the Secretary of the Treasury shall establish an interactive program on an Internet website where any taxpayer may generate an itemized receipt showing a proportionate allocation (in money terms) of the taxpayer's total tax payments among the major expenditure categories.

(b) INFORMATION NECESSARY TO GENERATE RECEIPT.—For purposes of generating an itemized receipt under subsection (a), the interactive program—

(1) shall only require the input of the taxpayer's total tax payments, and

(2) shall not require any identifying information relating to the taxpayer.

(c) TOTAL TAX PAYMENTS.—For purposes of this section, total tax payments of an individual for any taxable year are—

(1) the tax imposed by subtitle A of the Internal Revenue Code of 1986 for such taxable year (as shown on his return), and

(2) the tax imposed by section 3101 of such Code on wages received during such taxable year.

(d) CONTENT OF TAX RECEIPT.—

(1) MAJOR EXPENDITURE CATEGORIES.—For purposes of subsection (a), the major expenditure categories are:

(A) National defense.

(B) International affairs.

(C) Medicaid.

(D) Medicare.

(E) Means-tested entitlements.

(F) Domestic discretionary.

(G) Social Security.

(H) Interest payments.

(I) All other.

(2) OTHER ITEMS ON RECEIPT.—

(A) IN GENERAL.—In addition, the tax receipt shall include selected examples of more specific expenditure items, including the items listed in subparagraph (B), either at the budget function, subfunction, or program, project, or activity levels, along with any other information deemed appropriate by the Secretary of the Treasury and the Director of the Office of Management and Budget to enhance taxpayer understanding of the Federal budget.

(B) LISTED ITEMS.—The expenditure items listed in this subparagraph are as follows:

(i) Public schools funding programs.

(ii) Student loans and college aid.

(iii) Low-income housing programs.

(iv) Food stamp and welfare programs.

(v) Law enforcement, including the Federal Bureau of Investigation, law enforcement grants to the States, and other Federal law enforcement personnel.

(vi) Infrastructure, including roads, bridges, and mass transit.

(vii) Farm subsidies.

(viii) Congressional Member and staff salaries.

(ix) Health research programs.

(x) Aid to the disabled.

(xi) Veterans health care and pension programs.

(xii) Space programs.

(xiii) Environmental cleanup programs.

(xiv) United States embassies.

(xv) Military salaries.

(xvi) Foreign aid.

(xvii) Contributions to the North Atlantic Treaty Organization.

(xviii) Amtrak.

(xix) United States Postal Service.

(e) COST.—No charge shall be imposed to cover any cost associated with the production or distribution of the tax receipt.

(f) REGULATIONS.—The Secretary of the Treasury may prescribe such regulations as may be necessary to carry out this section.

Mr. CAMPBELL. Mr. President, the package of amendments I have sent to the desk has been agreed to by both sides. This package includes the following items:

One technical corrections in the GSA Federal Buildings Fund; addition of language regarding the Joint Financial Management Improvement Program; an amendment on itemized income tax receipts for Senator SCHUMER; and modifications to amendment No. 1208 for Senator MOYNIHAN.

I urge their adoption.

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

The amendments (Nos. 1208, as modified, 1218, 1219, 1220, and 1221) were agreed to.

AMENDMENTS NOS. 1215, 1216, 1189, AND 1190 WITHDRAWN

Mr. CAMPBELL. Mr. President, I ask unanimous consent to withdraw amendment No. 1215 by Senator GRAHAM, No. 1216 by Senator GRAHAM, No. 1189 by Senator MOYNIHAN, and No. 1190 by Senator MOYNIHAN.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1192

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the Senate now consider amendment No. 1192. I ask for its immediate consideration. It has been accepted by both sides. I urge its adoption.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado (Mr. CAMPBELL) proposes an amendment numbered 1192.

AMENDMENT NO. 1192

On page 51, line 15 and on page 57, line 14 strike ''5,140,000,000'' and insert in lieu thereof ''$5,261,478,000''.

On page 53, line 2 after ''are rescinded'' insert ''and shall remain in the Fund''.

Mr. CAMPBELL. Mr. President, I repeat that this amendment has been cleared by both sides. I urge its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1192) was agreed to.

Mr. DOMENICI. Mr. President, I rise in support of S. 1282, the Treasury and General Government Appropriations bill for FY 2000, as reported by the Senate Committee on Appropriations.

I commend the distinguished chairman and the ranking member for bringing the Senate a carefully crafted spending bill within the Subcommittee's 302(b) allocation and consistent with the discretionary spending caps for FY 2000.

The pending bill provides $27.6 billion in budget authority and $24.7 billion in new outlays for FY 2000 to fund the programs of the Department of the Treasury, including the Internal Revenue Service, U.S. Customs Service, and Bureau of Alcohol, Tobacco and Firearms; the Executive Office of the President; the Postal Service; and related independent agencies. With outlays from prior-years and other completed actions, the Senate bill totals $27.8 billion in budget authority and $28.2 billion in outlays.

For discretionary spending, which represents just under half the funding in the bill, the Senate bill is at the Subcommittee's 302(b) allocation for budget authority, and it is $109 million in outlays below the 302(b) allocation. The Senate bill is $0.5 billion in both BA and outlays below the President's budget request.

Mr. President, I ask unanimous consent that a table displaying the Budget Committee scoring of the bill be printed in the RECORD.

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

S. 1282 TREASURY-POSTAL APPROPRIATIONS, 2000—SPENDING COMPARISONS—SENATE-REPORTED BILL

[Fiscal year 2000, in millions of dollars]

	General purpose	Crime	Mandatory	Total
Senate-Reported Bill:				
Budget authority	13,204	194	14,385	27,783
Outlays	13,708	128	14,394	28,230
Senate 302(b) allocation:				
Budget authority	13,204	194	14,385	27,783
Outlays	13,817	128	14,394	28,339
1999 level:				
Budget authority	13,889	132	13,439	27,460
Outlays	12,762	131	13,439	26,332
President's request:				
Budget authority	13,792	132	14,385	28,309
Outlays	14,247	127	14,394	28,768
House-passed bill:				
Budget authority	.....	.....	.....	.....
Outlays	.....	.....	.....	.....
SENATE-REPORTED BILL COMPARED TO:				
Senate 302(b) allocation:				
Budget authority	.....	.....	.....	.....
Outlays	(109)	.....	.....	(109)
1999 level:				
Budget authority	(685)	62	946	323
Outlays	946	(3)	955	1,898
President's request:				
Budget authority	(588)	62	.....	(526)
Outlays	(539)	1	.....	(538)
House-passed bill:				
Budget authority	13,204	194	14,385	27,783
Outlays	13,708	128	14,394	28,230

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

Mr. MCCAIN. Mr. President, I want to thank the managers of this bill for their hard work in putting forth this legislation which provides federal funding for numerous vital programs. However, I am sad to say, once again, I find myself in the unpleasant position of speaking about unacceptable levels of parochial projects in another appropriations bill.

I have asked rhetorically on the floor of the Senate many times when we are going to stop this destructive and irresponsible practice of earmarking special-interest pork-barrel projects in appropriations bills primarily for parochial reasons. I have yet to receive an answer and this practice has neither stopped nor slowed. Last year's Treasury Postal Appropriations bill contained well over $826 million in specifically earmarked pork-barrel spending. This year's bill is a drastic improvement over last year's bill in that it only contains a little over $293.6 million in wasteful, pork-barrel spending. $293.6 million of waste is much better than $826 million of waste, but waste is still waste.

Where does all this pork go? Well, as usual, this bill contains millions on top of millions for court house construction and repairs. We have $11,606,000 earmarked for repairs and alterations to the Frank M. Johnson, Jr. Federal Building—U.S. Courthouse in Montgomery, Alabama, and $21,098,000 for repairs and alterations to the Federal Building—U.S. Courthouse Annex in Anchorage, Alaska. I know that these court houses may be in dire need of repair and modernization. But are these particular projects more important than the litany of other court houses competing for funding? The process by which these two earmarks were added makes it impossible to assess the relative merit of these programs against all other priority needs.

In addition to earmarks for court houses, this bill contains the usual earmarks of money for locality-specific projects such as: $500,000 for the State Patrol Digital Distance Learning project to help the Nebraska State Patrol create computer-based training programs, and $250,000 to the Fort Buford reconstruction project for planning and design of the reconstruction of this Fort—a Lewis and Clark ''Corps of Discovery'' site.

Then there are the many sections of the report which have language strongly urging various Departments of the Federal Government to recognize or participate in a joint-venture with a particular project in a state. While these objectionable provisions have no direct monetary effect on the bill, this not-so-subtle ''urging'' is sure to have some financial benefit for someone or some enterprise in a member's home state. For example: Report language urging the continuation and expansion of the collaboration between the University of North Dakota and the Customs Service for rotorcraft training, and report language urging GSA to strongly consider the U.S. Olympic Committee's need for additional space and to give priority to the USOC's request to gain title or acquire the property located at 1520 Willamette Avenue in Colorado Springs, Colorado.

This bill also selects particular sites across the country for which the report language either provides additional spending for extra staff and personnel, or ''urges'' the Agency not to reduce its staff. For example: $750,000 for part-time and temporary positions in the Honolulu Customs District, Report language designating the Hector International Airport as an International Port of Entry, to be adequately staffed and equipped so that the users of the facility are provided efficient services, and report language directing the Customs Service to ensure that staffing levels are sufficient to staff and operate all New Mexico border facilities.

Why are these facilities protected at a time when each agency is required to abide by the Government Program Reduction Act which mandates that they operate more efficiently with less bureaucracy? Even if these positions are critical, why are they not prioritized in the normal administrative process?

Everyone knows that we are very close to breaking the spending caps. We have not done so as of yet. I hope my colleagues understand that just because we can fund these programs of questionable merit within the spending caps, that does not mean we have the right to spend tax payers' hard-earned dollars in such an irresponsible fashion.

I am constantly amazed by the arbitrary fashion by which the Appropriations Committee chooses to allocate the dollars that should be spent only

for important and necessary federal programs.

The examples of wasteful spending that I have highlighted in this floor statement is just the tip of the iceberg. There are many more low-priority, wasteful, and unnecessary projects on the extensive list I have compiled, and I ask unanimous consent that the list be printed in the RECORD.

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

OBJECTIONABLE PROVISIONS CONTAINED IN S. 1282 THE TREASURY DEPARTMENT, THE UNITED STATES POSTAL SERVICE, THE EXECUTIVE OFFICE OF THE PRESIDENT, AND CERTAIN INDEPENDENT AGENCIES APPROPRIATIONS BILL.

BILL LANGUAGE

Department of the Treasury

$9,200,000 for the Federal Law Enforcement Training Center for construction of two firearms ranges at the Artesia Center in NM.

$900,000 is earmarked for a land grant university in North and/or South Dakota to conduct a research program on the United States/Canadian bilateral trade of agricultural commodities and products.

$150,000 for official reception and representation expenses associated with hosting the Inter-American Center of Tax Administration (CIAT) 2000 Conference.

Independent agencies

An earmark of $35,000,000 in Montgomery County, Maryland, for FDA Consolidation.

$8,263,000 is earmarked for new construction of a border station in Sault Sainte Marie, Michigan.

$753,000 for new construction of a border station in Roosville, Montana.

An $11,480,000 earmark for new construction of a border station in Sweetgrass, Montana.

$277,000 for new construction of a border station in Fort Hancock, Texas.

$11,206,000 for new construction of a border station in Oroville, Washington.

$11,606,000 is earmarked for repairs and alterations to the Frank M. Johnson, Jr. Federal Building—U.S. Courthouse in Montgomery, Alabama.

$21,098,000 for repairs and alterations to the Federal Building—U.S. Courthouse Annex in Anchorage, Alaska.

A $6,831,000 earmark for repairs and alterations to the USGB Building 1 in Menlo Park, California.

$5,284,000 for repairs and alterations to the USGS Building 2 in Menlo Park, California.

A $7,948,000 earmark for repairs and alterations to the Moss Federal Building—U.S. Courthouse in Sacramento, California.

$1,100,000 for repairs and alterations in the Interior Building (Phase 1) in the District of Columbia.

$47,226,000 for repairs and alterations in the Main Justice Building (Phase 2) in the District of Columbia.

$10,511,000 is earmarked for repairs and alterations to the State Department Building (Phase 2) in the District of Columbia.

$36,705,000 for repairs and alterations to the Metro West Building in Baltimore, Maryland.

A $25,890,000 earmark for repairs and alterations to the Social Security Administration Annex in Woodlawn, Maryland.

$10,989,000 for repairs and alterations to the Bishop H. Whipple Federal Building in Ft. Snelling, Minnesota.

$8,537,000 for repairs and alterations to the Federal Building at 500 Gold Avenue in Albuquerque, New Mexico.

$7,234,000 for repairs and alterations to the Celebrezze Federal Building in Cleveland, Ohio.

An earmark of $1,600,000 for the repairs and alterations of the Kansas City Federal Courthouse at 811 Grand Avenue, Kansas City, Missouri.

$2,750,000 for GSA to enter into a memorandum of understanding with the North Dakota State University to establish a Virtual Archive Storage Terminal.

General provisions

Language indicating that no funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance, the entity will comply with sections 2 through 4 of the Act of March 3, 1993, popularly known as the ''Buy American Act.''

Language indicating that entities receiving assistance should, in expending the assistance purchase only American-made equipment and products.

REPORT LANGUAGE

Report language directing the Director of Federal Law Enforcement Training Center (FLETC) to provide up to $300,000 to a graduate level criminal justice program in a Northern Plains State which can provide causal research on the link between youth and criminal activity in rural locations.

Report language requesting that FLETC give special consideration to the training facilities at the Odegard School for Aerospace Sciences, at the University of North Dakota and at law enforcement training facilities in North Dakota.

$1,290,000 for the counter-terrorism facility at Glynco, Georgia.

Report language that the ''Acquisition, construction, improvements, and related expenses'' account covers major maintenance and facility improvements, construction, renovation, capital improvements, and related equipment at FLETC facilities in Glynco, GA, and Artesia, NM.

Report language urging that strong consideration be given to an application from Greenville, South Carolina for the Gang Resistance Education and Training [GREAT] Program.

Report language requesting that the Bureau of Alcohol, Tobacco, and Firearms give strong consideration to designating South Carolina and Las Vegas, Nevada as Youth Crime Gun Interdiction Initiative [YCGII] locations.

Report language designating the Hector International Airport in Fargo, North Dakota as an International Port of Entry, to be adequately staffed and equipped so that the users of the facility are provided efficient services.

Report language encouraging the Customs Service to pay close attention to the border facilities in Pembina and Minot, North Dakota.

Report language instructing Customs to maintain current staffing levels in Arizona in fiscal year 2000 and to report on what resources are necessary to reduce wait times along the Southwest border to twenty minutes.

Report language directing the Customs Service to maintain the level of services provided in fiscal year 1996 through fiscal year 2000 at the Charleston, West Virginia, Customs office.

$750,000 for part-time and temporary positions in the Honolulu Customs District.

Report language directing the Customs Service to ensure that staffing levels are sufficient to staff and operate all New Mexico border facilities.

Report language urging the Customs Service to give high priority to funding sufficient inspection personnel at ports of entry in Florida for fiscal year 2000.

Report language urging the Customs Service to consider allocation to smaller States and rural areas with particular emphasis on Vermont when reviewing its staffing requirements.

Report language expressing the Committee's concerns about the adequacy of staffing levels at the Great Falls, Montana port.

Report language urging the continuation and expansion of the collaboration between the University of North Dakota and the Customs Service for rotorcraft training.

Report language indicating the Committee's continued support of adequate staffing levels for tax administration and its support of the staffing plans for the Internal Revenue Service facilities in the communities of Martinsburg and Beckley, West Virginia.

Report language indicating that Section 105, an administrative provision of the Internal Revenue Service, continues a provision which provides that no reorganization of the field office structure of the Internal Revenue Service Criminal Investigation Division will result in a reduction of criminal investigators in Wisconsin and South Dakota from the 1996 level.

Report language directing the Postal Service to work with the State of Alaska and the Alaska Federation of Natives to develop an inspection program to stop the criminal use of the mail where the U.S. Postal Service is being used to transport drugs to remote villages in Alaska.

Report language indicating the Committee's awareness that the U.S. Postal Service has announced that it will purchase and deploy ethanol flexible fuel vehicles over the next two years.

Report language encouraging the Director to consider convening a national conference on rural drug crime to include regional conferences in rural areas, such as those in South Carolina and Vermont, in order to assess the needs of rural law enforcement and the impact of drug related crimes.

Report language encouraging the Office of National Drug Control Policy [ONDCP] to work with the State of North Carolina to develop and implement a plan to designate North Carolina as a High Intensity Drug Trafficking Area with a focus on intensified interdiction along its interstate and national highways.

Report language requesting that GSA review the District Court of Vermont's proposal to relocate to a new facility, and that the GSA work with the Courts to determine how to address logistical, safety and space concerns at the Burlington Courthouse and Federal Building.

Report language urging the General Services Administration to work with the Bureau of Alcohol, Tobacco and Firearms to provide the necessary expanded facilities to meet the chronic space needs at the National Tracing Center in Martinsburg, West Virginia.

Report language urging GSA to strongly consider the U.S. Olympic Committee's [USOC] need for additional space and to give priority to the USOC's request to gain title or acquire the property located at 1520 Willamette Avenue in Colorado Springs, Colorado.

Report language encouraging the GSA to assist the Salt Lake Organizing Committee for the Winter and Paralympic Games in 2002 as well as the 2001 World Police and Fire Games in Indiana.

Report language stating that a study of the causes, the impact, the effect, and the options for reversing de-population shall be undertaken by the universities of the following four states: Montana, Iowa, Colorado, and North Dakota.

$500,000 for the State Patrol Digital Distance Learning project to help the Nebraska State Patrol create computer-based training programs.

An $800,000,000 earmark for the repair, alteration, and improvements of the Ronald

Reagan Presidential Library and Museum in Simi Valley, California.

$250,000 to the Fort Buford reconstruction project for planning and design of the reconstruction of this Fort—a Lewis and Clark ''Corps of Discovery'' site.

Mr. MCCAIN. In closing, I urge my colleagues on both sides of the Capitol and on both sides of the aisle to develop a better standard which curbs our habit of funneling hard-earned taxpayer dollars to locality-specific special interests.

Mr. SANTORUM. Mr. President, I have sought recognition to express my support for Courthouse Construction funding for the U.S. federal courthouse in Erie, Pennsylvania. This courthouse is in dire need of repair, and the Administrative Office of the U.S. Courts has placed the Erie Federal Courthouse on its priority list, and the General Services Administration is in the final stages of completing the design for the refurbished complex, which will be ready for construction in FY2000. Specifically, this project involves the alteration of the existing Erie Federal Building, the acquisition, repair and alteration of the adjacent Erie County Library building for the bankruptcy court and court of appeals; and the construction of a new courthouse annex for the district court. The current courthouse provides inadequate space and is not consolidated in a single location, presenting logistical and security concerns for jurors, judges, attorneys, and the public. The project, which will be a major step in the revitalization of downtown Erie, will rely substantially on the rehabilitation of existing structures as opposed to more costly, new construction.

I understand that the President's budget did not include funding for courthouse construction for the third consecutive year. This failure to provide funding for the needs of our judicial system is a serious oversight that should not stand in the way of the safety and security of my constituents in Erie.

I look forward to working with the Chairman of the Treasury and General Government Subcommittee, Senator CAMPBELL, and my colleague from Pennsylvania, Senator SPECTER, to ensure that this project receives funding as soon as possible. In the meantime, I urge the General Services Administration to take any necessary actions to rectify safety concerns or logistical problems that may result from this lapse in funding.

Mr. CAMPBELL. I welcome the comments by the Senator from Pennsylvania and look forward to continuing to work with him on this request. I am well aware of the importance he places on the proposed improvements to the Erie Federal Courthouse and recognize the significance of timely action on this request.

FY2000 APPROPRIATIONS FOR THE HIDTA PROGRAM

Mr. GRAMS. Mr. President, I rise today to express my support for S. 1282, the Fiscal Year 2000 Treasury, Postal Service, and General Government Appropriations bill. In particular, I commend the Senate Appropriations Committee for its support of the High Intensity Drug Trafficking Area program within this legislation.

The High Intensity Drug Trafficking Area program was established in 1988 to assist state and local governments to investigate, prosecute and prevent illegal drug production and trafficking. Since 1990, the Office of National Drug Control Policy has designated twenty-six regions of the nation as High Intensity Drug Trafficking Areas. Most recently, the States of Ohio, Oregon, and Hawaii were among those areas granted HIDTA status to help improve coordination of drug control efforts.

Unfortunately, communities in my home state of Minnesota continue to be threatened by drug abuse and illegal drug trafficking, particularly methamphetamine. In recent years, methamphetamine has become the drug of choice throughout Minnesota, and is closely associated with increased violent crime. In my recent meeting with Office of National Drug Control Policy Director General Barry McCaffrey, he referred to methamphetamine as ''the worst drug that ever hit America.''

The alarming rate of meth production and trafficking has been caused by small, independent organizations that run clandestine laboratories in apartment complexes, farms, motel rooms and residences with inexpensive, over-the-counter-materials. The secretive nature of the manufacturing process involves toxic chemicals, and frequently results in fires, damaging explosions, and destruction to our environment. A constituent from Benson, Minnesota underscored the devastating effects of illegal meth production when he wrote, ''The resultant crime and addition problems are destroying small and mid-sized rural communities.''

The high volume of meth trafficking in Minnesota has also placed enormous strain on the resources of those federal and state law enforcement agencies investigating abuse of this deadly substance. In 1998, for example, task forces from Freeborn County, Hennepin County, and Washington County seized a total of fourteen meth labs, an increase from five seizures in 1997. In 1998, the Minneapolis-St. Paul Resident Office of the Drug Enforcement Agency seized more than 200 pounds of meth, compared to 67 pounds seized in 1997.

Mr. President, Minnesota's local law enforcement community has begun to strengthen its strategy for combating illegal drug use. By September 1, a committee that includes representatives from the U.S. Attorney's Office, the Minnesota Sheriffs Association, the Minnesota Attorney General's Office, and the Minnesota Department of Public Safety will submit its proposed HIDTA initiative to the Office of National Drug Control Policy.

When this designation is granted, Minnesota will receive federal assistance to improve antidrug efforts currently underway by local prosecutors, sheriffs, police chiefs and state law enforcement officials. I ask unanimous consent that following my remarks, a complete list of the federal and state agencies developing this proposal be printed in the RECORD.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit 1.)

Mr. GRAMS. Mr. President, over the last several months, I have also worked to focus attention on the value of the HIDTA program to communities throughout Minnesota. This past Spring, I presented the need for a ''Minnesota HIDTA'' to Office of National Drug Control Policy Director Barry McCaffrey during the May edition of my monthly cable television program. As the administrator of the HIDTA program, General McCaffrey clearly understands that although law enforcement is primarily a local responsibility, the federal government can support the ability of local law enforcement to investigate and prosecute serious drug offenders.

I am pleased to have included a provision within S. 899, ''The 21st Century Justice Act'' that underscores the need for additional federal antidrug resources in Minnesota. This provision directs the Office of National Drug Control Policy to establish a ''Northern Border High Intensity Drug Trafficking Area'' that would include the State of Minnesota. It also authorizes $2.7 million in Fiscal Year 2000 to improving coordination of antidrug efforts currently underway by local prosecutors, sheriffs, police chiefs, and state law enforcement officials.

Again, I commend the Senate for its support for the High Intensity Drug Trafficking Area program. I will continue to work with law enforcement officials, my colleagues in the Senate, and the Office of National Drug Control Policy to ensure that localities have the assistance they need to protect our communities from crime and drug abuse.

EXHIBIT NO. 1

United States Attorney's Office-District of Minnesota
Bureau of Alcohol, Tobacco and Firearms
Drug Enforcement Administration
Federal Bureau of Investigation
Hennepin County Sheriffs Office
Internal Revenue Service/CID
Minnesota Department of Criminal Apprehension
Minnesota Attorney General's Office
Minnesota Chiefs of Police Association
Minnesota Department of Public Safety
Minnesota Sheriffs Association
Minnesota State Patrol
St. Paul Police Department
United States Customs, Office of Enforcement
United States Immigration and Naturalization Service.

Mr. GRASSLEY. Mr. President, I am concerned about a $257,000,000 decrease in appropriated funding for the United States Customs Service. Last year, Congress aided this agency through the Omnibus and Emergency Supplemental

Appropriations, that devotes a large percentage of its aggregate budget to preventing the smuggling of Narcotics into the United States, with an additional $265,000,000. The Appropriations committee, this year, also recognizing the need of the Customs Service to react to changing smuggling modes and complex money laundering schemes increased the Customs Service total funding by $315,000,000. This is $315,000,000 over the President's budget estimate and Congress needs to maintain this effort. Drug trafficking is a never-ending battle. The demand for illegal drugs in the United States remains strong. The U.S. Customs Service is one of our front line drug enforcement agencies that protects America's borders every day from professional drug traffickers and money launders. Congress needs to fully and adequately fund the salaries and expenses and needed modernization for one of our major first line counter-drug agencies.

I am aware of the hard choices the Committee had to make in coming up with the current funding level for Customs. But I strongly feel that we must do more. Not only has legal trade expanded dramatically but so has illegal drug trafficking and alien smuggling. We have not supported the modernization or expansion of Customs to keep pace. We cannot maintain our commitment to fighting the smuggling of illegal drugs without more and better.

PROFESSIONAL LIABILITY INSURANCE COVERAGE FOR SENIOR FEDERAL EMPLOYEES

Mr. WARNER. Mr. President, I have offered an amendment to the Treasury, Postal and General Government Appropriations bill to ensure that federal managers and law enforcement officials in all federal departments and agencies receive the same benefits concerning professional liability insurance. Today, several federal departments contribute to the costs of professional liability insurance for federal managers and law enforcement officials. Other large federal departments do not contribute to assisting federal managers obtain this insurance.

This professional liability insurance is essential as many federal managers are personally absorbing the significant costs of obtaining legal representation in cases where complaints have been brought against. Often, allegations have been made by citizens, against whom federal officials were enforcing the law and by employees who had performance or conduct problems.

I have been working with Chairman COCHRAN of the Government Affairs Subcommittee on International Security, Proliferation and Federal Services to address this important issue and I welcome his views on this matter.

Mr. COCHRAN. I agree with Senator WARNER that this is an issue that must be addressed. In prior action, the Congress provided the authority for federal departments and agencies to contribute one-half of the costs of obtaining professional liability insurance for federal managers and law enforcement officials. Unfortunately, this benefit has not been offered by all federal departments. I am committed to working with Senator WARNER to address this issue and to ensure that all federal managers and law enforcement officials are treated fairly.

Mr. WARNER. I thank Chairman COCHRAN for his attention to this issue. This is an important matter that is critical to ensuring that the federal government can attract and retain qualified professionals in federal service.

At this time I will withdraw my amendment and look forward to working with Chairman COCHRAN, Chairman THOMPSON and other members of the Government Affairs Committee.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

Mr. CLELAND. Mr. President, I want to clarify with the ranking member of the Treasury Appropriations Subcommittee the intent of this bill regarding its appropriation of $80.1 million for salaries and expenses at the Federal Law Enforcement Training Center (FLETC) located in Glynco, GA. This appropriation is $6 million less than the $86 million for salaries initially requested by FLETC. It is my understanding that the lion's share of this reduction is simply the result of a readjustment based on what the Subcommittee and Committee believe will be the actual workload at FLETC and not an indication of the Committee's intent that there be any reduction in FLETC's ability to fulfill its mission. Does the Senator care to comment?

Mr. DORGAN. The Senator is correct. The $6 million reduction is the result of the Subcommittee's re-estimation of the likely workload at FLETC combined with a small across-the-board cut on all salaries covered by the Treasury Department appropriations bill.

Mr. CLELAND. I thank the Senator. Should the actual workload at FLETC result in an appropriations need beyond what is provided for in this bill, does the Senator believe that the committee would consider alternative funding sources to ensure FLETC could fulfill its mission?

Mr. DORGAN. The committee recognizes FLETC's important role in providing quality training to the nation's law enforcement personnel, and it is fully supportive of providing the funding necessary for the center to effectively carry out the mission for which it was created.

Mr. COVERDELL. I thank the Senators for their comments and the ranking member for his commitment to FLETC. It is important that Congress preserve FLETC's intent and function and I am glad to know that this bill continues Congressional support for, and commitment to, this important training center. I ask Chairman CAMPBELL if he cares to comment on this matter.

Mr. CAMPBELL. Yes, and I echo the sentiments of the ranking member. The amount appropriated by the Committee for salaries and expenses does not indicate a lower level of support for FLETC. The Senators are correct in their understanding of this matter and the Committee will continue efforts to preserve consolidated federal law enforcement training at FLETC.

Mr. COVERDELL. Mr. President, I would like to clarify with the chairman the intent of this bill regarding the Federal Law Enforcement Training Center and its facilities in Glynco, GA. Is it the Chairman's belief that the appropriations bill now before this body, S. 1282, preserves the intent and function of FLETC and takes the appropriate steps to move forward with FLETC's five year modernization plan?

Mr. CAMPBELL. I thank the Senator for his question. Yes, I do believe that this bill preserves the intent and function of FLETC. FLETC serves an important role for federal law enforcement training and through this bill I have taken steps to help it toward completion of its five year plan.

Mr. COVERDELL. I thank the chairman. I understand that $4.6 million has been funded in FLETC's base construction account and the Committee is directing the Treasury Department to use the money for a chilled water system expansion at FLETC's facility in Glynco, GA even though it was not specifically mentioned in the bill or report language.

Mr. CAMPBELL. The Senator is correct. These funds along with $900,000 for the completion of a new classroom in Artesia, NM will complete FLETC's fiscal year 2000 5-year plan funding requirements and will keep the effort to expand FLETC's capacity moving forward and on time.

Mr. COVERDELL. I thank the chairman for his support of this important program and for his commitment to FLETC's modernization effort.

Mr. CLELAND. I thank the two Senators for their statement. I am very pleased that this bill continues the commitment of the Committee, and the Subcommittee, to the Federal Law Enforcement Training Center. FLETC is a model state-of-the-art facility which is critical to the training of our Nation's law enforcement personnel.

Mr. COVERDELL. Mr. President, I would like to engage the esteemed chairman on a matter important to out Nation's Federal law enforcement training and the Glynco, GA site at which this training is conducted. As the chairman knows, the Federal Law Enforcement Training Center was developed to consolidate federal law enforcement training. This was done to ensure efficiency, prevent redundancy, and save taxpayer dollars. The Chairman is also aware that FLETC has a five year plan for its sites in Artesia, NM and Glynco, GA to modernize the facilities and address a training overflow issue. I understand that the Chairman's bill preserves FLETC's intent and keeps the five-year plan moving

into the next fiscal year. Understanding the Chairman's work continues FLETC's viability, will he be willing to communicate to the Treasury Department not only his commitment to this program but his desire to see that Treasury take steps towards funding design money for two dormitories at Glynco during this fiscal year?

Mr. CAMPBELL. I thank the Senator for his question and for his comments about FLETC's role and the Committee's work on behalf of FLETC. I believe in the intent for which FLETC was created and believe this bill reflects that belief. I also understand the need to take further steps to continue FLETC's 5-year plan. I say to the Senator from Georgia that I am willing to communicate with the Treasury Secretary Robert Rubin my hope that the Treasury Department provide design money for the two dormitories.

Mr. COVERDELL. The chairman's remarks are appreciated. As the Senator from Colorado knows this design money will assist with the dormitories scheduled for full funding in fiscal year 2001. Funding for design money will provide important continuation of and commitment to FLETC's 5-year plan. I thank the chairman.

Mr. DOMENICI. Mr. President, I would like to engage the distinguished Senator from Colorado, the Chairman of the Subcommittee, in a colloquy.

Mr. President, I want to begin by applauding the Chairman and Ranking Member of the Treasury-General Government Appropriations Subcommittee for what they have done under difficult budgetary circumstances. The Administration's fiscal year 2000 budget request for Customs included a controversial $312.4 million user fee to fund 5,000 existing Customs personnel. That budget gimmick essentially forced the Committee to either reduce Customs staffing levels or reduce or deny many needed projects and new initiatives. Under those difficult circumstances. I believe that Committee made the right choice.

The Customs Service has added to the problem by failing to include comprehensive air interdiction and marine enforcement fleet modernization plans requested by Congress in its Fiscal Year 2000 budget request. Has the subcommittee received either of these plans?

Mr. CAMPBELL. We have not received either of the requested plans from the Customs Service. In my view, the Administration clearly has missed an opportunity. In the absence of these reports and in response to concerns expressed by the Senator from New Mexico and others we have urged the Customs Service to look at cost-effective force multiplying technologies to improve border control and support other federal, state and local law enforcement agencies.

Mr. DOMENICI. As the Chairman knows, I believe that the AS350 AStar helicopter is a proven force-multiplier for Customs that has been used along the Southwest border, and elsewhere in the country, to support operations by the Border Patrol, and other federal, state, and local law enforcement agencies. According to information provided by the Customs Service, in the past year these Customs helicopters assisted in the seizure of approximately $14 million 7,800 pounds of cocaine, almost 25 tons of marijuana, 88 vehicles, 1 aircraft, 12 illegal weapons, 5 vessels, and 210 arrests. In addition, the Executive Director of the Customs Air Interdiction Division, has indicated that AStar is the most cost-effective element of the Customs air fleet. Based on this track record, the AS350 AStar has become the light enforcement helicopter of choice for the U.S. Customs Service.

Mr. President, I understand the budget constraints facing the Subcommittee. I would simply ask that as we proceed with this bill in conference or later in the year, the Chairman and the distinguished Ranking Member of the Subcommittee, Mr. DORGAN, consider making investments in proven, cost-effective force multipliers—like the AStar helicopters—that can help strengthen law enforcement and improve our efforts to combat the inflow of drugs into this country a funding priority.

Mr. CAMPBELL. Mr. President, I share the concern expressed by the distinguished Senator from New Mexico about the inflow of drugs into this country. In addition to urging the Customs Service to transmit the requested air and marine modernization plans to the Committee, we worked with the Senator from new Mexico and others to add report language urging the Customs Service to consider additional investments in proven counterdrug assets like the AS350 AStar helicopter and other technologies in its current and future plans to try to maximize the effectiveness of Customs counterdrug personnel and resources. If additional resources become available to the Committee, cost-effective force-multipliers like the AS350 AStars will be among our top counterdrug priorities.

Mr. DOMENICI. Mr. President, I thank the distinguished Chairman.

HARTSFIELD ATLANTA INTERNATIONAL AIRPORT

Mr. COVERDELL. Mr. President, I would like to bring to the attention of the chairman the tremendous need for the speedy assignment of additional Customs Inspectors for Hartsfield Atlanta International Airport.

There has been a 100% increase in the number of international gates at Hartsfield from 1994 to 1999 and yet only a 14% increase in Customs Inspectors during the same period. In addition, there has been a 102% increase in metric tons of cargo and no increase in inspectors to handle that growth.

Hartsfield airport officials and the business community believe this lack of Customs Inspectors to handle the rapid growth in both passengers and cargo will soon place the airport at a serious competitive disadvantage. It is my understanding that millions of dollars a year will be lost by business travelers and industries in the Atlanta region due to inefficient movement of passengers and goods if this problem is not addressed soon.

Mr. CAMPBELL. Is it not true that the INS recently assigned 15 new inspectors to Hartsfield to handle the airport's tremendous growth?

Mr. COVERDELL. Yes, the chairman is correct.

Mr. CLELAND. Mr. President, I would like to state my concern to the chairman on this matter as well. Hartsfield recently surpassed O'Hare as the busiest airport in the world. I, too, strongly urge the U.S. Customs Service to address their lack of sufficient personnel at Hartsfield and respond as the INS has done in assigning the proper staff to this vital economic engine for the metro Atlanta region.

Mr. CAMPBELL. I thank my two colleagues for their comments on this matter and I encourage the Customs Service to work to address these issues.

Mr. President, I know of no further amendments to be offered. I believe we are ready for third reading of the bill. Senator DORGAN is prepared for that.

Mr. DORGAN. Mr. President, I think we are ready for third reading.

Let me, in 10 seconds, thank the staff on both sides who have worked so hard on this legislation.

I think all of the amendments have been disposed of. We are ready for final passage.

Mr. CAMPBELL. I also thank Senator DORGAN for all of his work. I ask now for a voice vote on final passage.

Mr. WELLSTONE. Mr. President, will we have a recorded vote on the conference report?

The PRESIDING OFFICER. Third reading.

Mr. CAMPBELL. Yes.

The PRESIDING OFFICER. The question is on third reading of the bill.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The bill (S. 1282), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

Mr. CAMPBELL. Mr. President, I move to reconsider the vote.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I know there may be some wrap-up statements.

I commend the managers of the Treasury-Postal Service appropriations bill. They have worked together very well today. They have been able to complete a bill in 1 day that ordinarily takes days, or as much as a week. I commend them for that.

ORDER OF BUSINESS

Mr. LOTT. Mr. President, in light of the vote that just occurred on the Treasury-Postal Service appropriations bill, and the agreement just reached a few moments ago with respect to the District of Columbia appropriations, the Senate has conducted its last vote for the week. There will be no further votes tonight and no votes in the morning.

The next vote will occur on Tuesday, July 13. The Senate will reconvene on Monday, July 12, at noon. However, no votes will occur during Monday's session of the Senate.

Votes will occur during the session of the Senate beginning Tuesday, July 13, through Friday, July 16. There will be votes on Friday, July 16. So be prepared for that. That was under a previously agreed to cloture vote at 10:30 on Friday, the 16th, concerning the Social Security lockbox issue.

We will be in session some tomorrow. But there will be no recorded votes in the morning.

I thank all of our colleagues for their cooperation. Senator DASCHLE and our whips have all worked to make it possible to complete not one but two appropriations bills. I wish all of our colleagues a safe and happy holiday. I look forward to seeing you back on the 12th.

Mr. CAMPBELL. Mr. President, I ask unanimous consent that when the Senate receives from the House of Representatives the companion bill to S. 1282, the Senate immediately proceed to the consideration of that measure; that all after the enacting clause be stricken and the text of Senate bill S. 1282, as passed, be inserted in lieu thereof; that the House bill, as amended, be read for the third time and passed; that the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint conferees on the part of the Senate; and that the foregoing occur without any intervening action or debate.

I further ask unanimous consent that the bill, S. 1282, not be engrossed; that it remain at the desk pending receipt of the House companion bill, and that upon passage by the Senate of the House bill, as amended, the passage of S. 1282 be vitiated and the bill be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CAMPBELL. Mr. President, we agreed to a statement, after passage of the bill, of Senator TORRICELLI. I think that was the only one agreed to.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Mr. President, I thank the Senator from Colorado for his consideration.

UNFAIR COMMUTER TAX

Mr. TORRICELLI. Mr. President, I have this evening withdrawn consideration of an amendment that I offered with Senator LIEBERMAN, Senator DODD, and Senator LAUTENBERG. But I do so in the hope that in the intervening weeks the Finance Committee will consider this measure with the near certainty that my colleagues from Connecticut and I will return with Senator LAUTENBERG and offer this in the coming weeks. I rise tonight very simply and very briefly to make our case.

There is nothing more fundamental in this Federal union than the equal protection of all of our citizens. It is the very purpose of the union. A citizen can travel State-by-State, live anywhere in this Nation, and be subject to the same application of the law.

This principle, while 200 years old, is now tested again. Some weeks ago, the State of New York repealed the commuter tax for commuters into the city of New York. That tax had been in place for more than 30 years. But they did a peculiar thing that is offensive to our concept of national union. They repealed the tax for people who live in New York State and commute to New York City, but they retained the tax for the citizens of Connecticut, 80,000 strong, and 250,000 commuters in the State of New Jersey. Those people who I represent alone were contributing $110 million to the city of New York.

It is not as if the legislature of the State of New York in doing this did not recognize they were trampling upon sacred constitutional grounds, because indeed in their State legislation they put a provision that if this was found unconstitutional for anybody, the law would be revoked. It was a political statement. It was not a sincere effort to legislate.

Indeed, as could be predicted, last week a judge did, indeed, rule that it was not only unfair to repeal this tax for New York commuters while imposing it on Connecticut and New Jersey, but it was unconstitutional and a violation of the privileges in the immunity clause of the U.S. Constitution.

I quote the judge who called this residency tax ''arbitrary and irrational.'' The judge further recognized that ''the only substantial difference between the two classes of commuters is in the State in which they reside.''

It might be argued that the State of New York, having recognized this might be unconstitutional, a judge now having ruled it is unconstitutional, that we might let the matter rest. I do not believe that would be in the best interests of the Congress. Indeed, last week, the House of Representatives on a voice vote, without apparent objection, unanimously found this is bad policy and it should never happen again.

The legislation, the Computer Tax Fairness Act, that I have introduced with Senators DODD, LIEBERMAN, and LAUTENBERG, would have this Senate reach the same conclusion. I rise tonight not to offer an amendment but in the hopes of asking the Finance Committee in the next few weeks to review, as the Ways and Means in the House of Representatives has done, to review this legislation, and to reach its own judgment, so in future weeks we can come back to the floor of the Senate and ask the Senate to make an informed judgment.

I believe it is important. Today it may be the people of Connecticut and New Jersey. This is a principle we will visit again. People who live in Indiana may one day commute to Chicago and find the city of Chicago thinks it is a good idea to tax somebody else for their services. I daresay the people of Alabama may one day find they are commuting to Mississippi and finding they are paying a tax subjected only on their own citizens. This is anathema to our national union. It is taxation without representation. It is a violation of privilege of immunities. It is a problem of equal protection. Indeed, it violates our sense of union.

While I do not insist on the amendment tonight, we will return to this moment in the hope that as the courts have found and as the House of Representatives has found, we can once again establish this principle.

Mr. DODD. Will the Senator yield?

Mr. TORRICELLI. I am happy to yield to the Senator.

Mr. DODD. I commend my colleague from New Jersey for taking a leadership role on this.

We should point out to our neighbors in New York how much we appreciate and support our great neighbor. The city of New York is a source of great economic vitality for our region. Our citizens are proud to live in our respective States of New Jersey and Connecticut, happy to work in the State of New York, but we want to be treated equally.

My colleague from New Jersey has rightfully raised this issue and pointed out that almost 100,000 constituents of mine who commute every day to the city of New York, and the almost 300,000 from the State of New Jersey, have raised a very important issue. We are confident our colleagues from New York are going to be tremendously sympathetic to this injustice that could be heaped on their neighboring States of New Jersey and Connecticut.

I thank my colleague from New Jersey for raising this issue.

Mr. LAUTENBERG. Mr. President, New York state legislature exempted New York state residents from paying the New York City commuter tax. But out-of-state residents—including people who live in New Jersey—are not exempt. They're supposed to keep paying the tax.

Commuting between states is an inescapable reality of modern life. As our population grows, the physical boundaries that used to divide one city from another are breaking down.

More and more everyday, our country is becoming a collection of regions. And that's especially true on the east coast, where urban populations are already closer together than they are anywhere else.

Should we punish people for this? Is it fair to single people out for harsher tax treatment just because they live in one state and work in another? Of course not. It's economic discrimination. And even worse, it's unconstitutional.

It's especially unfair in the case of New Jersey residents who work in New York City. Those people work hard. And their work brings real, tangible benefits to New York—benefits that translate into a stronger economy for New York City and the rest of the state.

New York needs those commuters. But that fact seems to escape the state's lawmakers. Their message to New Jersey residents is this—''You're second-class citizens. You don't live on our side of the state line, so you don't count.''

In 1996 alone, nearly 240,000 New Jersey residents paid $75 million in commuter taxes to New York. I'm sure they didn't like paying it, but at least in 1996 the tax was applied with a sense of fair play. Not anymore. Those commuters are plenty mad. And who can blame them?

Commuting to work is a necessity for millions of people. Often, it's an economic necessity. Or a desire to be close to family members.

When you tax people just for driving across state lines to work, you're essentially telling them they shouldn't have a choice about where they live.

That is wrong, Mr. President. I ask my colleagues to support this amendment.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from New York is recognized for 5 minutes.

Mr. SCHUMER. I very much appreciate the encomia that the Senator from Connecticut has given to our State of New York.

I want to thank my colleague from New Jersey for not forcing this dubious amendment tonight. First of all, there are two reasons to reject this amendment. One is that it is moot. Six days ago, as the Senator from New Jersey indicated, a court knocked out the entire commuter tax. To spend time debating this amendment right now, at this late hour, when people are eager to leave, and when the good work of the Senator from Texas and the Senator from Illinois has to be completed, does not make much sense.

Second, I caution that for the Senate to do this amendment without any hearings, without it going to the Finance Committee, might jeopardize all sorts of other complex decisions. Many States have pacts and agreements and covenants with neighboring States. How much this amendment affects those pacts and agreements, I don't know—but neither does anybody else in this Chamber.

To move this legislation which might have an effect on so many things, I am told, without nary a hearing or a discussion, would be a serious mistake. In fact, the Federation of Tax Administrators, on June 21, wrote about the companion bill in the House. They said:

> Just what this bill is trying to do that has not already been done is the question. Unfortunately, when Congress attempts to restate existing constitutional law, the courts are left to cast about for a meaning for the new law. The resulting interpretations lead to countless examples of ''unintended consequences.'' Because of the bill's widespread impact, its confusing language, and the fact that the protections Congress hopes to bestow upon the taxpayers of New Jersey are already firmly established in the U.S. Constitution, the Federation [that is the Federation of Tax Administrators] would urge you at a minimum to withhold consideration of the House companion bill.

So I appreciate the fact we have done that in the House. We will debate this another day, this already moot point, and to not take any further time from my colleagues who are eager to debate other issues.

I yield back the remainder of my time and wish my colleagues a happy Fourth of July.

The PRESIDING OFFICER. The Senator from Montana.

OPEN-MARKET REORGANIZATION FOR THE BETTERMENT OF INTERNATIONAL TELECOMMUNICATIONS ACT

Mr. BURNS. I ask unanimous consent that the Senate now proceed to consideration of S. 376 as reported by the Commerce Committee.

Mr. LOTT. Reserving the right to object, and I will not object, I just want to commend the Senator from Montana for his dogged determination to move this legislation. I am sure that all of its imperfections will be resolved in conference. I commend him for his efforts.

I withdraw my reservation.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

> A bill (S. 376) a bill to amend the Communication Satellite Act of 1962 to promote competition and privatization in satellite communications, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. LOTT. Mr. President, today the Senate will pass a measure that will usher in a new era in the international satellite communications marketplace. This bill is the result of months of deliberation among many of my colleagues and builds upon a debate from last Congress.

First and foremost, I extend my appreciation to the distinguished chairman of the Communications Subcommittee, Senator CONRAD BURNS, for his unrelenting diligence in working with all parties involved, both in the Senate and in the private sector. There were numerous players who had a stake or an interest in this reform measure. Senator BURNS was willing to accommodate their perspectives while remaining true to his commitment to move forward. I thank him for that.

Along with Senator BURNS, other Members in this Chamber, Senator BREAUX, Senator HOLLINGS, Senator STEVENS, and others were actively engaged in the process. Their contributions enhanced the final product in many respects and helped produce a more balanced bill. Let me also recognize Senator JOHN MCCAIN, chairman of the Senate Commerce Committee. His leadership and his support has been instrumental in helping to advance this effort, and I want to thank him as well.

Reaching a unified unanimous, Senate position on legislation of this magnitude was not a simple task. Although the bill garnered widespread agreement on principle, the technical issues have not been easy. Some were complex, given the marketplace transition from one dominated by intergovernmental organizations to one of private sector competition. Other issues were straightforward but contentious. This made it necessary to take the time and work through some of these areas in a fair and open manner. We did, and I am pleased that the Senate has now moved forward.

S. 376 enacts timely reform of a visionary policy adopted by Congress in the early 1960s to blaze the trail of a global communications network. It was the right policy at the right time. A solid foundation was laid as a result, and commercial satellite service has come of age. Now, over 35 years later, it is the right time for Congress to enact another visionary public policy. One that will move us from a marketplace dominated primarily by intergovernmental organizations to one of competitive, privately owned companies offering viable opportunities and real choices. A marketplace that will reflect today's market realities and encourage robust competition in our new satellite communications community for years to come. Such services are growing in demand, and Congress should act on behalf of consumers. They deserve it.

I always say that nothing could get done in the Senate without dedicated staff. Several individuals worked hard to prepare this legislation for passage. They include Mark Ashby, Lloyd Ator, Mark Buse, Greg Elias, Paula Ford, Leo Giacometto, Carole Grunberg, Maureen McLaughlin, Mike Rawson, Greg Rhode, Mitch Rose, Ivan Schlager, and Howard Waltzman. I thank them all for their time and their efforts.

It is my hope this is the year Congress will pass an international satellite privatization bill.

Mr. LIEBERMAN. Mr. President, I rise today to express my concerns about S. 376, the international satellite reform legislation. While I commend my colleagues who have worked hard on this very important issue, I am concerned that there is still more work to do to ensure reform that results in a truly competitive market.

Comprehensive satellite reform is long overdue. The 1962 Communications Satellite Act is based on a 1960s

era notion that telecommunications services must be provided by national or international monopolies. This thinking gave rise to two treaty organizations, INTELSAT and Inmarsat, to provide international satellite communications services. Comsat, a private company, was created by Congress in 1962 and has been the U.S. representative—known as the Signatory—to these intergovernmental organizations. Today, we know that technology and the marketplace demand that this monopoly, governmental model must give way to private competition.

S. 376 may be a first step toward reaching the goal of privatizing the treaty organizations and reforming the 1962 Act. But more remains to be done.

One important issue that is very troubling to me involves the legal immunity that Comsat enjoys as the U.S. Signatory to INTELSAT. This is a critical issue. The FCC has found that Comsat's immunity gives it significant competitive advantages. Comsat is a publicly-traded private company. Legal immunity is an extraordinary advantage in the marketplace. It is rare for Congress to grant such a powerful advantage to a private commercial company. We must be very careful here.

I understand that Comsat might remain as the U.S. Signatory until INTELSAT is fully privatized, and, therefore, it would retain some official responsibility to represent the U.S. government. I understand that, in that capacity, it might need legal immunity when it is acting at the instruction of the U.S. government. But in every other action it takes, at INTELSAT or elsewhere, it should not and does not enjoy legal immunity. S. 376 limits Comsat's legal immunity.

My concern here is a simple one. If Congress by law is bestowing legal immunity on a private company, Congress has an obligation to be very clear and precise as to what actions are protected. The provisions in S. 376 that limits Comsat's immunity is not precise and specific enough. However, the intent and wording is plain that as long as Comsat represents the U.S. officially at INTELSAT prior to its privatization, it may enjoy legal immunity, but that immunity is clearly limited to the actions it takes pursuant to the written instruction it receives from the U.S. government.

While the intent is clear that Comsat obtains immunity only when it is acting under written government instruction, the language in this bill regarding immunity requires further clarification at conference.

We have a duty to be clear and precise when we grant such an extraordinary benefit as legal immunity to a private company. I raise this today because I want this issue to be further resolved in the Conference Committee, prior to enactment.

I look forward to working with my colleagues, Senators HOLLINGS, MCCAIN, LOTT, STEVENS, BURNS and others on the Commerce Committee to ensure that this clarification problem is corrected.

Mr DODD. Mr. President, I am pleased that today we will pass S. 376, which concerns the important topic of International Satellite Reform. I have followed the issue with interest for years, in part because in my Foreign Relations Committee work, we have addressed the market access concerns that are a critical part of opening up this industry.

Although it is significant to finally have the Senate on record supporting the need for a competitive restructuring of the international satellite market, this bill will need some work before it can achieve that goal. It does not make sense to address this issue for the first time in over 35 years, and to leave some issues unresolved. I believe that there is room for improvement with respect to balancing incentives and leverage in making the international marketplace more competitive. I also believe we need to move quickly to normalize our relations with Intelsat, and its U.S. component, Comsat.

I urge the Senate conferees from the Commerce Committee to continue their good work by tightening up this bill and removing unnecessary loopholes.

AMENDMENT NO. 1221

Mr. BURNS. There is a managers' amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. BURNS], for himself, Mr. LOTT, and Mr. STEVENS, proposes an amendment numbered 1221.

Mr. BURNS. I ask unanimous consent that the reading of the amendment be dispensed.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Section 4 of S. 376 (as amended by the ''ORBIT'' substitute) is amended by striking proposed

Section 603 of the Communications Satellite Act of 1962 and inserting the following new section:

''SEC. 603. RESTRICTIONS PENDING PRIVATIZATION.

(a) INTELSAT shall be prohibited from entering the United States market directly to provide any satellite communications services or space segment capacity to carriers (other than the United States signatory) or end users in the United States until July 1, 2001 or until INTELSAT achieves a pro-competitive privatization pursuant to section 613 (a) if privatization occurs earlier.

(b) Notwithstanding subsection (a), INTELSAT shall be prohibited from entering the United States market directly to provide any satellite communications services or space segment capacity to any foreign signatory, or affiliate thereof, and no carrier, other than the United States signatory, nor any end user, shall be permitted to invest directly in INTELSAT.

(c) Pending INTELSAT's privatization, the Commission shall ensure that the United States signatory is compensated by direct access users for the costs it incurs in fulfilling its obligations under this Act.

(d) The provisions of subsections (b) and (c) shall remain in effect only until INTELSAT achieves a pro-competitive privatization pursuant to section 613(a).''

On line 21, page 32, Section 612(b), insert ''subsection'' after the word ''under''.

On line 21, page 32, Section 612(b), replace ''consider'' with ''determine whether''.

On line 23, page 32, Section 612(b), insert ''exist'' after the word ''connections''.

On line 9, page 33, Section 612(b)(4), after ''ownership'', insert ''and whether the affiliate is independent of IGO signatories or former signatories who control telecommunications market access in their home territories.''

On line 19, page 35, section 613(c)(1), after ''taxation'', insert ''and does not unfairly benefit from ownership by former signatories who control telecommunications market access to their home territories.''

On line 13, page 37, Section 613(d), replace ''consider'' with ''determine''.

On line 14, page 37, Section 613(d), insert ''and Inmarsat'' after ''INTELSAT''.

Mr. BURNS. I ask unanimous consent that the amendment be considered as read and agreed to, the committee substitute be agreed to, as amended, and the bill be read for the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1221) was agreed to.

The committee substitute, as amended, was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

(The bill will be printed in a future edition of the RECORD.)

Mr. BURNS. Mr. President, I thank our distinguished Majority Leader and Senator STEVENS for working with me, Senator MCCAIN, Senator HOLLINGS, and Senator BREAUX on the passage of S. 376, the Open-Market Reorganization for the Betterment of International Telecommunications Act, better known as ''ORBIT.''

The passage of ORBIT by unanimous consent today clearly indicates the Senate's overwhelming support for the approach taken in ORBIT to reform our satellite communications laws. I look forward to working with my good friend in the other body, Chairman BLILEY, on getting this legislation enacted into law this year.

ORBIT is a truly bipartisan bill that updates the Satellite Communications Act of 1962, expands competition, and encourages new market entrants in satellite communications. It will help to secure the rapid and pro-competitive privatization of INTELSAT by a date certain of January 1, 2002. The bill provides new incentives for INTELSAT's privatization, while at the same time, carries tough consequences if INTELSAT fails to achieve this important objective.

The bill also brings needed reform to the U.S. signatory to INTELSAT, COMSAT, by removing its special

privileges and immunities. In addition, the bill eliminates outdated statutory restrictions on the ownership of COMSAT, which will allow COMSAT to function like a normal, private commercial company.

ORBIT will enhance competition in satellite communications, bringing far reaching and long-term benefits to consumers both here and abroad. I thank my colleagues on both sides of the aisle, and I especially want to thank the staff. The staff of all parties was involved in this. There have been long hours and long days devoted to this particular issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. I yield to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2000

Mrs. HUTCHISON. Mr. President, at this time I call up Calendar No. 170, S. 1283, the D.C. appropriations bill for fiscal year 2000.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

A bill (S. 1283) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for fiscal year ending September 30, 2000, and for other purposes.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I ask my colleague from Georgia if he would allow me to make a general statement about the bill for about 5 minutes, and then I will defer to Senator DURBIN if he has a statement?

Mr. COVERDELL. Absolutely.

Mrs. HUTCHISON. Mr. President, I am pleased to bring to the Senate floor the bill making appropriations for the government of the District of Colombia for fiscal year 2000. This bill is largely the result of the cooperation between Mayor Williams, the city council, and the Financial Control Board. As a result of the hard work of locally elected officials, the Congress and the Financial Control Board, we begin to see signs of a healthier financial picture in the District.

At the end of fiscal year 1998, the District boasted an annual surplus of $445 million. This surplus allowed the District to eliminate the accumulated deficit.

Having paid that off, the District still realized a $112 million positive fund balance. The District is projecting a $282 million fund balance by the end of this year, which is 6 percent of the gross budget. The District's healthy fund balance and improved economic forecasts have helped the District achieve investment grade bond ratings on Wall Street, which will save the District millions in borrowing costs. One of the important provisions in the committee bill creates a mechanism that will help improve this situation even more. I am looking toward a higher bond rating for the city than the level at which it now rests.

While the economic condition of the District is improving, service delivery in our Nation's Capital still has a way to go. The public school system is still in serious condition. Chief among these concerns are recent reports of convicted felons walking away from district-run halfway houses and committing violent crimes. The District government will not be able to attract new families, middle-class families, to the city unless its streets are safe, the schools are effective, and its tax structure is competitive with surrounding jurisdictions.

Despite these problems, the budget moves the city in the correct direction, and I think we are making great progress. The subcommittee has adopted the District's consensus budget with a few modifications. These are the few:

We have again required the District to hold a $150 million reserve fund, and there are tight restrictions on the use of the reserve fund. It can now serve as a true ''rainy day'' fund for the city. In addition, we require the District to hold a 4-percent budget surplus. The combination of the reserve and the required surplus will give the District a solid financial cushion that is slightly above what other major cities hold, but it is appropriate for the District in order to improve its bond rating. Any funds above the 4-percent surplus are directed to be used in this manner: No less than half for debt reduction, no more than half for spending on nonrecurring expenses.

Currently, the District spends 13 percent of its budget servicing its debt. The highest normal ratio for a city is 10 percent. The reforms envisioned by this bill would bring this more in line with other cities.

The city's debt was at one time so bad that it was not even rated by the major agencies. The city's bond rating is now investment grade, although it is the lowest rank of investment grade. I think this budget will start the process by which that rating will be upgraded. This is so important for the District to save millions in borrowing costs in the future.

In addition, our budget has education reform. The committee has provided $17 million for the D.C. College Tuition Assistance Program, subject to authorization. I will wait and talk about that a little more when Senator DURBIN discusses it as well.

We have also addressed the issue of charter schools in the city. Many believe that charter schools are an important force for improving education in the city. Our bill adopts the D.C. City Council program to ensure that pupils in both public schools and charter schools receive the same amount of funding. This way, charter schools will remain an education alternative for students in the District.

Everyone knows crime in the District is still too high. We have provided $5.8 million for drug testing of people on probation. This has worked in other cities and we hope it will bring down the crime rate in the District of Columbia as well. We provided $1 million to the D.C. police to combat open-air drug markets. This was a special concern expressed by Senator DURBIN, and I think a correct one. These are dens of criminal activity that ruin a neighborhood and spread drugs to children. This money we hope will be used to start wiping out those open-air drug markets.

We have also permitted the District to use economic development funds that we appropriated last year to be used for local tax relief for commercial revitalization. Rebuilding or refurbishing a blighted neighborhood is the most important thing we can do to bring it back into the economic mainstream and keep it safe. The District has found just recently, as the landlord of a number of abandoned properties, that such properties are a magnet for crime and drug use. So these funds can be used for revitalization and public/private partnerships.

The committee tried to address the concerns of the mayor and the council. We certainly intend to improve the education system in the District. We are not where we want to be to make the Capital City the very best city in the whole United States, the beacon for what America is, but we are heading in that direction. It is the goal of Congress to make sure that our Capital City is one that all Americans feel they own and they can be proud of.

I am pleased the Appropriations Committee reported this bill unanimously and look forward to working through the conference with Senator DURBIN, my ranking member, who has been very cooperative and helpful in getting a bill through that will address the needs the District has and provide for those needs.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, let me say this is a new assignment for me as a ranking Democrat on the subcommittee on D.C. appropriations. I served in a similar capacity in the House and it has become a subject which I am more familiar with each time the appropriation process begins. But it has been a special pleasure to work with the chairman of this committee, Senator KAY BAILEY HUTCHISON of Texas. This is the first time we worked this closely together. It has been a very professional relationship, and I think a very productive one for the people of the District, as well as the Senate.

I salute, as well, Mary Beth Nethercutt and Jim Hyland of her staff, for their cooperation. I thank, on my side, Terry Sauvain, who is not

only the minority clerk for this bill but who also serves as the minority deputy staff director for the Appropriations Committee. I appreciate very much Senator BYRD making him available to help me on this my maiden voyage on the Senate Appropriations Committee.

My staff member, Marianne Upton, of the D.C. authorization subcommittee of the Governmental Affairs Committee has worked tirelessly as well, and I extend my gratitude to her, as well as Liz Blevins and Suzanne Bailey of the committee staff.

May I say at the outset that I am heartened at the election of Mayor Williams in the District of Columbia. I do believe it is a new day for the District. The District has a better chance for a better future than it has had in many years. Those of us who had lost faith in the future of the District of Columbia have had it renewed by the earliest days of his administration. He is a man who is honest. He is a man who is dedicated. He truly wants the very best for the District of Columbia and I am anxious to work with him.

People whom he has hired to this point in his administration include some for whom I have a high regard. Police Chief Ramsey, who was a member of the Chicago police force, was well respected there and I am certain will do a good job here. Terry Gainer, who was the Superintendent of the Illinois State Police, works as an assistant to Chief Ramsey, and he, too, brings extraordinary expertise in the field of law enforcement.

Mr. President, having said that, Senator HUTCHISON has explained this unusual situation where the Congress of the United States, the Federal Government, appropriates money to give to a city government, the D.C. government. Of course, that is why we are here this evening. We have a special interest in the District of Columbia, not just because the Capitol is located here, but because we believe, as every American does, that this is our city, too. Whatever our hometowns happen to be, the District of Columbia, Washington, DC, is our capital city, and we are very proud of it.

The millions of visitors who come each year really come to enjoy the institutions, the landmarks, the monuments, and all of the things that make this such a wonderful city and respected across the face of the Earth. The building we work in, the U.S. Capitol, is one of the most recognizable buildings in the world, and we are proud to work here, to be part of it, and we understand that Washington, DC, is part of the future of this country and part of our heritage.

Having said that, though, I have to be very candid. When my friends in Illinois and others tell me they are going to visit the District of Columbia, I tell them: Be careful. You have to be careful because, sadly, the crime in the District of Columbia is the worst in the Nation. The murder rate in the District of Columbia is more than twice any other city in the United States and certainly more than any other city in the world, from all the information I have been given. The number of auto thefts is higher in the District of Columbia than anywhere else in the United States of America. The schools, sad to say, are some of the worst. They may be getting better, and we hope they will, but, unfortunately, there are many problems.

When the mayor of the city came to testify before our committee, he said the Annie E. Casey Foundation has done an evaluation of children in the District of Columbia on how our kids are doing in Washington, DC. Time after time, we find they are doing worse than virtually every city in the United States or any State in the Union. As good as the District of Columbia may be, as inspiring as the monuments may be, there are endemic problems in this city which are horrible.

I am happy the revitalization plan has really given the District more voice in its own future. I have tried throughout the years to overcome the temptation to meddle in the politics of the District of Columbia and to let them govern themselves as much as humanly possible.

I can tell you as a person who has spent a good part of his adult life in the District, it has been tempting sometimes to speak up. Tonight I will speak up on an action taken by the D.C. City Council which I think is absolutely irresponsible. I will get to that a little later. But this appropriations bill tries to strike that balance where the Federal Government comes in with its contribution to the District of Columbia and respects the right of this city to make its own decisions, even if, in the judgment of some Senators here this evening, we think those decisions are wrong.

I, once again, salute Senator HUTCHISON. I know during the course of the debate on the amendments before us we will have a chance to get into more specific issues.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, under the unanimous consent agreement, at this time we will go to Senator COVERDELL's amendment, and the time will be divided, 20 minutes under the control of Senator COVERDELL and 10 minutes under the control of Senator DURBIN.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. I thank the Senator from Texas.

AMENDMENT NO. 1222

(Purpose: To prohibit the use of funds for the distribution of sterile needles or syringes for the hypodermic injection of any illegal drug.)

Mr. COVERDELL. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. COVERDELL], for himself and Mr. ASHCROFT, proposes an amendment numbered 1222.

At the appropriate place, insert the following:

SEC. . None of the funds contained in this Act may be used for any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug, or for any payment to any individual or entity who carries out any such program.

Mr. COVERDELL. Mr. President, the amendment, in a sense, is a reflection of the comments just made by the Senator from Illinois about some of the difficulties in the Nation's Capital, and the amendment is drafted in the belief that a needle exchange program in the Nation's Capital is not conducive to the safety of the citizens of the Nation's Capital.

I ask unanimous consent that a New York Times op-ed dated Wednesday, April 22, 1998, by James L. Curtis, a professor of psychiatry at Columbia University Medical School and the director of psychiatry at Harlem Hospital, be printed in the RECORD.

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

[From the New York Times, April 22, 1998]

CLEAN BUT NOT SAFE

(By James L. Curtis)

Donna Shalala, the Secretary of Health and Human Services, wanted it both ways this week. She announced that Federal money would not be used for programs that distribute clean needles to addicts. But she offered only a halfhearted defense of that decision even stating that while the Clinton Administration would not finance such programs, it supported them in theory.

Ms. Shalala should have defended the Administration's decision vigorously instead, she chose to placate AIDS activists, who insist that giving free needles to addicts is a cheap and easy was to prevent H.I.V. infection.

This is simplistic nonsense that stands common sense on its head. For the past 10 years, as a black psychiatrist specializing in addiction, I have warned about the dangers of needle-exchange policies, which hurt not only individual addicts but also poor and minority communities.

There is no evidence that such programs work. Take a look at the way many of them are conducted in the United States. An addict is enrolled anonymously, without being given an H.I.V. test to determine whether he or she is already infected. The addict is given a coded identification card exempting him or her from arrest for carrying drug paraphernalia. There is no strict accounting of how many needles are given out or returned.

How can such an effort prove it is preventing the spread of H.I.V. If the participants' are anonymous and if they aren't tested for the virus before and after entering the program?

Studies in Montreal and Vancouver did systematically test participants in needle-exchange programs. And the studies found that those addicts who took part in such exchanges were two to three times more likely to become infected with H.I.V. than those who did not participate. They also found that almost half the addicts frequently shared needles with others anyway.

This was unwelcome news to the AIDS establishment. For almost two years, the Montreal study was not reported in scientific

journals. After the study finally appeared last year in a medical journal, two of the researchers, Julie Bruneau and Martin T. Schechter, said that their results had been misinterpreted. The results, they said, needed to be seen in the context of H.I.V. rates in other inner-city neighborhoods. They even suggested that maybe the number of needles given out in Vancouver should be raised to 10 million form 2 million.

Needle-exchange programs are reckless experiments. Clearly there is more than a minimal risk of contracting the virus. And addicts already infected with H.I.V., or infected while in the program, are not given antiretroviral medications, which we know combats the virus in its earliest stages.

Nedle exchanges also affect poor communities adversely. For instance, the Lower East Side Harm Reduction Center is one of New York City's largest needle-exchange programs. According to tenant groups I have talked to, the center, since it began in 1992, has become a magnet not only for addicts but for dealers as well. Used needles, syringes and crack vials litter the sidewalk. Tenants who live next door to the center complain that the police don't arrest addicts who hang out near it, even though they are openly buying drugs and injecting them.

The indisputable fact is that needle exchanges merely help addicts continue to use drugs. It's not unlike giving an alcoholic a clean Scotch tumbler to prevent meningitis. Drug addicts suffer from a serious disease requiring comprehensive treatment, sometimes under compulsion. Ultimately, that's the best way to reduce H.I.V. Infection among this group. What addicts don't need is the lure of free needles.

Mr. COVERDELL. Mr. President, I am going to read several of the statements made by Mr. Curtis in the op-ed. He says:

For the past 10 years, as a black psychiatrist specializing in addiction, I have warned about the dangers of needle-exchange policies, which hurt not only individual addicts but also poor and minority communities.

There is no evidence that such programs work. . . .

Studies in Montreal and Vancouver . . . found that those addicts who took part in such exchanges were two to three times more likely to become infected with HIV than those who did not participate. They also found that almost half the addicts frequently shared needles with others anyway. . . .

Needle-exchange programs are reckless experiments. . . .

Needle exchanges also affect poor communities adversely. For instance, the Lower East Side Harm Reduction Center is one of New York City's largest needle-exchange programs. According to tenant groups I talked to, the center, since it began in 1992, has become a magnet not only for addicts but for dealers as well. . . .

The indisputable fact is that needle exchanges merely help addicts continue to use drugs. . . .

Mr. President, I point out the last time that an amendment like this appeared before the Senate, it was adopted 96–4.

General McCaffrey, the Nation's drug czar, says:

As public servants, citizens and parents, we owe our children an unambiguous no use message. And if they should become ensnared in drugs, we must offer them a way out, not a means to continue addictive behavior.

He goes on to say:

The problem is not dirty needles, the problem is heroin addiction . . . the focus should be on bringing help to the suffering population—not giving them more effective means to continue their addiction. One doesn't want to facilitate this dreadful scourge on mankind.

A spokesman for the Office of Drug Control Policy also said that ''addicts who took part in needle-exchange programs in Vancouver and Montreal had higher HIV infection rates than addicts who did not participate.''

Just a word or two about the Vancouver experiment. In the case of Vancouver's needle exchange program, one of the biggest in the world, studies show that intravenous drug use increased by 20 percent and deaths from overdose have increased five-fold since 1988 when the program started. Some needle exchange programs actually encourage cocaine and crack injection providing so-called safe crack kits with instructions on how to inject crack intravenously.

I have one of the kit's brochures. It is the one issued by the Bridgeport Needle Exchange Program in Bridgeport, CT. It makes an interesting menu. It starts off:

Get your stuff ready.

Have a cooker, water, syringe, citric or ascorbic acid, cotton and alcohol wipes ready.

Put crack and citric or ascorbic acid (about a pinch to a slab), in a cooker. Add plenty of water (about) 30 to 40 I.U. of water. Smash and mix well.

Add cotton and draw up into the syringe.

Get your vein ready.

Tie off, find a good vein and clean with a alcoholic wipe.

Inject, make sure you are in a vein, register, look for blood back flow in syringe.

Slowly push plunger in for injection. This helps to avoid vein trauma and collapse.

Withdraw needle. Apply pressure for about a minute. Use clean gauze tissue. . . .

Well, anyway, it goes on to say: Take care of yourself. Use vitamin C, eat a good diet, and things will be just fine.

I agree with General McCaffrey. I especially agree that in the Nation's Capital we do not want to send the messages of a needle exchange program.

I ask unanimous consent that Senator ASHCROFT of Missouri be added as a cosponsor to my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL. Mr. President, I can assure the Senate and the Nation that we will continue pressing for this amendment. I believe we are going to succeed and overcome our foes that have caused us to have to withdraw this tonight. I think we are going to be successful because I think common sense, in this case, will prevail again.

I ask unanimous consent that when the time assigned to Senator DURBIN expires this amendment be withdrawn.

The PRESIDING OFFICER. Is there objection?

Hearing none, it is so ordered.

Mr. COVERDELL. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Who seeks time?

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I believe under the unanimous consent agreement I am given 10 minutes to speak in opposition to this amendment; is that correct?

The PRESIDING OFFICER. That is correct, sir.

Mr. DURBIN. Thank you very much, Mr. President.

This is a tough topic. I not only don't care to talk about intravenous drug injection, I can't stand watching it on television.

I find myself in the middle of a debate where you have to face the reality of what this is all about. The reality is that too many people in the District of Columbia—wait a minute—too many people in America have become IV drug users. We are trying to reduce that number, not only because addiction to drugs can ruin your life but also because there are other dangers associated with it, such as HIV and AIDS and hepatitis, and so many other things that cause problems.

I find it interesting that the Senator from Georgia, together, I understand, with the Senator from Missouri, comes here to try to stop the needle exchange program in the District of Columbia, because as we look at a map of the United States showing the States that have needle exchange programs, we see there is a needle exchange program in the home State of the Senator from Georgia and there is a needle exchange program in the home State of the Senator from Missouri.

As you look across the Nation, you see that many States are trying these programs. I am certain that the Senator from Georgia has spent a great deal of time trying to overturn the decision in his own State. That is probably why he comes here in this crusade against the D.C. needle exchange program.

But before we dismiss this as something that might encourage drug use, please, let's look at the facts.

The highest rate of new HIV infections is in [Washington, DC.] AIDS kills in the District like no other cause of death for residents between ages 30 and 44.

I am quoting from a July 1, 1999, Washington Post editorial. I ask unanimous consent that it be printed in the RECORD.

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

[From the Washington Post, July 1, 1997]

HOW TO SPREAD HIV IN D.C.

When the Senate takes up the District's fiscal year 2000 budget, a floor amendment may be offered to ban a needle-exchange program in the city. A yes vote is a green light to allow HIV to spread unimpeded among intravenous drug users.

The District has strong reason for an effective needle-exchange program. The highest rate of new HIV infections is in the nation's capital. AIDS kills in the District like no other cause of death, for residents between ages 30 and 44. The city has the distinction of

having an AIDS death rate seven times the national average. As if this weren't tragic enough, the city also has to contend with needle-exchange opponents attacking a program that has—through the Whitman Walker Clinic—reduced the spread of HIV by causing a 29 percent drop in the number of drug injections.

Opponents will argue that needle-exchange programs promote drug use. That has not been the District's experience. Nor has it been the experience of more than 113 other state and local government-supported programs across the nation. Maybe that's why the American Medical Association, the National Academy of Sciences, the American Bar Association and the U.S. Department of Health and Human Services have thrown their weight behind the program.

Last year Congress unwisely added to another District law a prohibition on funding a needle-exchange program. In an act of legislative overkill, it also required that private groups spending their own money on such programs lose any federal funds they might receive. That took the Whitman Walker Clinic out of the picture. As a result, a local group receiving only private funds is trying to fight the spread of HIV on a shoestring budget. That's the wrong way to fight a killing disease. The District should be able to spend its own money on this lifesaving program.

Mr. DURBIN. I will continue:

[Washington, DC] has the distinction of having an AIDS death rate seven times the national average. As if this weren't tragic enough, the city also has to contend with needle-exchange opponents attacking a program that has—through the Whitman Walker Clinic—reduced the spread of HIV by causing a 29 percent drop in the number of drug injections.

So we have a terrible scourge of HIV and AIDS right here in the Nation's Capital—seven times the national average. We have a program that tries to convince HIV users, through a needle exchange, to stop it, to go through drug rehab, to end their addiction. And it is successful.

As a result of the program, there was a 29-percent drop in the number of drug injections. The Senator from Georgia—and he is going to withdraw the amendment, in fairness to him—the Senator from Georgia says the best thing we can do is eliminate that program. That is an invitation for more HIV and AIDS and more addiction.

Mr. President, 75 percent of the cases of babies born with HIV are due to the use of dirty needles by either the mother or the father, and 70 percent of the cases of women with HIV are due to their own or their partner's use of contaminated needles.

That is what the debate is all about. It pains me to even talk about this topic. I am not comfortable with it. But I think we have to be honest if we want to deal with public health issues. We should say—and I think it should be a standard—that we will not support a needle exchange program unless it fits two criteria: First, it has a valid public health purpose—and I certainly believe that the elimination or reduction of HIV and AIDS in the District of Columbia is such a valid purpose—and, secondly, it must not encourage addiction to drugs.

There is absolutely no evidence that this program in the District encourages addiction. In fact, just the opposite is true. Those who come to these clinics end up getting in programs where they finally—perhaps after a lifetime of addiction—find themselves drug-free so that their babies can be born drug-free.

I am glad that the Senator from Georgia is going to withdraw this amendment. As difficult as it is to talk about some of these issues, we must face the reality that it is part of our responsibility.

The needle exchange program, which he would have restricted, is supported by many groups that I think have great stature in our country: The American Medical Association, the National Academy of Sciences, the American Academy of Pediatrics, the American Bar Association, the U.S. Conference of Mayors, and many others.

Again, I am happy the Senator is going to withdraw his amendment.

I yield the floor.

AMENDMENT NO. 1222 WITHDRAWN

The PRESIDING OFFICER. The amendment is withdrawn.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I just say, I commend Senator COVERDELL for offering the amendment. I think that because of the opposition, he withdrew it. But if this is a subject that will come up in our conference committee, I will be supportive of the amendment. I think it is a tragedy to give any credence to the notion that it is OK to use drugs and we just wanted to make sure you have clean needles to do it.

So this may come back. When it does, I will certainly be favorable to making sure we do not send any kind of signal that would make this an acceptable occasion in our country.

Mr. President, I think Senator DASCHLE has asked to put his amendment up next. I am happy for him to do that.

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I have no objection to changing the order so the minority leader can offer his amendment at this time.

The PRESIDING OFFICER. Without objection, the minority leader is recognized.

AMENDMENT NO. 1223

(Purpose: To direct the Secretary of the Interior to implement the notice of decision approved by the National Capital Regional Director, dated April 7, 1999)

Mr. DASCHLE. Mr. President, I have an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from South Dakota [Mr. DASCHLE] proposes an amendment numbered 1223.

Mr. DASCHLE. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 53, between lines 11 and 12, insert the following:

SEC. 1_____.—WIRELESS COMMUNICATIONS.—(a) IN GENERAL.—Notwithstanding any other provision of law, not later than 7 days after the date of enactment of this Act, the Secretary of the Interior, acting through the Director of the National Park Service, shall—

(1) implement the notice of decision approved by the National Capital Regional Director, dated April 7, 1999, including the provisions of the notice of decision concerning the issuance of right-of-way permits at market rates; and

(2) expend such sums as are necessary to carry out paragraph (1).

(b) ANTENNA APPLICATIONS.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, a Federal agency that receives an application to locate a wireless communications antenna on Federal property in the District of Columbia or surrounding area over which the Federal agency exercises control shall take final action on the application, including action on the issuance of right-of-way permits at market rates.

(2) GUIDANCE.—In making a decision concerning wireless service in the District of Columbia or surrounding area, a Federal agency described in paragraph (1) may consider, but shall not be bound by, any decision or recommendation of—

(A) the National Capital Planning Commission; or

(B) any other area commission or authority.

Mr. DASCHLE. I thank my colleagues for their cooperation and indulgence. I appreciate very much the opportunity to go out of order. This should not take very long.

Mr. President, I want to just take a couple of minutes to talk about why I believe this amendment is needed, primarily for the RECORD, but also for those who may be interested in knowing of a problem that I think is a serious one that has to be addressed.

After 4 years of delay, the National Park Service tentatively approved applications to locate two cellular antennae in Rock Creek Park on April 8 of this year. These antennae will be located in areas that are already developed; namely, the Park Service Maintenance Yard and the Fitzgerald Tennis Center. Engineering tests show that the antennae cannot be seen by park users.

In March of 1999, the Park Service completed the environmental assessment and concluded that these antennae pose no significant environmental impact.

Federal law directs agencies to make their property available to communications facilities so long as they comply with the National Environmental Policy Act, which these antennae do.

Unfortunately, even though the decision was approved on April 8, even though we have now waited 4 years, the

National Park Service has yet to announce its final decision. This amendment would simply require them to finish the process within 1 week of enactment—now after 4 years.

The U.S. Park Police has testified repeatedly that communication antennae are needed in Rock Creek Park because large sections of the park lack a reliable communications service. The police rely on commercial wireless communications for their own protection and to respond to the public's calls. Joggers, emergency medical groups, and other park users also testified these antennae will provide key links to police and rescue personnel. When someone is injured, rapid response may mean the difference between life and death.

The U.S. Park Police reported in Rock Creek Park over 3,500 safety incidents, including 348 violent crimes, 1,600 criminal offenses, and 1,664 traffic accidents in that 4-year period, from July 1995 to April 1999. When these incidents occur, there is no way for a victim or a Good Samaritan to call 911.

Our amendment ensures the intention of the Telecommunications Act is simply carried out. The act recognizes that Federal property should be available for locating the antennae so essential services for wireless communication can be provided.

In many locations in the D.C. area, Federal property holdings are extensive and afford the only reasonable location for such antennae. This amendment supports these initiatives. When the consideration of applications determines that the antennae meet applicable Federal environmental and other requirements, neither the Federal agencies nor local administrations should have any cause to block them. This amendment clarifies the current law for the Washington region like other jurisdictions and requires approval of these facilities if they meet all the Federal requirements.

That is an explanation of my amendment. I hope that, and I appreciate very much, under the unanimous consent agreement, we will have a voice vote on this matter. I certainly hope it can be maintained in conference, because I think this is a critical issue for public safety and also for the need for Federal responsiveness on issues of this import.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, the explanation of the amendment sounded very good. I had not seen the amendment until earlier this evening. I am happy to go forward with a vote on the amendment.

The PRESIDING OFFICER. All time on the amendment having expired, the question is on agreeing to amendment No. 1223.

The amendment (No. 1223) was agreed to.

Mr. DASCHLE. Mr. President, I move to reconsider the vote.

Mrs. HUTCHISON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DASCHLE. Mr. President, I thank the manager of the bill, the Senator from Texas, and my colleague, the Senator from Illinois.

AMENDMENT NO. 1224

(Purpose: To strike Federal funding for the District of Columbia resident tuition support program)

Mrs. HUTCHISON. Mr. President, the next item on the unanimous consent agreement is Senator DURBIN's tuition assistance program amendment. Twenty minutes will be given to Senator DURBIN, and I will control 10 minutes, at the end of which time Senator DURBIN will withdraw.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 1224.

The amendment is as follows:

On page 5, strike beginning with line 17 through page 6, line 4.

On page 11, line 1, after the semicolon insert ''up to''.

On page 11, line 2, after ''resident'' insert ''college''.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, a bipartisan group of legislators, Congressmen from this region, came up with an idea that is a very good one. It is an effort to try to promote higher education among the residents of the District of Columbia.

Washington, DC, does not have a major public university. The young people in D.C. are disadvantaged. People living in the State of Texas, young people living in the State of Illinois can consider a number of public universities and colleges and qualify for in-State resident tuition, which is usually much lower than those out of State.

That same benefit is not available for the young people in the District of Columbia by and large, and this scholarship idea, which was promoted by the Clinton administration, as well as local Congressmen and many others in this area, has come forward. It is one that I wholeheartedly support. I think this tuition assistance program is an excellent idea. The estimated cost is about $17 million a year. That sum is appropriated in this bill.

Having said that, though, I have taken exception to a fact of life in the District of Columbia. I mentioned at the outset that the District of Columbia is going through major reform, major revitalization. We have changed the Federal contribution to help the District in some regards. For example, we are paying more Medicaid in the District of Columbia than in my home State of Illinois. We are paying for certain benefits, like a $5,000 tax credit for those first-time homebuyers in the District, things to encourage the District of Columbia to stand on its own feet.

They have made progress. I give credit to Mayor Williams and the city council for a lot of positive things that have occurred in a very short period of time.

Having said that, though, there is an action by the D.C. City Council which I consider to be the height of irresponsibility. That was a decision by this city council this year to give $59 million in tax cuts to D.C. residents.

Mark my words, any politician would like to stand up and say: I am going to give you a tax cut. Everyone applauds. That is a natural applause line. But when you take a look at the District of Columbia and the situation that it faces, it is almost incredible that they would decide at this moment in history that they have $59 million they can't figure out how to spend; $59 million they want to return in tax cuts, some of them in the neighborhood of $100 or $150 a year, $2 a week, $3 a week, for a total of $59 million. This is a tax cut in a city that has serious infrastructure problems and serious problems when it comes to the very basic things.

Let me give you an example. Here we are at the Capitol Building. A lot of my staff members live nearby. One of my staffers said to me the other evening: I am going home.

I said: Do you need a ride?

He said: I just live five blocks away. He paused and said: But come to think of it, a woman was stabbed and murdered in my neighborhood last week. I will take a ride, if you don't mind.

I said: Do you know what you need in your neighborhood, where murders are occurring? You need a tax cut.

Well, I think we know better. The people in the District of Columbia, more than anything else, need police protection. They need protection because we have the highest murder rate in the Nation right here in the District of Columbia, more than twice the next city in any State in this entire country.

I had some time to look over what has happened with the D.C. Police Department. The D.C. City Council can't seem to see any need there beyond the current budget. In fact, they want to give away $59 million.

Let me tell you a little bit about the D.C. Police Department. I think it has a good chief. Chief Ramsey comes from Chicago. I think he is making changes. But they wanted to have 3,800 policemen in the District of Columbia, and they can't find them. They found about 3,500, so they are short of the mark of even having the force in the city that they hope to have.

When the new chief took over a year ago, he looked around the District of Columbia Police Department and learned that 75 percent of the telephones in the D.C. Police Department were rotary phones. This is like traveling in Eastern Europe after the wall came down and discovering what is left of the Soviet empire. You travel around the D.C. city government and wonder how in the world did it get so bad.

This D.C. City Council can look beyond that. They can look beyond the

fact that the policemen in the District of Columbia were not receiving firearms training a year ago. They can look beyond the fact that the D.C. policemen were not even trained for conducting sobriety tests. Can you imagine that? They didn't pull over speeders who were drunk because only 200 of the policemen, out of 3,800, had been trained in giving a basic sobriety test. In most cities in the Nation, 100 percent of the force receives that training.

The deficiencies, one after another, stack up until the people in this poor city worry more about getting hit in the head than whether they are going to get a tax cut. This is really, in my mind, quite a tragedy. If it were a family situation and you were trying to draw an analogy, the D.C. City Council decided to go out and buy a big screen TV although it couldn't afford to buy a lock for the front door of the house. That is what the tax cut is all about.

Give away $59 million in a city with these problems? That is not it alone. As I mentioned earlier, the D.C. public schools really need help. They have brought on some new people in an effort to try to deal with that. I hope it works. But the belief by the D.C. City Council that putting money into summer programs, early childhood development, afterschool programs is unnecessary, really strikes me as insensitive to the reality of the need for improving public education in the District of Columbia.

When the Mayor came and spoke to us, incidentally, he told us something which was troubling—I have a chart that demonstrates it—on children in the District of Columbia. The Casey Foundation took a look at kids in the District of Columbia, kids in Washington, DC. With one exception—and they looked at all the different criteria for children, and that was the high school dropout rate—the District of Columbia ranked worst in the Nation in every category involving children.

D.C. City Council, are you listening? The children you represent in these wards out here are the worst in the Nation in every single category. You can't figure out where to put $59 million, so you want to declare a dividend and give it away.

Why don't you consider, for a moment, the percent of low-birth-weight babies in the District of Columbia, the worst in the Nation, worse than any other State; the infant death rate in the District of Columbia is the worst in the Nation, twice the national average; the child death rate; the rate of teen deaths by accident and homicide; the teen birth rate; the percent of teens not attending school and not working; the percent of children living with parents who do not have full-time, year-round employment is last place in the District of Columbia; the percent of children in poverty; the percent of families headed by a single parent is the worst in the Nation.

The D.C. City Council has blinders on when it comes to the kids in the District of Columbia. They are more intent on the theory of a tax cut; they want to give $100. What is $100 worth when you are holding a premature baby who has to stay in the hospital for week after week and month after month in the hope that when it is all said and done, that child will have enough strength and intelligence to lead a normal life? Wouldn't you, as a member of the D.C. City Council, stop and say: Maybe we ought to dedicate a few dollars to the kids; maybe we ought to dedicate a few dollars to the police department?

I can't tell you, in my experience here in Washington, DC, how many times I have heard about the incidence of crime and how close it has come. I was a student here; I went to college and law school here. I have lived a big part of my life in Washington, DC. I have seen a lot of it. There is crime in other cities, make no mistake; but the rate of crime in this town is just incredible. The rate of auto theft is the worst in the Nation. A year ago, there was 1 police officer out of 3,500 who was assigned this responsibility of auto theft. These sorts of things, I suggest, the D.C. City Council ought to be taking into consideration—things that, frankly, cry out for a response.

The D.C. City Council says: No, we are not going to spend the money on the kids, we are not going to spend the money on the crime.

Pick up the Washington Post any morning of any day of any week, and you will find another story that is scandalous about what is happening in the District of Columbia. We have quotes here about homicides. Just in the last few months, a girl, 15, died in gang crossfire; an anticrime activist—he worked in one of the neighborhoods near Capitol Hill—was killed; a victim feared for family safety; four were arrested after a woman was killed by a stray bullet.

Last week, a grandmother—an innocent person—was killed by a stray bullet in a drive-by shooting. Little babies are being killed by guns. The D.C. City Council, when it reads headlines in the morning, must say that crime is so bad in the District that we need a tax cut.

That is what it is all about. If there is a belief that a tax cut is going to bring people back to the District to live, it is such a naive belief. People will live in the District of Columbia when it is safe to live in this District, when the schools are good schools, when the city meets its most basic needs. This idea, this perfidy that we can somehow answer the needs of the District with a tax cut, I find troubling.

That is why I raised the concern about this college tuition program. To think that we would take $17 million from the Federal Treasury and give it to the District of Columbia for this college assistance program at a time when the District of Columbia is giving away $59 million, I found to be particularly offensive—not that the program for college tuition isn't a good one, but the District of Columbia, apparently, has money to burn, money to give away, money to award in tax cuts, in a city that is in shambles, when you look at the basics.

I don't want to get into graphic details here. This mayor said he is going to do everything in his power to eradicate rats in this city. It is estimated that the rat population is larger than the human population in Washington, DC, and that doesn't include politicians in Congress. It is estimated that these problems cause public health hazards that, frankly, are rampant across Washington, DC. D.C. City Council says: We are not going to spend any of that $59 million on rat eradication; we are going to give a tax cut.

I think if they want to bring people to the District and businesses to the District, tax cuts can be part of the answer—after you have met the basics. If you can't afford a roof on your home, you won't go out and buy a swimming pool. If you can't afford the basics of food in the cupboard, you don't rent a caterer for a patio party. The D.C. City Council just doesn't get it; they are going to give away this $59 million.

I have been prepared to offer an amendment that would have said the money that was going to be allocated in this bill for this program would be stricken, $14 million. For the sake of the RECORD at this point, I want to offer the amendment.

AMENDMENT NO. 1224

(Purpose: To strike Federal funding for the District of Columbia resident tuition support program)

Mr. DURBIN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 1224.

On page 5, strike beginning with line 17 through page 6, line 4.

On page 11, line 1, after the semicolon insert ''up to''.

On page 11, line 2, after ''resident'' insert ''college''.

Mr. DURBIN. Mr. President, I am going to withdraw the amendment. I received a telephone call from the White House today, and it is very clear that this college tuition assistance program is very important to the President, and I understand it. It is something that was part of his budget, something that he believes would be very good for the children of the District of Columbia.

I have asked and received the assurance of the administration that when the District of Columbia makes next year's budget request, we are going to hold them to a very sensible yardstick. We are going to ask them whether their experiment worked. We are going to ask them whether or not this idea of a $59 million tax cut did, in fact, not only improve the quality of life in the District, but address the most basic problems—whether or not the crime

rate has come down, whether or not children are better off, and whether or not the schools are improved.

The District of Columbia will be held accountable. With that assurance, I can assure those who are listening that if I am still serving on the subcommittee, as I expect to be, I will apply the same standard. To the D.C. City Council, I say: I don't think you can have it both ways. I don't think you can give away the money in a tax cut and meet basic needs in the city. You have 12 months to prove me wrong. I will be watching.

I will be offering a sense-of-the-Senate resolution in a few moments that addresses some of the yardsticks and criteria we hope to use in measuring the performance of the D.C. City Council.

At this point, I ask how much time I have remaining under the unanimous consent request.

The PRESIDING OFFICER. The Senator has 5½ minutes.

Mr. DURBIN. At this point, I ask that my 5 minutes be held until Senator HUTCHISON has an opportunity to respond. If I may close, I will appreciate that.

Mrs. HUTCHISON. Mr. President, I have listened to Senator DURBIN's arguments on his amendment, and I have to say I am pleased that he is withdrawing the amendment, because I think his amendment is absolutely flat wrong.

Let's talk about what would give kids a chance in the District of Columbia. A better education system would give kids a better chance in the District of Columbia. We are funding health care for children in this District with the Federal programs that are available throughout our country. We are providing better support for education—well, we are not providing it; in fact, I think the District is providing it, and I think they are doing a good job. They are saying that charter schools should be given a chance, that if a child cannot be given a good public education in this system and that child chooses to go to a charter school, they will have an equal allocation of resources as if they were going to a public school—which a charter school is.

So the District is addressing education, because they want their kids to have a chance. We are putting more in crime prevention in this bill, in crime control, because we do think it is important to clean up neighborhoods. But a very important part of cleaning up neighborhoods is the tax cuts the District consensus budget envisions.

Now, the Senator from Illinois refers to these as giving away $59 million. Well, first of all, I don't think income tax cuts are giving money away. They are letting people who earn the money keep more of what they earn. Now, why would we support the District's decision to do that? Because the District is trying to clean up the neighborhoods, to do exactly what the Senator from Illinois wants to do—that is, have safe and clean neighborhoods throughout the District of Columbia.

The way they are doing this is with, I think, a quite balanced tax cut program. The tax cuts for business will attract business into the city. This city needs more business investment. It is a government city. There isn't much commercial activity. The commercial activity will clean up property. It will provide jobs. It will have economic viability. But it will also have more investment in beautification of the city.

Attracting business through tax cuts is something that is being done all over this country by cities that are trying to be progressive and improve their quality of life.

The tax cuts on the income tax side are so modest that I don't see how anyone could possibly disagree with them. People in the District who make $10,000 pay 6 percent in income taxes, and it would be lowered to 4 percent. It also gives breaks to the middle-income families that we want to be able to live in the District.

We want to have a full range of families able to live in the District, and we are trying to support the District's efforts to do exactly that—to make this a family-friendly city.

That is why it is so incredible that we would have any opposition to the tuition assistance plan, because one of the factors that a family uses to choose where it lives is the higher education potential for their children. I have had people tell me that it is like getting a $25,000-a-year pay raise to move to Texas because in-State tuition at Texas University is so low. I mean, it is ridiculously low. It is about $1,000.

So a person moving to Texas getting a first-rate education from the University of Texas, Texas A&M, all of our colleges, and universities that are rated in the top 10, top 20, in many fields, have a good bargain.

But what about a child who is growing up in the District of Columbia? They don't have a State university where they have an equal opportunity to go with in-State tuition because people are paying taxes to that State. This bill gives them that equal chance. This bill will equalize out-of-State tuition costs for D.C. students. So if they qualify to go to the University of Maryland, or the University of Virginia, or I hope the University of Texas, they will be able to have that added tuition they would have as an out-of-State student with these tuition assistance programs.

I think it is part of the overall strategy of the District to make this city family friendly. They are making every attempt in the budget they presented to us to give them a better chance for education at the grade school, middle school, and high school level. This bill gives them the chance to have out-of-State tuition lowered to in-State tuition, where they would qualify anywhere in the country.

This bill gives them more in crime prevention, more in crime control, and it says to businesses: We want you to come to the District, we want you to make an investment in the District, because we want to clean up the neighborhoods; and we know it is going to take a public-private partnership to do it.

But I think this bill is quite balanced. I think the District has done a terrific job in trying to use the money it has—both the Federal budget side and the local budget side—to do what is necessary to attract families back into the District to live, and to keep the families that are here living here. If they don't do something about the income tax rate, they are never going to attract people, because the income tax rates on either side of them in Maryland and Virginia are half of what they are in the District.

I think the Mayor and the council should be commended for saying: We are going to make our city attractive, we are going to do it in a balanced way, and we are going to meet the needs of the children in the District. But every city in the country is looking for ways to make their cities attractive.

I am going to support the District in their efforts to make this city attractive for families. I am going to continue to work with Senator DURBIN to try to make sure we are funding crime control in open air drug markets. I am going to continue to work with the District in trying to give charter schools a chance, if public education isn't serving the needs of individual children.

Let's give competition a chance. I think the District has been quite progressive in doing that in their budget.

I defend the tax cuts. I defend the tuition assistance program, which has bipartisan support, and the support of the President and the support of the District. I think we are going to see this city turn around.

I am going to support the council in every way I can when I think they are going in the right direction. I think they are going in the right direction with tuition assistance. I hope Congress will authorize this program so we can put it into effect for the next university year.

I think we will see a lot of activity in the District with people wanting to come here, stay here, and raise their families here. That will be good for every American, because a safe city, a clean city, and a city that has a low crime rate is going to be a city that every American wants to bring their families to visit as our Capital City.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 5 minutes 30 seconds.

Mr. DURBIN. Thank you, Mr. President.

I respect what the Senator from Texas has said. I agree with much of what she said. I certainly agree the college tuition assistance program is a good one. I support it.

I hope you can tell from the debate that our point of disagreement is on the tax cut, and my belief is that tax cut money—at least a portion of it—should be dedicated toward making the District a safer place to live, and making D.C. schools better schools—and addressing some of the serious problems the children in this District face, problems which are, frankly, of a third world nature and seem to be ignored by this D.C. City Council.

Let me tell you, you shouldn't take the word of a Senator from Illinois, nor a Senator from Texas, about what D.C. residents are interested in; you should take their own word.

When you look at the surveys of the people of the District of Columbia, Washington, DC, and their priorities, you search down that list for a long way before they start talking about taxes. High on the list is their concern about safety and crime in their neighborhoods. How low could you bring taxes to attract a person into a neighborhood where they felt as though they were not safe?

So many members of my staff who would love to live on Capitol Hill where I live have finally reached the conclusion that they can't. One member of my staff, after she was mugged a second time on Capitol Hill, and her face was swollen for about a week, gave up and moved out of Washington, DC, to a neighboring suburb. The taxes had nothing to do with that.

I talked to another young couple, just the kind of people who should be living in the District to make a great contribution. They said it finally just wore them down—their concern about crime, their concern about the filth they saw in the streets, and the rats running across the streets as they came home in the evening. It finally just wore them down, and they picked up and moved to a neighboring suburb. They didn't mention taxes. I am sure it is a concern. Nobody wants to pay any more taxes than they have to.

But I think if this District were more livable when it came to the basics of protecting families in their own homes and neighborhoods that you would attract more people to live in what is otherwise in many places one of the most beautiful cities in America. The Senator from Texas said she wants Washington, DC, to be family friendly. I couldn't agree more. But first it has to be family safe. Unfortunately, it isn't close.

When they did a survey of the people in the District of Columbia, 48 percent said they live in fear of crime in their neighborhood. When they asked people in the District of Columbia, they had the highest percentage of residents among 12 cities surveyed indicating the presence of abandoned cars and rundown buildings. When they asked the residents in the District of Columbia whether or not they had problems of public drug sales, they had the highest response in the Nation. Panhandling and begging was the highest in the Nation.

These are quality-of-life issues that need to be addressed by the city council that should get its head out of the clouds and down on the street, talking to the people they represent.

AMENDMENT NO. 1224 WITHDRAWN

Mr. DURBIN. I ask my amendment be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1224) was withdrawn.

Mr. JEFFORDS. Mr. President, the amendment offered by the Senator from Illinois would strike the $17 million which is included in this bill to support a program offering tuition assistance to DC students who are pursuing postsecondary education. As the author of legislation to authorize this program, I strongly oppose the Durbin amendment.

In crafting my legislation—which is cosponsored by Senators HUTCHISON, WARNER, and MOYNIHAN—I have been mindful of the need for fiscal responsibility. The $17 million included in the DC appropriations bill is the amount recommended in the President's budget. Although I would agree that any amounts above this figure should come from sources other than the Federal treasury, I do believe it is appropriate for the Federal government to participate in an effort to place DC students on an even keel with students in other parts of the country.

The authorization process for the DC tuition bill is well underway. Under the leadership of Representative TOM DAVIS and DC Delegate ELEANOR HOLMES NORTON, the House of Representatives approved ''The District of Columbia College Access Act'' without a dissenting vote. The Senate Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia—chaired by Senator VOINOVICH—recently held a hearing on this initiative. I am working actively with him and other members of the Senate to move forward with sound legislation.

The legislation I have introduced and the measure approved by the House share the same goal. That goal is to provide citizens of the District with a greater range of options in pursuing postsecondary education by having the Federal government offer support that, in other areas of the country, is provided by State governments.

Throughout my career in Congress, I have made support for education one of my top priorities, and I have regarded the education of DC students as being an important part of my efforts.

I am therefore delighted at the level of interest and support which the DC tuition concept has received.

With respect to public postsecondary education, DC students exploring their options find they have a more limited set of choices than any other group of students in the country. A student in any of the 50 states who wishes to attend a public institution of higher education has a number of institutions among which to choose. That student can base his or her decision on considerations such as the size of the institution and the strengths of the various programs it offers. A student in the District of Columbia finds that only one public institution is available.

As a practical matter, the District cannot expand its boundaries, nor can it establish a system of public higher education that can offer the diversity of offerings available in the various states. Every State provides support for higher education from which their residents benefit through lower in-state tuition, while out-of-state residents pay a premium to attend. I believe it is appropriate for the Federal government to assume the role of the State, effectively pushing the boundaries to a point where District students are placed on an equal footing in terms of the public education choices available to them.

The legislation also recognizes that many District residents choose to attend one of the many private postsecondary institutions in the DC area. Many of these institutions have made extraordinary efforts to enable District residents to succeed in their pursuit of advanced education. A number of states have developed programs, such as the Virginia Tuition Assistance Grant (TAG), to assist students at private institutions in defraying costs. The program authorized in my bill is modeled after these initiatives.

This legislation also complements not only those programs such as ''Everybody Wins!'' and the Potomac Regional Education Partnership (PREP) with which I have been directly involved, but also the many other initiatives undertaken by individuals and institutions who work tirelessly to nurture the potential of the children of our Nation's capital. Members of the business community have recently launched a program known as the D.C. College Access Program (DC–CAP) which will offer both financial support for students pursuing postsecondary education and assistance to high school students to assure they are prepared to tackle the challenges of higher learning.

An investment in education is one of the most important investments we as a society and we as individuals can make. There are boundless opportunities in the DC area for individuals with education and training beyond high school. DC residents should not be left behind in obtaining the capacity to take advantage of these opportunities.

Mr. DURBIN. Mr. President, as part of last October's Omnibus Appropriations bill, a provision (Section 130) in the District of Columbia's FY 99 appropriations placed a $50 per hour/$1,300 per case cap on attorney's fees in cases brought under the Individuals with Disabilities Education Act (IDEA) in the District.

In signing the bill, President Clinton singled out the cap in his remarks, calling it ''unacceptable'' and he

pledged to eliminate the cap this year. However, it has again been included in this bill to fund the District. (Sec. 128)

This cap has made it virtually impossible for local special education attorneys to accept cases on contingency, which is required for indigent parents and court-supervised children. Attorneys are forced to demand retainers from these residents, which precludes low-income parents from obtaining legal representation at all. In the end, the poorest kids in the District receive inadequate services from DCPS.

Federal law under the IDEA provides for the recovery of reasonable attorneys' fees at market rates. IDEA was passed with the understanding that it applied to cases in all jurisdictions. Congress, however, has singled out the District of Columbia and in effect has singled out poor families and children who struggle to get even a basic education.

DCPS spends $165 million per year on about 12,000 special education students. The average per-pupil cost comes out to be $17,000 per year. One in 10 District students are in need of special education program services.

Yet, services rendered to these students are substandard at best. Disabled children wait months, and in some cases years, to have their special education needs evaluated by DCPS. Since DCPS doesn't have nearly enough special education programs to accommodate its students, students wait lengthy periods of time to be placed in an appropriate classroom setting where they can receive essential related services.

In order to get these deserving kids assessed, parents have had to resort to litigation to get their children the services the law allows them. The tangled system of DCPS is unnavigable without an experienced attorney and most parents can't afford to hire and retain counsel for their children.

So for years, lawyers have sued the system on behalf of thousands of children with physical, emotional or learning disabilities who have not received proper assessments or services. The school system is required to pay legal fees when the child's case prevails—which has occurred most of the time.

The Washington Times reported in March that DCPS has committed funds to hire eight private attorneys to defend the school system in special education cases. It is disconcerting that the District is willing to pay the prevailing rate to ''defense'' attorney's to oppose parents, but it claims it can't afford to pay the prevailing rate to attorneys to represent parents seeking to have their children assessed.

Three class action suits have been filed against DCPS and recently, two of those lawsuits were settled. Under the terms of the settlement, the school system has agreed to hold hearings or otherwise resolve the backlog of hearing requests, estimated at more than 700, by the end of summer. The backlog of some 400 unimplemented decisions will be cleared up in stages, with the goal of reaching compliance with all decisions and agreement by the end of the first semester of the 1999–2000 school year. One more class-action suit against the division remains unresolved.

In one of those cases, Federal District Court Judge Paul Friedman ruled on May 11 that:

$4 million assessed for failure to comply with past court orders ''has to be paid'';

The school system violated legal provisions by trying to apply the congressional cap on fees for work performed before the cap was set;

The school system must pay more than $400,000 to one law firm, Feldman, Tucker, Leifer, Fidell & Bank, which has been handling a class-action lawsuit for several years and has not been paid in more than a year; and

Nothing in the law prevents judges from awarding attorney fees in special-education cases that continue longer than the one-year cap imposed this year. The city would simply be liable to pay the rest next year, or whenever the cap is lifted [''The statute doesn't tell me I can't award more than $50 an hour. It tells you can't pay more that $50 an hour.'']

The special education problems are an embarrassment and need to be resolved. The school system has to address this and the kids are entitled to counsel and counsel deserve to be paid fairly and reasonably for their work and the time.

Mrs. HUTCHISON. This is a matter we can take up in conference.

Mrs. HUTCHISON. Mr. President, according to the unanimous consent agreement, it is now appropriate for Senator DURBIN's sense of the Senate on D.C. quality of life. He has 15 minutes under his control; I have 5 minutes under my control.

I yield the floor to Senator DURBIN.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I thank the Senator from Texas. I will make it brief because I have spoken on my concerns about the District of Columbia. My reason for withdrawing the last amendment is my belief that not only is it a high priority of the White House, it is fundamentally a sound program, as I said from the start.

My quarrel is what I consider to be the irresponsible action of the D.C. City Council with the so-called tax cut they have enacted. The sense of the Senate, which I make a part of this appropriations bill, says the D.C. City Council has a chance to prove their theory; they have a chance to prove the $59 million in tax cuts is more important than $59 million spent on police protection; $59 million, a part of which could be spent on the schools; $59 million, a part of which could be spent to try to help these poor babies who are dying because of low birthweight and other problems.

You have your chance. That is what home rule is all about. The sense of the Senate says it is a sense of the Senate that in considering the District of Columbia's fiscal year 2001 budget, the Senate will take into consideration progress or lack of progress in addressing the following issues: crime, including the homicide rate; implementation of community policing; the number of police officers on local beats; and the closing down of open-air drug markets.

Second, access to drug abuse treatment, including the number of treatment slots, the number of people served, the number of people on waiting lists, and the effectiveness of treatment drugs. Remember that HIV-AIDS is seven times more prevalent in the District of Columbia than in other city.

The third item on the sense of the Senate is management of parolees and pretrial violent offenders, including the number of halfway house escapees, and steps taken to improve monitoring and supervision of halfway house residents to reduce the number of escapees.

Pick up the paper with regularity and you will find that the so-called halfway houses have revolving doors. Those accused of felonious conduct and violent crime are back on the street, walking in the neighborhoods of the District of Columbia, shoulder to shoulder with the people who live here and those who come to visit the Nation's capital.

That has to change. It is one of the criteria which I will personally use, and I hope others will use, during the course of this consideration of criteria for future appropriations for the District of Columbia.

Fourth, education including access to special education services and student achievement.

Fifth, improvement in the city's basic services, including rat control and abatement.

Six, the application for and management of Federal grants. This D.C. city government has not even applied for the money it is eligible for from the Federal Government. They have to reach a level of competence and it may mean achieving some in phases. I hope the Mayor is listening, and I hope the members of the D.C. City Council will be responsible for that.

Finally, the indicators of child well-being, which I mentioned earlier. Let's see next year, when we gather to debate this appropriation, whether the District of Columbia is still in last place among all the States in the Nation in so many categories which reflect the well-being of the children who live here.

AMENDMENT NO. 1227

(Purpose: To express the sense of the Senate regarding the urgent need to address basic quality of life concerns in the District of Columbia)

Mr. DURBIN. I retain the remainder of my time and offer the amendment, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 1227.

Mr. DURBIN. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. ____ (a) FINDINGS.—The Senate finds the following:

(1) The District of Columbia has recently witnessed a spate of senseless killings of innocent citizens caught in the crossfire of shootings. A Justice Department crime victimization survey found that while the city saw a decline in the homicide rate between 1996 and 1997, the rate was the highest among a dozen cities and more than double the second highest city.

(2) The District of Columbia has not made adequate funding available to fight drug abuse in recent years, and the city has not deployed its resources as effectively as possible. In fiscal year 1998, $20,900,000 was spent on publicly funded drug treatment in the District compared to $29,000,000 in fiscal year 1993. The District's Addiction and Prevention and Recovery Agency currently has only 2,200 treatment slots, a 50 percent drop from 1994, with more than 1,100 people on waiting lists.

(3) The District of Columbia has seen a rash of inmate escapes from halfway houses. According to Department of Corrections records, between October 21, 1998 and January 19, 1999, 376 of the 1,125 inmates assigned to halfway houses walked away. Nearly 280 of the 376 escapees were awaiting trial including 2 charged with murder.

(4) The District of Columbia public schools system faces serious challenges in correcting chronic problems, particularly long-standing deficiencies in providing special education services to the 1 in 10 District students needing program benefits, including backlogged assessments, and repeated failure to meet a compliance agreement on special education reached with the Department of Education.

(5) Deficiencies in the delivery of basic public services from cleaning streets to waiting time at Department of Motor Vehicles to a rat population estimated earlier this year to exceed the human population have generated considerable public frustration.

(6) Last year, the District of Columbia forfeited millions of dollars in Federal grants after Federal auditors determined that several agencies exceeded grant restrictions and in other instances, failed to spend funds before the grants expired.

(7) Findings of a 1999 report by the Annie E. Casey Foundation that measured the well-being of children reflected that, with 1 exception, the District ranked worst in the United States in every category from infant mortality to the rate of teenage births to statistics chronicling child poverty.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that in considering the District of Columbia's fiscal year 2001 budget, the Senate will take into consideration progress or lack of progress in addressing the following issues:

(1) Crime, including the homicide rate, implementation of community policing, the number of police officers on local beats, and the closing down of open-air drug markets.

(2) Access to drug abuse treatment, including the number of treatment slots, the number of people served, the number of people on waiting lists, and the effectiveness of treatment programs.

(3) Management of parolees and pretrial violent offenders, including the number of halfway house escapes and steps taken to improve monitoring and supervision of halfway house residents to reduce the number of escapes.

(4) Education, including access to special education services and student achievement.

(5) Improvement in basic city services, including rat control and abatement.

(6) Application for and management of Federal grants.

(7) Indicators of child well-being.

Mrs. HUTCHISON. Mr. President, I think the Senator from Illinois has a very good sense of the Senate. I think having benchmarks and accountability we can look at next year is very appropriate. I commend him for caring about these crime issues and the issues that we all want to solve.

I certainly support his amendment and suggest we approve it unanimously.

Mr. DURBIN. I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1227) was agreed to.

AMENDMENTS NOS. 1228 THROUGH 1231, EN BLOC

Mrs. HUTCHISON. Mr. President, I have a group of managers' amendments which I will send to the desk and ask for their immediate consideration. They have been cleared on both sides. I urge their adoption. There are two amendments by Senator DORGAN and two amendments by myself.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON] proposes amendments numbered 1228 through 1231, en bloc.

The amendments are as follows:

AMENDMENT NO. 1228

(Purpose: To encourage the Major of the District of Columbia to adhere to the recommendations of the Health Care Development Commission with respect to the use of Medicaid Disproportionate Share payments)

At the appropriate place, insert the following:

SEC. . The Mayor, prior to using Federal Medicaid payments to Disproportionate Share Hospitals to serve a small number of childless adults, should consider the recommendations of the Health Care Development Commission that has been appointed by the Council of the District of Columbia to review this program, and consult and report to Congress on the use of these funds.

AMENDMENT NO. 1229

(Purpose: To allow the District of Columbia Public Schools to consider funding of a program to discourage school violence)

On page 13, line 17, insert the following: ''*Provided further,* That the District of Columbia Public Schools may spend $500,000 to engage in a Schools Without Violence program based on a model developed by the University of North Carolina, located in Greensboro, North Carolina.''.

AMENDMENT NO. 1230

(Purpose: To require a GAO study of the criminal justice system of the District of Columbia)

At the appropriate place, insert the following:

SEC. . GAO STUDY OF DISTRICT OF COLUMBIA CRIMINAL JUSTICE SYSTEM.

Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall—

(1) conduct a study of the law enforcement, court, prison, probation, parole, and other components of the criminal justice system of the District of Columbia, in order to identify the components most in need of additional resources, including financial, personal, and management resources; and

(2) submit to Congress a report on the results of the study under paragraph (1).

AMENDMENT NO. 1231

(Purpose: To amend the District of Columbia Code to require the arrest and termination of parole of a prisoner for illegal drug use)

At the appropriate place, insert the following:

SEC. ___. TERMINATION OF PAROLE FOR ILLEGAL DRUG USE.

(a) ARREST FOR VIOLATION OF PAROLE.—Section 205 of title 24 of the District of Columbia Code is amended—

(1) in the first sentence, by striking ''If the'' and inserting the following:

''(a) If the''; and

(2) by adding at the end the following:

''(b) Notwithstanding subsection (a), with respect to a prisoner who is convicted of a crime of violence (as defined in §23–1331) and who is released on parole at any time during the term or terms of the prisoner's sentence for that offense, the Board of Parole shall issue a warrant for the retaking of the prisoner in accordance with this section, if the Board, or any member thereof, has reliable information (including positive drug test results) that the prisoner has illegally used a controlled substance (as defined in §33–501) at any time during the term or terms of the prisoner's sentence.''.

(b) HEARING AFTER ARREST; TERMINATION OF PAROLE.—Section 206 of title 24 of the District of Columbia Code is amended by adding at the end the following:

''(c) Notwithstanding any other provision of this section, with respect to a prisoner with respect to whom a warrant is issued under section 205(b), if, after a hearing under this section, the Board of Parole determines that the prisoner has illegally used a controlled substance (as defined in §33–501) at any time during the term or terms of the prisoner's sentence, the Board shall terminate the parole of that prisoner.''.

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc.

The amendments (Nos. 1227 through 1231) were agreed to.

Mrs. HUTCHISON. I move to reconsider the vote.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, I rise in support of S. 1283, the District of Columbia Appropriations bill for FY 2000 as reported by the Senate Appropriations Committee.

The bill provides $410 million in new budget authority and $401 million in new outlays for federal contributions to the District of Columbia government. When outlays from prior-year budget authority and other completed actions are taken into account, the Senate bill totals $410 million in budget authority and $405 million in outlays for FY 2000.

I commend the distinguished Chairman of the Subcommittee, Senator HUTCHISON, for her hard work and diligence in fashioning this bill. The bill is exactly at the Senate Subcommittee's 302(b) allocation. The bill is $17 million in budget authority and $12 million in outlays above the President's request due to the inclusion of a tuition assistance program for D.C. students who attend out-of-state colleges. The Administration has requested these funds, however, through the Department of Education rather than directly to the District of Columbia.

Mr. President, I ask unanimous consent that the Senate Budget Committee scoring of the District of Columbia Appropriations bill be printed in the RECORD.

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

S. 1283, D.C. APPROPRIATIONS, 2000—SPENDING COMPARISONS—SENATE-REPORTED BILL

[Fiscal year 2000, in millions of dollars]

	General Purpose	Crime	Mandatory	Total
Senate-reported bill:				
Budget authority	410	.....	.....	410
Outlays	405	.....	.....	405
Senate 302(b) allocation:				
Budget authority	410	.....	.....	410
Outlays	405	.....	.....	405
1999 level:				
Budget authority	621	.....	.....	621
Outlays	616	.....	.....	616
President's request:				
Budget authority	393	.....	.....	393
Outlays	393	.....	.....	393
House-passed bill:				
Budget authority	.....	.....	.....	.....
Outlays	.....	.....	.....	.....
SENATE-REPORTED BILL COMPARED TO:				
Senate 302(b) allocation:				
Budget authority	.....	.....	.....	.....
Outlays	.....	.....	.....	.....
1999 level:				
Budget authority	(211)	.....	.....	(211)
Outlays	(211)	.....	.....	(211)
President's request:				
Budget authority	17	.....	.....	17
Outlays	12	.....	.....	12
House-passed bill:				
Budget authority	410	.....	.....	410
Outlays	405	.....	.....	405

Note.—Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

Mr. DOMENICI. I urge my colleagues to support the bill.

Mrs. HUTCHISON. That is all the amendments we have pending. If there are no further amendments, I ask that the bill be read for a third time.

The bill was ordered to be read for a third time.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I will take a couple of minutes to express my appreciation to the two managers of this bill. I chaired the subcommittee on appropriations for the District of Columbia for 7 years, beginning in 1961 and ending in 1968.

This is not just an ordinary city, as we all know. I have traveled in many areas of the world, as have most Senators. I have been in many cities of the world, but this is the only Federal city in the world. This is the only Federal city in the United States.

Referring to the words of the Constitution, article I, section 9, it is the seat of the Government of the United States. It is not ''a'' seat of the Government of the United States, it is ''the'' seat of the Government of the United States.

So it is a unique city. It is the only city of its kind in this country. It is the only city of its kind in the universe.

I compliment these two Senators. It is 20 minutes after 9 o'clock on what will be the last day the Senate will be in session until after next week. These two Senators are here discussing important matters.

As I sat here, I thought this bill is one that the Senate should vote on. Senators should be here and should vote on this bill.

Next year, all things being equal, it is my intention at the present time to see that we have a vote on this bill, a rollcall vote. I think Senators should indicate that much interest in ''the'' city of the Federal Government of the United States.

I happen to agree with the distinguished Senator from Illinois in respect to his comments concerning a tax cut. Senators will not find me supporting very many tax cuts, whether it is for the District of Columbia or elsewhere. I will have plenty to say about that in due time. But every Senator has a right to his own viewpoint. Every Senator is here representing his own State, trying to do the best he can. That is what I am trying to do. But we all have a responsibility toward this city.

I referred to the job of the distinguished Senator from Texas, Mrs. HUTCHISON, and the distinguished Senator from Illinois, Mr. DURBIN, as being a thankless task. What did I mean by that? That was not spoken in pejorative terms, it was not in derogation of the District of Columbia, but it is a thankless task insofar as getting any credit from the folks back home is concerned. It doesn't get any Senator any votes back home, if that is what one expects. So in that respect, it is a thankless task.

But we all, all 100 Senators and every person in the United States, owe our thanks to the Senators who give of their time to fulfill this responsibility. It is a responsibility; it is a duty. Nobody wants this job. I didn't want it, but I held it for 7 years and gave it my best because I thought that the District of Columbia was entitled to the best of my talents, my energy, and whatever limited wisdom I possessed. So we owe that to the District of Columbia. It is our capital. It is our seat of our Federal Government.

So I thank both Senators. They spend a lot of time on this matter, I can tell you, and it is not easy. And they are subject to many criticisms from editorials in papers in the District and from editorials, probably, in their own States. They are subject to these criticisms. In return, as I say, they won't get many thanks. But they get my thanks. I hope to call this to the attention of the Senate, as I am now trying to do, as I am saying to the people of the United States who may be watching at this hour: These two Senators are entitled to the thanks and the congratulations of the people of the United States and the people of the District of Columbia.

There are people in the District of Columbia who do not look back with great satisfaction on certain recent years. There is a Delegate to the U.S. House of Representatives. She has the privilege of the floor. She is not sitting in the gallery. The rules say that we cannot call attention to people in the galleries. I hope Senators will read that rule and refresh their memory. I trust the Presiding Officers will keep that in mind in the future and call it to the attention of any Senator who refers to people in the gallery; a person, name those persons. But we can refer to an elected Delegate to the U.S. House of Representatives who has the privilege of this floor. I do that now with respect to Delegate ELEANOR HOLMES NORTON. She is highly respected, highly regarded, and she gives the best of her talents and services to the people of the District of Columbia who elected her. I salute her.

Again, I close by thanking the two fine Senators who have labored here and worked so late. I daresay the Senator from Texas would probably be on her way home, home in Texas. And the Senator from Illinois, I am quite sure, would be on his way home in Illinois. But he had a job to do here. He had a responsibility. I salute him, I thank him, and I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I think that was a very special statement made by the Senator from West Virginia, and I appreciate very much that he loves this Capitol and the seat of Government for all Americans. The fact that he spent 7 years on the Appropriations Committee chairing this subcommittee means that there was a lot of attention and a lot of care paid to this city.

I think he is right. I think we need to make sure this is a job well done. This is every bit as important as what I do for my constituents in Texas, because this is part of what I do for my constituents in Texas, and that is to make this the city that we all want it to be.

I am very pleased the Senator recognized Delegate ELEANOR HOLMES NORTON. I was going to do that as well, because Delegate NORTON is so interested in everything that applies to the District and she is always there, making sure that her constituents are represented. I have been very pleased to work with her and talk to her about these issues that affect her constituents. I hope she knows that all of us look at this Capital City as all America's city, which does give it a very special place in everyone's heart and means that all of us are going to take a special interest in making it a great city.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, if I might just take a moment of time here to thank the Senator from West Virginia. His kind words are high praise indeed.

This Washington, DC, has many museums which contain many national treasures, but the Senate has its own treasure in the Senator from West Virginia, and his dedication to this institution is just unparalleled. The fact that he would praise us for staying after 9 o'clock to do our job of course is belied by the fact that he is still here, prepared to say a few words as well, doing his job, as he always does, for the people of West Virginia.

I thank the Senator from West Virginia, as well as my colleague from Texas, for their kindnesses during consideration of this bill.

Mr. BYRD. Mr. President, I thank both Senators.

Mrs. HUTCHISON. Mr. President, I think we need to pass the bill.

The PRESIDING OFFICER. The question is on final passage of the bill.

The bill (S. 1283) was passed.

(The bill will be printed in a future edition of the RECORD.)

UNANIMOUS CONSENT AGREEMENT

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that when the Senate receives from the House of Representatives the companion bill to S. 1283, the Senate immediately proceed to the consideration of that measure, that all after the enacting clause be stricken and the text of the Senate bill, S. 1283, as passed, be inserted in lieu thereof, that the House bill, as amended, be read for a third time and passed, that the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses thereon, and the Chair be authorized to appoint conferees on the part of the Senate and that the foregoing occur without any intervening action or debate.

I further ask unanimous consent that the bill, S. 1283, not be engrossed, that it remain at the desk pending receipt of the House companion bill, and that upon passage by the Senate of the House bill as amended, the passage of S. 1283 be vitiated and the bill be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I wish to thank profusely the staff who have worked so hard on this bill. As Senator BYRD said earlier, this takes a lot of time, because there are a lot of issues that are affected by this bill. I want to thank Mary Beth Nethercutt on the Appropriations Committee and Terry Sauvain, her counterpart on the minority side. They have done a wonderful job making sure that all the t's are crossed and the i's are dotted and the agreements are made and the agreements to disagree are put on the table. They have done a wonderful job.

On my staff, my legislative director Jim Hyland and Robb Woodson, who is the legislative assistant who has done so much to try to make sure that this is a very good and solid bill supporting the District of Columbia.

With that, Mr. President, I thank everyone for a job well done and appreciate once again Senator DURBIN's cooperation. We have had a great relationship. We have agreed to disagree on some issues, but I think he speaks from the heart, and I understand, even when we disagree, that we want the same goal. For that reason, I know we will have a good bill to come back out of conference for the Senate to adopt, and then we will continue to work with the District government to make sure our views are implemented and their views are implemented.

I yield the floor.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2000

AMENDMENT NO. 1186, AS MODIFIED

Mr. CAMPBELL. Mr. President, I send to the desk a modification of amendment No. 1186, previously agreed to within the foreign operations appropriations bill.

I ask unanimous consent the amendment be so modified.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment (No. 1186), as modified, is as follows:

At the appropriate place, insert:

AUTHORIZATIONS

SEC. 599C. The Secretary of the Treasury may, to fulfill commitments of the United States, (1) effect the United States participation in the fifth general capital increase of the African Development Bank, the first general capital increase of the Multilateral Investment Guarantee Agency, and the first general capital increase of the Inter-American Investment Corporation; (2) contribute on behalf of the United States to the eighth replenishment of the resources of the African Development Fund, the twelfth replenishment of the International Development Association. The following amounts are authorized to be appropriated without fiscal year limitation for payment by the Secretary of the Treasury: $40,847.011 for paid-in capital, and $639,932,485 for callable capital, of the African Development Bank; $29,870,087 for paid-in capital, and $139,365,533 for callable capital, of the Multilateral Investment Guarantee Agency; $125,180,000 for paid-in capital of the Inter-American Investment Corporation; $300,000,000 for the African Development Fund; $2,410,000,000 for the International Development Association.

The PRESIDING OFFICER. The Senator from Washington.

MORNING BUSINESS

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate proceed to a period for morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, I ask for recognition to speak in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOVERY OF SALMON RUNS

Mr. GORTON. Mr. President, a thoughtful and detailed article appeared about a week ago in the Portland Oregonian indicating public expenditures of close to $1 billion during the current year directed at the recovery of salmon runs in the Pacific Northwest. That is an extraordinarily large amount of money for a purpose of that nature.

A modest portion of it comes from State appropriations of the four States in the Columbia River drainage area. The largest single share of that almost $1 billion is paid for through the charges for electric power produced by the Bonneville Power Administration and others, and, therefore, by the residents of the region, but a very substantial share of that money comes from appropriations approved by this Congress.

As recently as 1 year or 18 months ago, I and many others in the region were critical of the billions of dollars of spending for this purpose on the grounds that they had shown few, if any results, and that, in fact, salmon runs had declined during that period of time.

That criticism is no longer entirely correct. We have had some recent successes, and I will mention a few of them in just a moment. But I think all would agree that those successes are not at this point a proper return on an investment of almost $1 billion a year.

For example, with the aid and assistance of my friend and colleague, the senior Senator from West Virginia, the Interior appropriations bill for the current year included $20 million appropriated to the State of Washington for these purposes. And this Senator has to confess that he is not entirely certain what the people of the United States have gotten for that $20 million at this point.

This Senator cannot point to a single significant success as a result. Part of the reason, of course, is that in the current year, the spending of that money has not been completed. Part of it is that the programs which it funds are new, and part of it is the fact that the very nature of the salmon resource requires a number of years to tell whether or not any positive results will take place. But nonetheless, we are faced with that very real challenge of determining whether or not we are getting our money's worth out of these investments.

For the next year, for fiscal year 2000, I can identify in our own work in this body significant amounts of money coming from the energy and water appropriations bill, especially through the Army Corps of Engineers, through the agriculture appropriations bill, through the Commerce-State-Justice appropriations bill, particularly

close to $100 million for the enforcement and maintenance of a recent treaty signed with Canada on the subject of salmon in the Northwest, through the Environmental Protection Agency, and once again, through the appropriations bill the Senator from West Virginia and I will manage for the Department of Interior and related agencies.

In addition, of course, there will be those huge amounts of money, close to half a billion dollars a year, through rates charged for electricity by the Bonneville Power Administration and somewhat enhanced appropriations from the four States.

There are many, and I have been occasionally tempted toward this position myself, who will say that if we are not getting our money's worth and if there are so many different entities spending money on salmon recovery, would it not be appropriate to have a single federally appointed salmon czar who would determine how all of this money would be spent.

The argument for that proposition, I think, would be much stronger if there were a single salmon science; that is to say, if we knew precisely what we were doing, if there were one accepted way of getting the most for our money in connection with salmon recovery.

Of course, at this point, there is not. There are serious, well-founded debates throughout the country and in the Pacific Northwest as to various, widely different policy prescriptions for salmon recovery.

To have one decisionmaker for all of these expenditures is perhaps not wise, at least until we have learned a good deal more about how we go about attaining our goals.

I do think, however, there could be considerably more coordination than there is at the present time. Three years ago, I persuaded the Congress, as a rider on an appropriations bill, to create an independent scientific review board to advise the Bonneville Power Administration on how to spend the more than $100 million a year in actual cash grants that it gives for salmon recovery. I had learned in the previous year that those decisions were made by various self-interested parties who awarded almost all of the money themselves without any discernible positive impact at all, and the situation with respect to that roughly 10 percent of the money spent on salmon recovery has been considerably improved by that independent scientific review.

I introduced a bill this year that would expand its authority to all the decisions made by the Bonneville Power Administration, not just direct money grants, but revenue foregone from its power cells, and I hope that the Congress will soon consider and pass that proposal.

Nevertheless, there remains a great deal of room for additional experimentation in connection with salmon recovery.

The bill which will be presented by the Senator from West Virginia and myself in a few weeks for the Department of the Interior will include a modest $4 million figure that will not go directly to the State of Washington, in this case, but will go, I hope, through a nonprofit organization which tells us that it can more than match the amount of money that we will appropriate and will direct most of its money at private volunteer citizen organizations.

I have found that those organizations do give us very much value for the money. Earlier this year, one local group of salmon recovery volunteers joined forces with a landowner on Snow Creek in my State. They received the cooperation of the Association of General Contractors in the State of Washington, an association that has a huge investment in connection with salmon recovery because of the impact of the Endangered Species Act on its ability to build.

Together, these volunteer organizations and private donors and representatives of the building industry have come up with an extremely constructive and almost certainly effective salmon recovery plan for a single stream. Like them, an organization of volunteers called Long Live the Kings is one of the dozen or more such organizations in the State of Washington, each of which is working on a single stream or group of streams with tremendous volunteer labor and great enthusiasm. Aid and assistance to them without detailed regulation from the State seems to me to be a wise investment of a modest portion of our money in this respect.

There are some in this body and others who say this is a regional problem and it should be paid for entirely by the region itself. And certainly the people of the Pacific Northwest put a very high value on salmon recovery.

But the way in which they must approach that salmon recovery is governed almost entirely, some would say distorted, by the Endangered Species Act, an act of the Congress of the United States which is both broad in one sense and very narrow in another sense in its scope, and governs many decisions in the State far beyond simply the management of our waters and of our salmon recovery itself.

So the Federal Government, having imposed these requirements, has an obligation at least substantially to help fund them. Nevertheless, I am here today to say that while this is a very high priority of the Congress, an extremely high priority of the people in my State and the other States in the Columbia River Basin, it is one on which we know and believe we should be held accountable by the Congress. We will do the best job we possibly can with the moneys appropriated by Congress or directed by Congress to see to it that we are successful.

Recent listings in the Puget Sound area now have the Endangered Species Act, for the first time, as having an immense impact on a major metropolitan area in the United States. The people of my State are eager to take on that task. They have asked for modest help from us here. We are giving them that modest help. We will keep Congress and the people of the United States advised of how well we are doing with the generous assistance that my colleagues have helped me to provide.

THE ALABAMA STURGEON

Mr. LOTT. Mr. President, the story of the efforts to protect the Alabama Sturgeon has been a very long and very ugly one. For many years Congress has been involved. Just three years ago, Congress thought they had put an end to the listing battle when a partnership was formed between the Fish and Wildlife Service (FWS) and the Alabama Department of Natural Resources and Conservation. A five-year recovery plan was established to repopulate the Tennessee-Tombigbee with Sturgeon. Now this program has fallen to pieces, because the FWS pulled the plug by taking the dedicated funds and proceeding directly to a formal listing under the Endangered Species Act.

The FWS needs to do the right thing. For me, this means the FWS should honor the partnership it set up with Alabama's Department of Conservation and Natural Resources. This program is at year three of a 5-year program and there is no evidence that the state of Alabama was performing poorly. However, it is clear the FWS wants to renege on the deal. Renege on a program that provides more direct and dedicated funding, and thus more resources, for the Alabama Sturgeon restoration than any funds the Fish and Wildlife Service spent under its own auspices. This simply does not make fiscal or scientific sense.

In both 1993 and 1994 Congress opposed the endangered species listing of the Alabama Sturgeon because of the lack of sound science. Congress also recognized the tremendous economic impact this listing would have on our region. The listing would have caused billions of dollars in river commerce to be disrupted. Nothing has changed in six years—no new science—no difference in the economic impact.

The FWS promised that the habitat designation will not require the stopping of dredging. However, someone forgot to tell the FWS office in Daphne, Alabama, what their position is supposed to be. The FWS office in Daphne, Alabama, has stated in writing that maintenance dredging will harm the sturgeon, and thus must not occur. I ask unanimous consent that the attached letter written to the Mobile, Alabama, office of the Army Corps of Engineers on June 17, 1999, be printed in the RECORD.

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

U.S. DEPARTMENT OF THE INTERIOR,
FISH AND WILDLIFE SERVICE,
Daphne, AL, June 17, 1999.

DISTRICT ENGINEER,
U.S. Army Corps of Engineers,
Mobile, AL.

DEAR SIR: This is the report of the U.S. Fish and Wildlife Service (Service) concerning public notice AL99–01811–F, in which the applicant, Boise Cascade Corporation, is proposing to hydraulically maintenance dredge approximately 2,000 cubic yards of silt, sand, and clay, per year, for five years from the Tombigbee River, near mile 89, Washington County, Alabama. All excavated material would be placed in the applicant's upland disposal site. The proposed maintenance dredging is currently authorized by Department of the Army General Permit Number ALG98–02923–E. This report is prepared in accordance with the requirements of the Fish and Wildlife Coordination Act (16 U.S.C. 661–667e) and is to be used in your determination of 404(b)(1) guidelines compliance (40 CFR 230) and in your public interest review (33 CFR 320.4) as they relate to protection of fish and wildlife resources.

We do not believe that this project would have significant impacts on non endangered fish and wildlife resources. However, we have determined that the federally threatened gulf sturgeon (*Acipenser axyrhincus desotoi*) occurs in the project area. Our records indicate that this species has been found in the Tombigbee River both upstream and downstream of the proposed dredge site. The Gulf Sturgeon is an anadromous fish that migrates from salt water into coastal rivers to spawn and spend warm months. The majority of its life is spent in fresh water. Major population limiting factors are thought to include barriers (dams) to historical spawning habitats, loss of habitat, poor water quality, and over fishing. However, we have determined that the proposed project will likely not affect this species if the following recommendations are adopted and used:

(1) No dredging work shall be performed during the months November through April.

(2) No work should be conducted across the entire river channel at any one time. (All underwater activity shall be limited to one general location within the river channel at any time.)

(3) No work barges or vessels should be moored in shallow waters along the shorelines from November through April.

If the applicant agrees to these conditions, formal consultation under the Endangered Species Act, Section 7, will not be necessary at this time. Implementation of these measures should provide adequate protection to avoid any impact on Gulf sturgeon inhabiting these waters during winter months or migrating to/from the Gulf of Mexico. Therefore, if they are followed, no further endangered species consultation will be required for this portion of the project unless: (1) the identified action is subsequently modified in a manner that causes an effect on this listed species; (2) new information reveals the identified action may affect another Federally protected species or a critical habitat in a manner or to an extent not previously considered; or (3) a new species is listed or a critical habitat is designated under the Endangered Species Act that may be affected by the identified action. Our positions on the proposed maintenance dredging project is based on the assumption that Best Management Practices will be followed and the Alabama State Section 401 CWA certification is not violated.

If you have any questions, please contact Mr. Dean Heckathorn at 334/441–5181.

Sincerely,

E.R. ROACH,
Acting Field Supervisor.

Mr. LOTT. This letter clearly states that dredging can only occur during six months of the year, and at no time can work be conducted across the entire river channel. It is clear to me, and it is clear to all my colleagues in the chamber today that dredging will be stopped. Also, on May 10, 1999, the FWS office in Daphne, Alabama, again wrote the Mobile Corp about another maintenance dredging project in Mobile. I ask unanimous consent that this letter to the Mobile Corp of Engineers be printed in the RECORD.

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

U.S. DEPARTMENT OF THE INTERIOR,
FISH AND WILDLIFE SERVICE,
Daphne, AL, May 10, 1999.

DISTRICT ENGINEER,
U.S. Army Corps of Engineers,
Mobile, AL.

DEAR SIR: This is the report of the U.S. Fish and Wildlife Service (Service) concerning public notice AL99–01328–S in which the applicant, Kimberly-Clark Corporation, is proposing to maintenance dredge within an existing dry dock slip on David Lake, near Mobile River, Mobile County, Alabama. A 200-foot-long by 52-foot-wide area would be dredged to a depth of minus 24 mean low water (MLW). All material would be placed within an existing upland disposals area. This report is prepared in accordance with the requirements of the Fish and Wildlife Coordination Act (16 U.S.C. 661–667e) and is to be used in your determination of 404(b)(1) guidelines compliance (40 CFR 230) and in your public interest review (33 CFR 320.4) as they relate to protection of fish and wildlife resources.

The Service does not object to this proposed project. However, the federally listed Gulf sturgeon (Acipenser oxyrinchus desotoi—Threatened) and the proposed for listing, Alabama sturgeon (Scaphirhyncus suttkusl) are found in these waters. The Gulf sturgeon is an anadromous fish which migrates from salt water into large coastal river to spawn and spend the warm months. According to our records the Gulf sturgeon seasonally occurs and the Alabama sturgeon is a permanent resident within the Mobile River. Throughout their ranges these species have had their forage and spawning habitats adversely affected from dams. In addition, dredging, desnagging, and spoil deposition carried out in connection with channel improvement and maintenance represent an ongoing threat to these sturgeon species.

In order to avoid adverse impacts to these species covered by the Endangered Species Act of 1973, as amended, (16 U.S.C. 1531 et seq.) (ESA), we recommend that the applicant implement appropriate Best Management Practices (BMPs) including the use of turbidity screens, as necessary to minimize turbidity downstream of the project site. Dredging activities should not exceed ambient water clarity of more than 50 Nephelometric turbidity units (NTU's). The Service believes that your project will not have an adverse effect on these sturgeon species, if these BMPs are followed. If these conditions are not acceptable then further consultation with this office is recommended in accordance with Section 7 of the ESA.

Should you have any questions or require additional information, please contact Mr. Dean Heckathorn at (334) 441–5181.

Sincerely,

E.R. ROACH,
Acting Field Supervisor.

Mr. LOTT. This letter stated ''dredging, desnagging, and spoil disposition carried out in connection with channel improvement and maintenance represent an ongoing threat to these sturgeon species.'' Again this proves dredging will be stopped, and the FWS will not hold true to its oral promises here in Washington.

During this time frame a lawsuit has also been pending in the United States District Court for the Middle District of Alabama, styled Alabama Sturgeon. et al. v. Bruce Babbitt, as Secretary of the Interior, et al. Two months ago, on April 26, 1999, the court issued an Order noting the parties were engaged in ''settlement negotiations'' which were likely to lead to dismissal of the lawsuit. Four days later, on April 30, 1999, for some unknown reason the court issued the Order proposing to dismiss the lawsuit upon the payment of $20,000 in attorneys' fees and costs to the plaintiffs by the government. Neither the Court Order nor the Joint Stipulation of Dismissal and Notice of a Compromise Settlement of Attorney's fees and Costs makes any attempt to justify the rationale for this result. For some reason the Justice Department apparently decided to simply make a gift of $20,000 to the lawyers in this case.

This Administration has not only given away $20,000 to these lawyers to sweep this lawsuit under the rug, it also stole more than $400,000 designated for sturgeon restoration. I am disappointed by these actions.

It is my firm belief that Alabama's Federal partner is not motivated by a desire to restore the sturgeon. Clearly, making a decision to list the Alabama Sturgeon as an endangered species, while having no new scientific information must be based in politics—not science. Why an adversarial approach? The solution to this politically driven problem is simple. Let Alabama finish its 5-year program. The Fish and Wildlife Service action is wrong for Alabama . . . wrong for Mississippi . . . wrong for America. We all must continue to press forward in this fight to do the right thing for the Alabama Sturgeon in spite of these actions by FWS.

AMBASSADOR JAMES R. SASSER

Mr. BINGAMAN. Mr. President, I want to take a moment to call the attention of my colleagues to an important day for one of our former colleagues; and that is, Senator Jim Sasser, who is returning from China where he has served this country very well as our Ambassador for the last 3½ years. He was confirmed in this Senate on December 19, 1995, and with an overwhelming vote.

We are proud of the service he has performed, particularly in recent months, because of the strained relations we have had and the genuine misunderstanding which has existed concerning the bombing of the Chinese Embassy in Belgrade.

I think all of us were proud to see the way former Senator Sasser, Ambassador Sasser, conducted himself, and how all of the American Embassy personnel conducted themselves in that circumstance. I think that is typical of the service he provided throughout the time he was in China.

We are glad to see him back in the United States. We, of course, look forward to many years of friendship with him in the future.

I think it is worth noting, because I understand he is returning today from China and has distinguished himself in that position and deserves recognition.

Mr. President, I yield the floor.

Mr. FEINGOLD. Mr. President, I rise to honor one of our former colleagues, Jim Sasser, who today completes his term as United States Ambassador to China.

I was honored to serve with Jim Sasser during my first two years as a member of this body. He served the people of Tennessee with distinction. As a member of the Senate Committee on Foreign Relations, I was pleased to support his nomination to be our Ambassador to China both in Committee and on the Senate floor. Although I have serious concerns about United States policy toward China, I believe that Ambassador Sasser served this country admirably during a period of immense strain in the complex relationship between the two countries.

In particular, he displayed enormous poise and courage in the days that followed the unfortunate, tragic, and accidental bombing of the Chinese embassy in Belgrade. For more than four days, Ambassador Sasser and numerous staff members were literally trapped inside the United States embassy in Beijing as thousands of demonstrators chanted anti-American slogans and threw rocks at the embassy from the streets outside. I commend him for the calm and diplomatic manner in which he dealt with this tense situation. He reminded us that ambassadors are more than just the official representatives of the United States; they are also the chiefs of mission with responsibility for the staff of many U.S. agencies, as well as the responsibility for the safety of American citizens living or traveling in the countries in which they serve. Our former colleague carried out all of these functions admirably under difficult conditions.

I wish Ambassador Sasser well in his future endeavors.

Mr. CONRAD. Mr. President, I would like now to take a moment to acknowledge the accomplishments of my former colleague and friend James Sasser, the United States Ambassador to the People's Republic of China. I need not remind the Senate of the quality of his leadership as fellow member, and former chairman, of the Budget Committee. It is not his 18 year tenure in the Senate that I want to discuss at this time, but his distinguished work as Ambassador to China.

Over the past three years, the People's Republic of China has been turbulent both socially and economically. From the reversion of Hong Kong in 1997, to the heightened concern about human rights violations, to the recent developments in Kosovo, it is an understatement to say that the task set before James Sasser was daunting. From the onset of his appointment in 1996, during the Chinese missile testing in the Taiwan straits, James Sasser has worked tirelessly towards a ''strong, stable, prosperous China,'' and towards the realization of an equally healthy relationship with United States.

The frontier of Chinese-US relations is a fast changing one, and Sasser's efforts have been considerable. Through the continued promotion of tariff reduction he has helped to launch American business towards the exploration of the Chinese market and helped to secure important trade commitments in the negotiations of the PCR's accession by the WTO.

There has also been considerable progress on the human rights front during the term of Sasser's Ambassadorship. Coupled with the release of prominent political and religious leaders, the PRC's ratification of the International Covenant of Economic and Social Rights is one of the most significant signs of progress with respect to civil rights in China. Sasser has also pioneered agreements with the PCR concerning the nonproliferation of nuclear technology, striving'' to cooperate on the peaceful uses of nuclear energy and halt the spread of nuclear weapons technology.''

It is with regret that I acknowledge James Sasser's departure. His counsel will be greatly missed. His accomplishment as US Ambassador to China will be remembered as important in advancing the opportunity for a sound relationship between the two countries. I would like to extend my sincere thanks for a job well done.

Mr. DASCHLE. Mr. President, I want to take a few moments to congratulate one of our former colleagues and a dedicated public servant, Jim Sasser, who leaves Beijing this week as our longest-serving ambassador to the People's Republic of China. I commend him for his distinguished and accomplished record in that demanding post.

I was proud to serve with Jim Sasser for eight years here in the Senate. I observed his fine work as Chairman of the Budget Committee, and as a key member of the Appropriations, Banking and Government Affairs Committees. He did much for the people of his home state of Tennessee, and for the people of this Nation.

When Senator Sasser assumed the chairmanship of the Budget Committee in 1989, we faced growing budget deficits as far as the eye could see. When he left the Senate in 1995, he had worked to set us on a course of fiscal discipline that has created unprecedented economic prosperity and led to the largest budget *surpluses* in our history. He made the hard choices, he made the tough political judgments, and he displayed tremendous legislative skill in helping put an end to the huge budget shortfalls that plagued our country for far too many years.

We were fortunate, them, when Jim Sasser again answered the call to public service when his third term in the Senate came to an end. As our ambassador to China, he has confronted important issues and major problems at a crucial time in our relationship. He traveled first to Beijing during the crisis in the straits of Taiwan in early 1996. He comes home in the wake of the accidental bombing of the Chinese embassy in Belgrade. In the three-and-one-half years in between, Ambassador Sasser has worked tirelessly to ensure that such incidents will not fundamentally alter the course of our relations with the world's most populous nation.

During Ambassador Sasser's tenure, we have seen the exchange of visits between our countries' presidents and the very successful U.S. tour of Premier Zhu Rongji. Those exchanges highlight the hundreds of less prominent, but no less productive, meetings and negotiations that have taken place at various levels of government and business over these 40 months.

Clearly, we have important differences with the Chinese. They existed before Jim Sasser went to China, and they will persist after his departure. But the interests that unite us—in trade, in a cleaner environment, in combating drugs and terrorism, in controlling the spread of weapons of mass destruction—also remain the same. By helping find the common ground on these issues, by maintaining a constructive dialogue based on those common interests even at the worst of times, Ambassador Sasser has strengthened one of our most important bilateral relationships. And he has done it with the personal touch and political skill those of use who were privileged to serve with him in the Senate know so well.

So, today I say thank you to Jim Sasser. Thank you again for your service as a member of the United States Senate, and thank you for skillful diplomacy as our ambassador to China. I know all my colleagues will join me in congratulating Ambassador Sasser for a job well done, and in welcoming him and his wife Mary back home.

Mr. BYRD. Mr. President, today marks another milestone in the remarkable career of a remarkable man—former Senator James Sasser of Tennessee. Today, after three-and-a-half tumultuous years, Jim Sasser formally relinquishes his post as U.S. Ambassador to the People's Republic of China and prepares to return home.

I am told that Henry Kissinger gave a speech in Beijing the other day and called Jim Sasser ''the best Ambassador we have sent to China.'' Having served with Jim for 18 years in the United States Senate, I am not surprised at the accolades he has received for his service as U.S. Ambassador in one of the most difficult and sensitive posts in the world.

Jim Sasser is a man of decency, integrity, and honor. Throughout his globe-spanning career, as a lawyer, a United States Senator, and a diplomat, he has never strayed far from his rural west Tennessee roots, where he learned the core values that have guided his actions ever since. In 1989, when I became chairman of the Appropriations Committee, Jim took over the chairmanship of the Senate Budget Committee. Together, we successfully tackled many of the thorny budget and appropriations issues that arose in the early 1990's. I was privileged to work closely with him for many years on the Senate Appropriations Committee, where he served with distinction as Chairman of the Military Construction Subcommittee.

It is clear that the hard work, talent, and leadership that he demonstrated throughout his Senate career served Jim well when he took over the post of Ambassador to China in 1996. U.S. relations with that nation have experienced dizzying swings during Jim's tenure, reaching their lowest point when the U.S. embassy in Beijing came under siege during the Kosovo conflict, but Jim has always remained above the fray, earning the respect of U.S. and Chinese officials alike. Few of us who know him can forget the haunting photograph of Jim Sasser standing behind the shattered window of the embassy at the height of the anti-American demonstrations in China just two months ago.

Mr. President, four-and-a-half years ago, I stood in this spot to bid Senator Sasser farewell upon his retirement from the Senate. Today, I am pleased to welcome him home to America again. He has served our nation with distinction, and I am confident that he will continue to do so in the coming years wherever the future may lead him.

Mr. BAUCUS. Mr. President, I rise today to honor a friend and former colleague of many of us in this Chamber, Jim Sasser. Jim will complete his assignment as our Ambassador in Beijing this week, an assignment that has lasted forty months, longer than any previous American Ambassador to China.

After three terms in the Senate, including his excellent leadership as Chairman of the Budget Committee, Jim spent a year in the private sector before taking up residence in Beijing in February of 1996. Since then, Jim has watched over the U.S.-China relationship during an incredibly tumultuous period.

Jim arrived in Beijing just as the crisis began in the Taiwan straits in early 1996. Three years later, he watched over the first exchange of Presidential visits between our two countries when Jiang Zemin visited the United States and President Clinton paid a return visit to China earlier this year. I had the distinct honor to lead the Congressional delegation accompanying the President to China and can attest that I was profoundly impressed by Jim Sasser's understanding and management of this critically important and complex bilateral relationship.

Then, most recently, we all watched with great worry and anticipation as Jim was trapped inside the Embassy during the violent demonstrations against the United States. We saw him ably represent and defend American interests during that extremely difficult and tense week.

Jim Sasser has represented this country through the most difficult of circumstances. When Jim left the Senate, I was proud that to have served in this body with him. As he leaves China, I am proud that he was my country's representative there. I wish him the best and know that my colleagues do so as well.

Mr. AKAKA. Mr. President, I rise today to pay tribute to our former colleague, a dear friend and a great American, Ambassador James R. Sasser, whose distinguished service as United States Ambassador to the People's Republic of China ended yesterday. Ambassador Sasser helped guide US-China relations through an interesting and complicated period, and as he and his family return to the United States I want to thank him for his dignified representation of our country.

I was privileged to serve with Jim Sasser when he was a member of the United States Senate. From 1977–1995, Jim Sasser distinguished himself first as the junior Senator, then later as the senior Senator from the State of Tennessee. While a member of the United States Senate, Senator Sasser served as chairman of the Senate Budget Committee and as chair of numerous subcommittees on a variety of domestic and foreign policy areas. During his tenure in the Senate, Senator Sasser introduced legislation to improve child nutrition, increase regulation of savings institutions and enhance research and training for geriatric diseases. However, Senator Sasser was best known for his role as chairman of the Senate Budget Committee where he worked with the White House to secure passage of the 1993 Budget Reconciliation and Deficit Reduction Act, an accomplishment that is in large part responsible for the unprecedented period of economic growth our nation enjoys and the transformation of an escalating federal budget deficit into an impressive surplus.

Moreover, Senator Sasser distinguished himself on foreign policy issues, courageously speaking his mind on issues such as the Reagan Administration policies in Central America. He was well respected by his colleagues and was known for his sharp intellect and genial personality. His campaign slogan during his 1976 Senate campaign was ''in behalf of a government that reflects our decency.'' Senator Sasser lived up to that promise through his distinguished record in the United States Senate.

After returning to private life in 1995, Jim Sasser served as a Fellow at the Kennedy School of Government at Harvard University before he was nominated as Ambassador to China. On January 10, 1996, Jim Sasser was sworn in by Vice President AL GORE as United States Ambassador to the People's Republic of China. Knowing that Sino-American relations were at an all time low, Ambassador Sasser went to the People's Republic of China with the same diligence that distinguished him as a Senator. The first motto that he graced the Chinese Embassy with, ''We may doze, but we never close,'' typifies the job that Ambassador Sasser did for three remarkable years.

Ambassador to China is one of the most difficult assignments for a diplomat. Dealing with the government of the most populous country in the world can be an intimidating task. Ambassador Sasser rose to the challenge and quickly established amicable relationships with President Jiang Zemin and most recently with premier Zhu Rongji. So tight were there bonds that Premier Zhu said after his trip to America with Jim Sasser last year. ''I would never have made it without the Ambassador.'' The relationships allowed Ambassador Sasser to navigate through the tough times in United States-China relations and have helped build and sustain cordial relations between the President of the United States and the President of the People's Republic of China. Moreover, his 18 years of distinguished service in the U.S. Senate helped prepare him for dealing with domestic and foreign policymakers in both countries.

Just weeks after Ambassador Sasser was sworn in, his diligence was tested when China began missile tests over the Taiwan Strait. Recently, United States-China relations were strained once again by the tragic, accidental bombing of the Chinese Embassy in Belgrade during NATO air strikes and reports of Chinese espionage of our national nuclear weapons laboratories. Ambassador Sasser distinguished himself and the entire American contingent of diplomats in China by acting in a respectful and sympathetic manner to the Chinese government during this unfortunate incident. I will never forget the photographs of Ambassador Sasser in the ruins of our embassy in Beijing. The calm, composed, and dignified manner in which he responded to the seige at our embassy and ambassador's residence are the benchmark for grace under fire and will forever symbolize the sacrifice and skills of our nation's diplomatic corps and foreign service personnel.

I had the opportunity to visit and talk with Ambassador Sasser on numerous occasions in Beijing. His assistance and advice was always courteous and on point. From human rights issues to intellectual property copyrights, Ambassador Sasser has done a tremendous job representing and communicating American interests in the People's Republic of China. During his 40 months of service as American Ambassador to China, the longest tenure

of any American Ambassador to China, Jim Sasser has accomplished so much in helping to improve Sino-American relations. His achievements are numerous and commendable. Ambassador Sasser's service has helped advance cooperation between American and Chinese political and security officials. Economic relations between our two countries have improved under Ambassador Sasser's leadership including ongoing negotiations for admitting China into the World Trade Organization. In the area of nuclear nonproliferation, Ambassador Sasser has seen the Chinese government address U.S. concerns about providing assistance to rogue nations, as well as issuing a State Council directive controlling export of dual-use items with potential nuclear weapons uses. The U.S. Embassy in China has also helped to secure relief assistance to Chinese earthquake victims. The list of accomplishments of Ambassador Sasser and his corps of diplomatic officials goes on and on. His record as Ambassador speaks for itself.

Although United States-China relations have been damaged by the accidental bombing of the Belgrade embassy, we can say that relations with China are better now than they were 3 years ago when Ambassador Sasser assumed his post in Beijing.

Now that Jim and Mary have returned safely home, I would like to take one final opportunity to thank them and his family for their courageous service and commitment to serving America in China. I have to agree with former Secretary of State Henry Kissinger's assessment of Ambassador Sasser as ''the best Ambassador to China we've ever had''. To Jim Sasser and his family, I say maholo nui loa, thank you very much, for your service and bid you aloha, welcome home.

CHANGES TO THE BUDGETARY AGGREGATES AND APPROPRIATIONS COMMITTEE ALLOCATION

Mr. DOMENICI. Mr. President, section 314(b)(5) of the Congressional Budget Act, as amended, requires the chairman of the Senate Budget Committee to adjust the appropriate budgetary aggregates and the allocation for the Appropriations Committee to reflect an amount provided for an earned income tax credit compliance initiative.

I hereby submit revisions to the 2000 Senate Appropriations Committee allocations, pursuant to section 302 of the Congressional Budget Act, in the following amounts:

[In millions of dollars]

	Budget authority	Outlays
Current allocation:		
General purpose discretionary	533,971	543,967
Violent crime reduction fund	4,500	5,554
Highways	.....	24,574
Mass transit	.....	4,117
Mandatory	321,502	304,297
Total	859,973	882,509
Adjustments:		
General purpose discretionary	+144	+146
Violent crime reduction fund	.....	.....
Highways	.....	.....
Mass transit	.....	.....
Mandatory	.....	.....
Total	+144	+146
Revised allocation:		
General purpose discretionary	534,115	544,113
Violent crime reduction fund	4,500	5,554
Highways	.....	24,574
Mass transit	.....	4,117
Mandatory	321,502	304,297
Total	860,117	882,655

I hereby submit revisions to the 2000 budget aggregates, pursuant to section 311 of the Congressional Budget Act, in the following amounts:

[In millions of dollars]

	Budget authority	Outlays	Deficit
Current allocation: Budget resolution	1,428,920	1,415,349	−7,267
Adjustments: EITC compliance	+144	+146	−146
Revised allocation: Budget resolution	1,429,064	1,415,495	−7,413

THE SUPREME COURT'S END-OF-TERM DECISIONS

Mr. LEAHY. Mr. President, the Supreme Court ended its term last week with a trio of deeply disturbing decisions regarding the role of the States and Congress in our federal system. In Alden v. Maine, the Court made it impossible for State employees to enforce their rights under the Fair Labor Standards Act, which for decades has guaranteed public and private employees nationwide a fair minimum wage.

In College Savings Bank, the Court deprived private parties of the ability to enforce federal unfair competition law against the States. And in Florida Prepaid, the Court held that Congress can execute its constitutional mandate to protect patents as against States only if the Court is satisfied that there is a sufficient ''pattern of constitutional violations'' of patent rights by the States. The Court also made an unprecedented suggestion about how we must write legislation: that we must expressly invoke a constitutional provision before it will honor our authority to legislate.

These three decisions, all by the same bare majority, are disturbing on three fronts. First, they seem to be premised on obsolete notions of natural law, with no basis in the text of the Constitution, and they expressly depart from established constitutional precedent. Second, they will make it harder for ordinary Americans to enforce their federally-protected rights against States. Third, they will make it far more difficult for Congress to enforce uniform policies on matters of national concern.

Justice Souter has eloquently explained how the Court's decisions will harm individuals. Dissenting in the Alden case, Justice Souter pointed out that the majority's decision left Maine's employees with a federal right to get paid for overtime work, but no way to enforce it. This flies in the face of logic, precedent, and common sense. As every first-year law student knows, where there is a right, there must be a remedy.

The maintenance of State sovereignty is clearly a matter of great importance. For this reason, I have been critical of the increasing intrusion of federal regulation into areas traditionally reserved to the States.

In particular, I have expressed concern about the seemingly uncontrollable impulse to react to the latest headline-grabbing criminal caper with a new federal prohibition. This Congress has also extended the federalization of State laws to civil law matters traditionally the province of the States, as in the Y2K bill. But though I watch the federalization of the law with concern, I cannot agree with the Court's decisions, which privilege States' rights over those of both the individual citizen and the federal Government. It is one thing to say that Congress should forbear from interfering in areas that are adequately regulated by the States; it is quite another thing to say that Congress may not exercise its constitutionally-delegated authority even when the national interest so demands.

We on the Senate Judiciary Committee hear a good deal of rhetoric about judicial activism. Here we have the real thing. The Court's so-called conservatives, who routinely limit individual constitutional rights on the basis of supposed strict adherence to the constitutional text, have suddenly developed a natural law concept of State sovereignty that even they admit has no basis in the constitutional text.

These conservative activists have reached out to overrule solid legal precedent. Thirty-five years ago, in Parden v. Terminal Railway Company, the Court held that States may lose their immunity by engaging in ordinary commercial ventures. This makes a good deal of sense.

Why should States that choose to act outside their core sovereign powers and compete in the marketplace get an edge over their regulated private competitors? Certainly, nothing in the Constitution suggests that they should. By overruling Parden, the Court's ''conservatives'' abandoned all pretense of judicial restraint.

Let me turn now to the flip-side of the Court's new emphasis on States' rights. In strengthening the power of the States, the Court has weakened the power of Congress and the federal Government.

We should, I believe, pay particular attention to the Court's restrictive reading of Congress's authority to enforce the Fourteenth Amendment.

This amendment grants the Congress the power to enforce, by appropriate legislation, federal constitutional rights. Last week, for the second time in as many years, the Court invalidated an Act of Congress because of the perceived deficiency of the legislative

record. The Court held, in effect, that Congress may not exercise its power pursuant to the Fourteenth Amendment unless it justifies itself, in advance, to the satisfaction of the federal courts. This demonstrates a breathtaking lack of respect for a co-equal branch of Government. Congress is not an administrative agency, and it should not be required to dot every ''i'' and cross every ''t'' before taking action in the public interest.

The Court's ''no-deference'' approach could complicate a broad range of current legislative initiatives. I will note just two that are of critical importance to me: civil rights and intellectual property.

The Religious Liberty Protection Act, which was recently reported by the House Judiciary Committee, is an important congressional effort to protect religious liberty after the Court struck down our previous attempt in the 1997 City of Boerne case. To the extent that any new bill rests on our authority under the Fourteenth Amendment, we must now do the work of an administrative agency to develop an evidentiary record that will satisfy the Supreme Court.

The end-of-term decisions will also make it harder for Congress to design a uniform system that will apply throughout the nation to protect important intellectual property interests. Intellectual property rights are deeply rooted in the Constitution, which provides in Article I that ''The Congress shall have power . . . [t]o promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.'' I have worked hard over the years to provide the creators and inventors of copyrighted and patented works with the protection they may need in our global economy.

Yet, the Court's decisions will have far-reaching consequences about how these intellectual property rights may be protected against even egregious infringements and violations by the States. For example, in light of the Court's decisions, will Congress now have to write one law for private universities, libraries and educational institutions, while State-run institutions are free to do whatever they please. This is a matter that Chairman HATCH and I will have to examine closely in the Judiciary Committee as we consider a host of intellectual property matters ranging from distance education, database protection, cyberpiracy of domain names, and others.

The Court's new conception of federalism poses an interesting challenge to Congress. Over the coming years, we can expect a flurry of lawsuits aimed at testing the limits of last week's rulings and of this body's legislative authority. In fact, the Court has already agreed to decide next term whether States are immune from suits charging that they have violated the federal law against age discrimination and whether they may be sued for defrauding the federal government.

I have risen to discuss the Court's end-of-term decisions for two reasons. First, I agree with the four dissenting Justices that these decisions are an egregious case of judicial activism and a misapplication of the Constitution. The four dissenters expressed their belief that the Court's new direction will eventually be reversed. I hope this is so. In the interim, however, we need to determine what means remain to Congress to fulfill the promise of the Constitution, which guarantees national supremacy to federal law and to federally-protected rights.

At least three paths remain open to us. First, Congress can require States to waive their immunity from suit as a condition of receiving federal funds. Second, since the States are not immune from suit by the federal Government, Congress can empower federal authorities to collect damages on behalf of private citizens whose federal rights have been violated by States. Third, Congress can give more emphasis to preventative remedies, since nothing in the Court's decisions affects the ability of individuals to sue States for injunctive relief.

I urge all Senators to study the Court's decisions. We need to work together with a clear understanding of the Court's new constitutional order.

KAREN SCHREIER'S CONFIRMATION AS UNITED STATES FEDERAL DISTRICT JUDGE FOR SOUTH DAKOTA

Mr. JOHNSON. Mr. President, I rise to express my appreciation of my colleagues for their overwhelming and bipartisan support for confirmation of Karen Schreier as a United States Federal District Judge for South Dakota. Karen Schreier has established an extraordinary reputation for skill and integrity during her years of private law practice, and as a very successful United States Attorney.

It is of historic note, that Karen is about to become the first female federal judge in South Dakota's 110-year history, and her outstanding achievements as an attorney, community leader, and federal judge will serve as a model for countless other talented young people throughout our state—both men and women. Most importantly, however, her ascension to the federal bench is a victory for justice and the rule of law. South Dakota and our nation will be very well served by Karen Schreier's tenure as Federal District Judge for South Dakota.

I also must observe that even the most talented of individuals does not achieve the highest career success without the support and assistance of other important people in their lives. I had the great honor and pleasure of serving in the South Dakota legislature with Karen's father, Harold Schreier. Harold represented the very best of public service in our state, and I know that Karen's success would be of enormous pride and satisfaction to him. Karen's mother, Maysie Schreier, has been a wonderful resource in the Flandreau community in her own right, and her values and determination are reflected in her daughter. Karen's husband, Tim Dougherty, is a talented lawyer, community leader and source of never-ending support and encouragement. Tim's father, Bill Dougherty, has for many years been one of South Dakota's foremost political leaders and voice for common-sense and progressive public policy. Bill has been the father of a great deal of legislative accomplishment in our state, but I have a feeling that Karen's success will always be one of his greatest sources of pride.

Mr. President, it is with wonderful personal satisfaction, that I can today offer my congratulations to Karen Schreier on her confirmation. Congratulations as well, to the Schreier and Dougherty families—outstanding South Dakota families, and valued personal friends!

SILVERY MINNOW—CRITICAL HABITAT DESIGNATION

Mr. DOMENICI. Mr. President, I rise today to discuss recent developments regarding the Rio Grande River in New Mexico, an endangered species called the silvery minnow, and praiseworthy action by the Senate Environment and Public Works Committee earlier this week.

As I have previously outlined before to my colleagues, a complicated and potentially chaotic situation involving literally hundreds of thousands of water users along the Rio Grande in my state could emerge this year. Yesterday, the Fish and Wildlife Service designated almost 170 miles of the Rio Grande channel as critical habitat for the silvery minnow. This designation, as Secretary of Interior Bruce Babbitt testified earlier this year, is prematurely driven by a court order before the needs of the minnow and economic impacts are known. Indeed, this is a ''cart before the horse'' situation that would be comical if its consequences weren't potentially so tragic.

In light of this situation, the action by the Senate Environment and Public Works Committee Tuesday is heartening in two respects. First, I want to profoundly thank Senator CHAFEE, chairman of the committee; Senator BAUCUS, ranking member; and Senator CRAPO, chairman of the relevant subcommittee, and their staffs, for their help on S. 1100, a precisely crafted bill that would bring a logical and commonsense reform to the present Endangered Species Act. Second, I also thank the various environmental organizations and their staffs that helped us in this effort. This was a unique, bi-partisan undertaking. I think the committee's work shows that intelligent reform can occur in this highly charged

arena. I will do all I can to assist in ''clean'' passage of this legislation, without the burden of multiple amendments that will fracture the consensus that has developed.

S. 1100 simply requires that the designation of critical habitat for an endangered species occur, in the future, after the scientific work necessary to develop a comprehensive recovery plan for that species is completed. That sounds logical to my colleagues, I suspect, but the present Endangered Species Act provides for just the opposite: that is, it requires a designation of habitat before science has told us what a species needs to survive.

I have been asked what relationship exists between S. 1100 and the Rio Grande/silvery minnow situation. The answer will clearly depend on how the courts resolve this particular case. However, S. 1100 provides that designation of critical habitat should occur concurrently with the development of a recovery plan. That is a significant step forward, but only a first step. It will prevent the situation now found on the Rio Grande in the future.

A court has forced the Fish and Wildlife Service to prematurely designate critical habitat, a premature designation that everyone agrees could be counter-productive. Mr. President, you know that a full Environmental Impact Statement is required by law in the case of a ''major federal action.'' If any case cries out for a full EIS, it is the case of the silvery minnow. The potential impact of this federal action by the Fish and Wildlife Service, compelled by the court, could have consequences well beyond the normal definition of the word ''major.'' At stake is the water, literally the water used every second of every day by all users of the Rio Grande system. Unfortunately, even with legal precedent on the need for an EIS in habitat designations, the Fish and Wildlife Service chose not to do one.

Some try to portray this particular case as one dividing farmers and ranchers from the more extreme environmentalists in our state, a situation described quite accurately and colorfully by Secretary Babbitt earlier this year as ''intransigence.'' Yet, this issue is much broader than that kind of confrontation: hundreds of thousands of users, people who depend upon the Rio Grande for their water in their taps at home, residents of Santa Fe and Albuquerque, and the communities in between, could find their water endangered.

In light of this potential, I believe that a full-scale Environmental Impact Statement must be done on the silvery minnow issue. It is only after we know the impact that critical habitat designation may have on all users, and its relationship to saving the species, that we can intelligently move forward.

A BUDGET SURPLUS TO REFORM AMERICA'S PUBLIC SCHOOLS

Mr. KERRY. Mr. President, I want to spend a few moments today to talk about one of the great questions to which I believe the Senate has yet to take a stand. That is the question of reform of our public school system. And Mr. President, I would suggest that today the responsibility to be creative, to be resourceful, and to empower our schools resides right here in the United States Senate.

I am grateful that President Clinton has recently taken a position a number of us have advocated in this age of budget surpluses. Now it's time for all of us to acknowledge that some proportion of these projected budget surpluses should be set aside for education reform—set aside in a lockbox. And, Mr. President, I would suggest that we should all be able to agree that any budget we conclude this year—if it is a budget that reflects the American people's most urgent need—must include more funding for school reform.

Let's be honest—as a society, there is no decision of greater importance to the long term health, stability, and competitiveness of this nation than the way we decide to educate our children. We look to public schools today to educate our children to lead in an information age and a global economy where borders have vanished—and the wealth of nations will be determined by the wisdom of their workers—by their level of training, the depth of their knowledge, and their ability to compete with workers around the world.

Mr. President, two hundred years ago Thomas Jefferson told us that our public schools would be ''the pillars of the republic''—he was right then, he is right now—but today there is a caveat: those public schools must also be—more than ever—the pillars of our economy and the pillars of our communities.

And I would respectfully suggest to you that there has not been a more urgent time than the present to reevaluate the way America's greatest democratic experiment is working—the experiment of our nation's public schools.

Those pillars of the republic have never before had to support so heavy a burden as they do today. In our world of telecommuting; the Internet; hundreds and soon thousands of television channels; sixty, seventy and eighty hour work weeks—there are fewer and fewer places where Americans come together in person to share in that common civic culture, fewer ways in which we unite as citizens. And more reasons, I believe, why this nation must have a great public school system.

And what can we say of the system before us today? I think we must say that—although there are thousands of public schools in this country doing a magnificent job of educating our children to a world class level—too many of our schools are struggling and too many kids are being left behind.

I believe we have a responsibility to be the true friends of public education—and the best friends are critical friends, and it is time that we seek the truth and offer our help to a system that is not doing enough for a large proportion of the 50 million children in our public schools today—children whose reading scores show that of 2.6 million graduating high school students, one-third are below basic reading level, one-third are at basic, only one-third are proficient and only 100,000 are at a world class reading level; children who edge out only South Africa and Cyprus on international tests in science and math, with 29 percent of all college freshmen requiring remedial classes in basic skills.

This year we have already passed the Ed-Flex Bill, a step forward in giving our schools the flexibility and the accountability they need to enact reform, making it a matter of law that we won't tie their hands with red tape when Governors and Mayors and local school districts are doing all they can to educate our kids, but also emphasizing that with added flexibility comes a responsibility to raise student achievement.

But EdFlex was just one step to balance accountability and flexibility—to continue the process of real education reform—and that is why my colleague, the Senator from Oregon, GORDON SMITH, and I have come together, in a bipartisan way—through the Kerry-Smith approach to education reform we've introduced with TED KENNEDY, MAX CLELAND, EVAN BAYH, JOHN EDWARDS, CARL LEVIN, PATTY MURRAY, RICHARD BRYAN, as well as JOHN CHAFEE, SUSAN COLLINS and OLYMPIA SNOWE from Maine. Ours is an approach which will make a difference in our schools and which can bring together leaders from across the political spectrum around good ideas which unite us.

For too long in this country the education debate has been stuck both nationally and locally. Leaders have been unable or unwilling to answer the challenge, trapped in a debate that is little more than an echo of old and irrelevant positions with promising solutions stymied by ideology and interest groups—both on the right and on the left.

Nowhere more than in the venerable United States Senate, where we pride ourselves on our ability to work together across partisan lines, have we—in so many debates—been stuck in a place where Democrats and Republicans seem to talk past each other. Democrats are perceived to be always ready to throw money at the problem but never for sufficient accountability or creativity; Republicans are perceived as always ready to give a voucher to go somewhere else but rarely supportive of investing sufficient resources to make the public schools work.

Well, I think it is in this Congress, this year, that we can finally disengage ourselves from the political combat, and acknowledge that with so much on the line, such high stakes in our schools, you can't just talk past each other and call it reform.

We all need to do our part to find a new answer, and Mr. President I would respectfully suggest that in the bipartisan support you see for this approach, there is a different road we can meet on to make it happen.

Together we are introducing the kind of comprehensive education reform legislation that I believe will provide us a chance to come together not as Democrats and Republicans, but as the true friends of parents, children, teachers, and principals—to come together as citizens—and help our schools reclaim the promise of public education in this country. We need to ask one question: ''What provides our children with the best education?'' And whether the answer is conservative, liberal or simply practical, we need to commit ourselves to that course.

Our bill is built on the notion of providing grants for schools with real accountability to pursue comprehensive reform and adopt the proven best practices of any other school—Voluntary State Reform Incentive Grants so school districts that choose to finance and implement comprehensive reform based on proven high-performance models can bring forth change. We will target investments at school districts with high numbers of at-risk students and leverage local dollars through matching grants. This component of the legislation will give schools the chance to quickly and easily put in place the best of what works in any other school—private, parochial or public—with decentralized control, site-based management, parental engagement, and high levels of volunteerism—while at the same time meeting high standards of student achievement and public accountability. I believe public schools need to have the chance to make changes not tomorrow, not five years from now, not after another study—but now—today.

So if schools will embrace this new framework—every school adopting the best practices of high achieving schools, building accountability into the system—what then are the key ingredients of excellence that every school needs to succeed?

Well, I think we can start by guaranteeing that every one of our nation's 80,000 principals have the capacity to lead—the talents and the know-how to do the job; effective leadership skills; the vision to create an effective team—to recruit, hire, and transfer teachers and engage parents. Without those abilities, the title of principal and the freedom to lead means little. We are proposing an ''Excellent Principals Challenge Grant'' which would provide funds to local school districts to train principals in sound management skills and effective classroom practices. This bill helps our schools make being a principal the great calling of our time.

But as we set our sights on recruiting a new generation of effective principals, we must acknowledge what today's best principals know: principals can only produce results as good as the teachers with whom they must work. To get the best results, we need the best teachers. And we must act immediately to guarantee that we get the best as the United States hires 2 million new teachers in the next ten years, 60% of them in the next five years. In the Kerry-Smith Bill we will empower our states and school districts to find new ways to hire and train outstanding teachers: through a focus on teacher quality and training—in Title V of this bill—we can use financial incentives to attract a larger group of qualified people into the teaching profession and we can provide real ongoing education and continued training for our nation's teachers.

This legislation will allow states to reconfigure their certification policies and their teaching standards to address the reality that our standards for teachers are not high enough—and at the same time, they are too rigid in setting out irrelevant requirements that don't make teaching better; they make it harder for some who choose to teach. We know we need to streamline teacher certification rules in this country to recruit the best college graduates to teach in the United States. Today we hire almost exclusively education majors to teach, and liberal arts graduates are only welcomed in our country's top private schools. Our legislation will allow states to rewrite the rules so principals have a far greater flexibility to hire liberal arts graduates as teachers, graduates who can meet high standards; while at the same time allowing hundreds of thousands more teachers to achieve a more broad based meaningful certification—the National Board for Professional Teaching Standards certification with its rigorous test of subject matter knowledge and teaching ability.

This legislation will build a new teacher recruitment system for our public schools—providing college scholarships for our highest achieving high school graduates if they agree to come back and teach in our public schools.

We will demand a great deal from our principals and our teachers—holding them accountable for student achievement—but Mr. President we also hope to build a new consensus in America that recognizes that you can't hold someone accountable if they don't have the tools to succeed.

Our bill helps to close the resource gap in public education: helping to eliminate the crime that turns too many hallways and classrooms into arenas of violence by giving school districts incentives to write discipline codes and create ''Second Chance'' schools with a range of alternatives for chronically disruptive and violent students—everything from short-term in-school crisis centers, to medium duration in-school suspension rooms, to high quality off-campus alternatives, providing the resources that can, in tandem with values and character education, prevent senseless tragedy before it happens; the resources to help every child come to school ready to learn by funding successful, local early childhood development efforts; and making schools the hubs of our communities once more by providing support for after school programs where students receive tutoring, mentoring, and values-based education—the kind of programs that are open to entire communities, making public schools truly public.

And our legislation will help us bring a new kind accountability to public education by injecting choice and competition into a public school system badly in need of both. We are not a country that believes in monopolies. We are a country that believes competition raises quality. And we ought to merge the best of those ideas by ending a system that restricts each child to an administrator's choice and not a parent's choice where possible. It is time we adopt a competitive system of public school choice with grants awarded to schools that meet parents' test of quality and assistance to schools that must catch up rapidly. That is why our bill creates an incentive for schools all across the nation to adopt public school choice to the extent logistically feasible.

We are not just asking Democrats and Republicans to meet in a compromise, a grand bargain to reform public education. We are offering legislation that helps us do it, that forces not just a debate, but a vote—yes or no, up or down, change or more of the same. Together we can embrace new rights and responsibilities on both sides of the ideological divide and admit that the answer to the crisis of public education is not found in one concept alone—in private school vouchers or bricks and mortar alone. We can find answers for our children by breaking with the instinct for the symbolic, and especially the notion that a speech here and there will make education better in this country. It can't and it won't. But our hard work together in the coming year—Democrats and Republicans together—can make a difference. Education reform can work in a bi-partisan way. There is no shortage of good ideas or leadership here in the Senate—the experience of GORDON SMITH who spent years in the Oregon legislature working to balance resources and accountability to raise the quality of public education; with tireless leadership from former Governors like EVAN BAYH and JOHN CHAFEE; bipartisan creativity from PATTY MURRAY and OLYMPIA SNOWE; and the leadership and passion, of course, of the senior Senator from my state, Senator KENNEDY, who has led the fight on education in this Senate, and who has provided this body with over 30 years of unrivaled leadership and support for education.

We look forward to working with all of our colleagues this year to pass this legislation, in this important year as we undergo the process of reauthorizing the Elementary and Secondary

Education Act, to find common ground in ideas that we can all support—bold legislation that sends the message to parents and children struggling to find schools that work, and to teachers and principals struggling in schools simultaneously bloated with bureaucracy and starved for resources—to prove to them not just that we hear their cries for help, but that we will respond not with sound bites and salvos, but with real answers. And Mr. President, I would suggest that in this time when the United States, the richest nation on the face of the earth, leading a global economy, pushing our stock market well over 10,000, with budget surpluses we all herald at every turn, I would suggest that at this time we need to make the commitment—together, Democrats and Republicans—to give every school the chance to give every child in our country a world class education. That is an investment we can not afford to pass up—and Mr. President this is the time to do it. I look forward to working with all colleagues, Mr. President, in fashioning a budget that takes serious the American people's call for real and comprehensive education reform.

WELFARE REFORM

Mr. WELLSTONE. Mr. President, I rise today because I am concerned that there is a growing national crisis in America. Although we do not know its exact dimensions, the early evidence is extremely troubling.

Nearly three years ago, against my objections, Congress passed and President Clinton signed the welfare reform law. The stated purpose of the law was to move people off welfare and toward economic self-sufficiency.

By now, we all know that the welfare caseloads have dramatically declined. The welfare caseloads are at their lowest point in nearly 30 years. Since welfare reform became law, 1.6 million families have left the welfare rolls. Approximately 4.6 million are no longer receiving cash assistance. Clearly, the law has been successful at moving people off welfare. On this basis, nearly everyone is jumping at the opportunity to proclaim welfare reform as a ''success.'' But, Mr. President, I have my doubts. How can we call welfare reform a success without knowing what has happened to these people after leaving welfare? How can we call it a success without knowing how people are doing? Mr. President, declining caseloads do not answer the fundamentally important questions. They don't tell us if families are moving toward economic self-sufficiency. They don't tell us if people have been able to escape poverty. They don't tell us if mothers have been able to find work. They don't tell us if children have food and are covered by health insurance.

Mr President to be honest, the declining welfare caseloads tell us very little. We should not be trumpeting the success of welfare reform before we know about the living conditions of the people who have been moved off welfare. And right now, no one seems to know. Over and over again I have asked my colleagues if they know of any research demonstrating that the decrease in the number of families receiving assistance means that people are escaping poverty, but no one has produced such a study. No one!

My fear is that these people are simply disappearing.

Mr. President, we've got a similar problem with the recent reports about Food Stamps. Lately we've been hearing a lot about the plunge in Food Stamp participation. Over the last four years the number of people using food stamps dropped by almost one-third, from 28 million to 19 million people.

Some want to interpret this decline as an indication of diminished need. But, just like the decline in welfare rolls, there are important questions that are left unanswered. I hope that the drop means that fewer people are going hungry. But, I have my doubts.

If people are no longer needy, then how can we account for the fact that 78 percent of cities surveyed by the United States Conference of Mayors for its Report on Hunger reported increases in requests for emergency food in 1998?

If people are no longer needy, then how can we explain why Catholic Charities USA reported early this year that 73 percent of dioceses had increases of as much as 145 percent in requests for emergency food assistance compared to a year before.

Mr. President, how can we account for these findings without questioning whether the reformers' claims of success are premature?

What is going on here? A story from the New York Times suggests one troubling explanation:

''[One welfare recipient was told] incorrectly . . . that she could not get food stamps without welfare. So, though she is scraping by raising a family of five children and sometimes goes hungry, she has not applied [for food stamps]. . . . 'They referred me to the food pantry,' she said. 'They don't tell you what you really need to know. They tell you what they want you to know.'' (4/17/99).

Mr. President, I am here today to propose an amendment. It is an amendment that I hope will receive widespread support. It is simple and straightforward. It will help us find out how people who have left welfare are doing. It will provide us with the information we need in order to properly evaluate the success or failure of welfare reform.

Mr. President, the 1996 welfare law sets aside $1 billion for ''high-performance'' bonuses. Currently, the money is awarded to states using a formula that takes into account state effectiveness in increasing employment among TANF recipients. My amendment would add three more criteria:

Food stamp participation among poor children,

The proportion of families leaving TANF who are covered by Medicaid or child health insurance, and

The number of children in working poor families who receive some form subsidized child care.

In other words, states would have to provide this information in addition to the job entry, job retention, and earnings data they already must provide in their high-performance bonus applications.

Mr. President, some of my colleagues might suggest that these additional requirements will be too difficult for the states to meet. I will address this issue in detail in a little while. Right now, let me just reassure everyone that no state will be required to conduct any new surveys. In fact, no state will have to collect any new data. All that my amendment will require is that states report data they already have.

Mr. President, as I have already suggested, I am here today because of my deep concern for the millions of Americans who struggle each day to get by. These are the people who worry about:

How to keep a roof over their families' heads, How to get food in their children's stomachs, How to earn a wage that pays their bills, and How to obtain medical help when they are sick.

I am especially concerned about our nation's children who all too often are the innocent victims of poverty.

Mr. President, we live in the richest country in the world. We live in a country that has experienced what many call ''an unprecedented period of prosperity.'' But Mr. President, this prosperity has not extended to all families and their children. While our country is supposedly doing so well, we've got about 14 million—That's one in five—children who live in poverty. And, 6.5 million children live in extreme poverty. Their family income is less than one-half the poverty line.

This poverty has profoundly terrible consequences on the lives of these children. On the basis of research, we now know that poverty is a greater risk to children's overall health status than living in a single parent family. A baby born poor is less likely to be alive to celebrate its first birthday than a baby born to an unwed mother, a high school dropout, or a mother who smoked during pregnancy.

Mr. President, poor children must walk a gauntlet of troubles, that begin even before they are born and often last a lifetime. Not only are poor children more likely to die during childhood, they are:

More likely to have low birth weights and be born premature; More likely to be deaf; More likely to be blind; More likely to have serious physical or mental disabilities, and More likely to suffer from stunted growth.

Mr. President, I am worried that welfare reform is making these problems worse. I think that we really need to pay attention to the quality of people's lives not just to the numbers of people on assistance.

Mr. President, the purpose of my amendment is to help us to understand at a national level what is happening in our country in the wake of welfare reform. I've spent a lot of time trying to figure this out and have come to the conclusion that what we currently know is not sufficient. I am not alone in this belief. One of the organizations I work is called NETWORK. It's a National Catholic Social Justice lobby. The people at NETWORK wrote the following in their recent report on welfare reform:

> Even though government officials are quick to point out that national welfare caseloads are at their lowest point in 30 years, they are unable to tell us for the most part what is happening to people after they leave the welfare rolls—and what is happening to people living in poverty who never received assistance in the first place.

Mr. President, although we lack a national portrait, some of the research I read about what is going on in the states deeply concerns me.

For example: In Alabama, a professor found that intake workers gave public assistance applications to only 6 out of 27 undergraduate students who requested them, despite state policy that says that anyone who asks for an application should get one.

In Arizona, after holding fairly steady from 1990 to 1993, the number of meals distributed through Arizona's statewide food-charity network has since risen 50 percent.

In California, tens of thousands of welfare beneficiaries are dropped each month as punishment. In total, half of those leaving welfare are doing so because they did not follow the rules.

In Florida, more than 15,000 families left welfare during a typical month last year. About 3,600 reported finding work, but nearly 4,200 left because they were punished. The state doesn't know what happened to almost 7,500 others.

In Georgia, nearly half of the homeless families interviewed in shelters and other homeless facilities had lost TANF benefits in the previous 12 months.

In Iowa, 47 percent of those who left welfare did so because they did not comply with requirements such as going to job interviews or providing paperwork. And in Iowa's PROMISE JOBS experiment, the majority of families punished for failure to meet welfare-to-work requirements told researchers that they didn't understand those requirements.

In my own State of Minnesota, care managers found that penalized families were twice as likely to have serious mental health problems, three times as likely to have low intellectual ability, and five times more likely to have family violence problems when compared with other recipients.

In the Mississippi Delta, workfare recipients gather at 4 a.m. to travel by bus for two hours to their assigned work places, work their full days, and then return—another two hours—home each night. It is no surprise, therefore, that they are having trouble finding child care during these nontraditional hours, and for such extended days.

In New York, a September 1998 survey found that 71 percent of former recipients who last received TANF in March 1997 did not have any employer-reported earnings.

In a rural Appalachian community in Ohio, there is a lack of jobs at decent wages that has resulted in dramatic increases in requests for food. The Congressional Hunger Center tells us that, ''As people are being moved off of the rolls in rural areas, there is very little support structure to help them become self-sufficient—government programs are unavailable due to time limits, there is little private industry in the area, and neighbors struggle to get by on their own.''

And then there is the so-called success story in Wisconsin. Only one in four families that permanently leave welfare have incomes above the poverty line. The typical recipient actually lost income during the year after leaving welfare. Only one in three of those who left welfare increased their economic resources. In La Crosse, Wisconsin, the number of children sleeping in Salvation Army homeless shelters shot up by 50 percent between 1994 and 1996. In contrast, the number of homeless men—a group that is largely unaffected by welfare changes—rose by only one percent during the same period. And, a recently released study by the Institute for Wisconsin's Future says that the number of families in extreme poverty jumped from about 1,700 in 1989 to 11,200 in 1997.

Mr. President, clearly we need to be careful about pronouncing welfare reform a ''success'' simply because the caseloads are down. People are continuing to suffer and struggle to meet their basic needs.

Mr. President, I have already discussed the dramatic decline in welfare caseloads. Let me remind everyone that the caseload decline has not been matched by a similar decline in poverty indicators.

I think we need to know, on a national level, what's going on. The research we do have suggests that moving people off of welfare is not having the intended effect of putting them on the road to economic self-sufficiency.

The NETWORK study reports that people continue to experience severe hardship. For example:

> Nearly half of the respondents report that their health is only ''fair'' or ''poor.'' 43% eat fewer meals or less food per meal due to cost. 52% of soup kitchen patrons are unable to provide sufficient food for their children. Even the working poor are suffering as 41% of those with jobs experienced hunger.

Mr. President, NETWORK is not the only group out there trying to find out what is going on. In another study, seven local agencies and community welfare monitoring coalitions in six states compared people currently receiving welfare to those who stopped getting welfare in the last six months.

The data show that people who stopped getting welfare were:

Less likely to get food stamps; Less likely to get Medicaid; More likely to go without food for a day or more; More likely to move because they couldn't pay rent; More likely to have a child who lived away or was in foster care; More likely to have difficulty paying for and getting child care, and; More likely to say ''my life is worse'' compared to six months ago.

The National Conference of State Legislatures' analyzed 14 state studies with good information about families leaving welfare. It found:

> Most of the jobs [that former recipients get] pay between $5.50 and $7 an hour, higher than minimum wage but not enough to raise a family out of poverty. So far, few families who leave welfare have been able to escape poverty.

And then there is the recent study by Families USA, which presents a very troubling set of findings. It reports:

> over two-thirds of a million low-income people—approximately 675,000—lost Medical coverage and became uninsured as of 1997 due to welfare reform. The majority (62 percent) of those who became uninsured due to welfare reform were children, and most of those children were, in all likelihood, still eligible for coverage under Medicaid. Moreover, the number of people who lose health coverage due to welfare reform is certain to grow rather substantially in the years ahead.

Mr. President, sometimes with all these numbers and studies we lose sight of the fact that they are based on the lives of real people—people who want the best for themselves and their children. But, we must not forget this reality.

Here is the story of one family that one of the Sisters in the NETWORK study workeed with:

> Martha and her seven year-old child, David, live in Chicago. She recently began working, but her 37-hour a week job pays only $6.00 an hour. In order to work, Martha must have childcare for David. Since he goes to school, she found a sitter who would receive him at 7 a.m. and take him to school. This sitter provided after school care as well. When Sister Joan sat down with Martha to talk about her finances, they discovered that her salary does not even cover the sitter's costs.

The Families USA Report tells us the following story:

Terry (This is not her real name)

> had been on welfare for about two years when she got a job at McDonald's. Working 30 hours a week, Terry earned $600 a month. When she told her welfare caseworker about her new job, Terry and her 5-year-old son, James, were cut off of cash assistance and Medicaid. Her Food Stamps stopped, too, although she was promised they would continue. When Terry left welfare for work, no one told her that she was eligible for Transitional Medicaid. And her son James should have continued to receive Medicaid until Terry earned at least $1,200 a month—twice as much as she made at her job at McDonald's.

Mr. President, these three cases I just mentioned are about families where a parent is working. There is an even scarier situation—families that neither receive government assistance

nor have a parent with a job. We don't know for certain how large this population is, but in the NETWORK study 79% of the people were unemployed and not receiving welfare benefits. Of course this study was focused on the hardest hit and therefore overestimates the overall percentage of former recipients who are unemployed. But, it still represents a 50% increase over the level it found before welfare reform.

How are these families surviving? Mr. President, I am deeply concerned and worried about them. They are no longer receiving aid and they don't have jobs. They are literally falling through the cracks and disappearing. I call these families, which are composed primarily of women and their children, The Disappeared Americans.

We must find out what is going on. That is why this amendment is so important. It will provide us with valuable information we need in order to be responsible policymakers.

Mr. President, this is not the first time I have come to the floor of the US Senate to offer an amendment designed to find out what is happening to poor people in this country. Last month I offered a similar amendment and it lost by one vote. Although 50 Senators voted against it, not one spoke in opposition. Not a single Senator rose to debate me on the merits of the measure. At that time, I promised and I would return to the Senate floor with the amendment, and today I am fulfilling my promise.

Since I first offered the amendment, we have received some valuable input about the best way to gather the kind of data we need to understand on a national level what is going on. In the original amendment, states would have been required to conduct new studies to track all former TANF recipients. In the version of the amendment I offer today, states can simply rely on administrative data that they already collect. For example, in order to provide Medicaid and child health insurance data, states would just have to do a match between their TANF and Medicaid/CHIP computer systems. And, if states choose not to apply for the TANF bonus money, they would only need to provide data on a valid sample of former recipients, not the entire population.

In other words, Mr. President, we have reworked the amendment to make it significantly less burdensome of the Secretary of HHS and the states. Frankly, with these changes, I don't see a reason why anyone would vote against this amendment. If there is going to be opposition, I expect that we will have a debate. Let's identify our differences and debate them.

Mr. President, let me wrap things up by reminding us all that it is our duty and our responsibility to make sure that the policies we enact for the good of the people actually are doing good for them. Evaluation is one of the key ingredients in good policy making and it does not take a degree in political science to realize what anyone with common sense already knows: When you try something new, you need to find out how it works.

As policy makers—regardless of our ideology or intuitions—it is our role to ensure that the programs we enact to provide for American families' well-being are effective and produce the outcomes we intend.

We need to know what is happening with the families who are affected by welfare reform. We need to know whether reform is, in fact, effectively helping low income mothers and their children build a path to escape poverty and move toward economic self-sufficiency.

As I have already explained, the data we do have does not provide us with all the information we need. We need to go beyond simply assuming that welfare and food stamp declines are ''good'' news.

The Swedish sociologist Gunnar Myrdal once said, ''Ignorance is never random.'' Sometimes we choose not to know what we do not want to know. In the case of welfare reform, we must have the courage to find out.

PLIGHT OF THE DOMESTIC OIL AND GAS INDUSTRY

Mr. DOMENICI. Mr. President, the Wall Street Journal yesterday wrote:

> What is not in dispute is how hard a hit small domestic oil took during the recent downturn in oil prices. While larger oil companies with their huge asset bases and integrated businesses were able to weather the storm, many of the smaller producers, which operate on low margins and minuscule volumes, lurched toward ruin.
>
> These small producers, who mop up the tailings of the country's once-great oil fields primarily in the West and the Mid-west collectively produce about 1.4 million barrels of oil daily, an amount roughly equivalent to that imported to Saudi Arabia. And the total number of such subsistence wells, defined by the Interstate Oil and Gas Compact Commission as ones producing 10 barrels of crude a day or less were abandoned at an accelerated rate during the downturn, experts say.

The Wall Street Journal is not the only entity noticing the plight of the domestic independent oil and gas industry. DOE recently wrote: ''Domestic crude oil producers have seen the price of their product (adjusted for inflation) fall to levels not seen since the 1930's.''

Independent oil and gas producers have wells in 32 States. Senators from these producing States have heard from the producers, oil and gas service small businesses, Governors, mayors and county commissioners. The situation was so bad in Oklahoma that the Governor held a special session of the legislature. In New Mexico, we have oil and gas producers organizing marches and rallies calling attention to their crisis. When the oil and gas industry suffers a cash flow problem and credit crunch, so do Federal, State and local governments. The recent oil and gas crisis has cost States and localities $2.1 billion in lost royalties alone. One community had to chose between keeping the hospital or the school open. Oil tax revenues were, not sufficient to keep both operating.

The number of oil and gas rigs operating in the United States is at the lowest count since 1944, when records of this tally began. The industry is predicting that the U.S. will loss an additional million barrels a day of domestic production as a result of the last price collapse. This production shrinkage will be felt in the marketplace in 12 to 18 months.

Beginning in November 1997, the oil and gas exploration and development industry began experiencing the lowest inflation-adjusted oil prices in history.

Recent Independent Petroleum Association of America (IPAA) statistics speak for themselves:

- 55,000 jobs lost out of an estimated 338,600 total industry jobs.
- Additional 68,000 oil and natural gas jobs (20 percent) are at risk of being lost.
- 136,000 oil wells (25 percent of total U.S.) and 57,000 natural gas wells shut down.

Every barrel of domestic that we lose will have to be replaced with barrel of foreign produced oil and our dependence on foreign oil is already too high—in excess of 57 percent and trending higher.

The industry we are trying to help includes royalty owners in all 50 States. Many of these royalty owners are retired and depend on their oil royalty checks to pay for their daily expenses. When the price of oil dipped to $10 a barrel several months ago, these royalty owners saw their royalty checks drop by half.

At $18 to $19 a barrel our independent producers barely break even. At $14 a barrel they lose $10.30 a day per well or $3,752 a year per well.

The oil and gas industry is a very capital intensive industry on the front end—exploring and drilling wells and also on the back end—shutting in wells or going out of business. The drilling costs for a well range from $600,000 to $15 million for an off-shore deep water well. Getting out of the business is capital intensive industry, too. On average it costs $5,000 to $10,000 a well to decommission a well.

It is an industry dependent on banks and credit. The independents get about 40 percent of their capital from financial institutions. The price of oil has just recently improved, but the bankers have been reluctant to restructure loans or to make new loans.

Capital budgets to develop new production and replace depleting existing production have been cut dramatically. Most independents are not drilling new wells. The industry has a viable future but they have to get through this current credit crunch, and they need loan restructuring to keep them going until they can recover from the big price drop of 1997 through mid-1999.

This is why I joined with Senator BYRD to propose an emergency loan

program for oil, gas and steel—two important core industries. I am hopeful that the House will quickly name conferees and move the bill through the legislative process. Domestic oil and gas production is America's true national strategic petroleum reserve and we need to make sure there is an industry in the U.S. capable of meeting our strategic oil and gas needs.

I ask unanimous consent that an article that appeared in the June 30, 1999, Wall Street Journal be printed in the RECORD.

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

[From the Wall Street Journal, June 30, 1999]

OIL PRODUCERS FILE ANTIDUMPING SUIT

GROUP OF INDEPENDENT FIRMS SAYS FOUR COUNTRIES SOLD AT CHEAP PRICES IN U.S.

(By Helene Cooper and Christopher Cooper)

WASHINGTON—Thirty years ago, after a two-day debate over the difference between material injury and immaterial injury in America's dense antidumping laws, Sen. Russell Long issued a commentary still bandied about in international trade corridors today. The antidumping debate, he said, ''sounds more like the difference between mumbo-jumbo and jumbo-mumbo.''

Yesterday, that jumbo-mumbo erupted into a case that could smack consumers right in the wallets—and just before an election year, no less. A group of independent oil producers has filed an antidumping suit with the Commerce Department and the International Trade Commission. The oil companies—representing an industry that 20 years ago was a cartel that kept prices high—say four countries ''dumped'' cheap oil on the U.S. market in 1998 and 1999.

The group, called Save Domestic Oil Inc., wants the Clinton administration to impose dumping duties on oil from the four alleged offenders—Mexico, Venezuela, Saudi Arabia and Iraq—which together account for more than half of the oil imported into the U.S. The duties requested range from 33.37% (Mexico) to 177.52% (Venezuela). Many of the bigger U.S. oil companies, which import much of their oil, oppose the complaint.

In Washington, where politicians are still reeling from the steel industry's recent attempt to limit steel imports, the case is bound to be politically explosive. ''This oil thing could kill us,'' says one Clinton administration official. Indeed, if the oilmen win—and in the world of U.S. antidumping statutes, he who complains usually wins—the Clinton administration could well find itself blamed for increased prices at the pump.

Energy Secretary Bill Richardson called the complaint a ''serious charge, with potentially serious consequences.'' He added that the administration should seek to ''bring all the parties together to see whether there is a way to resolve the concerns raised by this petition.''

Many economists and trade lawyers who dislike the U.S. antidumping law say it's crazy to file an oil antidumping complaint because oil is a commodity regulated by world markets; as a commodity, oil's properties tend to be consistent, so the markets set a standard price. But Danny Briggs, proprietor of tiny Pickrell Oil Co. in northwest Kansas and a member of Save Domestic Oil's executive committee, says he's tired of watching cheap oil from abroad drive down the prices here. ''We tried everything we could think of'' before turning to the trade action, Mr. Briggs says. ''It's been used by the apple growers and the steel manufacturers—why not the oil producers?''

Although most of the plaintiffs, advancing the trade complaint are small oil producers—strippers, as they're known in the business—one exception is Houston's Apache Corp., one of the nation's largest independent oil companies. Raymond Plank, Apache's chief executive, said he personally put up $10,000 and his company anted up another $10,000 to help pay the costs of the trade complaint, which is ultimately expected to cost the plaintiffs $1.5 million in legal fees.

They hired Charles Verrill, a powerful Washington trade lawyer who, for 30 years, has represented U.S. businesses, including steelmakers, that complain about unfairly low prices from foreign competition. In this oil case, he says, ''imports have increased significantly while prices have declined,'' noting that the price per barrel plunged to close to $10 earlier this year before rebounding in the second quarter.

Economists opposed to the antidumping law said they want the oilmen to lose, but they relish the thought of a win embarrassing politicians into changing the law, which they see as protectionist and biased, ''If this case succeeds, it may actually help put antidumping reform on the international trade agenda, where it should have been all along,'' says Robert Litan, an economist at the Brookings Institution and co-author of ''Down In The Dumps,'' a book about antidumping law.

''Any economist who knows this subject will tell you these laws are ridiculous,'' Mr. Litan says. ''They punish foreigners for selling below cost, activities which American companies do all the time in their domestic markets.''

U.S. lawmakers, prodded by companies that wanted to protect their domestic sales from competition from cheap foreign imports, devised and refined the antidumping law as one weapon in the home-team arsenal. The rationale behind the law was simple: Hit the foreign countries with stiff duties to stop them from flooding the U.S. market with cheap goods and sending the U.S. companies out of business.

The wildcatters complain that Mexico, Venezuela and Iraq have been selling their oil in the U.S. at below the cost of production—the most widely accepted definition of dumping. Saudi Arabia, they complain, sold oil in Japan at higher prices than the oil it sold in the U.S.

Most trade lawyers say the oilmen have a good shot at victory. That's because U.S. antidumping law—conceived in the 1920s—has been refined by successive lawmakers to heavily favor the plaintiff. Indeed, in more than 90% of the cases filed, the Commerce Department finds in favor of the plaintiff.

The case will work its way through the Commerce Department and the International Trade Commission. The Commerce Department has as many as 20 days to decide whether to initiate an investigation. If the investigation goes forward, the department has 190 days to determine if dumping occurred. The ITC then determines whether ''material injury'' to the oilmen occurred. Duties, if warranted, would follow.

The four countries deny the allegations and say they will fight them. Roberto Mandini, president of Venezuelan state-oil monopoly Petroleos De Venezuela SA, says that ''pushing down oil prices would be suicidal for Venezeuela.'' Adds Luis de la Calle, Mexico's undersecretary for international trade negotiations: ''Mexico is not in the practice of unfair commercial practices.''

What is not in dispute is how hard a hit small domestic oil took during the recent downturn in oil prices. While larger oil companies with their huge asset bases and integrated businesses were able to weather the storm, many of the smaller producers, which operate on low margins and miniscule volumes, lurched toward ruin.

These small producers, who mop up the tailings of the country's once-great oil fields primarily in the West and the Mid-west collectively produce about 1.4 million barrels of oil daily, an amount roughly equivalent to that imported to Saudi Arabia. And the total number of such subsistence wells, defined by the Interstate Oil and Gas Compact Commission as ones producing 10 barrels of crude a day or less, were abandoned at an accelerated rate during the downturn, experts say.

EFFECTIVE EXPORT CONTROLS

Mr. AKAKA. Mr. President, I wish to call attention to an important Governmental Affairs Committee hearing on export controls held last week.

In August 1998, the Chairman of the Governmental Affairs Committee requested the Inspectors General of the Departments of Commerce, Defense, Energy, State, and Treasury and the Central Intelligence Agency to conduct a review of their export license processes and to follow-up on an earlier set of reports that were done in 1993.

In their reports and at the hearing, the Inspectors General raised a number of important issues which, I believe, will require further oversight and clarification. These issues are especially important in light of the recent Cox Committee Report which highlighted espionage activities at our National Laboratories and the release of classified nuclear information. As we begin to debate the reauthorization of the Export Administration Act, the recommendations made by the Inspectors General should be considered in this context.

The Inspectors General concluded that the export control processes work relatively well, but they also highlighted additional issues that the Congress should continue to monitor. Certain of these issues include:

Inadequate monitoring by our National Laboratories of foreign visitors, who may be exposed to controlled technology which may require an export license.

Inadequate analysis by all of the agencies of the cumulative effect of dual-use and munitions list exports to a particular country or end-user.

Need to upgrade certain computer systems used in the export process.

Improve monitoring of conditions placed on licenses to ensure that sophisticated items are not diverted.

Enhance the processes for pre-license checks and post-shipment verifications of certain exports.

Enhance training and guidance of Licensing Officers.

I look forward to the Governmental Affairs Committee holding further hearings on this subject. We must ensure that the United States maintains an efficient and effective export control system. Further, our additional oversight on this issue will help ensure that exports of dual-use and munitions items will not go to rogue nations or individuals.

Our hearing last week raised important national security and proliferation issues, and I commend Senator THOMPSON and Senator LIEBERMAN, the ranking member of the Governmental Affairs Committee, for their leadership.

CBO COST ESTIMATE OF S. 1287

Mr. MURKOWSKI. Mr. President, in compliance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate, the Committee on Energy and Natural Resources has obtained a letter from the Congressional Budget Office containing an estimate of the costs of S. 1287, the Nuclear Waste Policy Amendments Act of 1999, as reported from the Committee. In addition, pursuant to Public Law 104–4, the letter contains the opinion of the Congressional Budget Office regarding whether the S. 1287 contains intergovernmental mandates as defined in that Act. I ask unanimous consent that the opinion of the Congressional Budget Office be printed in the RECORD.

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 14, 1999.

Hon. FRANK H. MURKOWSKI,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for the Nuclear Waste Policy Amendments Act of 1999.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Kim Cawley (for federal costs), who can be reached at 226–2860, and Marjorie Miller (for state and local impact), who can be reached at 225–3220.

Sincerely,

DAN L. CRIPPEN.

Enclosure.

Summary: This bill would amend the Nuclear Waste Policy Act by directing the Department of Energy (DOE) to make a final decision by December 31, 2001, whether to recommend to the President that the Yucca Mountain site in Nevada be developed as a permanent waste repository. The bill would, under certain conditions, provide for storage of waste at Yucca Mountain before a permanent repository is completed, and would allow DOE to enter into agreements with nuclear utilities to assume responsibility for some waste at a utility's current storage site. In addition, the bill would authorize training programs and grants to states to prepare for transshipment of nuclear waste, and it would authorize the establishment of an Office of Spent Fuel Research in DOE.

Assuming appropriation of the necessary amounts, CBO estimates that implementing this legislation would cost about $1.9 billion over the 2000–2004 period to continue DOE's efforts to characterize the Yucca Mountain site and submit a license application to the Nuclear Regulatory Commission (NRC). Enacting this bill would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

The state of Nevada and localities in the state would incur some additional costs as a result of this bill, but CBO is unsure whether the provisions causing those costs would be considered intergovernmental mandates, as defined in the Unfunded Mandates Reform Act (UMRA). We estimate that the costs incurred by state and local governments would total significantly less than the threshold established in the law ($50 million in 1996, adjusted annually for inflation). This bill contains no new private-sector mandates as defined in UMRA.

Estimated cost to the Federal Government: The estimated budgetary impact of this bill is shown in the following table. The costs of this legislation fall within budget functions 270 and 050 (energy and defense).

[By fiscal year, in millions of dollars]

	1999	2000	2001	2002	2003	2004
SPENDING SUBJECT TO APPROPRIATION						
Spending on Nuclear Waste Disposal Under Current Law:						
Budget Authority [1]	358	0	0	0	0	0
Estimated Outlays	324	55	0	0	0	0
Proposed Changes:						
Estimated Authorization Level	0	390	365	340	430	455
Estimated Outlays	0	312	370	345	412	450
Spending on Nuclear Waste Disposal Under the Bill:						
Estimated Authorization Level [1]	358	390	365	340	430	455
Estimated Outlays	324	367	370	345	412	450

[1] The 1999 level is the amount appropriated for that year.

Basis of estimate: This estimate is based on DOE's current plan for the nuclear waste program, issued in July 1998. For purposes of this estimate, CBO assumes the bill will be enacted before the end of fiscal year 1999. We assume DOE will apply to the NRC for authorization to build a permanent repository at the Yucca Mountain site by March 31, 2002, so that the NRC may decide whether to authorize construction by December 31, 2006, as directed by section 101 of this bill.

Yucca Mountain. This legislation would authorize DOE to proceed with its Civilian Radioactive Waste Management Program plan of July 1998. This plan calls for continuing to evaluate the Yucca Mountain site as a permanent repository for nuclear waste and applying for a construction license from the NRC in 2002, if the site appears to be viable for this use. Based on information from DOE, CBO estimates that this effort would require appropriations averaging nearly $400 million annually and totaling about $2 billion over the 2000–2004 period. Substantial additional costs would be incurred after 2004 to construct and operate a nuclear waste repository at Yucca Mountain if the NRC issues a license to the department. In its December 1998 report, Analysis of the Total System Life Cycle Cost of the Civilian Radioactive Waste Management Program, DOE estimates the future cost to complete the program is ''approximately $26.6 billion, in constant 1998 dollars from 1999 through closure and decommissioning, assumed to be in 2116.''

Backup storage. Section 102 would direct DOE to take title to any amounts of nuclear waste that the NRC determines cannot be stored at a utility's site, provided that such a utility would agree to waive any claim for damages against the United States because of DOE's failure to begin disposing of waste in 1998. DOE would be directed to transport this waste to the Yucca Mountain site following NRC authorization to construct a permanent repository there, or to transport it to a privately run facility for nuclear waste storage. DOE could incur additional discretionary costs for building waste storage capacity at the Yucca Mountain site before the facility opened or transporting waste to a private storage facility (if any private facilities are constructed), if any utilities require backup storage.

This cost estimate does not include any potential costs for backup storage, however, because it is not clear that there will be any demand for backup storage. Thus, there may not be a need for additional DOE spending over 2003–2006 period. In addition, it is uncertain whether or not the NRC will authorize construction of a repository at the Yucca Mountain site in 2006. This authorization would be required before backup storage could be provided since it appears unlikely that any privately owned waste storage facilities will be developed over the next few years. If DOE were required to prepare the Yucca Mountain site for backup storage, additional costs could be substantial. Based on information from DOE, we estimated such costs could approach $1 billion over the 2003–2006 period, subject to the availability of appropriated funds.

Settlement agreements. Section 105 would allow DOE to enter into settlement agreements with any utilities that were scheduled to have nuclear waste removed from their sites by DOE starting on January 31, 1998. If a utility waives any claim for damages against the United States because of DOE's failure to begin disposing of waste in 1998, then the department may take title to the utility's waste, provide waste storage casks to the utility, operate an existing dry cask storage facility for the utility, or compensate the utility for the cost of providing storage for this waste at the utility's site. The bill would restrict DOE from making expenditures from the Nuclear Waste Fund to pay for any settlement costs that would not otherwise be incurred under the existing contracts for nuclear waste disposal between DOE and nuclear utilities.

This estimate does not include any additional discretionary costs for settlement agreements that may be entered into between DOE and nuclear utilities as a result of enacting this bill. Under current law, and consistent with the standard contract for nuclear waste disposal between the department and the nuclear utilities, these parties may agree to reduce the annual nuclear waste fee (referred to as ''fee credits'') paid to the government by the utilities in the event of an avoidable delay in the schedule for disposing of waste. CBO has assumed that DOE and those utilities that have experienced an avoidable delay in the disposal of their waste will choose to invoke this provision of their contracts and that the mandatory nuclear waste fee will be reduced by a total of about $400 million over the 2000–2009 period to compensate these utilities for the incremental cost of continued waste storage at their sites of 10,000 metric tons of waste.

If nuclear utilities choose to enter into settlement agreements with DOE following enactment of this bill, it is possible that DOE would agree to provide compensation greater than or less than the amount CBO has assumed under current law. It is also possible that DOE would choose to use appropriated funds to provide compensation instead of fee credits as we have assumed. In this case, the discretionary costs of this legislation would be higher than we have estimated here, and nuclear waste fee collections would be greater than the amount we have estimated. CBO cannot predict whether or not utilities would choose to enter into settlement agreements under the terms defined in this bill, nor whether DOE would use fee credits or appropriated funds to implement any settlement agreements.

Pay-as-you-go considerations: None.

Estimated impact on state, local, and tribal governments: Mandates. CBO is unsure whether the bill contains intergovernmental mandates, as defined in UMRA, but we estimated that costs incurred by state, local, and tribal governments as a result of the bill would total significantly less than the threshold established in the law ($50 million in 1996, adjusted annually for inflation).

Although this bill would, by itself, establish no new enforceable duties on state,

local, or tribal governments, shipments on nuclear waste for surface storage at the Yucca Mountain site, as authorized by the bill, probably would increase the cost to the state of Nevada of complying with existing federal requirements. CBO cannot determine whether these costs would be considered the direct costs of a mandate as defined by UMRA.

Additional spending by the state would support a number of activities, including emergency communications, emergency response planning and training, inspections, and escort of waste shipments. These costs are similar to those that the state would eventually incur under current law as a result of the permanent repository planned for Yucca Mountain. This bill would, however, authorize DOE to receive and store waste at Yucca Mountain once the NRC has authorized construction of a repository at that site and would set a deadline of December 31, 2006, for NRC to make that decision. This date is about three years earlier than DOE expects to begin receiving material at the site under current law.

Other impacts. This bill would authorize planning grants of at least $150,000 for each state and Indian tribe through whose jurisdiction radioactive waste would be transported and annual implementation grants for those states and tribes after they have completed their plans. Further, the bill would prohibit shipments through the jurisdiction of any state or tribe that has not received technical assistance and funds for at least three years.

Estimated impact on the private sector: This bill contains no new private-sector mandates as defined in UMRA.

Previous CBO estimate: On May 4, 1999, CBO prepared a cost estimate for H.R. 45, the Nuclear Waste Policy Act of 1999, as ordered reported by the House Committee on Commerce on April 21, 1999. The provisions of the bill ordered reported by the Senate Committee on Energy and Natural Resources and H.R. 45 are different and the two cost estimates reflect those differences. In particular, H.R. 45 would authorize construction of an interim repository at the Yucca Mountain site, while the Senate bill does not contain any similar provision. In contrast to H.R. 45, the Senate bill contains provisions relating to settlement agreements between DOE and nuclear utilities and to backup storage.

Estimate prepared by: Federal costs: Kim Cawley (226–2860); Impact on State, local, and tribal governments: Majorie Miller (225–3220).

Estimate approved by: Paul N. Van de Water, Assistant Director for Budget Analysis.

ASIAN ECONOMIC AND SECURITY POLICY

Mr. BAUCUS. Mr. President, when we look at Asia these days, Americans' primary focus is on China and the many difficult challenges that we face in that relationship. Next on our list of what we are watching in the region is Japan where our economic and security relationship remains the linchpin of our presence in Asia. These days, however, Japan seems to get scant attention from either the public or the policymaking community. That is a mistake, but I will leave that issue to another day.

After Japan in our focus comes the Korean Peninsula where we are concerned particularly about North Korea and its nuclear weapons development, missile technology, military adventurism, possible economic collapse, and internal instability. As we continue down the list of important things to think about in Asia, we come to Indonesia and the future of economic and political reform and internal stability in that hugely important nation.

Some may differ with my analysis, but it appears to me that, right or wrong, these days, our nation is looking at Asia in this way.

Today, however, I would like to call the Senate's attention to two important developments in other countries in Asia, specifically Southeast Asia, that are not on this list. These developments have been reported in our media, but, generally, on the back pages. They should not be ignored, because they relate to America's broad strategy toward the region where our interests are in security, stability, and open markets.

The two developments are the passage by the Philippine Senate of a U.S.-Philippine Visiting Forces Agreement and the progress being made toward completion of a U.S.-Vietnam trade agreement.

After a decade of stable democracy and economic reform, the Philippines may be the strongest economy in Southeast Asia after Singapore. Security ties, however, have remained at a very low level since the end of the base arrangement in 1991. This changed dramatically two weeks ago when the Philippine Senate ratified the new Visiting Forces Agreement.

This arrangement, typical of the relationship we have with many of our allies, allows us to apply U.S. military law to American soldiers and sailors overseas. Its ratification will permit us to renew joint military exercises, pay naval port visits, and develop a stronger and more cooperative relationship than we have had in the decade since we left Subic Bay and Clark Field. President Estrada and the Philippine Senate deserve great credit for their statesmanship in bringing these talks to conclusion.

The Visiting Forces Agreement also comes at an opportune time. Disputes between Southeast Asian states and China in the South China Sea are becoming more frequent. The financial crisis has forced most Southeast Asian nations to concentrate on internal economic issues. This agreement should give Southeast Asian countries more confidence in the U.S. commitment to the region, and, hence, serve as a long-term force for stability.

In the case of Vietnam, we appear to be getting close to a bilateral trade agreement, which will promote economic reform in Vietnam and allow us to grant them Normal Trade Relations status, NTR.

Vietnam, the fourth largest country in Asia and one that shares a land border with China, is an essential part of any regional policy. We have obvious historic sensitivities to address as we develop closer relations with Vietnam. We have taken a number of steps in the past few years—lifting the trade embargo, normalizing diplomatic relations, dispatching Pete Peterson as Ambassador, and concluding a Copyright Agreement, all in association with a commitment by Vietnam for full cooperation on resolving POW/MIA issues. As time passes, a normal and productive relationship with Vietnam will contribute immensely to stability and security in the southern Pacific.

We are now negotiating an agreement that would begin to open the Vietnamese market to foreign trade and investment. This will support economic reform and market opening in Vietnam while also creating new commercial opportunities for Americans in a market of 80 million people. The strategic implications of this agreement, which will move us down the road to a normal bilateral relationship with Vietnam, are important. It will strengthen Southeast Asia, reduce chances for conflicts in the wider Asian region, and place the United States in a stronger regional position.

Of course, an agreement must be meaningful in trade policy terms. It is not a WTO accession and, therefore, need not meet WTO standards, but it should include elements such as reform of trading rights and opening of key service sectors, in addition to other market-opening steps. For our part, if the Vietnamese are willing to conclude such an agreement, we should proceed rapidly to grant them Normal Trade Relations. This is in our trade and commercial interest, and also in our strategic interest. We have an opportunity to integrate Vietnam more fully into the Asian and world economies. I encourage our Administration, and the Vietnamese government, to complete the Commercial Agreement expeditiously.

We should, parenthetically, also proceed to Normal Trade Relations with Laos, where a trade agreement has already been completed.

The Philippine Visiting Forces Agreement and the bilateral trade agreement with Vietnam, once completed, mean we have taken additional steps toward creating a post-Cold War framework involving open trade and security relationships in the Pacific. This is very much in our national interest.

CHEMICAL WEAPONS CONVENTION

Mr. AKAKA. Mr. President, as the ranking member of the Subcommittee on International Security, Proliferation and Federal Services, I want to stress the importance of the United States implementing in a timely manner the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, commonly referred as the Chemical Weapons Convention (CWC).

The Convention is an important multilateral agreement that serves to reduce the threat posed by chemical

weapons. It bans the development, production, stockpiling, and use of chemical weapons by signatory states. The Convention also requires the destruction of all chemical weapons and production facilities by signatory states.

The Convention does not, however, prohibit the manufacture, use, and consumption of chemicals that could be used as warfare agents or their precursor chemicals as long as these chemicals are used for legitimate peaceful purposes.

Although the Convention has been in force for 2½ years, the United States is not in the compliance because the administration has not yet submitted the required industrial declarations to the International Organization on the Proliferation of Chemical Weapons. This is a disappointment since the United States played a central role in spearheading development of this treaty.

Most of our allies have complied with their treaty obligations, but it is likely that they will not agree to a second round of inspections until the United States has submitted declarations and U.S. industry has undergone inspections.

The United States has the largest chemical industry in the world. This industry is involved in legitimate production, use, consumption, export and import of chemicals subject to verification under the Convention. The United States must serve as a model of compliance with the Convention to build confidence with our friends and foes and also to ensure that chemical weapons are never used again.

On June 25, 1999, President Clinton issued Executive Order 13128 to implement the Chemical Weapons Convention Implementation Act of 1998, which Congress passed on October 21, 1998.

However, the administration still has not issued regulations for industry to comply with the declaration and inspection requirements under the treaty.

The American chemical industry is poised to comply with our treaty obligations. I hope the administration quickly issues these regulations so the United States is in compliance with our treaty obligations.

TRIBUTE TO NELSON RHONE

Mr. LOTT. Mr. President, I rise today to pay tribute to Nelson Rhone who will be retiring from the Senate on July 7, 1999. Nelson began his Senate career December 21, 1964, as a laborer with Sergeant at Arms' custodial service operation. During his tenure with the Sergeant at Arms office, Nelson also worked in the Legislative Garage as a garage attendant and driver. In 1988, Nelso was promoted to Labor Foreman in the Sergeant at Arms' Environmental Service operation.

That account of his career here does not adequately convey the affection and respect he has earned at all levels of this institution. He is one of those rare individuals who, by virtue of both his tenure and his character, come to represent all that is best in the Senate of the United States.

In describing him, the word that immediately comes to mind is ''gentleman.'' These days, that can seem like a quaint or old-fashioned term, but it is the most accurate compliment for someone like Nelson, who, by personal example, has set a standard for others to follow. It is an understatement to say that we will miss him. He is a gem.

Now, after nearly 35 years of devoted service to the Senate, he is retiring to spend more time with his wife, Mary Jane, and his family. Nelson is an avid bowler and enjoys traveling. He and Mary Jane look forward to having the time to travel and spend more time with their friends and family.

Nelson has been a dedicated and valuable member of the Senate community, and I know all members join with me in wishing him many years of health and happiness.

MARCIA KOZIE

Mr. MURKOWSKI. Mr. President, today Marcia Kozie, who heads up my State office in Fairbanks, will retire from Federal service. She has served in this capacity since 1981.

When I think of my Fairbanks office, I think of an advisor and friend, Marcia Kozie. She knows everyone in town and stays current on all the issues involving Federal, State and local governments. If I want to know the whole story, I call Marcia. I know the old addage goes, ''no one is irreplaceable,'' but Marcia's boots will be difficult to fill. She has trailblazed for me these many years and her calm demeanor and soothing voice can smooth out the many wrinkles we often encounter.

When you cross the threshold of the Fairbanks office, you are always welcomed by a cheerful smile, a kind word and a sympathetic ear. Marcia Kozie has always had these winning ways, even during the most difficult of times. We all sometimes shoot the messenger by mistake, but Marcia's demeanor has always worked like a charm. Her ability to see the glass half full instead of empty, her cool head in times of crises and her genuine concern for my constituency have been worth more to me and Nancy and my office than a ton of Alaska gold. You just can't buy this kind of service.

Even though Marcia made her way to Alaska via Vermont, New Hampshire, Colorado, and Texas, she lived in the Fairbanks community for over 19 years before she came to work for me. In typical Marcia fashion, she immersed herself in the community getting involved with her three children and their activities, her husband Walt's business and many philanthropic groups who provided a special insight into Fairbanks community affairs.

She told me in her first interview that even though she had not worked for many years, she was adaptable and proficient in whatever the task. She continued by saying this was a God-given talent and that she didn't think He had taken it away from her, yet. And I have never regretted that decision to hire Marcia. While her Federal service will end, I know she will be devoting her time to spreading those God-given talents around the community.

She will be missed by all the staff members in both the Washington, DC, and State offices. It is with deep appreciation and gratitude that I thank her for 18 years of a job well done. As a matter of fact, the mayor of Fairbanks has proclaimed today, June 30, 1999, as Marcia Kozie Day in Fairbanks.

Toodle-loo, my loyal friend. Thank you for your service to this country, the State of Alaska and the people of Fairbanks.

MEDICARE HOME HEALTH EQUITY ACT OF 1999

Mr. LEVIN. Mr. President, on June 10th we held a hearing on home health care in the Permanent Subcommittee on Investigations Subcommittee where we examined how the so called ''reforms'' of the Balanced Budget Act of 1997 were holding up. I continue to believe that the answer to that question is, ''not well.'' That is why I am joining with my colleague from Maine, Senator COLLINS, the Chairman of the PSI Subcommittee, in introducing an important bill, the Medicare Home Health Equity Act of 1999.

Home health care agencies provide a vital service to many elderly Americans. In my own state of Michigan there are over 1.3 million Medicare beneficiaries. Over 100,000 of these beneficiaries use the services of Michigan's 223 home health agencies. People prefer to recuperate in their own homes, and it is also less costly for the government since the alternative is nursing home care which is extraordinarily expensive for the Medicare program.

I am concerned about potential access problems. Although HCFA and the GAO have reported that they have not seen a decline in access for beneficiaries, the home health care witnesses that spoke before the PSI Subcommittee all stated that they believed there was an access problem. In fact, Barbara Markham Smith, from the George Washington University Medical Center, testified that ''many seriously ill patients, especially diabetics, appear to have been displaced from Medicare home care.'' Sometimes it takes a while for the people in the field to actually get the numbers back to the people in Washington, and I think this is one of those instances.

We all know that during the early 90's home health care expenditures grew at a rapid pace. According to the GAO, Medicare spent $3.7 billion to pay for home health visits in 1990 compared to $17.8 billion in 1997. This growth led to changes, like the interim payment system, (IPS) that were implemented

under the Balanced Budget Act. While some of the changes under the Balanced Budget Act were good, some of the changes are now negatively impacting Medicare beneficiaries.

I have heard from many constituents regarding home health care changes under the Balanced Budget Act and the various regulations that HCFA has imposed. In fact, last year, I received some 1500 letters from both home health care providers and beneficiaries. I echo their concerns when I say that the interim payment system penalizes cost efficient home health providers, like those in Michigan, while rewarding higher cost agencies.

Not only does the IPS penalize agencies that attempted to keep their costs down in 1994, but the new regulations which HCFA has imposed on the agencies are quite burdensome. There is no more poignant story to demonstrate the undue burdens being placed on home health care providers than that of Linda Stock, a Michigan home health care provider. This month Ms. Stock testified before the PSI Subcommittee about the problems that home care providers were having, particularly cost efficient home care providers like her own. Last week Ms. Stock called to let me know that she has resigned from her job because she did not feel that she could ask her staff to implement regulations such as OASIS (Outcome and Assessment Information Set) and the 15 minute increment home health reporting requirement. It is tragic that a committed health care provider such as Linda Stock would feel the need to resign from her job rather than implement regulations which she believed were unfair to both beneficiaries and providers.

So what can be done in the face of these problems? I believe that the bill we are introducing today, if enacted, could go a long way towards helping Ms. Stock and others like her.

Last year I worked on a bill with Senator COLLINS to revise the payment formula used to calculate the per beneficiary limit. That bill would have created new winners and losers under the IPS. This year's bill does not attempt to revise the formula, and therefore avoids the formula fight which made action on this issue so difficult last year. Our new bill makes needed adjustments to the Balanced Budget Act of 1997 and related federal regulations.

Though technical in nature, I would like to read the major provisions found in the bill:

(1) The bill will eliminate the automatic 15 per cent reduction in Medicare home health payments now scheduled for October 1, 2000.

(2) The bill will provide supplemental payments to home health agencies on a patient by patient basis if the cost of care for an individual is considered by the Secretary to be significantly higher than average due to the patient's particular health and functional condition.

(3) The bill will increase the per beneficiary cost limit for agencies with limits below the national average to the national average cost per patient over a three year period or until the Medicare home health prospective payment system is implemented.

(4) The bill will revise the surety bond requirement for home health agencies to more appropriately target fraud

(5) The bill will extend the IPS overpayment recoupment period to three years without interest

(6) The bill will eliminate the 15 minute incremental reporting period

(7) The bill temporarily maintains the Periodic Interim Payment (PIP) program, a program that permits HCFA to make payments to agencies based on historical payment levels—prior to the final settlement of claims and cost reports.

I believe that this bill provides an opportunity for us to move forward in solving some of the problems caused by the Balanced Budget Act. We should pass this common sense bill that will ensure that home care is accessible to those seniors who so desperately need it.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, June 30, 1999, the federal debt stood at $5,638,780,248,334.54 (Five trillion, six hundred thirty-eight billion, seven hundred eighty million, two hundred forty-eight thousand, three hundred thirty-four dollars and fifty-four cents).

One year ago, June 30, 1998, the federal debt stood at $5,547,935,000,000 (Five trillion, five hundred forty-seven billion, nine hundred thirty-five million).

Five years ago, June 30, 1994, the federal debt stood at $4,645,802,000,000 (Four trillion, six hundred forty-five billion, eight hundred two million).

Ten years ago, June 30, 1989, the federal debt stood at $2,799,923,000,000 (Two trillion, seven hundred ninety-nine billion, nine hundred twenty-three million).

Twenty-five years ago, June 30, 1974, the federal debt stood at $476,006,000,000 (Four hundred seventy-six billion, six million) which reflects a debt increase of more than $5 trillion—$5,162,774,248,334.54 (Five trillion, one hundred sixty-two billion, seven hundred seventy-four million, two hundred forty-eight thousand, three hundred thirty-four dollars and fifty-four cents) during the past 25 years.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in the executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 3:01 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 66. An act to preserve the cultural resources of the Route 66 corridor and to authorize the Secretary of the Interior to provide assistance.

H.R. 592. An act to designate a portion of Gateway National Recreation Area as ''World War Veterans park at Miller Field.''

H.R. 791. An act to amend the National Trails System Act to designate the route of the War of 1812 British invasion of Maryland and Washington, District of Columbia, and the route of the American defense, for study for potential addition to the national trails systems.

H.R. 1218. An act to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 775) to establish certain procedures for civil actions brought for damages relating to the failure for civil actions brought for damages relating to the failure of any device or system to process or otherwise deal with the transition from the year 1999 to the year 200, and for other purposes.

At 6:45 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the House insists upon its amendment to the bill (S. 1059) to authorize appropriations for fiscal years 2000 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, disagreed to by the Senate, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the Houses:

From the Committee on Armed Services; for consideration of the Senate bill and the House amendment, and modifications committed to conference: Mr. SPENCE, Mr. STUMP, Mr. HUNTER, Mr. BATEMAN, Mr. HANSEN, Mr. WELDON of Pennsylvania, Mr. HEFLEY, Mr. SAXTON, Mr. BUYER, Mrs. FOWLER, Mr. MCHUGH, Mr. TALENT, Mr. EVERETT, Mr. BARLETT of Maryland, Mr. MCKEON, Mr. WATTS of Oklahoma, Mr. THORNBERRY, Mr. HOSTETTLER, Mr.

CHAMBLISS, Mr. HILLEARY, Mr. SKELTON, Mr. SISISKY, Mr. SPRATT, Mr. ORTIZ, Mr. PICKETT, Mr. EVANS, Mr. TAYLOR of Mississippi, Mr. ABERCROMBIE, Mr. MEEHAN, Mr. UNDERWOOD, Mr. REYES, Mr. TURNER, Ms. SANCHEZ, Mrs. TAUSCHER, Mr. ANDREWS, and Mr. LARSON.

From the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 11 of rule X: Mr. GOSS, Mr. LEWIS of California, and Mr. DIXON.

From the Committee on Banking and Financial Services, for consideration of section 1059 of the Senate bill, and section 1409 of the House bill, and modifications committed to conference: Mr. MCCOLLUM, Mr. BACHUS, and Mr. LAFALCE.

From the Committee on Commerce, for consideration of sections 326, 601, 602, 1049, 1050, 3151–53, 3155–3165, 3173, 3175, 3176–78 of the Senate bill, and sections 601, 602, 653, 3161, 3162, 3165, 3167, 3184, 3186, 3188, 3189, and 3191 of the House amendment, and modifications committed to conference: Mr. BLILEY, Mr. BARTON of Texas, and Mr. DINGELL: *Provided*, That Mr. BILIRAKIS is appointed in lieu of Mr. BARTON of Texas for consideration of sections 326, 601, and 602 of the Senate bill, and sections 601, 602, and 653 of the House amendment, and modifications committed to conference: *Provided further*, That Mr. TAUZIN is appointed in lieu of Mr. BARTON of Texas for considerations of sections 1049 and 1050 of the Senate bill, and modifications committed to conference.

From the Committee on Education and the Workforce, for consideration of sections 479 and 698 of the Senate bill, and sections 341, 343, 549, 567, and 673 of the House amendment, and modifications committed to conference: Mr. GOODLING, Mr. DEAL of Georgia, and Mrs. MINK of Hawaii.

From the Committee on Government Reform, for consideration of sections 538, 652, 654, 805–810, 1004, 1052–54, 1080, 1101–07, 2831, 2862, 3160, 3161, 3163, and 3173 of the Senate bill, and sections 522, 524, 525, 661–64, 672, 802, 1101–05, 2802, and 3162 of the House amendment, and modifications committed to conference: Mr. BURTON of Indiana, Mr. SCARBOROUGH, and Mr. CUMMINGS: *Provided*, That Mr. HORN is appointed in lieu of Mr. SCARBOROUGH for consideration of sections 538, 805–810, 1052–54, 1080, 2831, 2862, 3160, and 3161 of the Senate bill, and sections 802 and 2802 of the House amendment.

From the Committee on International Relations, for consideration of sections 1013, 1043, 1044, 1046, 1066, 1071, 1072, and 1083 of the Senate bill, and sections 1202, 1206, 1301–07, 1404, 1407, 1408, 1411, and 1413 of the House amendment, and modifications committed to conference: Mr. GILMAN, Mr. BEREUTER, and Mr. GEJDENSON.

From the Committee on the Judiciary, for consideration of sections 3156 and 3163 of the Senate bill, and sections 3166 and 3194 of the House amendment, and modifications committed to conference: Mr. HYDE, Mr. MCCOLLUM, and Mr. CONYERS.

From the Committee on Resources, for consideration of sections 601, 602, 695, 2833, and 2861 of the Senate bill, and sections 365, 601, 602, 653, 654, and 2863 of the House amendment, and modifications committed to conference: Mr. YOUNG of Alaska, Mr. TAUZIN, and Mr. GEORGE MILLER of California.

From the Committee on Science, for consideration of sections 1049, 3151–53, and 3155–65 of the Senate bill, and sections 3167, 3170, 3184, 3188–90, and 3191 of the House amendment, and modifications committed to conference: Mr. SENSENBRENNER, Mr. CALVERT, and Mr. COSTELLO.

From the Committee on Transportation and Infrastructure, for consideration of sections 601, 602, 1060, 1079, and 1080 of the Senate bill, and sections 361, 601, 602, and 3404 of the House amendment, and modifications committed to conference: Mr. SHUSTER, Mr. GILCHREST, and Mr. DEFAZIO.

From the Committee on Veterans' Affairs, for consideration of sections 671–75, 681, 682, 696, 697, 1062, and 1066 of the Senate bill, and modifications committed to conference: Mr. BILIRAKIS, Mr. QUINN, and Mr. FILNER.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H.R. 1905) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2000, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses there; and appoints Mr. TAYLOR of North Carolina, Mr. WAMP, Mr. LEWIS of California, Ms. GRANGER, Mr. PETERSON of Pennsylvania, Mr. YOUNG of Florida, Mr. PASTOR, Mr. MURTHA, Mr. HOYER, and Mr. OBEY, as the managers of the conference on the part of the House.

MEASURE PLACED ON THE CALENDAR

The following bill was read the first and second times and placed on the calendar:

H.R. 791. An act to amend the National Trails System Act to designate the route of the War of 1812 British invasion of Maryland and Washington, District of Columbia, and the route of the American defense, for study for potential addition to the national trails system.

MEASURE READ THE FIRST TIME

The following bill was read the first time:

H.R. 1218. An act to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–4035. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Foreign Assistance Act of 1961 the annual report for fiscal year 1998 relative to defense articles that were licensed for export under the Arms Control Act; to the Committee on Foreign Relations.

EC–4036. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, a report relative to a human resources demonstration project at the Naval Research Laboratory; to the Committee on Governmental Affairs.

EC–4037. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the report of the Office of the Treasury Inspector General for Tax Administration for the period October 1, 1998 through March 31, 1999; to the Committee on Governmental Affairs.

EC–4038. A communication from the Chairman, Federal Housing Finance Board, transmitting, pursuant to law, the management reports of the twelve Federal Home Loan Banks and the Financing Corporation for calendar year 1998; to the Committee on Governmental Affairs.

EC–4039. A communication from the Secretary of Energy, transmitting, pursuant to law, the annual report of the Metals Initiative for fiscal year 1997; to the Committee on Energy and Natural Resources.

EC–4040. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled ''Summary of Expenditures of Rebates from the Low-Level Radioactive Waste Surcharge Escrow Account'' for calendar year 1997; to the Committee on Energy and Natural Resources.

EC–4041. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to the Cooperative Threat Reduction Program; to the Committee on Armed Services.

EC–4042. A communication from the Board Members, Railroad Retirement Board, transmitting, pursuant to law, the 1999 annual report on the financial status of the railroad unemployment insurance system; to the Committee on Health, Education, Labor, and Pensions.

EC–4043. A communication from the Board Members, Railroad Retirement Board, transmitting, pursuant to law, a report relative to the actuarial status of the railroad retirement system dated June 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–4044. A communication from the Attorney for the National Council on Radiation Protection and Measurements, transmitting, pursuant to law, the annual report of independent auditors for calendar year 1998; to the Committee on the Judiciary.

EC–4045. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the report of the Congressional Commission on Servicemembers and Veterans Transition Assistance; to the Committee on Veteran's Affairs.

EC–4046. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled ''VISAS: Documentation of Nonimmigrants Under the Immigration and Nationality Act, as Amended—Border Crossing Cards'' (Public Notice 2976), received June 30, 1999; to the Committee on Foreign Relations.

EC–4047. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, a report on the Investigation of U.S.-Origin Military Equipment in Cyprus and Azerbaijan; to the Committee on Foreign Relations.

EC–4048. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report relative to the legal descriptions of acquired lands and conveyed lands in the State of Alaska; to the Committee on Energy and Natural Resources.

EC–4049. A communication from the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the annual report on the profitability of the credit card operations of depository institutions, dated June 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–4050. A communication from the Chairman, Postal Rate Commission, transmitting, pursuant to law, the annual report on international mail costs for fiscal year 1998; to the Committee on Governmental Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–231. A resolution adopted by the House of the Legislature of the State of Michigan relative to the Kyoto Protocol on greenhouse gas emissions; to the Committee on Foreign Relations.

HOUSE RESOLUTION NO. 98

Whereas, The people of Michigan join other Americans in the concern that emissions of carbon dioxide and other greenhouse gases may pose a risk of adding to natural long-term changes in climate, such as warming of the Earth, shifts in climate patterns and weather conditions, and other atmospheric aberrations; and

Whereas, Scientists are continuing to investigate and debate the merits of existing evidence of climate change. Researchers are developing more information about the extent, causes, and solutions related to greenhouse gases; and

Whereas, Michigan's citizens want government leaders to seek affordable, effective ways to address climate change; and

Whereas, in July 1997, the United States Senate adopted Senate Resolution 98, which directs the United States not to adopt any agreement emerging from the Kyoto, Japan, summit on climate change that would commit this nation to limits or reductions in greenhouse gas emissions without also requiring commitments by developing nations or that would impose undue economic burdens on all Americans; and

Whereas, Despite well-documented uncertainties about the scientific basis of climate change and contrary to the directives contained in Senate Resolution 98, the United States signed the Kyoto Climate Treaty. This treaty, often referred to as the Kyoto Protocol, commits this nation to reducing its emissions of greenhouse gases to amounts that are seven percent below their 1990 levels between the years 2008 and 2012 (an amount requiring more than a 30 percent reduction in projected United States carbon emissions achieved by reductions in energy use). The treaty, however, exempts more than 130 developing nations from similar constraints; and

Whereas, Energy provides valuable services to citizens through the heating and cooling of homes, transportation, processing of fuel, and other services vital to our citizens' well-being and our security; and

Whereas, Achieving the Kyoto Protocol targets will not mitigate climate changes or its effects, but according to the United States Department of Energy's Energy Information Administration, it may cause the loss of 2.4 million jobs throughout most industry sectors and increase the price of electricity (up to 86%), gasoline (66 cents per gallon), fuel oil (76%), and natural gas (147%); and

Whereas, Studies by the Heartland Institute and the Sparks Companies show that the Kyoto Protocol would increase production costs and cut farmers' incomes by one-quarter to one-half. This would force many family farms out of business, reduce agricultural exports, and increase food prices, which would be especially detrimental to America's poorest families; and

Whereas, According to the United States Energy Information Administration, meeting the emissions reduction targets in the Kyoto Protocol could cost the average household in the United States $4,100 per year beginning in 2010 resulting from the increase in the price of utilities, fuel, and consumer goods and services. It is projected to cause the loss of 96,500 jobs in Michigan; and

Whereas, Other alternatives to reducing greenhouse gas emissions, such as research and development and voluntary emissions reduction programs, should be investigated and considered. It is vital to use a balanced approach to promoting economic progress and protecting the environment; now, therefore, be it

Resolved by the House of Representatives, That we oppose the provisions of the Kyoto Protocol and memorialize the United States Senate not to ratify the Kyoto Climate Treaty. We urge federal authorities to consider strategies to protect the environment that apply to all nations and encourage alternative, voluntary proposals to reduce greenhouse gases; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–232. A resolution adopted by the House of the Legislature of the State of Illinois relative to Social Security; to the Committee on Finance.

HOUSE RESOLUTION NO. 95

Whereas, Social Security is America's premier family protection system, providing working families with crucial income insurance in the event of the retirement, death or disability of a family wage earner; and

Whereas, Social Security is the only secure source of retirement income for the overwhelming majority of Americans, with two in three older American households relying on Social Security for half or more of their income; and

Whereas, Many of the proposals being discussed would require sharp and misguided benefit cuts, including raising the normal retirement age and reducing the cost of living adjustments; and

Whereas, The Board of Trustees of the Federal Old-Age and Survivors Insurance and Disability Insurance Trust Funds are reporting that Social Security is secure and can pay full benefits until 2032, with 70 to 75 percent of benefits covered by expected revenues after that time; and

Whereas, Many Americans are concerned about Social Security's long-term financial viability; therefore, be it

Resolved, by the House of Representatives of the Ninety-First General Assembly of the State of Illinois, That (1) Congress should take steps soon to strengthen Social Security so that all Americans can be assured that the program will be there for them; (2) Social Security should continue to provide an unreduced foundation of economic security for American families; (3) Social Security benefits should not be subject to the whims of the market, and private investment accounts should never be substituted for the core defined benefits Social Security currently provides; (4) Working families should be able to count on full disability and survivor protections that grow to meet the needs of families, including spouses and children; (5) Americans who do not spend full careers in the paid workforce because they work at home caring for children or other family members should not be penalized by reform; and (6) Responsible Social Security reforms must be based on realistic assumptions about the economy as well as about the uncertainty and risk inherent in markets; and be it further

Resolved, That suitable copies of this resolution be presented to the Speaker of the United States House of Representatives, the President of the United States Senate, and each member of the Illinois congressional delegation.

POM–233. A resolution adopted by the House of the Legislature of the State of Illinois relative to the Social Service Block Grant/Title XX program; to the Committee on Appropriations.

HOUSE RESOLUTION NO. 160

Whereas, Congress and the White House have funded the Social Service Block Grant/Title XX program at a relatively stable level for the past 5 years; and

Whereas, The FFY 99 funding level for this program unexpectedly dropped 17% during budget negotiations at the close of the last congressional session; and

Whereas, This federally funded program is almost exclusively devoted to community based human services throughout the State of Illinois, including adoption services, case coordination services, intervention for victims of domestic violence, youth development services, day care for children, employment development services, family support, foster care for children, homemaker services, outpatient treatment, protective intervention, rehabilitation and training for handicapped adults, and treatment for substance abuse, among other funded services, extending into every county and legislative district in the State serving over 130,000 individuals or families in Illinois; and

Whereas, The National Conference of Mayors, the National Council of State Legislatures, and the National Governors Conference have all strongly recommended the restoration of full funding to this important program; therefore be it

Resolved, by the House of Representatives of the Ninety-First General Assembly of the State of Illinois, That the Illinois congressional delegation be informed of our concern regarding this essential source of funding for critically important State programming and services; and be it further

Resolved, That the Illinois House of Representatives urges the Illinois congressional delegation to influence and guide the federal budgeting process for FFY 2000 and beyond to restore full funding for the Social Service Block Grant/Title XX program and incrementally increase funding for this essential program as future federal budget opportunities present themselves; and be it further

Resolved, That copies of this resolution be forwarded to the members of the Illinois congressional delegation immediately.

POM–234. A resolution adopted by the House of the Legislature of the State of Illinois relative to the proposed ''Dollars to the Classroom Act''; to the Committee on Health, Education, Labor, and Pensions.

HOUSE RESOLUTION NO. 228

Whereas, H.R. 2 is a bill that was introduced this year in the U.S. House of Representatives to send more dollars to the

classroom and for certain other purposes; and

Whereas, In this bill, Congress urges the Department of Education, states, and local educational agencies to work together to ensure that not less than 95% of all funds appropriated for elementary and secondary education programs administered by the Department of Education is spent for children in their classrooms; the bill also provides for an educational flexibility program under which the Secretary of Education allows a State educational entity to waive statutory and regulatory requirements for the State educational agency or any local education agency or school and provides for the modification of arbitrage rebate rules applicable to bonds used to finance public schools; therefore be it

Resolved, by the House of Representatives of the Ninety-First General Assembly of the State of Illinois, That we urge the U.S. Congress to pass H.R. 2; and be it further

Resolved, That suitable copies of this resolution be delivered to the Speaker of the U.S. House of Representatives, the President pro tempore of the U.S. Senate, and each member of the Illinois congressional delegation.

POM–235. A resolution adopted by the House of the Legislature of the State of Illinois relative to the proposed ''Death Tax Elimination Act''; to the Committee on Finance.

HOUSE RESOLUTION NO. 229

Whereas, H.R. 8, the Death Tax Elimination Act, was introduced in the House of Representatives of the 106th Congress; and

Whereas, H.R. 8 will amend the Internal Revenue Code of 1986 to phase out estate and gift taxes over a 10-year period; and

Whereas, The elimination of federal estate and gift taxes will result in tax savings to the citizens of this State; therefore, be it

Resolved, by the House of Representatives of the Ninety-First General Assembly of the State of Illinois, That we encourage the United States Congress to pass H.R. 8; be it further

RESOLVED, That suitable copies of this resolution be delivered to the President pro tempore of the United States Senate, the Speaker of the United States House of Representatives, and each member of the Illinois congressional delegation.

POM–236. A resolution adopted by the House of the Legislature of the State of Illinois relative to Phase II Reformulated Gasoline; to the Committee on Environment and Public Works.

HOUSE RESOLUTION NO. 303

Whereas, The federal Clean Air Act requires a new type of motor fuel to be sold in the Nation's ozone non-attainment areas beginning January 1, 2000; and

Whereas, This new fuel is known as Phase II Reformulated Gasoline or RFG; and

Whereas, Illinois has 2 ozone non-attainment areas: the 8-county Chicago Metropolitan area which will have to sell Phase II RFG exclusively and the 3-county Metro-east area; and

Whereas, Most of the present Phase I RFG fuel sold in the Chicago Metropolitan area, through a partnership between corn growers, ethanol processors, and gasoline refiners and marketers, contains 10% ethanol; and

Whereas, The Chicago RFG market accounts for 400 million gallons of ethanol demand, making it the foundation of the domestic ethanol industry today; and

Whereas, The General Assembly is greatly concerned that present United States Environmental Protection Agency regulations for Phase II RFG could severely limit or prohibit the blending of ethanol in gasoline by refiners, especially in the summer months, thereby endangering the Illinois ethanol industry's core market; and

Whereas, To date, the Chicago Area and Illinois have made extraordinary progress in meeting the demands of the Clean Air Act, leading to greatly improved air quality, much of which is attributed to the use of existing RFG fuels; and

Whereas, The USEPA's proposed Phase II RFG regulations for January 1, 2000, constitute a real threat to the economic viability of Illinois; ethanol industry and Illinois' gasoline refining industry; and

Whereas, Illinois' ethanol industry supports over 50,000 jobs in the corn farming and ethanol processing sector, with major facilities in Peoria, Decatur, and elsewhere in the State; and

Whereas, Illinois' gasoline refining and marketing industry employs over 40,000 Illinois workers, including 6 major refineries producing over one million barrels a day of gasoline and other products in the Chicago area, St. Louis area, and Southeastern Illinois location; therefore, be it

Resolved, by the House of Representatives of the Ninety-First General Assembly of the State of Illinois, That we encourage and support Governor George Ryan's decision to immediately engage the Administrator of the United States Environmental Protection Agency in a dialogue towards meeting and resolving the technical challenges of using ethanol in Phase II RFG; that the dialogue shall include presentation of recent research data suggesting ethanol benefits and the request that the U.S. Environmental Protection Agency permit the continued use of ethanol under phase II of the RFG Program in a way that will not economically disadvantage Illinois' ethanol and gasoline refining industries; and be it further

Resolved, That if urban airshed modeling is required as a necessary component of the presentation to the U.S. Environmental Protection Agency, the General Assembly will support funding for the Illinois EPA to conduct the modeling; and be it further

Resolved, That suitable copies of this resolution be delivered to the Governor, the Director of the Illinois Environmental Protection Agency, the Administrator of the United States Environmental Protection Agency, the President of the United States, and each member of the Illinois congressional delegation.

POM–237. A resolution adopted by the Legislature of the State of Alaska relative to the Kosovo conflict and to Alaskans serving in the military forces in the area of the conflict; to the Committee on Armed Services.

LEGISLATIVE RESOLVE NO. 20

Whereas, Slobodan Milosevic has embarked upon a policy of ethnic cleansing of Albanians in Kosovo, Yugoslavia; and

Whereas, the actions of the Serbian military forces are a humanitarian disaster in the making and are not acceptable in the civilized world; and

Whereas, the armed forces of the United States are currently participating in the campaign against Serbian forces in Kosovo to stop the ethnic cleansing activities; and

Whereas, many of the United States troops that will be sent to the Balkans will be pulled away from civilian lives at great personal sacrifice; and

Whereas, the Allied troops will be expected to endure many uncertainties and hardships caused by separation from their loved ones for months while stationed in the harsh conditions of the Balkan region; and

Whereas, the tremendous humanitarian effort being taken by the Allied military force is an enormous service to mankind; and

Whereas, members of our military forces are performing their mission with great dispatch, exemplifying the high degree of dedication, professionalism, and training that underlines the technologies and strategic superiority of our military strength; and

Whereas, many of our United States troops are in danger, and the media reports that the public must be prepared to accept the possibility that there will be United States causalities; and

Whereas, Alaskans in the military services have been called on to participate in the Kosovo conflict and are likely to be called on to serve there in increasing numbers; and

Whereas, these Alaskans are and will be serving in the interest of the United States with dedication, honor, and commitment; be it

Resolved, That the Alaska State Legislature

(1) commends the bravery and dedication of Alaska's military personnel and of all men and women who are serving in the Kosovo conflict; and

(2) applauds the extraordinary job being done by the United States and Allied military forces in saving lives by setting up tents and establishing refugee camps; and be it further

Resolved, That the members of the Alaska State Legislature express their heartfelt concern for the safety of the United States military personnel in the conflict, and of the refugees who are fleeing Kosovo, and, therefore, urge President Clinton and the Congress to use whatever means available to bring the conflict to an end as soon as possible and in a manner that will help secure a just and lasting peace in the region; and be it further

Resolved, That the Alaska State Legislature requests the Alaska Legislative Council to direct the Legislative Affairs Agency to send the following message to all Alaskans and military personnel stationed in Alaska who are serving in the United States armed forces in the Kosovo conflict: ''The members of the Alaska State Legislature thank you heartily for your efforts in stopping the barbaric actions of Slobodan Milosevic in Kosovo and for laying a foundation for a just and lasting peace in the region. We commend your bravery and dedication. We wish you a safe and speedy return home.''

Copies of this resolution shall be sent to the Honorable Bill Clinton, President of the United States; the Honorable Al Gore Jr., Vice-President of the United States and President of the U.S. Senate; the Honorable Strom Thurmond, President Pro Tempore of the U.S. Senate; the Honorable J. Dennis Hastert, Speaker of the U.S. House of Representatives; the Honorable William S. Cohen, Secretary of Defense; to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators; and the Honorable Don Young, U.S. Representative; Brigadier General Dean Cash, Commanding General, U.S. Army, Alaska; Brigadier General Phillip Oates, Adjutant General, Alaska National Guard; and Colonel George Cannelos, Director, Alaska Air National Guard.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENS, from the Committee on Appropriations:

Special report entitled ''Further Revised Allocation to Subcommittees of Budget Totals, Fiscal Year 2000'' (Rept. No. 106–101).

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

S. 335: A bill to amend chapter 30 of title 39, United States Code, to provide for the

nonmailability of certain deceptive matter relating to games of chance, administrative procedures, orders, and civil penalties relating to such matter, and for other purposes (Rept. No. 106–102).

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

S. 468: A bill to improve the effectiveness and performance of Federal financial assistance programs, simplify Federal financial assistance application and reporting requirements, and improve the delivery of services to the public (Rept. No. 106–103).

By Mr. HATCH, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 59: A bill designating both July 2, 1999, and July 2, 2000, as ''National Literacy Day''.

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute and an amendment to the title:

S. 467: A bill to restate and improve section 7A of the Clayton Act, and for other purposes.

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. 1257: A bill to amend statutory damages provisions of title 17, United States Code.

S. 1258: A bill to authorize funds for the payment of salaries and expenses of the Patent and Trademark Office, and for other purposes.

S. 1259: A bill to amend the Trademark Act of 1946 relating to dilution of famous marks, and for other purposes.

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1260: A bill to make technical corrections in title 17, United States Code, and other laws.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. MURKOWSKI, for the Committee on Energy and Natural Resources:

David L. Goldwyn, of the District of Columbia to be an Assistant Secretary of Energy (International Affairs).

James B. Lewis, of New Mexico, to be Director of the Office of Minority Economic Impact, Department of Energy.

By Mr. ROTH, for the Committee on Finance:

Stuart E. Eizenstat, of Maryland, to be Deputy Secretary of the Treasury.

Lewis Andrew Sachs, of Connecticut, to be an Assistant Secretary of the Treasury.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. HATCH, for the Committee on the Judiciary:

Marsha L. Berzon, of California, to be United States Circuit Judge for the Ninth Circuit.

Robert A. Katzmann, of New York, to be United States Circuit Judge for the Second Circuit.

T. John Ward, of Texas, to be United States District Judge for the Eastern District of Texas.

(The above nominations were reported with the recommendation that they be confirmed.)

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. HOLLINGS:

S. 1312. A bill to ensure full and expeditious enforcement of the provisions of the Communications Act of 1934 that seek to bring about competition in local telecommunications markets, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. REED:

S. 1313. A bill to enable the State of Rhode Island to meet the criteria for recommendation as an Area of Application to the Boston-Worcester-Lawrence; Massachusetts, New Hampshire, Maine, and Connecticut Federal locality pay area; to the Committee on Governmental Affairs.

By Mr. LEAHY (for himself, Mr. DEWINE, and Mr. ROBB):

S. 1314. A bill to establish a grant program to assist State and local law enforcement in deterring, investigating, and prosecuting computer crimes; to the Committee on the Judiciary.

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

S. 1315. A bill to permit the leasing of oil and gas rights on certain lands held in trust for the Navajo Nation or allotted to a member of the Navajo Nation, in any case in which there is consent from a specified percentage interest in the parcel of land under consideration for lease; to the Committee on Indian Affairs.

By Mrs. LINCOLN:

S. 1316. A bill to amend the Internal Revenue Code of 1986 to clarify that any amount allowable as a child tax credit under section 24 or an earned income credit under section 32 shall not be treated as income for purposes of any means-tested Federal program; to the Committee on Finance.

By Mr. AKAKA (for himself, Mr. MOYNIHAN, Mrs. FEINSTEIN, Mr. WELLSTONE, Mrs. MURRAY, and Mr. LAUTENBERG):

S. 1317. A bill to reauthorize the Welfare-To-Work program to provide additional resources and flexibility to improve the administration of the program; to the Committee on Finance.

By Mr. JEFFORDS (for himself, Mr. KERRY, Mr. GRAMS, Mr. SARBANES, and Mr. WELLSTONE):

S. 1318. A bill to authorize the Secretary of Housing and Urban Development to award grants to States to supplement State and local assistance for the preservation and promotion of affordable housing opportunities for low-income families; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BOND:

S. 1319. A bill to authorize the Secretary of Housing and Urban Development to renew project-based contracts for assistance under secion 8 of the United States Housing Act of 1937 at up to market rent levels, in order to preserve these projects as affordable low-income housing, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CRAIG:

S. 1320. A bill to provide to the Federal land management agencies the authority and capability to manage effectively the Federal lands, and for other purposes; to the Committee on Energy and Natural Resources.

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

S. 1321. A bill to amend title III of the Family Violence Prevention and Services Act and title IV of the Elementary and Secondary Education Act of 1965 to limit the effects of domestic violence on the lives of children, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DASCHLE (for himself, Mr. HARKIN, Mr. DODD, and Mr. KENNEDY):

S. 1322. A bill to prohibit health insurance and employment discrimination against individuals and their family members on the basis of predictive genetic information or genetic services; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MCCONNELL (for himself and Mr. BUNNING):

S. 1323. A bill to amend the Federal Power Act to ensure that certain Federal power customers are provided protection by the Federal Energy Regulatory Commission, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SANTORUM:

S. 1324. A bill to expand the boundaries of the Gettysburg National Military Park to include Wills House, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. FRIST:

S. 1325. A bill to amend the Applachian Regional Development Act of 1965 to add Hickman, Lawrence, Lewis, Perry, and Wayne Counties, Tennessee, to the Appalachian region; to the Committee on Environment and Public Works..

S. 1326. A bill to eliminate certain benefits for Members of Congress, and for other purposes; to the Committee on Governmental Affairs.

By Mr. CHAFEE (for himself, Mr. ROCKEFELLER, Mr. BOND, Mr. REED, Mr. JEFFORDS, Mr. MOYNIHAN, Mr. BREAUX, Ms. LANDRIEU, Mr. KERREY, and Ms. MIKULSKI):

S. 1327. A bill to amend part E of title IV of the Social Security Act to provide States with more funding and greater flexibility in carrying out programs designed to help children make the transition from foster care to self-sufficiency, and for other purposes; to the Committee on Finance..

By Mr. KERRY (for himself, Mr. GRASSLEY, Mr. BAUCUS, Mr. HARKIN, Mr. CLELAND, and Mr. BURNS):

S. 1328. A bill to amend the Internal Revenue Code of 1986 to permit the disclosure of certain tax information by the Secretary of the Treasury to facilitate combined Federal and State employment tax reporting, and for other purposes; to the Committee on Finance.

By Mr. REID:

S. 1329. A bill to direct the Secretary of the Interior to convey certain land to Nye County, Nevada, and for other purposes; to the Committee on Energy and Natural Resources.

S. 1330. A bill to give the city of Mesquite, Nevada, the right to purchase at fair market value certain parcels of public land in the city; to the Committee on Energy and Natural Resources.

S. 1331. A bill to give Lincoln County, Nevada, the right to purchase at fair market value certain public land in the county; to the Committee on Energy and Natural Resources.

By Mr. BAYH (for himself, Mr. LUGAR, Mr. ROCKEFELLER, Mr. VOINOVICH, Mr. DURBIN, Mr. BINGAMAN, Mr. STEVENS, Mr. KENNEDY, Mr. MURKOWSKI, Mr. KERREY, and Ms. LANDRIEU):

S. 1332. A bill to authorize the President to award a gold medal on behalf of Congress to Father Theodore M. Hesburg, in recognition of his outstanding and enduring contributions to civil rights, higher education, the

Catholic Church, the Nation, and the global community; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. WYDEN (for himself and Mr. BENNETT):

S. 1333. A bill to expand homeownership in the United States; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. AKAKA (for himself, Mr. EDWARDS, Mr. FRIST, Mr. LEVIN, Mr. STEVENS, Mr. SARBANES, and Mr. DURBIN):

S. 1334. A bill to amend chapter 63 of title 5, United States Code, to increase the amount of leave time available to a Federal employee in any year in connection with serving as an organ donor, and for other purposes; to the Committee on Governmental Affairs.

By Mr. ASHCROFT:

S. 1335. A bill entitled the ''Military Retiree Health Care Act of 1999''; to the Committee on Finance.

By Mr. REED (for himself, Mr. SCHUMER, and Mr. EDWARDS):

S. 1336. A bill to amend the Internal Revenue Code of 1986 to provide a credit to promote home ownership among low-income individuals; to the Committee on Finance.

By Mr. GRASSLEY (for himself, Mr. SESSIONS, and Mr. KYL):

S. 1337. A bill to provide for the placement of anti-drug messages on appropriate Internet sites controlled by NASA; to the Committee on Commerce, Science, and Transportation.

By Mr. MURKOWSKI (by request):

S. 1338. A bill entitled the ''Military Lands Withdrawal Act of 1999''; to the Committee on Energy and Natural Resources.

By Mr. DURBIN:

S. 1339. A bill to provide for the debarment or suspension from Federal procurement and nonprocurement activities of persons that violate certain labor and safety laws; to the Committee on Governmental Affairs.

By Mrs. LINCOLN:

S. 1340. A bill to redesignate the ''Stuttgart National Aquaculture Research Center'' as the ''Harry K. Dupree Stuttgart National Aquaculture Research Center''; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DORGAN (for himself, Mr. LOTT, Mr. DASCHLE, Mr. NICKLES, Mr. REID, Mr. MURKOWSKI, Mr. CONRAD, Mr. BREAUX, Mr. GRAHAM, Mr. KERREY, Mr. HAGEL, Mr. HARKIN, Mr. DURBIN, Mr. SCHUMER, Mr. COCHRAN, Mr. CRAIG, Mr. BROWNBACK, Mr. WELLSTONE, Mr. EDWARDS, Mr. CAMPBELL, Mr. JOHNSON, Mr. BINGAMAN, Mr. MACK, Mr. DOMENICI, Mr. BENNETT, Mr. SANTORUM, and Mr. LEAHY):

S. 1341. A bill to amend the Internal Revenue Code of 1986 to expand the applicability of section 179 which permits the expensing of certain depreciable assets; to the Committee on Finance.

By Mr. ALLARD:

S. 1342. A bill to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers; to the Committee on Finance.

By Mr. REID:

S. 1343. A bill to direct the Secretary of Agriculture to convey certain National Forest land to Elko County, Nevada, for continued use as a cemetery; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. Res. 132. A resolution designating the week beginning January 21, 2001, as ''Zinfandel Grape Appreciation Week''; to the Committee on the Judiciary.

By Mr. ABRAHAM (for himself and Mr. CRAIG):

S. Res. 133. A resolution supporting religious tolerance toward Muslims; to the Committee on the Judiciary.

By Mr. HARKIN (for himself, Mr. THURMOND, and Mr. HOLLINGS):

S. Res. 134. A resolution expressing the sense of the Senate that Joseph Jefferson ''Shoeless Joe'' Jackson should be appropriately honored for his outstanding baseball accomplishments; to the Committee on Commerce, Science, and Transportation.

By Mr. DURBIN (for himself and Mr. LEAHY):

S. Res. 135. A resolution calling for the immediate release of the three humanitarian workers in Yugoslavia; to the Committee on Foreign Relations.

By Mrs. BOXER (for herself, Mrs. FEINSTEIN, Mr. DASCHLE, and Mr. ABRAHAM):

S. Res. 136. A resolution condemning the acts of arson at the three Sacramento, California, area synagogues on June 18, 1999, and calling on all Americans to categorically reject crimes of hate and intolerance; considered and agreed to.

By Mr. LOTT:

S. Con. Res. 43. A concurrent resolution providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HOLLINGS:

S. 1312. A bill to ensure full and expeditious enforcement of the provisions of the Communications Act of 1934 that seek to bring about competition in local telecommunications markets, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE TELECOMMUNICATIONS COMPETITION ENFORCEMENT ACT OF 1999

Mr. HOLLINGS. Mr. President, I rise to introduce, S. 1312, the Telecommunications Competition Enforcement Act of 1999.

The United States has a telecommunications system that is unequaled. We have worked hard to ensure that consumers in all parts of the country have access to this system and enjoy services at an affordable price. Therefore, when the Bell companies asked us to allow them to enter the long distance market, it was with great caution that we began to develop policies that would change the existing framework. We did not want to jeopardize existing service as we phased in competition into local markets and allowed local phone companies to enter the long distance market.

Bell companies worked with Congress to create the fourteen point checklist and they celebrated the passage of the 1996 Act. They then filed applications with the Federal Communications Commission (FCC) to enter the long distance market. However, the FCC found that the Bell companies had not opened their local markets to competition, and therefore, under the 1996 Act, could not enter the long distance market. Once the Bell companies realized that they were not going to get into the long distance market before they complied with the 1996 Act, they began a strategy of litigation to delay competition into their local markets and hold on to their monopolies. They appealed the FCC's decisions to the Court of Appeals and challenged the constitutionality of the Act taking their case to the Supreme Court. Having lost in those forums they have now come to Congress seeking changes to the Act that only three years ago they championed. As a result bills have been introduced in the Senate and the House that significantly amend the 1996 Act, harm competition in the local markets, and slow the delivery of advanced, affordable services to consumers.

Therefore, I introduce this legislation as part of a continuing effort to promote competition in the local telecommunications markets. I am frustrated by the broken promises of the Bell companies given that not a single Bell company has adequately opened its local phone market to competition since the enactment of the Telecommunications Act of 1996. According to wall street analysts, as of the end of last year new entrants had only 2.5 percent of all access lines while Bell companies and incumbent local exchange carriers continued to control over 97 percent of those lines into the home.

Three years ago when we passed the 1996 Act, Bell companies proclaimed that they would open their markets immediately and begin competing. In fact, they and their lawyers helped write the 14 point checklist—their roadmap into the long distance market in their region. All these companies have to do to provide long distance service in their regions is to follow that roadmap and meet the requirements of Section 271.

I remember the excitement by the local phone companies at the time of the 1996 Act. On March 5, 1996, Bell South-Alabama President, Neal Travis, stated that the ''Telecommunications Act now means that consumers will have more choices . . . We are going full speed ahead . . . and within a year or so we can offer [long distance] to our residential and business wireline customers.''

And, on February 8, 1996, USWest's President of Long Distance, Richard Coleman, issued this statement: ''The Inter-LATA long distance potential is a tremendous business opportunity for USWest. Customers have made it clear they want one-stop shopping for both their local and long distance service. We are preparing to give them exactly what they've been asking for.'' He went on to predict that USWest would meet the 14 point checklist in a majority of its states within 12–18 months.

Ameritech's chief executive office, Richard Notebaert February 1, 1996,

noted his support of the 1996 Act by stating that, ''[t]he real open competition this bill promotes will bring customers more choices, competitive prices and better quality services . . . [T]his bill will rank as one of the most important and far-reaching pieces of federal legislation passed this decade . . . It offers a comprehensive communications policy, solidly grounded in the principles of the competitive marketplace. It's truly a framework for the information age.''

Those were the statements of the local phone companies in 1996. What has happened since then? The answer is very little. In fact, rather than meet their promises, the local phone companies were in federal court challenging the FCC's implementation of the Act less than one year after its enactment. In addition, only five applications for Section 271 relief have been filed at the FCC—and none have met the requirements of section 271. On more than one occasion, the FCC's decision to deny a 271 application has been upheld by the D.C. Circuit Court. One of the regional Bell companies even challenged the constitutionality of section 271—a challenge the court of appeals denied and the Supreme Court refused to hear. Today, there are no 271 applications on file at the FCC and not a single application has been presented to the FCC since July 1998.

What this means for the customer is that the choice and the local competition we tried to create with the passage of the Telecommunications Act has been thwarted by the very companies that promised to compete. Instead, they have chosen to litigate, complain, and combine. Just two days ago, the Chairman of the FCC decided to grant SBC and Ameritech approval to merge their operations. In permitting the merger to go forward, the FCC has conditioned approval on future performance—performance which SBC has not met in the three years since the passage of the 1996 Act. In fact, on the same day conditional approval of the SBC and Ameritech merger was announced, SBC agreed to pay $1.3 million to settle disputes surrounding alleged violations of sections of the 1996 Act dealing with the provision of long distance service. One company will now control one-third of all access lines in the United States even though its market is not open to competition. Competition again becomes a casualty of the unwillingness of Bell companies, to open their markets and let go of their monopolies.

Today, there are companies seeking to connect to the Bell networks and provide service to consumers. However, these companies often times experience significant difficulties in obtaining access to these networks. Thus, while I applaud the efforts of the competitive local exchange carriers, long distance carriers, and the cable industry to provide facilities-based local competition, I must express my disappointment that not a single regional bell operating company has sufficiently opened its markets to competition.

Since the beginning of this Congress, many of the Bell companies have been meeting with Senators and Representatives, often accompanied by the same lawyers who helped write the Telecommunications Act. But this time their message is different. They are asking us to change the rules of the game. They now want to offer lucrative high-speed data services for long distance customers without first having to open their local markets to competition. They maintain that they should be permitted to continue their hold on the local customer as they provide data services because the 1996 Act did not contemplate the provision of such services. To state it plainly—they are wrong. The Telecommunications Act clearly contemplated the provision of advanced services—data and otherwise. In fact, the Act had an entire section dedicated to promoting the development and deployment of advanced services. To quote the Act, ''advanced telecommunications capability'' is defined as ''high-speed switched, broadband telecommunications capability that enables users to originate and receive high-quality voice, data, graphics, and video telecommunications using any technology.''

Regardless, nothing in the 1996 Act prevents phone companies from providing high speed data services to consumers inside and outside their region. They are already providing DSL service to customers inside their region. And, under the 1996 Act, Bell companies can provide long distance service in their region once they open their local markets. We must hold to this principle if we want consumers to have a choice of service providers. In fact, a number of Bell companies are working to meet Section 271 requirements. I applaud those attempts which, if successful, will ultimately provide new and innovative services at low prices to consumers.

Therefore, I reject their proposed legislative solutions, and instead, forward a different proposal. By 2001, five years will have passed since the Telecommunications Act became law. I believe, it is reasonable to expect Bell companies to have at least one-half of their markets in their region open to competition by 2001 and all of their markets in their region open to competition by 2003. The legislation that I introduce today accomplishs just that. My bill requires the Federal Communications Commission to assess a forfeiture penalty of $100,000 per day if a Bell operating company has not met the section 271 checklist in at least half of the states in its region by February 8, 2001—the five year anniversary of President Clinton signing the Telecommunications Act into law. Moreover, if the FCC finds that a Bell operating company has not met the section 271 checklist throughout its region by February 8, 2003, the Commission is required to order the company to divest its telecommunications network facilities within six months, in states in which it is not in compliance with the checklist.

With respect to non-Bell incumbent local exchange carriers with more than 5 percent of the access lines in the nation, the Commission, upon the petition of any interested party, is required to investigate whether the carrier's markets are open to competition to determine whether such carrier has complied with the interconnection requirements of the Act. A determination that such an incumbent local exchange company has not opened its markets shall result in a $50,000 per day forfeiture penalty, to be imposed by the FCC, if the company does not come into compliance within 60 days. In addition, the FCC shall order the company to cease and desist in marketing and selling long distance services to new customers, if it has not complied within the 60 day grace period.

Lastly, to protect competition once the Bell companies have met the section 271 checklist requirements, this bill provides the FCC with additional enforcement tools. If, at some point after meeting the checklist requirements, a Bell company fails to meet one or more provisions of the checklist, the FCC shall impose a forfeiture penalty of $100,000 for each day of the continuing violation. Moreover, if, after meeting the checklist requirements, the Bell company willfully, knowing, and repeatedly fails to meet one or more provisions of the checklist, the FCC shall require the Bell company, within 180 days, to divest its telecommunications network facilities in states in which the repeated violations have occurred.

While these penalties may appear severe, severe action needs to be taken to force dominant market providers to open their markets to competition. During the debate over the Telecommunications Act, we did not include such a strong approach. Rather, we settled on a rational and reasonable set of procedures—endorsed by the local phone monoplies—that provided incentives to open their local markets while preserving the integrity of the premier communications networks in the world. That approach seemed particularly palatable in light of the statements issued at the time of enactment of the 1996 Act by the local phone companies promising an early opening of the local phone market pursuant to the requirements of the Section 271 checklist.

Today, our communications networks remain the envy of the world and the development of innovative advanced services is accelerating rapidly. Unfortunately, the rollout of those services on a competitive basis to all Americans is being thwarted by the failure of Bell companies to open their markets to competition. Those same monopolists told us their markets

would be open months ago. This legislation seeks to hold them to their word.

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

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

THE TELECOMMUNICATIONS COMPETITION ENFORCEMENT ACT OF 1999

SUMMARY

A Bell Operating Company (BOC) is required to meet the market opening requirements of the section 271 checklist of the Telecommunications Act of 1996 for half of the states in its region by February 8, 2001. The FCC is required to assess a forfeiture penalty of $100,000 for each day a BOC is in violation of this requirement.

A BOC is required to meet the market opening requirements of the section 271 checklist of the Telecommunications Act of 1996 for all the states in its region by February 8, 2003. The FCC is required to order a BOC to divest its telecommunications network facilities within 180 days in which it is in violation of this requirement.

Upon petition by any interested party, the FCC is directed to investigate whether incumbent local exchange carriers (ILEC) with more than 5 percent of the nation's access lines (that are not Bell Companies) have opened their markets to competition pursuant to Section 251(c) of the Telecommunications Act of 1996.

Upon a determination that such ILECs are not in full compliance with Section 251(c), the FCC shall set forth the reasons for noncompliance and grant 60 days for the ILEC to come into full compliance. Absent such compliance after that 60 day period, the FCC is required to assess a civil forfeiture penalty of $50,000 for each day of the continuing violation and order the company to cease and desist in marketing and selling long distance services to new customers.

If upon meeting the checklist requirements, a BOC fails to meet one or more provisions of the checklist, the FCC shall impose a forfeiture of $100,000 for each day of the continuing violation. If upon meeting the checklist requirements, the BOC knowingly, willfully, and repeatedly fails to meet one or more provisions of the checklist, the FCC shall require the BOC, to divest its telecommunications network facilities, within 180 days, in states in which repeated violations have occurred.

JUSTIFICATION

The Telecommunications Act of 1996 required Bell Operating Companies (BOCs) to open their markets to competition. Yet, not a single BOC has met the market opening requirements of the Section 271 checklist. No Section 271 applications have been filed at the FCC since July of 1998. Only five applications have been filed since 1996—none of which complied with Section 271.

In the three years since enactment, however, the BOCs have pursued a strategy of stonewalling and litigation that has delayed implementation of the critical interconnection, unbundling, collocation, and resale requirements of the Act.

Now, BOCs are seeking legislative relief from the pro-competitive provisions of the Telecommunications Act. They argue that they will provide rural America with advanced communications services, but only if they are allowed to provide long distance service to their current customers. The truth is that BOCs can provide advanced services today. However, to get into the long distance market, they must open their local markets to competition. This bill provides an incentive for them to do just that.

By requiring a date certain by which the local phone monopolies must open their markets, and by accompanying that requirement with federal enforcement authority, we can be assured that American consumers will obtain the benefits of local competition.

By Mr. LEAHY (for himself, Mr. DEWINE, and Mr. ROBB):

S. 1314. A bill to establish a grant program to assist State and local law enforcement in deterring, investigating, and prosecuting computer crimes; to the Committee on the Judiciary.

COMPUTER CRIME ENFORCEMENT ACT

Mr. LEAHY. Mr. President, today I rise to introduce the Computer Crime Enforcement Act. This legislation establishes a Department of Justice grant program to support state and local law enforcement officers and prosecutors to prevent, investigate and prosecute computer crime. I am pleased that Senator DEWINE, with whom I worked closely and successfully last year on the Crime Identification Technology Act, and Senator ROBB, who has long been a leader on law enforcement issues, support this bill as original cosponsors.

Computer crime is quickly emerging as one of today's top challenges for state and local law enforcement officials. A recent survey by the FBI and the Computer Security Institute found that 62% of information security professionals reported computer security breaches in the past year. These breaches in computer security resulted in financial losses of more than $120 million from fraud, theft of proprietary information, sabotage, computer viruses and stolen laptops. Computer crime has become a multi-billion dollar problem.

I am proud to report that the States, including my home state of Vermont, are reacting to the increase in computer crime by enacted tough computer crime control laws. For example, Vermont's new law makes certain acts against computers illegal, such as: accessing any computer system or data without permission; accessing a computer to commit fraud, remove, destroy or copy data or deny access to the data; damaging or interfering with the operation of the computer system or data; and stealing or destroying any computer data or system. These state laws establish a firm groundwork for electronic commerce, an increasingly important sector of the Vermont economy and of the nation's economy. Now all fifty states have enacted some type of computer crime statute.

Unfortunately, too many state and local law enforcement agencies are struggling to afford the high cost of enforcing their state computer crime statute. The Computer Crime Enforcement Act would provide a helping hand by authorizing a $25 million grant program to help the states receive Federal funding for improved education, training, enforcement and prosecution of computer crime. Our bill will help states take a byte out of computer crime.

Congress has recognized the importance of providing state and local law enforcement officers with the means necessary to prevent and combat cyber attacks and other computer crime through the FBI's Computer Analysis and Response Team (CART) Program and the National Infrastructure Protection Center. Our legislation would enhance that Federal role by providing each state with much-needed resources to join Federal law enforcement officials in collaborative efforts to fight computer crime.

In Vermont, for instance, only half a dozen law enforcement officers among the more than 900 officers in the state have been trained in investigating computer crimes and analyzing cyber evidence. As Detective Michael Schirling of the Chittenden Unit for Special Investigations recently observed in my home state: ''The bad guys are using computers at a rate that's exponentially greater than our ability to respond to the problem.'' Without the necessary educational training, technical support, and coordinated information, our law enforcement officials will be hamstrung in their efforts to crack down on computer crime.

Computers have ushered in a new age filled with unlimited potential for good. But the computer age has also ushered in new challenges for our state and local law enforcement officers. Let's provide our state and local partners in crime fighting with the resources that they need in the battle against computer crime.

I urge my colleagues to support the Computer Crime Enforcement Act and its quick passage into law.

Mr. President, I ask unanimous consent that the text of the Computer Crime Enforcement Act be printed in the RECORD.

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

S. 1314

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 ''Computer Crime Enforcement Act''.

SEC. 2. STATE GRANT PROGRAM FOR TRAINING AND PROSECUTION OF COMPUTER CRIMES.

(a) IN GENERAL.—Subject to the availability of amounts provided in advance in appropriations Acts, the Office of Justice Programs shall make a grant to each State, which shall be used by the State, in conjunction with units of local government, State and local courts, other States, or combinations thereof, to—

(1) assist State and local law enforcement in enforcing State and local criminal laws relating to computer crime;

(2) assist State and local law enforcement in educating the public to prevent and identify computer crime;

(3) assist in educating and training State and local law enforcement officers and prosecutors to conduct investigations and forensic analyses of evidence and prosecutions of computer crime;

(4) assist State and local law enforcement officers and prosecutors in acquiring computer and other equipment to conduct investigations and forensic analysis of evidence of computer crimes; and

(5) facilitate and promote the sharing of Federal law enforcement expertise and information about the investigation, analysis, and prosecution of computer crimes with State and local law enforcement officers and prosecutors, including the use of multijurisdictional task forces.

(b) USE OF GRANT AMOUNTS.—Grants under this section may be used to establish and develop programs to—

(1) assist State and local law enforcement in enforcing State and local criminal laws relating to computer crime;

(2) assist State and local law enforcement in educating the public to prevent and identify computer crime;

(3) educate and train State and local law enforcement officers and prosecutors to conduct investigations and forensic analyses of evidence and prosecutions of computer crime;

(4) assist State and local law enforcement officers and prosecutors in acquiring computer and other equipment to conduct investigations and forensic analysis of evidence of computer crimes; and

(5) facilitate and promote the sharing of Federal law enforcement expertise and information about the investigation, analysis, and prosecution of computer crimes with State and local law enforcement officers and prosecutors, including the use of multijurisdictional task forces.

(c) ASSURANCES.—To be eligible to receive a grant under this section, a State shall provide assurances to the Attorney General that the State—

(1) has in effect laws that penalize computer crime, such as penal laws prohibiting—

(A) fraudulent schemes executed by means of a computer system or network;

(B) the unlawful damaging, destroying, altering, deleting, removing of computer software, or data contained in a computer, computer system, computer program, or computer network; or

(C) the unlawful interference with the operation of or denial of access to a computer, computer program, computer system, or computer network;

(2) an assessment of the State and local resource needs, including criminal justice resources being devoted to the investigation and enforcement of computer crime laws; and

(3) a plan for coordinating the programs funded under this section with other federally funded technical assistant and training programs, including directly funded local programs such as the Local Law Enforcement Block Grant program (described under the heading ''Violent Crime Reduction Programs, State and Local Law Enforcement Assistance'' of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119)).

(d) MATCHING FUNDS.—The Federal share of a grant received under this section may not exceed 90 percent of the costs of a program or proposal funded under this section unless the Attorney General waives, wholly or in part, the requirements of this subsection.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 2000 through 2003.

(2) LIMITATIONS.—Of the amount made available to carry out this section in any fiscal year not more than 3 percent may be used by the Attorney General for salaries and administrative expenses.

(3) MINIMUM AMOUNT.—Unless all eligible applications submitted by any State or unit of local government within such State for a grant under this section have been funded, such State, together with grantees within the State (other than Indian tribes), shall be allocated in each fiscal year under this section not less than 0.75 percent of the total amount appropriated in the fiscal year for grants pursuant to this section, except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands each shall be allocated 0.25 percent.

(f) GRANTS TO INDIAN TRIBES.—Notwithstanding any other provision of this section, the Attorney General may use amounts made available under this section to make grants to Indian tribes for use in accordance with this section.

By Mr. BINGAMAN:

S. 1315. A bill to permit the leasing of oil and gas rights on certain lands held in trust for the Navajo Nation or allotted to a member of the Navajo Nation, in any case in which there is consent from a specified percentage interest in the parcel of land under consideration for lease; to the Committee on Indian Affairs.

FRACTIONATED LANDS

Mr. BINGAMAN. Mr. President, I rise to talk about a bill that I have sent to the desk. It relates to a very serious problem faced by a large number of Navajo people in my State. The issue is referred to as ''fractionated lands.''

Around the turn of the century, the Federal Government attempted to force Indian people to assimilate by breaking up traditional tribal lands and allotting parcels of the land to individual tribal members. In New Mexico, this policy created what is known as the ''checkerboard,'' because alternating tracts of land are now owned by individual Navajos, the state, the federal government, or private landowners. A Navajo allotment was generally 160 acres. Under the allotment system, the Navajo owner was granted an undivided interest in the entire parcel. The heirs of the original owner also inherit an undivided interest, geometrically compounding—or fractionating—the number of owners of the original 160 acres.

This allotment policy, coupled with other federal laws governing Indian land ownership, land management, and probate, have not served the Navajo people well during this century. I am introducing legislation today to help address this problem.

Mr. President, I'd like to take a few minutes to illustrate why the legislation I am proposing is needed. If a Navajo was allotted a 160-acre parcel and had four heirs, the heirs did not inherit 40 acres each when the original owner died. Rather, each heir inherited a 25 percent undivided interest in the full 160-acre allotment. Going forward, when the current four owners died, assuming again four heirs each, sixteen heirs inherited a 6.25 percent undivided interest in the allotment. The next generation would result in 64 heirs each with a 1.5625 percent undivided interest. And so forth.

What makes this situation so unique is that each heir inherits an undivided interest in the allotment. Over time, individual owners may inherit tiny fractions in many different allotments around the reservation. In my state, there are about 4,000 individual allotments covering nearly 700,000 acres. At this point, these 4,000 Navajo allotments have a total of 40,000 listed owners, and the number grows every day. It doesn't take a Ph.D. in math to figure out what's wrong with this policy.

Mr. President, in April I held a town meeting with Navajo allottees in Nageezi, New Mexico, a small chapter house in the Northeast section of the Navajo Reservation. The allottees talked about the serious problems that fractionated ownership has caused. Over 100 members of the Navajo Nation came from as far away as Aneth, Utah, to speak at the meeting. As you know, the Navajo Nation extends into three states, New Mexico, Arizona and Utah, and there are allottees living in all three states.

Record keeping of individual land ownership has become a nightmare. In many cases, owners can no longer be located. Also, ownership can be clouded when an owner dies without a legal will—a common situation in Indian Country.

Some individuals do not even realize they own one or more of these allotments. Often, individuals are surprised to find out that they are an heir to an allotment on another reservation.

Mr. President, we all recognize there are serious problems with BIA's management of its trust responsibilities for allotted lands in New Mexico. The management problems were brought out very clearly at a joint Senate hearing in March. The hearing also revealed the extent to which the government's allotment policy contributed to BIA's current trust management problems.

On the Navajo reservation, a three-year pilot project is underway in Farmington, New Mexico, to try to unravel some of the management problems with allotted Navajo lands. This project, called the Farmington Indian Minerals Office, or FIMO, is trying to cut through the red tape created by three different Bureaus in the Department of Interior, BIA, BLM, and MMS, which share responsibility for management of allotted lands. The FIMO has worked hard to assist Navajo allottees determine who their fellow allottees are and what land each allottee owns. I support the efforts of FIMO. If this legislation is passed, FIMO could accomplish even more on behalf of the Navajo allottees in the three states.

Mr. President, over the years, Congress has tried to deal with the problem of fractionated lands, and has failed every time. The long history of trust management problems is not going to be corrected quickly. Developing and implementing a comprehensive solution is going to take time. The Indian Land Working Group is one of

the leaders in this area and has submitted a proposal for Congress to consider. I applaud the efforts of Senators CAMPBELL and INOUYE and the members of the Indian Affairs Committee for taking on this difficult issue. Some of the proposals include improved record keeping, probate and estate planning programs, and new processes for consolidating fractionated lands. I look forward to working with the Committee to craft a comprehensive solution.

While the larger issue of fractionated ownership is being considered by the Senate, I believe it is appropriate to consider a stop-gap measure to help stimulate near-term economic development on fractionated Navajo lands. There is an abundance of oil and gas beneath the Navajo allotments, yet the allottees are unable to benefit from this wealth because of federal laws that make it very difficult for Indian allottees to lease their land. To illustrate, during the last 12 years, $7 million in leasing bonuses has been paid to the state and federal government for leases in the checkerboard region of New Mexico, while only $27,000 has been paid to owners of Navajo allotments.

The problem lies in the 1909 Mineral Leasing Act. The Act requires all persons who have an undivided interest in any particular parcel to consent to its lease. In the case of Navajo allottees, 100 percent of the allottees must consent to a lease of their land. Because of the fractionated land problem, obtaining 100 percent consent is often impossible because many owners cannot be located. Consequently, the Navajo allottees are precluded from the beneficial use of their land.

The bill I am introducing today will facilitate the leasing of Navajo allotted land for oil and gas development. In the case of non-Indians, most states already allow mineral leases with less than 100 percent consent of the owners as long as all persons who own an interest receive the benefits from the lease. My bill simply extends similar benefits to Navajo allottees. The bill would authorize the Secretary of the Interior to approve an oil or gas lease connected to Navajo allotted land when less than 100 percent of the owners consent to such a lease. A similar bill was passed in the 105th Congress to facilitate mineral leasing of allotted lands on the Ft. Berthold Reservation in North Dakota.

My bill proposes a graded system for lease approval. In situations where there are 10 or fewer owners of an allotment, 100 percent of the owners must consent to a lease. However, where there exists 11 to 50 owners of an allotment, only 80 percent of the owners need consent. And, with more than 50 owners, 60 percent consent would be required. This graded system was suggested by the Navajo allottees.

Mr. President, unemployment on the Navajo Reservation now exceeds 50 percent. The opportunities for economic development on this land are few. It is not appropriate for the federal government to continue to deprive the legal owners of Navajo allotted lands the option to develop their land as they choose. This bill is a small step toward correcting the mistakes of the past and a bigger step towards providing economic prosperity for future generations of Navajo allottees.

The bill has the support of the Navajo Nation and the Shii Shi Keyah, the principal Navajo Allottees' Association.

Mr. President, I ask unanimous consent that a resolution from the Shii Shi Keyah Association and a letter from the Navajo Nation be printed in the RECORD.

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

SHII SHI KEYAH ASSOCIATION RESOLUTION OF THE BOARD OF DIRECTORS

Whereas, the Board of Directors of Shii Shi Keyah Association (''SSKA''), an unincorporated association of Navajos who have ownership interests in allotments on or near the Navajo Reservation, generally referred to as Navajo Indian Country, has considered a number of issues relating to oil and gas rights and revenues which require its attention;

Whereas, United States Senator Jeff Bingaman will introduce in the 106th Congress, 1st Session, a bill which begins ''To permit the leasing of oil and gas rights on certain lands in New Mexico held in trust for the Navajo Tribe or allotted to a member of the Navajo Tribe, in any case in which there is consent from a specified percentage interest in the parcel of land under consideration for issue;''

Be it Resolved that SSKA will support Senator Bingaman's bill if it is amended to include the states of Utah and Arizona.

CERTIFICATION

The foregoing Resolution was adopted by the Board of Directors of Shii Shi Keyah Association of Bloomfield, NM with no votes against and no abstentions at a regular meeting of the Board held on June 4, 1999.

THE NAVAJO NATION,
Washington, DC, May 18, 1999.

Re: Proposed Bill to Permit the Leasing of Oil and Gas Rights on Certain Lands in New Mexico Held in Trust for the Navajo Tribe or Allotted to a Member of the Navajo Tribe, in any Case in which There Is Consent from a Specified Percentage Interest in the Parcel of Land under Consideration for Lease

Hon. JEFF BINGAMAN,
U.S. Senate,
Hart Senate Office Building, Washington, DC.

SENATOR BINGAMAN: Thank you for scheduling the April 8, 1999 meeting at the Nageezi Chapter. The Navajo Nation appreciates your interest in the problems faced by Navajo people regarding their allotted lands in northwestern New Mexico.

The Navajo Nation supports your efforts toward solving the problems engendered by increasingly fractionated interests held by Navajo individuals in allotted lands. We support the intent of the bill, provided that it is supported by a consensus of Navajo individuals that will be affected. In addition, we can support most of the particulars of the bill, although the Navajo Nation would request some minor revisions to the bill before it is introduced, as explained below.

Initially, we are concerned whether a consensus of affected Navajo individuals support the proposed bill. The Navajo Nation is concerned that the Shii Shi Keyah Association apparently opposes the bill, as indicated in a letter to you dated March 11, 1999 from the Association's attorney, Alan R. Taradash, copy attached. We understand that the Shii Shi Keyah Association is a respected organization comprised of Navajo individuals numbering in the thousands.

The approach suggested by Mr. Taradash, the conveyance of fractionated interests into family trusts, appears to have much to commend it. However, we are not sure that the family trust approach and the approach reflected in the proposed bill are mutually exclusive. The Navajo Nation respectfully requests that your office continue to work with affected Navajo individuals to assure that the bill reflects the best approach or combination of approaches to solve the problems facing those individuals. The Navajo Nation would be happy to work with your office in this regard, and stands ready to provide any assistance your office may need.

In addition, the Navajo Nation is very concerned with the effect of section 1(b)(3)(A) of the proposed legislation, which would appear to make the Navajo Nation a party to any lease of oil and gas rights in allotted lands in which it might own a minority interest. While the Navajo Nation has no objection to any minority interest it might hold being leased in accordance with the provisions of the bill, if that is the approach that a consensus of affected Navajo individuals support, the Navajo Nation must opposed being made a party to any such lease. The Navajo Nation has very deliberate policies and requirements regarding terms and conditions in leases to which it is a party. In the present judicial climate, lease terms and conditions can have a profound effect on the sovereignty of an Indian nation. Therefore, we must respectfully request that section 1(b)(3) of the bill be changed to read in its entirety as follows:

''(3) EFFECT OF APPROVAL.—On approval by the Secretary under paragraph (1), an oil or gas lease or agreement shall be binding upon each of the beneficial owners that have consented in writing to the lease or agreement and upon all other parties to the lease or agreement and shall be binding upon the entire undivided interest in a Navajo Indian allotted land covered under the lease or agreement.''

Finally, the Navajo Nation respectfully requests that all references to the ''Navajo Tribe'' be changed to refer to the ''Navajo Nation,'' and that the reference be deleted in section 1(a)(3) to the Navajo Nation as ''including the Alamo, Ramah and Cañoncito bands of Navajo Indians.'' The Term ''Navajo Nation'' is the legal name of the Navajo Nation, and by Navajo Nation statute is preferred over the term ''Navajo Tribe.'' We must object to the reference to the three bands (but not others) because of the possible negative inference that there exists some ambiguity as to whether such bands are constituent parts of the Navajo Nation. There is no such ambiguity now, and we wish to avoid creating any. The reference can safely be deleted without causing any uncertainty in the definition.

Unfortunately, fractionated interests remains a significant problem within the Navajo Nation, as we understand it is also within our Indian nations. The Navajo Nation would like to work your office and with other members of Congress on comprehensive, long-term solution to this problem. If you have any questions, or need additional information, please contact the Navajo Nation Washington Office.

Sincerely,

ESTELLE J. BOWMAN,
Executive Director.

By Mr. AKAKA (for himself, Mr. MOYNIHAN, Mrs. FEINSTEIN, Mr. WELLSTONE, Mrs. MURRAY, and Mr. LAUTENBERG):

S. 1317. A bill to reauthorize the Welfare-to-Work program to provide additional resources and flexibility to improve the administration of the program; to the Committee on Finance.

WELFARE-TO-WORK AMENDMENTS OF 1999

Mr. AKAKA. Mr. President, I rise to introduce a bill that would continue a program vital to helping welfare recipients who face the greatest barriers to finding and securing employment, called the Welfare-to-Work Amendments of 1999. My bill targets resources to families and communities with the greatest need, simplifies eligibility criteria for participation, and helps noncustodial parents get jobs to enable them to make child support payments. It also opens more resources to Native Americans, the homeless, those with disabilities or substance abuse problems, and victims of domestic violence. This is similar to a proposal unveiled by the Clinton Administration earlier this year and introduced as H.R. 1482 by Representative BENJAMIN CARDIN of Maryland. I would also like to thank my colleagues Senators MOYNIHAN, FEINSTEIN, WELLSTONE, MURRAY, and LAUTENBERG for joining me as original cosponsors of my bill.

Mr. President, I ask unanimous consent that a letter which I received from the Secretary of Labor, Alexis Herman, be printed in the RECORD.

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

SECRETARY OF LABOR,
Washington, July 1, 1999.

Hon. DANIEL K. AKAKA,
U.S. Senate,
Washington, DC.

DEAR SENATOR AKAKA: I congratulate you on the introduction of the ''Welfare-to-Work Amendments of 1999.'' I am pleased that your legislation joins that introduced by Rep. Benjamin Cardin earlier this year in the House in seeking to accomplish the Administration's objectives in reauthorizing the Welfare-to-Work (WtW) Grants Program. President Clinton and I believe the Welfare-to-Work Grants Program is a key component of the overall welfare reform effort. While welfare caseloads have declined by nearly half over the last six years, many individuals remaining on welfare are long-term recipients who face significant barriers to employment. As the President said in his April 10th radio address, ''We can't finish the job of welfare reform without doing more to help people who have the hardest time moving from welfare to work—those who live in the poorest neighborhoods and have the poorest job skills. That's why I call on Congress to pass my plan to extend the Department of Labor's Welfare-to-Work program.''

This legislation incorporates the President's proposal to extend the WtW Program, reflecting key suggestions the Administration has received from State and local service providers since the passage of the Balanced Budget Act of 1997. The WtW program funds job creation, job placement, and job retention efforts to help long-term welfare recipients and non-custodial parents move into lasting, unsubsidized employment. In addition to helping long-term welfare recipients make the transition from welfare to work, this bill will help more low-income fathers increase their employment and their involvement with their children. Demand for WtW has been great. Last year, over 1,400 applicants from local communities across the nation applied for more than $5 billion in WtW Competitive Grants, but DOL had sufficient resources to fund less than 10 percent of these projects. In addition, 44 states covering 95 percent of the welfare caseload applied for formula funds. While the fundamental principles and features of the program are maintained (including the focus on work, targeting resources to individuals and communities with the greatest need, and administration through the locally administered, business-led workforce investment system) we are also pleased to see the principles of the original legislation further carried out by the addition of the following enhancements:

A simplification of eligibility criteria which continues to focus on long-term welfare recipients but provides that at least one, rather than two, specified barriers to employment must be met.

The provisions of even greater flexibility to serve those with the greatest challenges to employment by the addition of long-term welfare recipients who are victims of domestic violence, individuals with disabilities, or homeless as eligible to participate.

A strong focus on the family by targeting at least 20 percent of the WtW Formula Grant funds to help noncustodial parents (mainly fathers) with children who are on or have exhausted Temporary Assistance to Needy Families fulfill their responsibilities to their children by committing to work and pay child support.

An increase in the reserve for grants to Indian tribes from the current 1 percent of the total to 3 percent, and an authorization for Indian tribes to apply directly to the Department of Labor for WtW Competitive Grants.

A procedure which allows unallotted formula funds to be used to award competitive grants in the subsequent year, providing a preference in awarding these funds to those local applicants and tribes from States that did not receive formula grants.

The development of streamlined reporting requirements through the Department of Labor.

The establishment of a one percent reserve of Fiscal Year 2000 funds for technical assistance which includes sharing of innovative and promising practices and strategies for serving noncustodial parents.

In addition to the changes proposed by the Administration, the legislation also provides for:

The inclusion of children aging out of foster care as eligible service recipients and

The addition of job skills training and vocational educational training.

While our welfare reform efforts have resulted in some important early successes, much remains to be done. Reauthorizing the WtW program, together with the Administration's proposals to provide welfare-to-work housing vouchers, transportation funds, and employer tax credits, will provide parents the tools they need to support their children and succeed in the workforce. Your introduction of the ''Welfare-to-Work Amendments of 1999'' provides significant opportunities to hard-to-employ welfare recipients to make the transition to stable employment and assist noncustodial parents in making meaningful contributions to their children's well-being. I applaud and support your efforts.

The Office of Management and Budget advises that it has no objection to the transmittal of this report from the standpoint of the Administration's program.

Sincerely,

Alexis M. Herman.

Mr. AKAKA. Mr. President, I quote from that letter to me.

President Clinton and I believe the Welfare-to-Work Grants Program is a key component of the overall welfare reform efforts.

Mr. President, the Welfare-to-Work program has helped numerous welfare parents—both custodial and non-custodial—find and keep jobs that pay a living wage and allow them to fulfill basic obligations to their children. Children have fundamental needs for food, shelter, and clothing, yet many parents find themselves barely scraping by, in order to obtain these things. Many families are unable to go much beyond the essentials to enroll their children in sports and other activities that build strong bodies and social skills, or to provide them with decent school supplies, books or computers to develop strong minds. Most families take these things for granted because they live without the anxiety of wondering when the next paycheck or child support payment might be coming in. They have the finances to pay for child care to enable parents to work during the day. They have cars or other access to transportation that will take them to work every morning. Or they have a telephone so that they may receive calls for job interviews. The families that cannot make ends meet continue to live in dire need and find their children living at risk.

Mr. President, 14.5 million American children live in poverty. Furthermore, as reported in Kids Count 1999, 32 percent of children do not live with two parents and 19 percent live in a home where the head of household is a high school dropout. Twenty-one percent of children are in families with incomes below the poverty line, 28 percent are living with a parent or parents lacking steady full-time employment, and 15 percent do not have health insurance. It is a shame that, in the most prosperous nation in the world, we continue to be faced with these dismal statistics for our children—young Americans who hold the promise of this country's future in their hands.

Many of these children were helped when the Balanced Budget Act of 1997 created the Welfare-to-Work program as a new system for providing assistance to welfare recipients most in need. This followed on the heels of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, which replaced the Aid to Families with Dependent Children cash assistance program with the Temporary Assistance for Needy Families (TANF) program.

The 1996 welfare reform law addressed the bulk of the welfare population but lacked a component to help the hardest to employ welfare recipients. Thus, Welfare-to-Work was passed to assist this population find jobs and achieve independence so they no longer

would need public support. The Welfare-to-Work program became an essential component of the Administration's welfare reform effort by providing recipients with a good alternative to welfare.

Since 1996, the number of people in the system dropped by a record number: forty percent from a peak of about five million families in 1994 down to three million families as of June, 1998, according to the General Accounting Office. However, the job is not finished. Welfare-to-Work is needed now more than ever because those remaining on the rolls are increasing likely to have multiple barriers to employment such as poor work experience, inadequate English or computer skills, or substance abuse problems.

We need to invest much more to help these individuals reach self-sufficiency than we did in those who have already left welfare-these individuals might have already had an educational record, special skills or significant family support behind them to help them to their feet. In contrast, Welfare-to-Work participants are the welfare recipients who need the most help. In addition, extending Welfare-to-Work will become even more important when TANF recipients and their children reach welfare time limits in 19 states by year's end and have their benefits reduced or completely removed.

These are the hard luck cases, Mr. President. These are the people who continue to be left out of the economic boom of the 1990s. And these are the people whom Welfare-to-Work was designed to help. If we let the program expire this year, even if states have three years from the date of award to spend their program funds, we will be saying to these people, ''We've forgotten the promises we made to you in 1996 that we would continue to help you. Now, there is no more help for you.''

This would be particularly harmful in my state of Hawaii which has struggled due to the Asian financial crisis and has been the only state where welfare rolls have increased. Welfare-to-Work has assisted many of Hawaii's welfare recipients through this period of financial hardship for the state by helping them find unsubsidized employment. The program must be extended so that it may help other recipients and their families in my beleaguered state.

My bill not only extends the Welfare-to-Work program, but it also makes a number of important improvements to the program that states, counties, and cities have requested. Currently, most funds allocated to Welfare-to-Work state formula grants cannot be used because of eligibility criteria that are difficult to meet. Currently, an individual must have been receiving assistance for at least 30 months or must be within 12 months of reaching the maximum period for assistance. In addition, they must have two of three characteristics, including: lacks a high school diploma or GED and has low math or reading skills; has a poor work history; or requires substance abuse treatment for employment. These criteria have excluded many TANF applicants who, for instance, may have a GED or high school diploma but still cannot read; these criteria have proven unrealistic.

Instead, under my bill, criteria would be changed to require participants to have one out of seven characteristics: lacks a high school diploma or GED; has English reading writing, or computer skills at or below the 8th grade level; has a poor work history; requires substance abuse treatment for employment; is homeless; has a disability; or is a victim of domestic violence. This revision in eligibility criteria would allow the program to better match the participant pool. It is necessary because current criteria have left more than 90 percent of Welfare-to-Work state formula grants unspent. In Hawaii alone, only 37 percent of our TANF recipients have been eligible to participate in the program, and this figure would double under my bill. Furthermore, officials of the Hawaii Department of Human Services which administers TANF and Welfare-to-Work in my state predict that unless the Federal law is changed, it is unlikely that they will be able to refer clients in sufficient numbers to meet WtW expectations. Similar situations exist in all states, and these criteria revisions respond to State and local entities that have been doing the work of Welfare-to-Work and want to serve as many participants as possible. In Texas, 21,000 people would be able to participate in the program, according to the U.S. Department of Labor. Under my bill, figures like this could be seen across the nation, and more people in need would be able to find employment.

A related improvement contained in my bill is that it transfers any unallocated Welfare-to-Work formula grant funds into the competitive grant program. This competitive grant program has been tremendously popular.

Out of the 1400 applications submitted requesting a total of $5 billion, only 126 applications for $470 million in funds were awarded in FY 1998. This portion of Welfare-to-Work needs more funding. Under my bill, preference is given to grant applications submitted from states that did not receive a formula grant.

Mr. President, my bill also provides a re-emphasis on the whole family. This past Father's Day, I had the opportunity to celebrate with several of my children and their families, as it was a day to celebrate and honor the family. However, many fathers were not as fortunate as myself and were not able to celebrate with their children because they went through divorce and did not receive custody of the children. Even worse, many of these fathers are dismissively labeled ''dead beat dads'' because they are not a presence in their children's lives and do not pay child support. What we have found, Mr. President, is that many of these fathers do not want to abandon their children. Rather, they are ''dead broke dads'' and face the same barriers to finding and holding employment that many welfare mothers do. This prevents them from fulfilling child support obligations, which many want to do. If these fathers can provide for their children, they will be more likely to see them more often. Hopefully, renewed financial and emotional involvement of fathers will mean that these children's lives will improve.

For these non-custodial fathers, my bill will make it easier for them to participate in Welfare-to-Work. Currently, non-custodial parents face the same problems in attempting to qualify for Welfare-to-Work as other applicants because of the same overly-restrictive criteria. Under my bill, the eligibility requirements for non-custodial parents will be revised to allow them to demonstrate that they are unemployed, underemployed, or having difficulty paying child support payments. In addition, at least one of the following characteristics must apply to the minor child or non-custodial parent: the child or non-custodial parent has been on public assistance for over 30 months, or is within 12 months of becoming ineligible for TANF due to a time limit; the child is receiving or eligible for TANF; the child has left TANF within the past year; or the child is receiving or is eligible for food stamps, Supplemental Security Income (SSI), Medicaid, or the Children's Health Improvement Program (CHIP).

The bill increases funding for non-custodial parents by requiring that at least 20 percent of state formula funds be used for this population. The bill also provides that a non-custodial parent will enter into an individual responsibility contract with the service provider and state agency to say that he or she will cooperate in the establishment of paternity and in the establishment or modification of a child support order, make regular child support payments, and find and hold a job. These revisions are an attempt to permit and encourage non-custodial parents to provide for their children, become more involved in their children's lives, and pursue better lives for themselves and their families.

Mr. President, Native American communities will benefit from my bill from a doubling of the Native American set-aside from $15 million to $30 million. This funding increase in necessary because Native Americans currently receive one percent of the total Welfare-to-Work funds but serve 3.2 percent of total program participants, according to a recent U.S. Department of Health and Human Services Welfare-to-Work Evaluation. In recognition of their sovereignty, the bill also provides Native American tribes with flexibility in designing programs that are effective for their territories. It is a gross understatement to say that our Native

American communities have not had the chance to experience the economic success that our nation has been enjoying. We must do what we can to make up for this shortfall, fulfill our Federal responsibilities to Native Americans, and help families and children in Native American communities who face obstacles to self-sufficiency.

Mr. President, children who leave foster care at age 18 make up another hard-to-help population that faces numerous barriers to employment. My bill introduces new support for these individuals when they attempt to start out on their own by allowing them to take advantage of Welfare-to-Work programs. According to DOL, 20,000 children leave foster care annually. Of these, 32 to 40 percent receive some type of government assistance within the first 18 months after leaving the foster care system. This bill provides funds to help them find alternatives to welfare as they leave their state care system.

My bill simplifies Welfare-to-Work reporting requirements so that the program can be evaluated effectively. This evaluation will allow Congress and DOL access to better statistics on how the program is performing nationwide. In addition, one-percent of the funds are provided for technical assistance so that DOL can ensure cooperation between states, local governments, TANF and child support agencies, and community-based organizations so that all are able to work together and be better able to provide services to those who are in need.

Finally, the bill eases Welfare-to-Work's ''work first'' requirements that mean that TANF recipients must find jobs first, before they are able to take advantage of stand-alone programs such as job training, basic education or vocational education programs. My bill would designate these as allowable work activities under Welfare-to-Work. This change is in response to requests from states who want to use program funds to better prepare recipients for the workforce before sending them off to a job. This approach seeks to improve TANF recipients' chances at maintaining steady employment.

Although my colleagues may have disagreed on welfare reform in the past, Welfare-to-Work is a program that all should be able to support. It represents a Federal-state-local partnership, as well as a partnership between government, private industry, and community-based organizations. It encourages people to take responsibility for themselves, find work, and contribute to their families and society in a meaningful way. We cannot abandon these welfare recipients who are the most difficult to employ and must instead invest in them in a way that will help them find jobs paying a living wage, become self-sufficient, and allow them to break out of the cycle of dependency on public assistance.

I would again like to thank my colleagues Senators MOYNIHAN, FEINSTEIN, WELLSTONE, MURRAY, and LAUTENBERG for joining me as original cosponsors of my bill, and I urge other colleagues to join us in supporting this important Welfare-to-Work reauthorization bill.

By Mr. JEFFORDS (for himself, Mr. KERRY, Mr. GRAMS, Mr. SARBANES, and Mr. WELLSTONE):

S. 1318. A bill to authorize the Secretary of Housing and Urban Development to award grants to States to supplement State and local assistance for the preservation and promotion of affordable housing opportunities for low-income families; to the Committee on Banking, Housing, and Urban Affairs.

AFFORDABLE HOUSING PRESERVATION ACT OF 1999

• Mr. JEFFORDS. Mr. President, today I am pleased to introduce with Senator KERRY, Senator GRAMS, AND SENATOR WELLSTONE the Affordable Housing Preservation Act of 1999.

My work on this bill began several weeks ago out of discussions with Vermont housing advocates and private section 8 property owners, and as well as with Senator ALLARD, Senator GRAMS and Senator GRAMM during consideration of the Financial Modernization bill. We all acknowledge that this issue has rapidly become a serious national problem—one where thousands of low income elderly, disabled, and families with children are increasingly unable to afford privately-owned low income housing units.

Housing and Urban Development Secretary Andrew Cuomo and Commissioner Apgar recently took the step of exercising authority provided by Congress to use additional vouchers to stem the tide of Section 8 opt outs and prepayments. The Affordable Housing Preservation Act will provide a more permanent solution to this crisis.

The Jeffords/Kerry Affordable Housing Preservation Act will provide a longterm solution by building on local partnerships between non-profits, state and local governments, and private landlords to keep existing projects available for low income tenants. The bill preserves existing low income projects, as well as increase the units to expand a tight housing marketplace through new acquisition and rehabilitation.

In Vermont rents have increased 11 percent over the past three years, making it increasingly difficult to find affordable shelter. To make matters worse, the lack of low income housing makes it simply impossible to find a place to live in areas like Burlington, where the vacancy rate is less than one percent.

The need to preserve existing housing from opt outs and prepayments is only exceeded by the need to expand the number of housing units for low-income families, elderly and disabled. The affect of more Section 8 vouchers is undermined when there is nowhere to use them. On any given day in Burlington there are just 60 available rental units in a city of more than 40,000 people.

In such circumstances, low income families cannot even find a place to live, much less find one that's affordable. This problem has been a key factor in increasing homelessness, as families seeking help from Burlington's emergency shelter rose over 60 percent between 1997 and 1998.

As Section 8 federal subsidies come up for renewal more often, the risk of opt outs by private landlords increases. Housing projects in Brattleboro and Montpelier currently face opt out situations where landlords will raise rents to levels that Section 8 tenants cannot afford.

The Affordable Housing Preservation Act will build foundations for cooperation where efforts to raise public and private money are enhanced through federal matching grants. Vermont's community based non-profit organizations have achieved much success by encouraging private landlords seeking to exit the affordable housing business to transfer ownership to these groups.

Although ''sticky vouchers'' provide much needed short term relief, the Affordable Housing Preservation Act offers a long term solution to the opt out and prepayment problem by expanding community-based housing preservation and acquisition initiatives. This bill will give hope by providing help for those elderly, disabled, and families facing eviction or homelessness.

I look forward to working with the Chairmen and Members of the Housing Committees in the Senate and House to fix this problem and provide a new direction for the nation in affordable housing.•

• Mr. KERREY. Mr. President, I am pleased to have worked with Senator JEFFORDS to draft the legislation we are introducing today, the Affordable Housing Preservation Act of 1999. The legislation will establish a matching grant program that provides money to states and localities that are willing to put up some of their own funds for the purposes of preserving affordable housing. In order to receive a grant under this program, the owner would have to commit to maintaining the existing affordability restrictions for a minimum of 15 years.

In addition, the legislation will encourage transfer of ownership of these properties to non-profit housing corporations that work closely with residents. We believe that non-profit ownership will, in the long run, ensure the maximum possible commitment to affordability at the lowest possible cost. The current ownership structure for assisted housing constantly puts us in this bind of having to provide more and more money just to keep what we have already built and paid for. With non-profits, we will not face the constant dilemma of opt-outs, prepayments or expiring affordability restrictions. Nonetheless, private owners who want to continue to provide affordable housing will be eligible under this bill.

I appreciate the efforts of Senator JEFFORDS in facing this problem head-on. We are facing an increasing crisis in affordable housing. Ironically, this crisis worsens as the strong economy pushes rents ever higher, out of the reach of many working Americans and the poor. This legislation will help us preserve this crucial affordable housing resource.

In the long run, however, preservation of affordable housing, while necessary, won't solve the problem facing millions of American families. The real problem in many cities around the country is that there is not enough production of new housing. We need to find ways to fund the construction of new, affordable, multifamily housing for low income and working families, and we need to fund the 100,000 additional vouchers we authorized in last year's public housing bill. This is not just a poor person's issue. In many states around the country—Massachusetts, Nevada, New York, Connecticut, New Jersey, Alaska, and others—a family would need to work as many as three full time jobs at $7 per hour, well above the minimum wage, just to afford the rent on a typical 2 bedroom apartment. This is unsustainable economically, and it is simply not fair.

In sum, Mr. President, the Jeffords-Kerry bill builds effectively on efforts HUD is taking to save existing housing stock. Now, we need to provide the funding to make sure these efforts can move forward, as we consider longer term solutions in the months ahead.●

By Mr. BOND:

S. 1319. A bill to authorize the Secretary of Housing and Urban Development to renew project-based contracts for assistance under section 8 of the United States Housing Act of 1937 at up to market rent levels, in order to preserve these projects as affordable low-income housing, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

SAVE MY HOME ACT OF 1999

● Mr. BOND. Mr. President, I stand before you today to introduce the Save My Home Act of 1999. This legislation is intended to provide a blueprint for HUD to address the problem of owners opting out of the section 8 program by not renewing their section 8 project-based contracts. This is a housing crisis. In my state of Missouri alone, section 8 contracts on over 23,000 units will expire over the next 5 years. Nationwide, section 8 contracts on over 14,000 multifamily housing projects with over 1 million units will expire over the same period of time.

The ''Save My Home Act of 1999'' will restate and reemphasize the need for HUD to use its best efforts to renew all expiring section 8 project-based contracts. The bill also provides new authority for section 8 enhanced or ''sticky'' vouchers to ensure that families in housing for which owners do not renew their section 8 contracts will be able to continue to live in their housing with the Federal government picking up the additional rental costs of the unit. The use of sticky vouchers is intended as a last resort. HUD must push for the renewal of the section 8 project-based contracts first. The bill also focuses on appraisals so that the cost of this housing reflects the true market value of the rental units. This has been a huge problem and will continue to be a problem until HUD develops the capacity and expertise to appraise adequately these multifamily housing projects.

This legislation is needed because HUD has, until recently, refused to renew section 8 project-based contracts at market levels. In response to this policy, many owners of this housing have refused to renew their section 8 contracts and the housing has been converted to market rate housing and lost as affordable, low-income housing inventory. This means that the assisted low-income families in this housing often have to move because the new rents will be too high for the section 8 rental subsidies. This is a huge problem, especially for the elderly and for persons with disabilities who have come to see this housing as their homes.

And this has become a crisis. For example, according to the National Housing Trust, during 1998 alone, owners of 219 properties with some 25,488 units section 8 units voluntarily opted out of receiving federal rental subsidies under the section 8 project-based program. Moreover, it has been estimated that we are losing another 3,000 section 8 units a month because of HUD's inaction. I wish we had better numbers but HUD is not providing us or the housing advocates with this information, and it is not clear that HUD even has this information.

However, I do want to be clear about the parameters of section 8 opt-out crisis. HUD currently has the legal authority to renew expiring section 8 contracts at the market rent, but has failed to implement this authority. Congress in the Multifamily Assisted Housing Reform and Affordability Act of 1997, as enacted on October 27, 1997 in the VA/HUD FY 1998 Appropriations bill, provided HUD with the authority to renew section 8 contracts up to the rental market level. This was almost 2 years ago, and HUD has only announced recently a renewal policy that it has not yet been able to implement. And despite press releases to the contrary, I am not convinced that HUD intends to renew these contracts except with an additional push from the Congress.

I also want to be clear about funding. HUD has enough funds to pay for section 8 contract renewals, even though HUD would have you believe otherwise. In particular, HUD has at least $2 billion in the Housing Certificate fund in excess of what is needed for renewing all expiring section 8 contracts this year. Instead of committing any of these funds for the renewal of section 8 project-based contracts, HUD has dedicated these funds as part of its FY 2000 budget for general section 8 contract renewals. Nevertheless, this money is available now and can be used to renew these expiring section 8 contracts. The real problem is that HUD does not have the ''will'' or ''commitment'' to fund these contracts. In fact, the biggest problem is commitment because you cannot legislate commitment. We need to find a way to make HUD renew these section 8 project-based contracts.

HUD's lack of commitment to section 8 project-based housing has been a problem through this Administration. From the start, both HUD and the Administration have had a stated policy of opposing section 8 project-based assistance in favor of vouchers. And this is true whether we are talking about elderly housing, housing for persons with disabilities, or housing that is located in very low vacancy areas, such as rural areas where there is no available housing or high-cost urban areas like Boston and San Francisco. This has been a problem in the past with the Section 202 program and with the Mark-to-Market inventory.

One final point is that I know there is interest in both the House and Senate in funding a grant program to assist in the sale of section 8 projects to nonprofits and tenant groups. While I support the concept of selling section 8 projects to nonprofits and tenant groups, I am troubled by the thought of buying projects that the Federal Government has already paid for several times over. This program sounds like another reiteration of the preservation program which we misguidedly funded over several years through the VA/HUD Appropriations Subcommittee, resulting in fraud and abuse as we vastly overpaid the value of these projects when we could have been using those funds for more fiscally responsible, affordable housing purposes.

I look forward to working with interested Members of Congress on these very important issues.●

By Mr. CRAIG:

S. 1320. A bill to provide to the Federal land management agencies the authority and capability to manage effectively the Federal lands and for other purposes; to the Committee on Energy and Natural Resources.

PUBLIC LANDS PLANNING AND MANAGEMENT IMPROVEMENT ACT OF 1999

Mr. CRAIG. Mr. President, the bill I am introducing today represents a significant modification of S. 1253, which I introduced in the last Congress. This effort represents a large body of work—both oversight and legislative—to modernize the laws governing our stewardship over federally-owned, multiple-use lands.

For those of you who have just tuned in, this bill is the result of 15 oversight hearings that my Subcommittee on Forests and Public Land Management held during the 104th Congress. These hearings involved over 200 witnesses,

representing all points of view, and reviewing all aspects of the management of the Forest Service and Bureau of Land Management lands. The overwhelming conclusion from all of these witnesses—developers and environmentalists alike, public and private sector employees alike—was that the statutes governing federal land management—the 1976 Federal Land and Policy Management Act and the 1976 National Forest Management Act—are antiquated, and in need of updating. These statutes were passed by Congress in the mid-1970s to help solve land management problems. Today, they are a large part of the problem.

I look at laws as ''tools'' for use by professional land managers and resource scientists that help establish priorities and make management decisions. These two tools are as antiquated as the slide-rule and computer punch cards that were the tools used by land managers at the time that these statutes were passed.

As a consequence of this oversight review during the 104th Congress, and subsequent oversight hearings since, I drafted S. 1253 and circulated it at the outset of the 105th Congress. That draft, and the subsequently-introduced bill were, in turn, the subject of six informal workshops and another eight formal, legislative hearings to review the concepts embodied in both the first draft and the introduced version of S. 1253. The ideas that emanated from the oversight hearings were modified to reflect the suggestions of witnesses, and in recognition of how resource management problems have subsequently evolved.

Also, during the course of the last eighteen months, we have held additional hearings, reviewed subsequent correspondence, and enjoyed additional dialogue about how to best modify the 1976 statutes. For instance, we held one hearing where all four of the former Chiefs of the Forest Service and one former Bureau of Land Management Director shared their views about the current state of federal land management, and where legislative action could assist their successors in discharging the public trust more effectively.

During this time period there has been at least one seminal decision from the Supreme Court. In Ohio Forestry Association versus Glickman, the Supreme Court has, in my view, significantly devalued the importance of the land management planning process authorized under the National Land Management Act, and probably FLPMA as well. In that decision, the Court denied standing to challenge resource management plans, essentially on the basis that no real decisions are made. While properly decided on the basis of existing law, I believe that decision produced the wrong result insofar as effective resource planning is concerned. The bill I am introducing today would explicitly set a new course, reversing the effect of this decision in order to make resource management plans more meaningful documents. In various other ways of a less significant nature, the bill I am introducing today also reflects the product of court decisions that have been rendered during the period that we have been reviewing these issues.

The bill that I am introducing today is also the direct result of four important pieces of information. Let me describe each of these in turn.

First, we held an extraordinary pair of hearings with the President of the Wilderness Society as the sole witness. These hearings were significant in the sense that we were not limited to the usual, five-to-ten minute exchange to communicate with one another. Instead, we actually discussed the Wilderness Society's concerns and views about National Forest management for several hours.

Second and equally important was the assistance provided by the Society of American Foresters. The Society laudably took on the task of appointing a working group of resource scientists and professionals to review the current state of federal land management and the proposals that we made in the last Congress, and to offer suggestions for improvement. I commend their report as an authoritative guide to needed changes in the current system. Most notably, the Society is emphatic, as am I, that many, if not most, of the problems that plague federal land management today can be resolved only through a cooperative effort between the Administration and Congress to produce a revised legislative charter for the land managing agencies.

Third, we were in many important respects guided by Secretary of Agriculture, Dan Glickman's, Committee of Scientists Report, also issued earlier this year. I commend this report to the attention of Senators as well. In many areas, we find ourselves in agreement with the Committee of Scientists, particularly with regard to defining a new mission for the Forest Service. We would submit that this is needed for the Bureau of Land Management as well—even though that was beyond the Committee's charter. One area where the Committee's views are unclear is whether or not these improvements can be made exclusively through the rule-making process. The Committee seems to be of two minds about this. It is clear to us that the kinds of changes the Committee seeks cannot be accomplished through regulation. They must involve fundamental statutory changes to the agencies' missions. Any other path is, in our view, doomed to failure.

Finally, we were informed at the time of the Administration's budget submission that the Administration would be sending forward a series of seven important legislative proposals governing federal land management. We were pleased that the Administration had at last come to the conclusion that legislative changes are necessary. This has been a source of intense dialogue between myself, Secretary Glickman, Undersecretary Lyons, and others in the Administration for more than two years. Given this recognition on their part, we felt duty-bound to wait for these proposals before going forward. In the bill I am introducing today, we have adopted, in pertinent part, five of the Administration's seven legislative proposals. A sixth proposal is the subject of a separate piece of legislation that was introduced in the House yesterday (HR 2389). I am working on a companion Senate bill to introduce shortly. Thus, I found the Administration's proposals something that I could agree with, and want to be responsive to.

So, my work product is the result of a number of sources of information. It has taken at least six months longer to produce than I anticipated it would, but in the interest of: (1) securing the advice of Secretary Glickman's Committee of Scientists; (2) evaluating the Society of American Foresters' report; and (3) being responsive to the Administration's legislative proposals, I believe the wait was worthwhile.

We will now move forward with additional hearings on this proposal confident that we are on the correct path to improve the quality of federal land management and, through a variety of means, increase public support for the future management of our federal forest lands.

We invite both the Administration and Members on both sides of the aisle to join us in this effort. We move forward knowing that this proposal, like any other, is a working draft that will by necessity change, probably significantly, as we move forward.

However, we also move forward knowing that legislative change in this area is both inevitable and vital. It is clear to me that this area of public discourse vitally needs a vibrant legislative debate and a new legislative charter so that our federal land managers can be provided with tools a little more modern than the slide-rule and mainframe computer punch cards.

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

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

SECTION-BY-SECTION DESCRIPTION—PUBLIC LANDS PLANNING AND MANAGEMENT IMPROVEMENT ACT OF 1999

SEC. 1. SHORT TITLE; TABLE OF CONTENTS.—This legislation—''Public Lands Planning and Management Improvement Act of 1999''—provides new authority and gives greater responsibility and accountability to the Forest Service, Department of Agriculture, and Bureau of Land Management (BLM), Department of the Interior, for planning and management of federal lands under their jurisdiction. The two statutes governing the agencies' land planning and management—the National Forest Management Act (NFMA) and the Federal Land Policy and Management Act (FLPMA)—are now more than two decades old; this legislation preserves those laws' policies and requirements while it updates those laws to reflect

the agencies' subsequent performance and experience.

The need for new statutory authority is one of the principal findings of a recent report on the planning and management of national forest and BLM lands commissioned by the Society of American Foresters (SAF), entitled Forest of Discord: Options for Governing our National Forests and Federal Public Lands. The report states that ''new legislation seems the best approach for improving federal land management * * * Because the problems that exist are both serious and complex, the problems cannot be resolved through regulatory reform or through the appropriations process. Rather, new legislation is warranted.''

The first version of this bill was introduced as S. 1253 on October 3, 1997. Since then the Energy and Natural Resources Committee has devoted significant attention to the legislation. It has been the subject of 8 hearings and 6 workshops, including one hearing in which 4 former chiefs of the Forest Service and one former director of the BLM spoke about the need for legislation to modernize the existing statutory base for federal land planning and managing, and analyzed this bill through the prisms of their experiences as agency heads, and two hearings in which the President of the Wilderness Society provided an in depth critique of the bill's provisions. Toward the end of 1998, the legislation was substantially altered to accommodate numerous useful suggestions of, and to remedy a number of concerns raised by, the many witnesses.

In the Spring of 1999, two important documents were published: (1) the SAF-commissioned critique of Forest Service and BLM planning and management and call for legislation, authored by prominent academics, state foresters, consultants, federal officials, and private forestland managers; and (2) the report of the Committee of Scientists appointed by the Secretary of Agriculture to provide advice in the course of a new rulemaking governing Forest Service planning, Sustaining the People's Lands: Recommendations for Stewardship of the National Forests and Grasslands into the Next Century. This bill was redrafted again before its introduction to incorporate many suggestions and concepts from these two landmark documents. As a result of the two rewrites, this legislation is significantly different from, and reflects a much broader array of views and ideas than did, its predecessor in the 105th Congress.

SEC. 2. FINDINGS.—This section contains numerous findings which explain the need for this legislation. Many of these findings are shared by the Committee of Scientists and SAF reports, and the language of the most prominent findings cite those documents. The findings—

Note the widespread public support for the twin principles of federal land management—multiple use and sustained yield—imposed on Forest Service lands in NFMA and on BLM lands in FLPMA.

Recognize that NFMA and FLPMA, enacted in 1976, established resource management planning processes as the means to apply these land management principles to the federal lands.

State that, in the 2 decades since the enactment of NFMA and FLPMA, fundamental flaws in the planning processes have been exposed, to the dissatisfaction of all stakeholders.

Find that these flaws threaten the planning and management decisionmaking processes and undermine the agencies' ability to fulfill their statutory land management responsibilities and to accomplish management that is well grounded in science.

Note that Congress' desire for planning to be completed within discrete time frames and to provide secure management guidance has not been achieved.

Describe how planning has yet to be completed 2 decades after the enactment of NFMA and FLPMA, and how the Forest Service and BLM are now engaged in an apparently perpetual planning cycle that deprives both the agencies and the public of stable and predictable management of federal lands.

State that the two levels of planning contemplated and required by NFMA and FLPMA have been expanded by the agencies and the courts to include various planning exercises on multiple, often conflicting, broader and narrower planning scales that in many cases are focused on only a single resource, are conducted without the procedural and public participation safeguards required by those laws, and result in guidance that conflicts with the planning that is conducted in accordance with those laws.

Find that the procedures and requirements of NFMA and FLPMA often are not compatible, and even conflict, with procedures and requirements of other, more generally applicable environmental laws. The result is often the de facto transfer of planning and management decisionmaking authority from the land management agencies—the Forest Service and BLM—to other environmental agencies—most notably the Environmental Protection Agency, Fish and Wildlife Service, National Marine Fisheries Service—that do not possess comparable land management expertise.

Find ''without doubt'' that Congress has failed to reconcile the procedures and requirements of other environmental laws with the planning and management processes established by NFMA and FLPMA.

State that the land management planning is conducted without regard for likely funding constraints on plan implementation and that the agencies' budgets and Congressional appropriations are not linked to the plans.

Describe how, even when the Forest Service and BLM retain planning and management authority, they are often paralyzed by an escalating number of administrative appeals and lawsuits.

Note that existing law does not recognize, nor integrate into planning, important new land management concepts such as ecosystem management and adaptive management which are being imposed or incorporated in federal land planning and management without statutory authority or clear public understanding.

State that new processes developed by stakeholders to better participate in federal land planning and decision making, such as the community collaborative deliberations of the Quincy Library Group and Applegate Partnership, are not recognized or encouraged by NFMA and FLPMA.

Find that these flaws in planning and plan implementation, including the administrative and judicial challenges, have escalated Forest Service and BLM land management costs and thereby reduced land management capability.

Note that FLPMA and NFMA were enacted when federal land ecosystems were regarded generally as healthy, but numerous watersheds are degraded, species are declining because of habitat loss, and forested areas are undergoing or are threatened by an unprecedented forest health crisis.

State that monitoring to develop an adequate basis for planning and to determine whether plans are being implemented adequately or conditions have changed sufficiently to warrant new planning is often promised but rarely conducted.

State that these flaws in planning and subsequently inability to secure plan implementation have injured—both environmentally and economically—all stakeholders, but particularly local resource-dependent communities which have no protection nor recourse under NFMA and FLPMA.

Find that NFMA and FLPMA, and their implementing regulations provide much guidance on planning, but virtually none on plan implementation, thereby devaluing the term ''Management'' common to both Acts' titles.

Report the finding of the United States General Accounting Office (GAO) that the statutory flaws and public distrust discussed in these findings have contributed to, and been compounded by, the agencies' lack of a clear mission statement.

And find that additional statutory direction for planning and plan implementation is needed to secure stable and predictable federal land management and to free the Forest Service and BLM to exercise fully their professionalism in making management decisions.

SEC. 3. DEFINITIONS.—This section defines the terms used in this legislation. For the purpose of this section-by-section description only two terms need definition here. ''Federal lands'' means all federal lands managed by the BLM (excluding Outer Continental Shelf lands) and Forest Service (including national grasslands). The four ''Committees of Congress'' are the authorizing committees with jurisdiction over the Forest Service and BLM: the Committee on Resources and Committee on Agriculture in the House of Representatives and the Committee on Energy and Natural Resources and Committee on Agriculture, Nutrition, and Forestry in the United States Senate.

SEC. 4. SUPPLEMENTAL AUTHORITY.—This section makes clear that this legislation supplements the NFMA, FLPMA, and other applicable law. Any inconsistency: between this bill and the NFMA or FLPMA is resolved in favor of this bill; and between this bill and the statutes governing management of units of the National Wilderness Preservation, National Wild and Scenic Rivers, and National Trails Systems is resolved in favor of those statutes.

SEC. 5. TRANSITION.—This section makes clear that existing plans, policies, and other guidance concerning the federal lands that are in effect on the date of enactment of this legislation remain valid until they are revised, amended, changed, or terminated in accordance with this legislation.

TITLE I—ENSURING THE EFFECTIVENESS AND IMPLEMENTATION OF FEDERAL LAND PLANNING

SEC. 101. PURPOSES.—The purposes of Title I are to provide a mission statement for the Forest Service and BLM and provide Congressional direction to those agencies on the preparation and implementation of resource management plans for, and the planning of management activities on, the federal lands. This mission and direction are intended to avoid the environmental, economic, and social injuries caused by the existing flaws and past absence of mission and direction in federal land planning. Most importantly, this mission and direction are expected to achieve more stable, predictable, timely, sustainable, and cost-effective management of federal lands. This title is also intended to encourage collaborative processes in federal land planning, to ensure adequate monitoring, and to establish uniform, expeditious procedures for administrative and judicial appeals. Finally, this title would provide for consideration during planning of funding constraints on, and during budget setting of funding needs for, plan implementation. The collaborative planning, monitoring, and budgetary purposes were not in this bill's predecessor.

PART A. IN GENERAL

SEC. 102. MISSION OF THE LAND MANAGEMENT AGENCIES.—A common theme of the SAF report (pp. 17–18), the Committee of Scientists report (pp. xiv-xvi), and a 1997 GAO report entitled, ''Forest Service Decisionmaking: A Framework for Improving Performance.'' (p. 5) is the need for a new mission direction for the Forest Service and BLM that provides guidance beyond the multiple use and sustained yield principles and incorporates the newer management concepts concerning ecosystems, landscape management, and biological diversity. This section provides that new mission statement. It is: to manage the federal lands to assure the health, sustainability, and productivity of the lands' ecosystems; where consistent with that objective, to furnish a sustainable flow of multiple goods, services, and amenities; to preserve or establish a full range and diversity of natural habitats of native species in a dynamic manner over the landscape, and to designate discrete areas to conserve certain resources or allow certain uses. This section was rewritten, consistent with the Committee of Scientists and SAF reports' recommendations, to accord priority to ecosystem concerns and to clarify and ensure that the agencies are to deliver amenities as well as goods and services.

SEC. 103. SCIENTIFIC BASIS FOR FEDERAL LAND DECISIONS.—To ensure that federal land planning and management is well grounded in science (a particular concern of the Committee of Scientists), this section requires the Forest Service and BLM to use in all federal land decisions the ''best scientific and commercial data available.'' Congress first adopted this stringent standard in the Endangered Species Act of 1973; this bill's standard is identical to that Act's.

PART B. RESOURCE MANAGEMENT AND ACTIVITY PLANNING

SEC. 104. LEVELS OF PLANNING.—To reduce the proliferating number of federal land planning exercises, this section limits the levels of Forest Service and BLM planning to two—multiple-use resource management planning for designated planning units and site-specific planning for management activities. The two agencies are given complete discretion to designate planning units of whatever size and number they consider appropriate in which to conduct the resource management planning.

The agencies may also conduct analyses or assessments for geographical areas other than the planning units (including ecoregion assessments as provided in Part F of this title). The results of those analyses or assessments may be applied to the federal lands by amending or revising the applicable resource management plans.

This section establishes a 3-year deadline for amending or revising existing resource management plans to include policies developed in planning conducted outside of the two prescribed planning levels. Non-complying planning will no longer apply to the federal lands at the end of the 3-year period.

SEC. 105. CONTENTS OF PLANNING AND ALLOCATIONS OF DECISIONS TO EACH PLANNING LEVEL.—To eliminate redundant planning that is time-consuming and costly, this section assigns specific analyses to the two levels of planning established in section 104 and clarifies that the analyses may not be repeated elsewhere in the planning process. This assignment of planning tasks to specific planning levels is regarded as a critically important change by the authors of the SAF report (pp. 51, 59): ''The current land management planning process is unclear about which decisions are made at which points in the planning process. No public organization or management system can be effective without clearly articulated goals and an unambiguous decisionmaking process, and in current planning, neither of these conditions obtains. . . . Once the overall mission of the lands has been identified, the most important questions about land management planning on the national forests and public lands relate to clarifying which issues are decided at which levels of the decisionmaking process.''

This section requires that resource management plans contain 5 basic elements: (1) statement of management goals and objectives; (2) allocation of land uses to specific areas in the planning unit; (3) determination of outputs of goods, services, and amenities from the unit; (4) environmental protection policies; and (5) a description of the desired future conditions of the unit's lands and the expected duration of time needed to achieve those conditions. Basic elements (1) and (3) are specifically recommended by the SAF report (p. 57): ''Resource management plans should identify and quantify (to the extent feasible) appropriate goals and outcomes, including vegetation management goals and commodity and amenity outputs.'' Element 2—land allocations—is, of course, the historic backbone of planning and is recommended by the Committee of Scientists report (p. xxxiii). ''Desired future conditions'' is a new, basic element added to this bill; this concept is recommended in the Committee of Scientists report (p. xxviii) as ''[t]he central reference point for strategic planning.'' The agencies are admonished to tailor the environmental protection policies in element 4, to the maximum extent feasible, not to be prescriptive requirements generally applicable to the entire planning unit, but rather to provide guidance for determining specific requirements suitable for the precise conditions at identified sites during the planning of individual management activities.

The agencies are tasked with describing the basic elements in a manner that provides a basis for monitoring required by section 116 and adaptive management required by section 117. This requirement is new to this bill and is recommended by SAF report (p. 57): ''The goals and outputs (including fiscal expectations and downstream effects) should be set forth in a manner that provides a basis for monitoring, evaluating, and reporting agency performance.''.

Additionally, the resource management plans are required to contain: (1) a statement of historical uses, and trends in conditions of, the resources covered by the plans; (2) a comparison of the projected results of the basic elements with recent agency performance and a discussion of any expected, significant changes in management direction, including any steps to be taken to ameliorate any adverse economic, social, and economic consequences that might result from those changes; (3) a schedule and procedure for monitoring plan implementation, management of the covered federal lands, and trends in the covered resources' uses and conditions as required by section 116; (4) criteria for determining when circumstances on the covered federal lands warrant adaptive management of the resources as required by sections 116(a)(3) and 117(c). The requirement to compare projected results with past performance and discuss significant differences is a new element in this bill that is recommended in the SAF report (p. 57): ''The plans should compare and contrast the goals and outcomes with recent performance, highlighting situations where a significant change in direction is proposed.'' The requirement for a schedule and procedures for monitoring is recommended by both the Committee of Scientists report (''An adequate plan contains the methods and proposed measurements for monitoring . . .''. (p. 108) and the SAF report (''The [planning] decision document needs to specify the monitoring process . . .''. (p. 27)).

Another provision designed to reduce plan redundancies and the time consumed in repetitive planning requires the agencies to assign by a notice-and-comment rulemaking specific analyses and decisions to each of the two planning levels (as recommended in the SAF report (p. 59): ''Forest planning regulations should identify the analyses and decisions that must be made at each planning level''). The agencies may not conduct or reconsider those analyses or decisions in the planning level to which they are not assigned. This section also assigns a number of analyses and decisions by statute. In addition to the 5 basic elements discussed previously, assigned to resource management planning are resource inventories, cumulative effects analyses (including effects on water quality), discussion of relationship to State and local plans, identification of federal lands which might be exchanged or otherwise disposed of, and decisions on wilderness, unsuitability of lands for certain uses (*e.g.*, coal mining as required by section 522 of the Surface Mining Control and reclamation Act and timber harvesting as required by section 6 of the National Forest Management Act), and visual objectives.

Assigned to management activity planning are analyses of site-specific resources and environmental effects, and decisions concerning the design of, and requirements for, the activity, including decisions related to water quality effects of the activity, method for harvesting forest products, revenue benefits, and a schedule and procedures for monitoring the effects of the activity. These assignments of decisionmaking comport with the recommendations in the SAF report (p. 59): ''Forest or area plans might be the appropriate place to analyze and decide wilderness recommendations, output targets, supply-demand relationships, and community impacts. [Localized] plans might be the appropriate place to analyze and decide on silvicultural practices and restoration activities and the mix of habitats for species viability . . . [and] access and management unit boundaries.''

Among the more significant changes in this section from the language of this bill's predecessors are the addition of desired future uses to the plan's basic elements, the emphasis on monitoring and adaptive management in resource management planning, the requirement to address adverse consequences of significant changes in management direction, and the assignment of water quality analyses to both planning levels.

SEC. 106. PLANNING DEADLINES.—To break the cycle of perpetual planning, this section would set deadlines for conducting the two-level planning. These deadlines are: (1) for resource management planning—36 months for plan preparation, 18 months for amendments defined as significant by regulations, 12 months for amendments defined as non-significant by regulations, and 30 months for revisions; and (2) for management activity planning—12 months for planning significant activities, and 9 months for planning non-significant activities. All of these deadlines are longer than those in the predecessor bill, as suggested by the former agency heads and other witnesses. Also added is a provision that adjusts the deadlines if an activity must be submitted to Congress as a ''rule'' under section 251 of the Contract with American Advancement Act of 1996 (110 Stat. 868–874, 5 U.S.C. 801–808). Both the Committee of Scientists report (''Planners should aim to complete the planning phases from assessment through formal adoption of small landscape plans within three years and preferably less than two.'' (p. 181)) and the SAF

report (''deadlines for decisions should therefore be set'') (p. 46)) recommend planning deadlines.

SEC. 107. PLAN AMENDMENTS AND REVISIONS.—This section ensures that the 5 basic elements of the resource management plans are accorded equal dignity and that one element is not arbitrarily sacrificed or ignored to achieve another. It prohibits the Forest Service and BLM from applying a policy to, or making a decision on, a resource management plan or a management activity which is inconsistent with one of the basis elements. To ensure that the agencies discover any such inconsistency, this section requires each agency either to report in writing with each land management activity decision that the activity contributes to or does not preclude achievement of the basic elements or to amend or revise the plan to remove or reconcile the affected element. This decision to amend would be made whenever the inconsistency is discovered whether it is during the planning for a specific management activity or during the monitoring of plan implementation required by section 116. The agencies are given the authority to waive an inconsistency without amending the resource management plan for a single specific management activity within any class of management activities once during the life of the plan if the inconsistency does not violate a nondiscretionary statutory requirement and the determination is made that the waiver is in the public interest.

This section also requires that any change in federal land management that is imposed by new law, regulation, or court order or that is warranted by new information must be effected by amending or revising the appropriate resource management plans. Further, unless the agency determines that the law or court requires otherwise and publishes that determination, the change in management does not become effective until the amendment or revision is adopted.

This section directs that, when resource management plans are revised, all provisions of those plans are to be considered and analyzed in the environmental analysis (environmental impact statement (EIS) or environmental assessment (EA)) and decision documents. This ensures that the agency does not consider only those portions of the plans that are particularly important to the most vociferous advocates for a particular land use or management policy or are of particular interest to the officials involved in the planning exercise.

Finally, this section clarifies that, while a resource management plan is being amended or revised, management activities are to continue and not be stayed in anticipation of changes that might be made by the amendment or revision. Exceptions to this stay prohibition include whenever a stay is required by this bill, court order, or a formal declaration by the Secretary (without delegating the authority). However, the agencies can stay particular activities for purposes that are unrelated to the purpose or the likely effect of the amendment or revision. To ensure that *de facto* stays do not occur, this section provides that, except as described above, a plan amendment or revision may not become effective until final decisions on management activities that are scheduled to be made during the plan amendment or revision process have been made.

Changes to this section include wording that responds to a concern expressed by the President of the Wilderness Society that environmental policies could be made secondary to other commodity-oriented policies. This was accomplished by clarifying that no basic element—including the environmental policies—can be made inconsistent and ignored, and that exception can be made only once for any class of management activities over the plan's life.

SEC. 108. CONSIDERATION OF COMMUNITIES DEPENDENT ON FEDERAL LANDS AND RESOURCES.—This section requires that, in preparing, amending, or revising each resource management plan, the Forest Service and BLM must consider if, and explain whether, the plan will maintain to the maximum extent feasible the stability of any community that has become dependent on the commodity or non-commodity resources of the federal lands to which the plan applies. Consideration of dependent communities was strongly recommended in the Committee of Scientists report (pp. xxi, 45): ''Within the context of sustainability, planning should consider the needs, resilience, and vulnerability of economies and communities in selecting long-term management strategies.'' ''The national forests and grasslands must serve all of the nation's people; nevertheless, local residents deserve particular attention when the contributions of the forests to economic and social sustainability are being considered.''

The procedure for meeting this mandate is to include in the EIS or EA on the plan, amendment, or revision a discussion of: the impact of each plan alternative on the revenues and budget, public services, wages, and social conditions of each federal lands-dependent community; how the alternatives would relate to historic community expectations; and how the impacts were considered in the final plan decision.

This section defines a community dependent on the commodity or non-commodity resources of the federal lands as one which is located in proximity to federal lands and is significantly affected socially, economically, or environmentally by the allocation of uses of one or more of the lands' commodity or non-commodity resources. The secretaries are to consult with the Secretaries of Commerce and Labor in establishing by rulemaking criteria for identifying these communities.

This section was changed to recognize that many communities are as dependent on non-commodity resources (for professional guiding, river running, hunting and fishing, etc.) as others are dependent on commodity resources and that both types of communities should be given special attention in planning.

SEC. 109. ECOSYSTEM MANAGEMENT PRINCIPLES.—This section provides a statutory basis for the relatively new ecosystem management concept. It requires that this concept be incorporated into planning. As the agencies accomplish this integration of ecosystem management and planning, they are cautioned that this new concept may not supersede other statutory mandates. This section requires that the Forest Service and BLM consider and discuss ecosystem management principles in the EISs or EAs for resource management plans, amendments, and revisions. It also states that these principles are to be applied consistent with, and may not be used as authority for not complying with, the other requirements of this legislation, FLPMA, NFMA, and other environmental laws applicable to resource management planning.

''Ecosystem management'' is defined in section 3. That definition has been altered in this bill to incorporate the basic management mandate recommended by the Committee of Scientists report (pp. xiv, 177): ''ecological, economic, and social sustainability''.

PART C. ENCOURAGEMENT OF COLLABORATIVE PLANNING

Decentralized, collaborative planning is emphasized in both the Committee of Scientists report (pp. xxiii–xxv) and the SAF report (p. 46). Although the provisions in this part have appeared in earlier versions of this bill, they are arranged here into one part in order to emphasize the collaborative planning concept.

SEC. 110. PARTICIPATION OF LOCAL, MULTI-INTEREST COMMITTEES.—To encourage local solutions to federal land management issues developed through collaborative planning by neighboring citizens of diverse interests, this section provides for the establishment of two types of local, matter-interest committees. The first is the ''independent committee of local interests'' established without the direction, intervention, or funding of the agencies and including at least one representative of a non-commodity interest and one representative of a commodity interest. Prototypes for this type of committee are the Quincy Library Group and Applegate Partnership.

This section encourages these independent committees to prepare planning recommendations for the federal lands by imposing the requirement on the agencies that they include those recommendations as alternatives in the EISs or EAs which accompany the preparation, amendment, or revision of resource management plans. If more than two independent committees are established and submit planning alternatives for the same federal lands, the Forest Service or BLM will include the alternatives of the two committees it determines to be most broadly representative of the interests to be affected by the plan, amendment, or revision, and will attempt to consolidate for analysis or otherwise discuss the other committees' alternatives. Finally, the section authorizes the Forest Service and BLM to provide to any independent committee whose planning alternative is adopted sufficient funds to monitor the alternative's implementation. These independent committees would be exempt from the Federal Advisory Committee Act.

Second, the agencies are empowered to establish local committees corresponding to the federal land's planning units. The membership of these committees must be broadly representative of interests affected by planning for the planning units for which they are formed. The agencies must seek the advice of the committees prior to adopting, amending, or revising the relevant resource management plans and provide the committees with funding to monitor plan implementation.

SEC. 111. CITIZEN PETITIONS FOR PLAN AMENDMENTS OR REVISIONS.—Section 122 establishes deadlines for challenging resource management plans, amendments, and revisions. The section provides a procedure for citizens who believe a plan has become inadequate after the deadlines have passed to seek change in the plan and, if unsuccessful in obtaining change, to challenge the plan. This section authorizes any person to challenge a plan after the deadline solely on the basis of new information, law, or regulation. The mechanism for challenge is a petition for plan amendment or revision. The Forest Service or BLM must accept or deny the petition within 90 days, and any request for a stay within 5 days, or receipt of the petition. If the agency fails to respond to or denies the petition or stay request, the petitioner may file suit immediately against the plan. If the agency accepts the petition, the process of amending or revising the plan begins immediately. The agency's decision to accept or deny the petition is not subject to the consultation requirement of the Endangered Species Act (ESA) or the environmental analysis requirements of the National Environmental Policy Act (NEPA).

The principal change in this section was in response to the testimony of the President of

the Wilderness Society. It adds the opportunity for a petitioner to seek a stay of any activities subject to the petitioned plan amendment.

SEC. 112. NOTICE AND COMMENT ON MANAGEMENT ACTIVITIES.—This section adopts a provision from the provision in the Fiscal Year 1993 Interior and Related Agencies Appropriation Act which provided procedures for adminsitrative appeals of Forest Service land management activities. In this bill and its prior versions the appeal procedures were incorporated in a broader administrative appeals section (here, section 122). Consequently, this bill and its predecessors would repeal that 1993 appropriations act rider. As pointed out by the President of the Wilderness Society, inadvertently dropped from the repealed language was a provision requiring notice (by mail and newspaper) and comment (within a 30 day period) on Forest Service land management activities. This section restores that provision and expands it to include land management activities of the BLM.

PART D. CONSIDERATION AND DISCLOSURE OF BUDGET AND FUNDING EFFECTS

SEC. 113. DISCLOSURE OF FUNDING CONSTRAINTS ON PLANNING AND MANAGEMENT.—To ensure that planning decisions are not based on overly optimistic funding expectations and are not rendered irrelevant by enactment of differing appropriations, this section requires that the EIS or EA on ech resource management plan, or plan amendment or revision, contain a determination on how the 5 basic elements (goals and objectives, land use allocations, outputs of goods and services, environmental protection policies and standards, and desired future conditions) will be implemented within a range of funding levels (with at least one level which provides less funds annually, and one level which provides more funds annually, than the level of funding for the fiscal year in which the EIS or EA is prepared).

The Committee of Scientists, the SAF report authors, and the GAO (Forest Service Issues Related to Management of National Forests for Multiple Uses, 1996) all recognized the fundamental problem of what the Committee of Scientists (p. 107) called the ''disconnect between budgets and plans.'' As described in the SAF report (p. 22), ''Even though the Forest Service has generally received the funds requested for land management planning, it has not delivered the outputs that the plans specify. Some plans have been developed without budget constraints. This gap between plans and reality means that many of the actions called for in the plans and justified on multiple-use grounds can never be realized simply because of lack of funds.'' All three reports basically call for the same remedy (i.e., ''Forest or area plans should explain how the goals and outcomes would be affected by differing budgets.'' SAF report, p. 62) that is provided in this section.

SEC. 114. FULLY ALLOCATED COSTS ANALYSIS.—To ensure that the costs to all uses are revealed, this section directs the Forest Service and BLM to disclose in the EISs and EAs on resource management plans, amendments, and revisions the fully allocated cost including foregone revenues, expressed as a user fee or cost-per-beneficiary, of each noncommodity output from the federal lands to which the plans apply.

SEC. 115. BUDGET AND COST DISCLOSURES.—To better relate the agencies' planning process with Congress' appropriations process, this section requires that the President's budget request to Congress include an appendix that discloses the amount of funds that would be required to achieve 100% of the annual outputs of goods and services in, and otherwise implement fully, each Forest Service and BLM resource management plan. This provision, together with section 113, implements two critical recommendations in the SAF report (p. 62): ''A persistent criticism of resource management plans is that annual appropriations have not always matched the funding assumptions. Forest or area plans should explain how the goals and outcomes would be affected by differing budgets. Annual reporting on agency performance can then compare and contrast the goals and targets of the plan with the requested budgets and actual appropriations.''.

In the face of escalating planning costs, particularly those associated with ecoregion assessments, this section also requires the agencies to submit to Congress each year an accounting of the total costs and cost per function or procedure for each plan, amendment, revision or assessment published in the preceding year.

PART E. MONITORING AND ADAPTIVE MANAGEMENT

Set out in this part are the two most important functions conducted by the agencies (in addition to responding to citizen petitions for plan amendment or revision authorized by section 111) to ensure that resource management plans—once prepared—are implemented and kept current. The first of these functions is monitoring. A recurring theme of numerous studies (including both the Committee of Scientists and SAF reports and the 1997 GAO report, Forest Service Decision-making: A Framerwork for Improving Performance) is that, in the words of the SAF report (p. 51), ''[b]oth natural resources monitoring and program implementation monitoring are currently inadequate.'' The Committee of Scientists report emphasizes that the second of these functions—adaptive management—is wholly dependent on adequate monitoring. Because monitoring is expensive (SAF report, p. 38) and is not typically a prerequisite to land management decisions, it is usually deprived of necessary funding by both Congress and the agencies. This part provides statutory emphasis for, and attempts to provide more secure funding to, these critical functions. This part consolidates and strengthens various provisions in the previous version of this bill.

SEC. 116. MONITORING.—This section requires use of funds from the Monitoring Funds established by section 118 to monitor the implementation of each resource management plan at least biennially. The monitoring is to (1) ensure that no basic element (goal, land allocation, output, environmental policy, or desired future condition) of the plan is constructively changed through a pattern of incompatible management activities or of failures to undertake compatible management activities, (2) determine that no conflict has arisen between any of the basic elements of the plan, and (3) determine if circumstances warrant adaptive management of the plan. The monitoring is to be conducted in accordance with the procedures for monitoring that are required to be included in each resource management plan by section 105. Likewise, the determination of circumstances warranting adaptive management are to be made in accordance with the criteria for such determinations which section 105 also requires be included in each plan.

SEC. 117. ADAPTIVE MANAGEMENT AND OTHER CHANGES DUE TO MONITORING.—This section requires corrective management actions or plan amendments or revisions whenever, as provided in section 116, the monitoring discloses changed circumstances, conflicts in plan elements, or circumstances warranting adaptive management.

SEC. 118. MONITORING FUNDS.—This section would implement a recommendation in the SAF report (p. 62) that ''[m]onitoring should be separately and adequately funded.'' This section establishes a Public Lands Monitoring Fund for BLM lands and Forest Lands Monitoring Fund for Forest Service lands to provide a supplemental funding source for important monitoring activities. The Funds would receive all monies collected from federal lands in any fiscal year that are in excess of federal land revenues projected in the President's baseline budget (minus the State's and local government's share as required by law). The monies in the Funds may be used, without appropriations, to conduct the monitoring required by section 116 or to fund the monitoring of the local, multi-interest committees under section 110.

Added to this section is a provision that encourages each agency to use private contractors, including contractors under the Jobs in the Woods Program, to conduct monitoring, except the monitoring done by the multi-interest committees.

PART F. PLANNING—RELATED ASSESSMENTS

SEC. 119. PURPOSE AND AUTHORIZATION OF ECOREGION AND OTHER ASSESSMENTS.—The purpose of this part and section is to authorize the new practice of preparing ecoregion and other assessments of environmental, economic, and social issues and conditions that transcend the boundaries of planning units established pursuant to section 104 for the purpose of informing the resource management planning for, and the planning of management activities on, the federal lands. The Committee of Scientists (pp. xxvi–xxvii) endorses assessments as vehicles for ''provid[ing] the context for. . . . planning.''

First, this section authorizes the Forest Service and BLM to prepare these ecoregion or other assessments, which may include non-federal lands if the Governors of the affected States or the governing bodies of the affected Indian tribes, as the case may be, agree. It requires the agency to give the four Committees of Congress and the public 90 days advance notice before initiating an assessment. The notice to Congress and Federal Register notice must include: (1) a description of the land involved; (2) the agency officials responsible; (3) the estimated costs of and the deadlines for the assessment; (4) the charter for the assessment; (5) the public, State, local government and tribal participation procedures; (6) a thorough explanation of how the region or area for the assessment was identified and the attributes which establish it; and (7) detailed reasons for the decision to prepare the assessment.

SEC. 120. STATUS, EFFECT, AND APPLICATION OF ASSESSMENTS.—This section provides that the assessments must not contain any decisions concerning resource management planning or management activities. The Committee of Scientists (p. xxvi) endorses this approach: ''A critical component of the framework proposed by the Committee is that assessments are not decision documents and should not be made to function under the NEPA processes associated with decision-making.'' The section also establishes a procedure for applying information or analysis contained in ecoregion or other assessments to the planning and management activities. It directs the relevant agency to make a decision within 6 months of completion of an assessment whether any information or analyses in the assessment warrants amendments to, or revisions of, a resource management plan for the federal lands to which the assessment applies. If the decision is made for an amendment or revision, no management activity on federal lands may be delayed or altered on the basis of the assessment while the amendment or revision is prepared. This section also prohibits any federal official from using an assessment as an

independent basis to regulate non-federal lands. Finally, as the assessments are non-decisional, this section provides that they will not be subject to the consultation requirements of the Endangered Species Act or the environmental documentation requirements of the National Environmental Policy Act. (''Most critically, assessments do not produce decisions and, therefore, should not be made to function under the NEPA processes associated with decision making.'' Committee of Scientists report, p. 95.)

SEC. 121. REPORTS TO CONGRESS ON ASSESSMENTS.—This section mandates three reports on ecoregion and other assessments.

First, this section directs the agencies to report biennially to the four Committees of Congress on ecosystem and other assessments, their implications for federal land management, and any resource management plan amendments or revisions based on assessments. The reports also must include the agencies' views of the benefits and detriments of, and recommendations for improving, assessments.

Second, this section requires the GAO to prepare and submit to the same Committees of Congress a report on each assessment 3 years after the conclusion of the assessment. The report is to: review the degree of protection for non-commodity resources on, and the level of goods and services from, the relevant federal lands that are projected by the assessment; provide an evaluation of whether such resource protection and amount of goods and services were actually delivered and, if not, why; and recommendations to change assessments to change assessments to secure more accurate projections and better delivery.

Third, the GAO is directed to provide the Committees of Congress with an overall evaluation of the efficacy of assessments seven years after enactment.

Dropped from this bill was the Pacific Northwest Plan Review provision that was contained in earlier versions and was criticized by witnesses for environmental organizations.

PART G. CHALLENGES TO PLANNING

The purposes of this part are to ensure that challenges—both administrative and judicial—of resource management plans and management activities are brought more timely, and by those who truly participate in the agencies' processes. It does not eliminate challenges or insulate agency decisions from challenges.

SEC. 122. ADMINISTRATIVE APPEALS.—This section directs the Forest Service and BLM to promulgate rules to govern administrative appeals of decisions to approve resource management plans, amendments, and revisions, and of decisions to approve, disapprove, or otherwise take final action on management activities. While allowing the agencies considerable discretion in rulemaking, this section does provide that the rules must: (1) require that, in order to bring an appeal, the appellant must have commented in writing during the agency process on the issue or issues to be appealed if an opportunity to comment was provided and if the issue or issues were manifest at that time (SAF report recommendation (p.58): ''Increase the requirements for filing an administrative appeal by requiring participation in the decision process related to the specific decision''); (2) provide that administrative appeals of plans may not challenge analyses or decisions assigned to management activities under section 105 and administrative appeals of management activities may not challenge analyses or decisions assigned to plans under section 105; (3) provide deadlines for bringing the administrative appeals (not more than 120 days after a plan or revision decision, 90 days after an amendment decision, and 45 days after a management activity decision); (4) provide deadlines for final decisions on the appeals (not more than 120 days for appeal of a plan or revision, 90 days for appeal of a plan amendment, and 45 days for appeal of a management activity, with possible 15 days extension for each); (5) provide that, in the event of failure to render a decision by the applicable deadline, the decision on which the appeal is based is to be deemed a final agency action which allows the appellant to file suit immediately; (6) require the agency to consider and balance environmental and/or economic injury in deciding whether to issue a stay pending appeal; (7) provide that no stay may extend more than 30 days beyond a final decision on an appeal of a plan, amendment, or revision or 15 days beyond a final decision on an appeal of a management activity; and (8) establish categories of management activities excluded from administrative appeals (but not lawsuits) because of emergency, time-sensitive, or other exigent circumstances.

This section is more comprehensive than the section of the Fiscal Year 1993 Interior and Related Agencies Appropriation Act which concerned appeals only of management activities (not management plans, amendments, and revisions) of the Forest Service (not BLM). As this section supplants that more limited provision, it repeals that provision when the new appeals rules required by this section become effective.

SEC. 123. JUDICIAL REVIEW.—This section establishes venue and standing requirements in, sets deadlines for, and otherwise governs lawsuits over resource management plans, amendments, revisions, and petitions and management activities.

The venue for plan-related litigation is the U.S. Circuit Court of Appeals for the circuit in which the lands (or the largest portion of the lands) to which the plan applies are located. The venue for litigation over a management activity, or petition for plan amendment or revision is the U.S. District Court in the district where the lands (or the largest portion of the lands) on which the activity would occur or to which the plan applies are located.

This section also clarifies that standing and intervention of right is to be granted to the fullest extent permitted by the Constitution. This means those who are economically injured cannot be barred by the non-constitutional, prudential ''zone of interest'' test developed by the judiciary. This section also overturns the Supreme Court's 1998 decision in *Ohio Forestry Association* v. *Sierra Club* (118 S. Ct. 1665 (1998)) which drastically limited the ability of environmental organizations or other litigants from filing lawsuits challenging resource management plans. On the other hand, this section limits standing to those who make a legitimate effort to resolve their concerns during the agency's decisionmaking process and do not engage in ''litigation by ambush'' by withholding their concerns until after the agency decision is made. Specifically, this section requires that the plaintiff must have participated in the agency's decisionmaking process and submitted a written statement on the issue or issues to be litigated if the opportunity to comment was provided and the issue or issues were manifest at that time, and must have exhausted opportunities for administrative review.

Deadlines for bringing suit are 90 days after the final decision on the administrative appeal of a resource management plan, amendment, or revision, and 30 days after a final decision on the administrative appeal of a management activity or final disposition of a petition for plan amendment or revision. If the challenge involves a statute (*e.g.*, Endangered Species Act or Clean Water Act) which requires a period of notice before filing a citizen suit, suit must be filed no later than 7 days after the end of that notice period.

This section bars suits brought on the basis of new information, law, or regulation until after a petition for plan amendment or revision is filed and a decision is made on it.

This section also clarifies that suits concerning resource management plans and management activities are to be decided on the administrative record.

Several changes were made to this section to respond to concerns expressed by the President of the Wilderness Society.

TITLE II—COORDINATION AND COMPLIANCE WITH OTHER ENVIRONMENTAL LAWS

SEC. 201. PURPOSES.—The purposes of this title are to eliminate primarily procedural conflicts among, and coordinate, the various land management and environmental laws without reducing—indeed enhancing—environmental protection. A wide variety of reports from diverse sources have consistently sounded the theme that conflicting laws have made management of federal lands more difficult. Among these reports are both the Committee of Scientists report (p. xli) and the SAF report (pp. 23–24), the 1992 Office of Technology Assessment report Forest Service Planning: Accommodating Uses, Producing Outputs and Sustaining Ecosystems (p. 59), and the 1997 GAO report Forest Service Decision-making: A Framework for Improving Performance (p. 11). The SAF report (p. 23) summarizes one fundamental consequence: ''Because [other federal and state] agencies have different missions, they interpret statutes and regulations differently. The result, too often, is that they fail to agree on land management decisions. In recent cases, land management has been guided as much by decisions of the regulatory agencies as by the resource agencies.''

The SAF report finds that legislation is required to address this problem; the Committee Scientists report (p. xli), which focuses on recommendations to improve Forest Service regulations, opines that, as to this problem, legislative action may be necessary. This part approaches, but does not go as far as, the principal recommendation of the SAF report (pp. 55–56) relevant to this problem: ''Consistent with sound land management theory, the federal land management agencies should be given broad authority and responsibility to meet all environmental requirements. Consultation is appropriate, but other federal and state agencies should not have the responsibility for approving land management activities. If the federal land management agencies do not act in a prudent, responsible fashion, their actions should be subject to legal challenges.''

SEC. 202. ENVIRONMENTAL ANALYSIS.—This section describes how compliance with the National Environmental Policy Act will occur in resource management planning and planning for management activities. It requires that EIS be prepared whenever a resource management plan is developed or revised. (Plan amendments may have either and EIS or EA depending on their significance.) This section also provides that, for management activities, an EA ordinarily is prepared. The EA for the management activity is to be tiered to the EIS for the applicable resource management plan. The agency may prepare a full EIS on a management activity if it determines the nature or scope of the activity's environmental impacts is substantially different from, or greater than, the nature or scope of impacts analyzed in the EIS on the applicable resource management plan.

SEC. 203. WILDLIFE PROTECTION.—This section addresses the relationship of the Endangered Species Act to federal land planning and management. First, it provides a certification procedure by which the Forest Service and BLM can become certified by the Fish and Wildlife Service to conduct the consultation responsibilities normally assigned to the Fish and Wildlife Service and National Marine Fisheries Services by section 7 of the ESA. If they are certified, the two land management agencies will have the authority to prepare the biological opinions under the ESA just as they now prepare EISs under NEPA.

Second, this section addresses situations in which the resource management plan may have to undergo consultation because of a new designation of an endangered or threatened species or of a species' critical habitat, or new information about an already designated species or habitat. This section requires that a decision be reached as to whether consultation is required on the plan within 90 days of the new designation, and that any amendment to or revision of the plan be completed within 12 or 18 months, respectively, after the new designation. It also allows individual management activities to continue under the plan while it is being amended or revised, if those activities either separately undergo consultation concerning the newly designated species or habitat or are determined not to require consultation.

SEC. 204. WATER QUALITY PROTECTION.—This section addresses the relationship of the Clean Water Act (CWA) to federal land planning and management. It provides that any management activity that constitutes a nonpoint source of water pollution is to be considered in compliance with applicable CWA provisions if the State in which the activity will occur certifies that it meets best management practices or their financial equivalent. The agency, however, may choose not to seek State certification and satisfy the separate applicable CWA requirements.

SEC. 205. AIR QUALITY PROTECTION.—This section addresses the relationship of the Clean Air Act (CAA) to federal land planning and management. It provides that, when a Forest Service forest supervisor or BLM district manager (after providing an opportunity for review by the appropriate Governor) finds that a prescribed fire will reduce the likelihood of greater emissions from a wildfire, and will be conducted in a manner that minimizes impacts on air quality to the extent practicable, the prescribed fire is deemed to be in compliance with applicable CAA provisions.

SEC. 206. MEETINGS WITH USERS OF THE FEDERAL LANDS.—This section addresses the relationship of the Federal Advisory Committee Act (FACA) to federal land planning and management. It clarifies that the agencies may meet without violating FACA with one or more: holders of, or applicants for, federal permits, leases, contracts or other authorizations for use of the federal lands; other than persons who conduct activities on the federal lands; and persons who own or manage lands adjacent to the federal lands.

TITLE III—DEVELOPMENT OF A GLOBAL RENEWABLE RESOURCES ASSESSMENT

SEC. 301. PURPOSES.—The purpose of this title is to replace the Renewable Resource Assessment and Renewable Resource Program administered by the Forest Service under the Forest and Rangeland Renewable Resources Planning Act of 1974 with a Global Renewable Resources Assessment administered by an independent National Council on Renewable Resource Policy.

SEC. 302. GLOBAL RENEWABLE RESOURCES ASSESSMENT.—This section emphasizes the vital importance of renewable resources to national and international social, economic, and environmental well-being, and of the need for a long-term perspective in the use and conservation of renewable resources. To achieve that perspective, this section directs that a Global Renewable Resources Assessment be prepared every 5 years. The Assessment must include: (1) an analysis of national and international renewable resources supply and demand; (2) an inventory of national and international renewable resources, including opportunities to improve their yield of goods and services; (3) an analysis of environmental constraints and their effects on renewable resource production in the U.S. and elsewhere; (4) an analysis of the extent to which the renewable resources management programs of other countries ensure sustainable use and production of such resources; (5) a description of national and international research programs on renewable resources; (6) a discussion of policies, laws, etc. that are expected to affect significantly the use and ownership of public and private renewable resource lands; and (7) recommendations for administrative or legislative initiatives.

SEC. 303. NATIONAL COUNCIL ON RENEWABLE RESOURCES POLICY.—This section establishes the National Council on Renewable Resources Policy. Its functions are the preparation and submission to Congress of the Global Renewable Resources Assessment and the periodic submission to the Forest Service, BLM, and four Committees of Congress of recommendations for administrative and legislative changes or initiatives.

The Council has 15 members, 5 each appointed by the President, President pro tempore of the Senate, and Speaker of the House. The Chair is to be selected from the members. This section has typical provisions for filling vacancies, appointment of an Executive Director, compensation of the members and the Executive Director, appointment of personnel, authority to contract with federal agencies, and rulemaking and other powers of the Council.

This section strives to ensure the independence of the Council in three ways. First, it requires that the Council submit its budget request concurrently to both the President and the Appropriations Committees of Congress. Second, it requires concurrent submission of the Assessment, analyses, recommendations, and testimony to Executive Branch officials or agencies and the four Committees of Congress. Finally, it prohibits any attempt by a federal official or agency to require prior submission of the Assessment, analyses, recommendations, or testimony for approval, comments, or review.

SEC. 304. REPEAL OF CERTAIN PROVISIONS OF THE FOREST AND RANGELAND RENEWABLE RESOURCES PLANNING ACT.—This section repeals those provisions of the Forest and Rangeland Renewable Resources Planning Act that direct the Forest Service to prepare a Renewable Resource Assessment and Renewable Resource Program.

TITLE IV—ADMINISTRATION.

PART A. IN GENERAL

SEC. 401. CONFIRMATION OF THE CHIEF OF THE FOREST SERVICE.—This section provides for Senate confirmation of appointments to the office of Chief of the Forest Service, thereby establishing the same appointment procedures as those applicable to the Director of the BLM. This section also sets certain minimum qualifications for the appointee: (1) a degree in a scientific or engineering discipline that is relevant to federal land management; (2) 5 years or more experience in decisionmaking concerning management, or research concerning the management, of federal lands or other public lands; and (3) 5 years or more experience in administering an office or program with a number of employees equal to, or greater than, the average number of employees in national forest supervisors' offices.

SEC. 402. INTERAGENCY TRANSFER AND INTERCHANGE AUTHORITY.—This section authorizes the BLM and Forest Service to transfer between them adjacent lands not exceeding 5,000 acres or exchange adjacent lands not exceeding 10,000 acres per transaction. These transactions are: (1) to occur without tranfer of funds; (2) to be effective 30 days or more after publication of Federal Register notice; (3) not to affect any legislative designation for the lands involved; and (4) subject to valid existing rights. In response to the testimony of the President of the Wilderness Society, a proviso is added that absolutely prohibits modification or removal of any special designation of, or any special management direction applicable to, lands transferred or interchanged under this section that was made or provided by statute, except by another Act of Congress. The proviso also provides that administrative designations may be altered or removed only by amendments to the applicable resource management plans.

SEC. 403. COMMERCIAL FILMING ACTIVITIES.—This section requires the agencies to issue permits and charge fees for commercial filming and still photography on federal lands. It is modelled on S. 568, introduced by Senator Thomas.

Criteria for setting the fee for commercial filming are based on the scale of the filming activities and their potential impact on the federal lands. The agencies are also to recover any costs they incur as a result of the filming activities. The agencies are required to issue permits and collect fees for still photography when models or props not part of the federal lands or resources are used, and may issue permits and collect fees when there is a likelihood of resource impact, disruption of public use, or risk to public health or safety.

The fees and costs collected under this section are to be retained in a special account in the Treasury and used, without appropriation, for high-priority visitor or resource management activities in the federal land units where the permitted activities occurred.

SEC. 404. VISITOR FACILITIES IMPROVEMENT DEMONSTRATION PROGRAMS.—This section is modeled on legislation prepared by the Forest Service for the Administration's FY 2000 budget request. It directs the agencies to develop demonstration programs to evaluate the use of private funding for the construction, rehabilitation, maintenance, and operation of federally owned visitor centers on federal lands. Each agency is authorized to undertake up to 15 projects in which individuals, corporations, public agencies, and nonprofit groups are selected competitively to develop and operate new, or improve and operate existing, visitor centers. The terms of the projects are to be based on the agencies' estimates of the time necessary for the concessionaires to depreciate their capital investments in the projects, but in no case more than 30 years. When a project is terminated or revoked, the agency or succeeding concessionaire will purchase any remaining value in the capital investment that is not fully depreciated. The agencies are also authorized to sell existing federally owned visitor facilities at fair market value, so long as the purchasers agree that any construction will be consistent with the applicable resource management plans.

The agencies are directed to charge concession fees established by the concessionaires' competitive bids, and those fees are to be used, without appropriation, for enhancing

visitor services and facilities. The concessionaires must provide bonds 5 years before the end of the projects to ensure that the visitor facilities will be in satisfactory condition for future use. The Secretary of Agriculture and the Secretary of the Interior are each required to submit a report to the four Committees of Congress evaluating the demonstration program and making any appropriate recommendations on whether to make the program permanent.

SEC. 405. FEES FOR LINEAR RIGHTS-OF-WAYS.—This section incorporates legislation prepared by the Forest Service for the Administration's FY 2000 budget request. It directs each agency to collect rental fees for all linear rights-of-way for power lines, roads, pipelines, etc. under section 501 of FLPMA and the Act of February 25, 1920, except for rights-of-way that are exempted by law or regulation.

SEC. 406. FEES FOR PROCESSING RECORDS REQUESTS.—To discourage inordinately broad ''fishing expedition'' requests under the Freedom of Information Act that severely tax agency funding and personnel, this section prohibits the waiver or reduction of fees under that Act for any records request to the Forest Service or BLM that will cost in excess of $1000 for a single request or for multiple requests of any one party within a 6-month period.

SEC. 407. OFF-BUDGET STUDY.—The SAF report speculates (pp. 27–28) that under certain assumptions the BLM and the Forest Service could become ''self-financing.'' The Committee of Scientists report (p. 179) suggests that ''the Forest Service should consider the development of more self-funding activities to reduce its dependence on appropriated funds.'' To test these speculations and suggestions, this section tasks the GAO with the responsibility to conduct a study for Congress of the feasibility of making the Forest Service and BLM self-supporting by taking the agencies off-budget (no appropriated funds) and returning to them all revenues generated on federal lands (with mineral revenues from national forest lands allocated to the Forest Service), except revenues which by other laws are paid to States and local governments.

SEC. 408. EXEMPTION FROM STRICT LIABILITY FOR THE RECOVERY OF FIRE SUPPRESSION COSTS. Section 504 of FLPMA directed the Secretary of the Interior to promulgate regulations governing liability of users of rights-of-way granted under that Act. The subsequent regulations imposed liability without fault for, among other things, the recovery of fire suppression costs of up to $1 million (43 C.F.R. §2803.1–5). This section would amend section 504 to relieve entities that use the rights-of-way for electrical transmission from strict liability for such costs. This provision does not relieve these entities from liability for fire suppression costs when they are at fault.

PART B. NONFEDERAL LANDS

This part seeks to increase the timeliness and cost efficiency of Forest Service and BLM decisionmaking which directly affects private lands.

SEC. 409. ACCESS TO ADJACENT OR INTERMINGLED NONFEDERAL LANDS.—This section establishes procedures for processing applications for access to nonfederal land across federal land as guaranteed by section 1323 of the Alaska National Interests Lands Conservation Act (ANILCA). First, this section requires that the application processing be completed within 180 days and, if it is not, the access be deemed approved. It sets a 15-day deadline for notifying the applicant whether the application is complete. This section makes clear that the analyses conducted under the National Environmental Policy Act and Endangered Species Act are to consider the effects of the construction, maintenance and use of the access across the federal lands not the use of the nonfederal lands to be accessed. Finally, it clarifies that any restrictions imposed on the access grant pursuant to section 1323 of ANILCA may limit or condition the construction, maintenance, or use of the access across the federal lands, but not the use of the nonfederal lands to be accessed.

SEC. 410. EXCHANGES OF FEDERAL LANDS FOR NONFEDERAL LANDS.—This section establishes procedures for exchanges under, and amends, section 206(b) of FLPMA. As any management activity on any federal lands or interests in lands newly acquired under an exchange will be required to undergo full National Environmental Policy Act and Endangered Species Act review, this section provides that on the exchange itself an EA satisfies the environmental analysis requirements of section 102(2) NEPA and any consultation required under ESA will be completed within 45 days instead of the 90-day period provided by section 7 of ESA. Further, this section provides that any exchange mandated by Congress requires no NEPA documentation. This section also explicitly states that no management activity may be undertaken on the newly acquired federal lands or interests in land until NEPA and ESA are fully complied with and, if necessary, the applicable resource management plan is amended or revised. This section requires that processing of the exchange must be completed within one year of the date of submission of the exchange application. Further, the nonfederal land or interests in land in the exchange are to be appraised without restrictions imposed by federal or State law to protect an environmental value or resource if protection of that value or resource is the very reason why the land is being acquired by the federal government.

This section also allows the Forest Service and BLM to offer for competitive bid the exchange of federal lands or interests in land that meets certain conditions. It also authorizes the agencies to identify early or ''prequalify'' federal lands or interests in land for exchange. Further, when an exchange involves school trust lands, the agency is excused from conducting a cultural assessment under section 106 of the National Historic Preservation Act if it enters into an agreement with the State that ensures State protection after the exchange of archaeological resources or sites to the maximum extent practicable. Further, this section authorizes the Forest Service to exchange federally owned subsurface resources within the National Forest System or acquired under the Bankhead-Jones Farm Tenant Act of 1937.

This section establishes special funds with a cap of $12,000,000 for the agencies to use, subject to appropriations, for processing land exchanges (including making cash equalization payments where required to equalize values of exchange properties). Finally, the maximum value of lands in an exchange which may be undertaken on the basis of approximately equal value (rather than strictly equal value) is raised from $150,000 to $500,000.

PART C. THE FOREST RESOURCE

This part contains 5 sections concerning sales of forest products on federal lands. This bill drops a provision contained in its predecessors that allowed bidding on timber sales for the express purpose of protecting—not harvesting—the trees. This provision had the distinction of garnering opposition from both the timber industry and the environmental community.

SEC. 411. TIMBER SALE PREPARATION USER FEE.—This section is modeled on legislation prepared by the Forest Service for the Administration's FY 2000 budget request. It authorizes the agencies to develop 8-year pilot programs to recover from timber purchasers the direct costs of timber sale preparation and harvest administration. Alternatively, purchasers can elect to contract with parties on approved agency lists to conduct timber sale administration activities. Exempted from collection under the programs would be the costs of complying with the National Environmental Policy Act, conducting stewardship timber sales under section 347 of the fiscal year 1999 Interior and Related Agencies Appropriation Act, and conducting timber sales where the fees would adversely affect the sales' marketability or the ability of small businesses to bid on the sales. Fees collected are to be used to pay for the administration of the pilot programs.

SEC. 412. FOREST HEALTH CREDITS IN SALES OF FOREST PRODUCTS.—This section provides the Forest Service and BLM with an optional approach to undertaking forest health management activities that would be impractical for the agencies to accomplish under existing procedures or within existing programs. This approach permits the agencies to include new provisions in the standard contract provisions for any salvage sale of forest products or any sale of forest products constituting a forest health enhancement project under section 413. These new provisions would obligate the purchaser to undertake certain forest health management activities which could logically be performed as part of the sale. In return, the purchaser receives ''forest health credits'' to offset the cost of performing the activities against the purchaser's payment for the forest products. These forest health management activities are subject to the same contractual requirements as all other harvesting activities. Sale contracts with these forest health credits provisions are to have terms of no more than 3 years.

Before forest health credits provisions can be included in a contract of sale of forest products, the agency concerned has to identify and select the specific forest health management activities. Forest health activities would be eligible for forest health credits if the agency concerned finds that: (1) they would address the effects of the operation of the sale or past sales, or involve vegetation management within the sale area; and (2) they could be accomplished most effectively when performed as part of the sale contract, and would not likely be performed otherwise. Forest health management activities are defined to include thinning, salvage, stand improvement, reforestation, prescribed burning or other fuels management, insect or disease control, riparian or other habitat improvement, or other activity which has any of 5 purposes: improve forest health; safeguard human life, property, and communities; protect other forest resources threatened by adverse forest health conditions; restore the integrity of ecosystems, watersheds, and habitats damaged by adverse forest health conditions; or protect federal investments in forest resources and future federal, State, and local revenues.

Once the determination is made to add forest health management activities requirements to a sale of forest products, the specific activities are identified, and their costs are appraised, the required activities and the forest health credits assigned to those activities are identified in the sale's advertisement and prospectus. (After the sale, the agency, with the concurrence of a sale purchaser, can alter the scope of the forest health management activities or amount of credits when warranted by changed conditions.) This section provides that sales with forest health credits need not return more

revenues than they cost and are not to be considered in determining the revenue effects of individual forest, Forest Service region, or national forest products sales programs.

Appropriated funds can be used to offset the costs of forest health management activities prescribed in a forest products sale contract (typically when the total cost of such activities would otherwise exceed the value of the offered forest products materials or likely dampen competitive interest in the sale), but only if those funds are derived from the resource function or functions which would directly benefit from the performance of the activities and are appropriated in the fiscal year in which the sale is offered. The amount of any appropriated funds to be paid for forest health management activities under a sale contract also must be announced in the sale's advertisement and prospectus.

All forest health credits earned by the purchaser are redeemable. Earned forest health credits can be transferred to any other sale of forest products held by the purchaser which is located in the same region of the Forest Service or same jurisdiction of the BLM State office, as the case may be. The credits are considered ''earned'' when the purchaser satisfactorily performs the forest health management activity to which the credits are assigned in the sale advertisement. If the purchaser normally would be required to pay for all the forest products materials prior to completion of a forest health management activity or activities assigned forest health credits, the purchaser could elect to defer a portion of the final payment for the harvested materials equal to the forest health credits assigned to the activity.

This section sunsets in 5 years, but previously awarded contracts for sale of forest products with forest health credits provisions remain in effect under the terms of this section after that time. To assist the Congress in determining whether this section should be reenacted, the Forest Service and BLM are required to monitor the performance of sales contracts with forest health credits and submit a joint report to Congress assessing the contracts' effectiveness and whether continued use of such contracts is advised.

SEC. 413. SPECIAL FUNDS.—This section gives permanent status to the funds for salvage sales of forest products of the Forest Service and BLM and expands their purposes to allow use of the fund monies for a full array of forest health enhancement projects.

SEC. 414. PRIVATE CONTRACTORS.—To ensure that processing of sales of forest products is accomplished in a timely manner in an era of severe budget and personnel constraints, this section encourages that the agencies, to the maximum extent possible, use private contractors to prepare the sales. To ensure the integrity of sale decision-making, this section also requires the agencies to review the contractors' work before making any decisions on the sales and bars the contractors from commenting on or participating in the sales' decisions.

SEC. 415. SPECIAL FOREST PRODUCTS.—This section is modeled on legislation prepared by the Forest Service for the Administration's FY 2000 budget request. It directs the Forest Service to collect fees for the fair market value (established by appraisal methods or bidding procedures) of special forest products harvested from national forest lands and the costs for authorizing and monitoring the harvesting. Special forest products are defined as any vegetation or other life form not excluded from fees by regulation. The Forest Service is to use the fair market value fees collected under this section for conducting inventories of special forest products and assessing and addressing any impacts from harvesting activities, and the recovered costs for administration of the program.

TITLE V—MISCELLANEOUS

SEC. 501. REGULATIONS.—This section requires the Forest Service and BLM to promulgate rules to implement this legislation within a year and a half of its enactment.

SEC. 502. AUTHORIZATION OF APPROPRIATIONS.—This section authorizes appropriations to implement this legislation for 10 fiscal years after enactment. It also sunsets at the same time all other statutory authorizations for appropriations to the Forest Service and BLM for management of the federal lands.

SEC. 503. EFFECTIVE DATE.—This section provides that this legislation will take effect upon its enactment, and admonishes that no decision or action authorized by this legislation is to be delayed pending rulemaking.

SEC. 504. SAVINGS CLAUSES.—This section ensures that nothing in this legislation conflicts with the law pertaining to the revested Oregon and California Railroad and Coos Bay Wagon Road grant lands in Oregon. Further, this section bars construing any provision of this legislation as terminating any valid lease, permit, right-of-way, or other right or authorization of use of the federal land existing upon enactment and as altering in any way any Native American treaty right. Finally, this section provides that all actions under this legislation are subject to valid existing rights.

SEC. 505. SEVERABILITY.—This final section contains the standard severability clause.

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

S. 1321. A bill to amend title III of the Family Violence Prevention and Services Act and title IV of the Elementary and Secondary Education Act of 1965 to limit the effects of domestic violence on the lives of children, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

CHILDREN WHO WITNESS DOMESTIC VIOLENCE PROTECTION ACT OF 1999

Mr. WELLSTONE. Mr. President, today, I am introducing the Children Who Witness Domestic Violence Protection Act. My legislation, which I am joined by Senator MURRAY in offering today, is a comprehensive first step towards confronting the impact that witnessing domestic violence has on children. This bill addresses the issue from multiple perspectives, including mental health, education, child protection services, supervised visitation centers, law enforcement, and crisis nurseries.

There are many facets to the serious problem we have with violence in our country. The evening news brings violent images from around the world into our homes every day. We also witness through various media the violent images or hear stories of violence that has occurred in our own communities and in our schools like Columbine High.

Images of violence bombard our children from the movies, video games, or from television programs. But there is a type of violence in the lives of America's children that is not in the spotlight. Increasingly, children are witnessing real-life violence in their homes. In fact, it is in their own homes that many children witness violence for the first time.

Over 3 million children are witnessing violence in their homes each year, and it is having a profound impact on their development.

Frequently, these children are physically injured by the violence. But always, they carry with them lasting emotional sears from having been exposed to the threat and trauma of injury, assault or killing. This exposure to domestic violence changes the way children view the world. It may change the value they place on life itself. It affects their ability to learn, to establish relationships, and to cope with stress.

Witnessing domestic violence has such a profound impact on children, placing them at high risk for anxiety, depression, and, potentially, suicide. Further, these child victims may exhibit more aggressive, antisocial, and fearful behaviors. They are also at greater risk of becoming future offenders.

Studies indicate that children who witness their fathers beating their mothers suffer emotional problems, including slowed development, sleep disturbances, and feelings of helplessness, depression and anxiety. Many of these children exhibit more aggressive, antisocial, fearful and inhibited behaviors. They also show lower social competence than other children.

Children from homes where their mothers were abused have also shown less skill in understanding how others feel and in examining situations from the other's perspective when compared to children from non-violent households. Even one episode of violence can produce post-traumatic stress disorder in children.

Exposure to family violence, many studies suggest, is the strongest predictor of violent delinquent behavior among adolescents. It is estimated that between 20 and 40 percent of chronically violent adolescents have witnessed extreme parental conflict.

Recent studies have demonstrated that up to 50% of children who come before the juvenile dependency court on allegations of abuse and neglect have been exposed to domestic violence in their homes.

In a Justice Department funded study of children in Rochester, NY, children who had grown up in families where domestic violence occurred were 21 percent more likely to report violent delinquency than those not so exposed. Children exposed to multiple forms of family violence reported twice the rate of youth violence as those from non-violent families.

A 1994 survey of 115 mothers in the waiting room of Boston City Hospital's Primary Care Clinic found that by age 6, one in ten children had witnessed a knifing or shooting. An additional 18 percent of the children under six had witnesses pushing, hitting or shoving. Half of the reported violence occurred in the child's home.

Many children actually see their father, stepfather, or mother's boyfriend

not only beat their mothers but rape them as well. Although some parents believe that they succeed in shielding their children from the batterer's aggression, children often provide detailed accounts of the very events which adults report they did not witness. Reports by children and by adults of their memories of childhood experience indicate that parents severely underestimate the extent to which their children are exposed to violence.

Children who witness domestic violence are traumatized and need support. Who is a child going to turn to when their mother is the victim of their father? Who is a child going to talk to when their sibling has emotionally shut down and no longer speaks? Who is a child going to go to for help when they need assistance?

Children have the right to know that what is happening in their home is wrong. Children have the right to feel that we are about their safety.'

This bill addresses the issue from multiple perspective including mental health, education, children protection services, supervised visitation centers, law enforcement, and crisis nurseries.

There are some creative programs in this country that are forging partnerships in their communities to meet the needs of traumatized children. I have visited such programs in Boston, San Francisco and Minnesota.

More must be done.

To address the devastating impact that witnessing domestic violence has on the mental health of children, my legislation provides nonprofit agencies with the funds needed to design and implement multi-system interventions for child witnesses. This partnerships would involve the courts, schools, health care providers, child protective services, battered women's programs and others. Promoting collaboration and coordination among all the professionals involved can broaden the community's response to the child.

This response would include developing and providing: Guidenace to evaluate the need of child witnesses; safety and security procedures for child witnesses and their families; counseling and advocacy for families of child witnesses; mental health treatment services; and outreach and training to community professionals.

My legislation also encourages collaboration between domestic violence community agencies and schools to provide educational programming and support services for students and staff. Domestic violence agencies will work with schools to provide: Training for school officials about domestic violence and its impact on children; educational programming and materials on domestic violence for students; and support services, such as counselors, for students and school officials.

Among the many detrimental impacts of witnessing domestic violence, children exposed to domestic violence are at high risk for learning difficulties and school failure. Research indicates that children residing in shelters show significantly lower verbal and quantitive skills when compared to children nationally. These deficits, when coupled with the impact on children's behavioral and emotional functioning, demand that schools be able to understand and address the needs of children who have witnessed domestic violence. Further, service providers continue to find that the occurrence of domestic violence could be detected sooner if various points of contact with the family had been better trained to recognize the indicators of such family violence.

Children cannot always compartmentalize traumatic events—instead the domestic violence comes to school with each and every child witness. It undermines their school performance, and their relationship with other children.

This legislation also addresses domestic violence and the people who work to protect our children from abuse and neglect. There is a significant overlap between domestic violence and child abuse. In families where one form of family violence exists, there is a likelihood that the other does, too. In a national survey, researchers found that 50 percent of the men who frequently assaulted their wives also frequently abused their children.

The problem is that Child Protective Services and domestic violence organizations have separately set up programs to address one of these forms of violence, yet few address both when they occur together in families. My bill creates incentives for local governments to collaborate with domestic violence agencies in administering their child welfare programs.

Under my legislation, funds will be awarded to States and local governments to work collaboratively with community-based domestic violence programs to: Provide training to the staff, supervisors, and administrators of child welfare service agencies and domestic violence programs, including staff responsible for screening, intake, assessment, and investigation of reports of child abuse and neglect; assist agencies in recognizing that the overlap between child abuse and domestic violence places both children and adult victims in danger; develop relevant protocols for screening, intake, assessment, investigation, and interventions; and increase the safety and well-being of child witnesses of domestic violence as well as the safety of the non-abusing parent.

Another important part of my legislation is funding to increase the availability of supervised visitation centers. Since domestic violence often escalates during separation and divorce, and visitation is frequently used as an opportunity for abuse, this provision is designed to shield children from further exposure to violence. It creates a grants program which domestic violence service providers can apply for on a competitive basis to create family visitation centers. Use of these centers can minimize stressful and potentially dangerous interactions among family members. In addition, the centers provide judges with a further tool to deal with problematic visitations when there has been a history of violence.

On July 3, 1996 5 year old Brandon and 4 year old Alex were murdered by their father during an unsupervised visit. Their mother Angela was separated from Kurt Frank, the children's father. During her marriage, Angela was physically and emotionally abused by Frank, and Frank had hit Brandon and split open his lip when he stepped in front of his mother during a domestic violence incident. Angela had an Order of Protection against Kurt Frank, but during custody hearings her request for her husband to only receive supervised visits was rejected. Kurt Frank murdered his two sons during an unsupervised visit. We must do better for the 3 million children witnesses still living out there.

Law enforcement officers are those who find traumatized children hiding behind doors, beneath furniture, in closets. They are generally the first to arrive and their ability to recognize and address the needs of the children is critical.

This bill provides further training to law enforcement officers regarding the appropriate treatment of children who have witnessed domestic violence. Police officers will be trained in child development and issues related to domestic violence so that they may: Recognize the needs of children who have witnessed domestic violence; meet children's immediate needs at the scene of the crime; and establish a collaborative working relationship between police officers and local domestic violence service agencies.

Families faced with domestic violence also need a safe place for their children during times of crisis.

This legislation provides funds to States to assist private and public agencies and organizations to provide crisis nurseries for children who are abused, neglected, at risk of abuse or neglect, or who are in families receiving child protective services. Nurseries will be available to provide a safe place for children and to alleviate the social and emotional stress among children and families impacted by domestic violence.

In conclusion, we must pass this legislation for children who are traumatized by what they have seen. We must pass this legislation for children like Brandon and Alex who deserve to have our protection from harm.

Please join me in the protection of children who witness domestic violence.

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

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

CHILDREN WHO WITNESS DOMESTIC VIOLENCE PROTECTION ACT OF 1999—SUMMARY

The Children Who witness Domestic Violence Protection Act is a comprehensive first step toward confronting the impact that witnessing domestic violence has on children. Over 3 million children in the United States witness domestic violence in their homes each year. These children are at a high risk for aggression, depression, learning difficulties, school failure, delinquency, and even suicide. The attitudes a child develops concerning the use of violence and conflict resolution in their own relationship are also affected. Further, children living in homes where domestic violence occurs are at a greater risk of being abused themselves. This bill addresses the needs of children witnesses domestic violence by providing for mental health services, education programs, child protection services, supervised visitation centers, the training and support of law enforcement personnel, and crisis nurseries.

MENTAL HEALTH

Multi-System Interventions for Children Who Witness Domestic Violence.

This bill will provide nonprofit agencies with funding to bring various service providers together to design and implement intervention programs for children who witness domestic violence. These working partnerships will involve counselors, courts, schools, health care providers, battered women's programs and others. Intervention programs will include counseling and advocacy for child witnesses and their families, strategies to ensure the safety and security of the children and their families, and outreach and training to community professionals about the issue of children witnessing domestic violence. Funds can be use to develop new programs or to carry out programs that have been successful in other communities. Authorization of appropriations for the multi-system interventions is $5,000,000 for 3 years (totaling $15,000,000).

EDUCATION

Combatting the Impact of Witnessing Domestic Violence on Elementary and Secondary School Children.

This bill will create opportunities for domestic violence community agencies and elementary and secondary schools to work together to address the needs of children who witness domestic violence. Domestic violence agencies will work with schools to provide domestic violence training to school officials so they can understand how witnessing domestic violence affects the children in their schools. Educational programming and materials will be provided to students to they can learn about the problem. Also, support services such as counselors will be provided for students and school officials to help address the problems of children witnessing domestic violence. Authorization of appropriations for combating the impact of witnessing domestic violence on school children is $5,000,000 for 3 years (totaling $15,000,000).

CHILD PROTECTION SERVICES

Child Welfare Worker Training on Domestic Violence.

This bill will provide training to both child welfare and domestic violence workers to assist them in recognizing the treating domestic violence as a serious problem threatening the safety and well being of both children and adults. Funds will be awarded to States and local governments to work with one or more community-based programs to provide training and assistance to workers in the area of domestic violence as it relates to cases of child welfare.

Training will include teaching staff to recognize the overlap between child abuse and domestic violence which places both children and adult victims in danger, and developing methods for identifying the presence of domestic violence in child welfare cases. Staff will also be taught how to increase the safety and well-being of child witnesses of domestic violence as well as the safety of the non-abusing parent. Protocols will be developed with law enforcement, probation and other justice agencies in order to ensure that justice system interventions and protections are readily available for victims of domestic violence served by the social service agency.

Authorization of appropriations for child welfare worker training is $5,000,000 for 3 years (totaling $15,000,000).

SUPERVISED VISITATION CENTERS

This bill increases the availability of visitation centers for visits and visitation exchange of child witnesses and their parents. It provides money which domestic violence service providers can use to establish an operate supervised visitation centers. Authorization of appropriations for safe havens from the Violent Crime Reduction Trust Fund is $20,000,000 for 3 years (totaling $60,000,000).

LAW ENFORCEMENT: POLICE OFFICER TRAINING

This bill provides training to law enforcement officers in how to care for children who have witnessed domestic violence. Police officers will be trained in child development and issues related to domestic violence so that they may recognize the needs of children who have witnessed domestic violence. Police officers will be taught how to meet children's immediate needs at the scene of violence. Authorization of appropriations for law enforcement officer training from the Violent Crime Reduction Trust Fund is $3,000,000 for 3 years (totaling $9,000,000).

CRISIS NURSERIES

This bill provides funds to States to assist private and public agencies and organizations to provide crisis nurseries for children. Families faced with domestic violence need a safe place for their children during times of crisis. Authorization of appropriations for crisis nurseries of $15,000,000 for 3 years (totaling $45,000,000).

By Mr. DASCHLE (for himself, Mr. HARKIN, Mr. DODD, and Mr. KENENDY):

S. 1322. A bill to prohibit health insurance and employment discrimination against individuals and their family members on the basis of predictive genetic information or genetic services; to the Committee on Health, Education, Labor, and Pensions.

THE GENETIC NONDISCRIMINATION IN HEALTH INSURANCE AND EMPLOYMENT ACT OF 1999

Mr. DASCHLE. Mr. President, today, with my colleagues Senators KENNEDY, HARKIN, and DODD, I announce the introduction of the Genetic Nondiscrimination in Health Insurance and Employment Act of 1999, a piece of legislation designed to stop genetic discrimination. The advent of testing for genes that indicate a predisposition to disease has presented us with a new series of opportunities and challenges. While prior awareness of susceptibility to disease offers millions the chance to take preventive measures that will help them live healthier and longer lives, there also exists the possibility that genetic information will be misused. It is for that reason that we Democrats feel strongly that measures must be taken to ensure that health insurers may not discriminate against patients on the basis of predictive genetic information, and that employers may not discriminate against employees in the provision of health insurance or by withholding job benefits as a result of the improper use of genetic information.

When the Patients' Bill of Rights reaches the floor after the July recess, we hope to offer this bill as an amendment to the bill under consideration. This issue, like many others, exposes a fault line between the Republican and Democratic approach to health insurance reform.

Scientific advances now make it possible to identify genes that indicate a predisposition to disease. For example, tests for genes associated with hereditary breast cancer are commercially available. Genetic information may prove highly beneficial in areas related to prevention, treatment, diet, or lifestyle. While this is profoundly good news for patients, it also raises fears regarding how genetic information will be used in the workplace. Advances in genetic and screening, accelerated by the Human Genome Project at the National Institutes of Health, increase physicians' ability to detect genetic mutations. These technologies and their resulting genomic data will enhance medical science, but may also lead to discrimination.

Regrettably, many employers may not hire individuals whom they believe will require time off or medical treatment at some point in the future due to a genetically transmitted disease. Equally disturbing, employers may simply deny insurance coverage to employees who they believe are predisposed to genetic disease. This discrimination could result despite the

fact that genetic testing only indicates that an individual may be predisposed to a disease—not necessarily whether that disease will develop.

This issue is already touching the lives of many Americans. For example, a survey last year by the American Management Association of over 1,000 companies indicated that 5% of responding employers currently do genetic testing of their employees. While that number may sound small, its more than the number of companies who test for HIV status. And of those companies who do genetic testing on their employees, 19% have chosen not to hire an individual and 10% have dismissed an employee based on the genetic test results.

Anecdotal evidence suggests that fear of discrimination already has inhibited people who may be susceptible to disease from getting genetic testing. In some cases, this means that gene carriers will miss out on early diagnosis, treatment or even prevention. If consumers avoid taking advantage of available diagnostic tests out of fear of discrimination, they may suffer much more serious—and more expensive—health problems in the long run.

That is why our proposal to ban employment discrimination is clearly supported by the American people. A recent national poll by the National Center for Genome Resources demonstrates that an overwhelming majority of those surveyed—85%—think that employers should be prohibited from obtaining information about an individual's genetic conditions, risks, and predispositions.

We will pay the price in more than increased health care costs if we allow genetic information to be used in a discriminatory manner. Discrimination based on genetic factors can be as unjust as that based on race, national origin, religion, sex or disability. In each case, people are treated inequitably, not because of their inherent abilities, but solely because of irrelevant characteristics. Genetic discrimination that excludes qualified individuals from employment robs the marketplace of skills, energy, and imagination. Finally, genetic discrimination undercuts the Human Genome Project's fundamental purpose of promoting public health. Investing resources in the Human Genome Project is justified by the benefits of identifying, preventing and developing effective treatments for disease. But if fear of discrimination deters people from genetic diagnosis or from confiding in physicians and genetic counselors, and makes them more concerned with job loss than with care and treatment, our understanding of the humane genome will be for naught.

Because genetic information could be used unfairly, Congress must expand the scope of its anti-discrimination laws to include a ban on genetic discrimination. Our bill has three major components: (1) it forbids employers from discriminating in hiring or in the terms and conditions of employment on the basis of genetic information, (2) it forbids health insurers from discriminating against individuals on the basis of genetic information, and (3) it prevents the disclosure of genetic information to people who have no legitimate need for the information: health insurers, health insurance data banks, or to employers.

Now, before the use of genetic information becomes widespread, we must make sure that dramatic scientific advances do not have negative consequences for the public. We have an historic opportunity to preempt this problem. I hope that my colleagues will join me in supporting this important legislation.

Mr. DODD. Mr. President, over the past decade the science of identifying genetic markers for diseases has evolved at an astonishing pace. For an increasing number of Americans science fiction has become reality—their doctors can now scan their unique genetic blueprints and predict the likelihood of their developing diseases like cancer, Alzheimer's or Parkinson's.

Armed with this knowledge, individuals and families can make informed decisions about their health care including, in some cases, even taking steps to prevent the disease or to detect and treat it early.

Unfortunately, phenomenal advances in our knowledge about genetics have outpaced the protections currently provided in law. Thus, the potential also exists for this remarkable new information—which is making such a difference in people's lives in terms of their health—this information could always be used by health insurers, employers, or others to deny health coverage or job opportunities to people.

We know the Federal and State laws currently offer only a patchwork of protections against the misuse of genetic information. While the Health Insurance Portability and Accountability Act of 1996 took important first steps toward prohibiting genetic discrimination in health insurance, it left large gaps. For example, it does not prohibit insurers from requiring genetic testing or from disclosing genetic information and offers no protection at all for people who must buy their insurance in the individual market.

While several States—including my own—have enacted legislation prohibiting health insurance discrimination, these laws cannot protect more than 51 million American individuals in employer-sponsored, ''self-funded'' health plans. Additionally, few States have chosen to address the issue of employment discrimination or the separate issue of the privacy of genetic records.

I have personal experience that this issue is not a partisan issue. Two years ago, my distinguished friend and colleague from New Mexico, Senator DOMENICI, and I introduced one of the first bills on this critical topic addressing both insurance and employment discrimination.

Last year, along with many of my Democratic colleagues, I joined Senator SNOWE of Maine in supporting strong legislation protecting patients from genetic discrimination in insurance.

Today I am pleased to join my colleagues, Senator DASCHLE, Senator HARKIN, and Senator KENNEDY, in introducing comprehensive legislation to safeguard the privacy of genetic information and to prohibit health insurance or employment discrimination based on genetic information.

Specifically, this legislation, which we call the Genetic Nondiscrimination Health Insurance and Employment Act, would prohibit health insurers from discriminating based on genetic predisposition to an illness or condition and would prevent insurers from requiring applicants for health insurance to submit to genetic testing.

This bill would also address the concerns about employment discrimination by preventing employers from firing or refusing to hire individuals who may be susceptible to a genetic condition.

Finally, this legislation would hold employers and insurers accountable by imposing strong penalties on those who violate these previous just stated provisions.

In a few short years researchers will have the ability to translate the entire genetic code, revealing each individual's unique genetic blueprint. It is an astonishing prospect. Last year, in a visit I made to Yale University's Genetic Testing Center, I had the opportunity to see into the future and glimpse cutting-edge uses of this technology. I also had the opportunity to hear of the fears expressed by patients at this center.

As an aside, we are talking about predisposition. We are now reaching a point on breast cancer in women, through tests being done over the years on twins, where we are able to determine almost at birth the likelihood or the probability of a woman contracting breast cancer at the time of that child's birth—looking into the future based on the genetic markers.

That is profound information. It could make a huge difference to be able to know early on about a predisposition based upon your genetic makeup, knowing you have a probability or a likelihood later in life of contracting certain diseases. That allows that individual and that family early on to take the steps through diet and/or mediation, prescriptions, and so forth, to avoid the possibility of contracting these dreaded diseases. That is the great news. It is phenomenal. It is happening at such a pace, it is hard to believe.

As we gather this information that a person may be, based upon their genetic makeup, susceptible to breast cancer, Alzheimer's, Parkinson's disease, or other forms of cancer, that information ought to be protected. I believe it should. It is one thing if you

have a condition and you keep that from an employer and they hire you and they want to know whether or not you have a condition. I don't think anyone ought to be allowed to deny revealing information that an employer ought to have. But a predisposition—that information ought not to deprive you of a job or health insurance just because that genetic information indicates that may be the case.

This is what happens. While I visited this wonderful Genetic Testing Center at Yale University, I met with some patients and the researchers who do this work. They asked me to pay attention and listen to a couple of patients with whom they work.

Keith Hall has been a patient at Yale for several years, since he was first diagnosed with something called tuberous sclerosis. Let me explain what that is. It is a genetic disease that causes tumors of the brain, kidney, and other organs, and sometimes mental retardation. Keith, obviously, worries about what will happen to his insurance if he ever has to switch jobs with that condition.

I also met with Ashley Przybylski, an 11-year-old girl from Oxford, CT. Ashley suffers from a genetic nutritional disorder that can cause seizures and brain damage. Currently, the family insurance covers the exorbitant cost of medication that keeps her healty—about $33,000 a year. Ashley faces the prospect of being denied coverage when she gets older.

While we as a nation welcome these scientific achievements—we will be able to determine in the case of both Keith and Ashley that they have a predisposition for tuberous sclerosis or genetic nutritional disorders—if both this child and this individual were to be denied employment or insurance because of a genetic predisposition because that information becomes available, that is wrong and should be corrected.

This legislation is designed to try to provide this kind of protection to people as we move forward with the wonderful information gathering of genetic information.

The issue is too important to ignore for another year. Each day that passes, more individuals suffer discrimination. Each day we fail to act, more families are forced to make decisions about genetic testing based not on health care but on fear.

I pledge my commitment to ensuring that progress on the Human Genome Project is matched against the potential discrimination in establishing some fundamental rights of privacy.

I welcome comments from my colleagues and others who may be interested in being a part of this effort to try to get ahead of the curve as we deal with the wonderful news of genetic marking that can make such a difference in people's lives.

Mr. HARKIN. Mr. President, genetic discrimination is a terribly important issue and one that I have been following for quite some time now. I am pleased to be here today with Senator DASCHLE, SENATOR DODD, and Senator KENENDY to introduce the ''Genetic Non-discrimination in Health Insurance and Employment Act of 1999.''

The advances we have made recently in the study of the human gene are mind-boggling. The identification of a number of disease-related genes is providing scientists with important new tools for understanding the underlying mechanisms for many illnesses. Genomic technologies have the potential to lead to better diagnosis and treatment, and ultimately to the prevention and cure of many diseases and disabilities.

Yet discrimination in health insurance and employment, and the fear of potential discrimination, threaten our ability to conduct the very research we need to understand, treat, and prevent genetic disease. Moreover, discrimination—and the fear of discrimination—threaten our ability to use new genetic technologies to improve human health.

Let me give you just a few examples:

In the early 1970's some insurance companies denied coverage and some employers denied jobs to African-Americans who were identified as carriers for sicklecell anemia, even though they were healthy and would never develop the disease.

More recently, in a survey of people in families with genetic disorders, 22% indicated that they, or a member of their family, had been refused health insurance on the basis of their genetic information.

And a number of researchers have been unable to get individuals to participate in cancer genetics research. Fear of discrimination is cited as the reason why.

But this is more than just about numbers and anonymous individuals, it's about real people—including my own family. As many of you know, both my sisters died from breast cancer. And other members of my family might be at risk. Should I counsel them to get tested for the BRCA1 and BRCA2 mutations? Should I counsel them to disclose our family history to their health care providers?

Right now, I'm torn. I know that if my family is to have access to the best available interventions and preventive care, they should get tested, and they should disclose our family's medical history to their physicians. But, conversely, if they are to get any health care at all, they must have access to health insurance. Without strong protections against discrimination, access to health insurance is currently in question.

In 1995, I introduced an amendment during the markup of the Health Insurance Portability and Accountability Act. My amendment clarified that group health plans could not establish eligibility, continuation, enrollment, or contribution requirements based on genetic information. My amendment became part of the manager's package that went to the floor, and it ultimately became law.

HIPAA is a good first step. We should be proud of that legislation. Yet if our goal is to ensure that individuals have access to health insurance coverage and to employment opportunities—regardless of their genetic makeup—we must pass comprehensive anti-discrimination protections.

Our proposed legislation offers such protections. Let me describe them in brief:

First, this legislation prohibits insurers and employers from discriminating on the basis of genetic information. It is essential to prohibit discrimination both at work and in health insurance coverage. If we only prohibit discrimination in the insurance context, employers who are worried about future increased medical costs will simply not hire individuals who have a genetic predisposition to a particular disease.

Second, under our proposal, health insurance companies are prohibited from disclosing genetic information to other insurance companies, industry-wide data banks, and employers. If we really want to prevent discrimination, we should not let genetic information get into the wrong hands.

Finally, if protections against genetic discrimination are to have teeth, we must include strong penalties and remedies to deter employers and insurers from discriminating in the first place.

In closing, let me say that this legislation will ensure that every American will enjoy the latest advances in scientific research and health care delivery, without fear of retribution on the basis of their sensitive genetic information. All of us should be concerned about this issue, because all of us have genetic information that could be used against us. As we move into the new millennium, everyone should enjoy the benefits of 21st century technologies—and not be harmed by 21st century discrimination.

I applaud the committment of my fellow co-sponsors on this important issue and look forward to working with the rest of my colleagues to pass federal legislation that will prohibit genetic discrimination in the workplace and in health insurance.

Mr. KENNEDY. Mr. President, the Nation is making extraordinary progress in biomedical research. The National Institutes of Health will have developed a working draft of the entire human genome by next spring. Comprehensive knowledge of the genetic sequence will enable researchers to identify large numbers of mutations associated with disease. Understanding the molecular basis of hereditary diseases will expedite the search for more effective treatments and cures. The benefits for patients are likely to be unparalleled in the history of medicine.

But this new scientific knowledge also raises a number of ethical, legal, and social questions. The National Institutes of Health is dealing with many of these challenges through programs funded by the National Human Genome Research Institute.

Congress also has a key role to play in this process, especially in dealing with genetic discrimination, which is an increasingly serious problem in health insurance and the workplace. A 1996 study in ''Science and Engineering Ethics'' documented more than 200 cases of discrimination against individuals with genetic predispositions to certain diseases, even though the individuals have no symptoms of the disease as yet. For example, some employers have used genetic screening to identify African Americans with the gene mutation for sickle cell anemia. Those with the sickle cell gene mutation were denied jobs, even though many were only carriers of the mutation and would never become ill themselves.

In other cases, persons at risk for Huntington's disease have been denied health insurance and have lost their jobs. Similar concerns are arising in the wake of research showing a genetic basis for breast cancer. Ethnic groups who were participants in research to identify disease-related genes are increasingly concerned about the adverse effects on their insurance coverage and their jobs. Even at the National Institutes of Health, 32% of women offered a test for a genetic mutation related to breast cancer refused to take the test, citing concerns about possible discrimination and the loss of privacy.

To deal with this issue, Senator DASCHLE, Senator HARKIN, Senator DODD, and I are introducing legislation to ban genetic discrimination by both health insurers and employers. Our proposal is the culmination of years of work and debate over genetic discrimination. The proposal that we are introducing today is based on our belief that neither your health insurer nor your employer should be able to discriminate against you based upon your genetic information. In this era, when many people obtain their health insurance through their employer, it is especially critical that both health insurers and employers are prohibited from disclosing genetic information to each other. Proposals that do not address both the insurance and the employment aspects of the issue will not truly prevent genetic discrimination.

Our legislation prohibits health insurers from setting premiums and defining eligibility on the basis of genetic information. Because we believe that genetic testing is a decision that patients should make with their physicians, our bill prohibits insurers from suggesting or requiring patients to undergo genetic testing. Because insurers do not need to know genetic information for most situations, our bill prohibits them from requesting, collecting, or purchasing genetic information. In addition, the bill does not allow health insurers to share genetic information with each other, to disclose genetic information to industry-wide data banks, or to disclose genetic information to employers.

We know that employers are beginning to collect genetic information and discriminate against applicants and employees. Many examples illustrate the problem on a personal level, such as the story of Christine, in Milwaukee, WI. One of Christine's parents developed Huntington's disease, which meant that Christine had a 50% chance that she had inherited the mutant gene that would cause her to develop the disease. Christine decided to undergo a genetic test to determine whether she had inherited the mutation. She traveled to the University of Michigan in Ann Arbor for the test, and paid for the test herself. A co-worker in the small firm where Christine worked overheard Christine making the arrangements for the test and told Christine's supervisor. Her supervisor was initially sympathetic and offered to help. Christine then underwent the genetic test and learned that she had indeed inherited the mutation and would therefore eventually develop the disease. When Chistine shared this information with her supervisor, she was fired, despite a series of outstanding job evaluations. Now, because of Christine's experience, none of her siblings are willing to have the genetic test.

This type of blatant discrimination must be stopped. Our legislation prohibits employers from collecting genetic information from any source, including health insurers, and from making any type of employment decision based on genetic information.

We should all be concerned about genetic discrimination, because we all have mutations in our genes, and medical researchers are discovering new relationships between genes and diseases. Without legislative action, genetic discrimination will intensify as more genes associated with specific diseases are discovered, and as genetic testing becomes more common. Earlier this week, Vice President GORE proposed a challenge to the biomedical research community—to identify all genes associated with cancer by the year 2002.

Our legislation is supported by the Alliance to Genetic Support Groups, the National Partnership for Women and Families, the American Civil Liberties Union, and Hadassah.

Congress should act quickly to pass legislation to ban genetic discrimination in health insurance and the workplace, so that we can benefit from those research advances without the threat that people will lose their jobs or their health insurance.

I ask uninamous consent that their letters of support be printed in the RECORD.

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

NATIONAL BREAST CANCER COALITION,
July 1, 1999.

Hon. TED KENNEDY,
U.S. Senate,
Washington, DC.

DEAR SENATOR KENNEDY: On behalf of the National Breast Cancer Coalition (NBCC), I am writing to thank you for your leadership in offering the Genetic Nondiscrimination in Health Insurance and Employment Act of 1999. As you know, NBCC is a grassroots advocacy organization made up of over 500 organizations and tens of thousands of individuals, their families and friends. We are dedicated to the eradication of the breast cancer epidemic through action and advocacy. Addressing the complex privacy, insurance and employment discrimination questions raised by evolving genetic discoveries is one of our top priorities.

Discrimination in health insurance and employment is a serious problem. In addition to the risks of losing one's insurance or job, the fear of potential discrimination threatens both a woman's decision to use new genetic technologies and seek the best medical care from her physician. It also limits the ability to conduct the research necessary to understand the cause and find a cure for breast cancer.

The Kassebaum-Kennedy Health Insurance Reform Act (1996) took some significant steps toward extending protection in the area of genetic discrimination in health insurance. But it did not go far enough. Moreover, since the enactment of Kassebaum-Kennedy, there have been incredible discoveries at a very rapid rate that offer fascinating insights in the biology of breast cancer, but that may also expose individuals to an increased risk of discrimination based on their genetic information. For instance, because of the discovery of BRCA1 and BRCA2, breast cancer susceptibility genes, we now face the reality of a test that can detect the increased risk associated with heritable breast cancer. Genetic testing may well lead to the promise of improved health. But if women are too fearful to get tested, they won't be able to gain from the future benefits genetic testing might offer.

We commend your efforts to go beyond Kassebaum-Kennedy toward ensuring that all individuals—not just those in group health plans—are guaranteed protection against discrimination in the health insurance arena and the employment venue based on their genetic information. The Genetic Nondiscrimination in Health Insurance and Employment Act of 1999 would also guarantee individuals important protections against rate hikes based on genetic information, would prohibit insurers from demanding access to genetic information contained in medical records or family histories, and would restrict insurers' release of genetic information.

Passage of this legislation, and the protections it offers, are essential not only for women with a genetic predisposition to breast cancer, but also for women living with breast cancer, their families, and the millions of women who will be diagnosed with breast cancer. We look forward to working with you towards getting the Genetic Nondiscrimination in Health Insurance and Employment Act of 1999 enacted this year.

Thank you again for your outstanding leadership, and please do not hesitate to call me or NBCC's Government Relations Manager, Jennifer Katz if you have any questions.

Sincerely,

FRAN VISCO, *President.*

HADASSAH, THE WOMEN'S ZIONIST ORGANIZATION OF AMERICA, INC.
July 1, 1999.

Hon. EDWARD KENNEDY,
Russell Senate Office Building, Washington, DC.

DEAR SENATOR KENNEDY: On behalf of Hadassah's 300,000 members, I would like to thank you, as well as Senators Daschle, Dodd, and Harkin for introducing ''The Genetic Non-discrimination in Health Insurance and Employment Act of 1999.'' The very information that may save someone's health

or life should under no circumstances be used to deny them the insurance coverage needed to pay for this care.

The issue of genetics-based discrimination by both insurance companies and employers has come to be of particular concern to the Jewish community. Over the past few years, studies have shown that certain populations experience heightened hereditary susceptibility to certain genetic mutations and their corresponding diseases. In particular, women of Ashkenazi or Eastern European Jewish descent have been found to demonstrate a distinct genetic predisposition to both breast and ovarian cancers. Most recently, there have been scientific findings linking colon cancer to Ashkenazi Jews.

Unfortunately, as Jews and other at-risk populations have sought to learn more about their genetic backgrounds, they have been confronted by genetics-based discrimination. As a result of this discrimination, many individuals choose not to receive genetic testing, or to even participate in research studies. As scientists continue to identify the genetic ''markers'' for more and more diseases, the issue of genetic discrimination stands to confront each and every one of us—men and women alike—regardless of ethnic heritage.

Hadassah has been active in support of similar legislation, such as H.R. 306, sponsored by Representative Louise Slaughter (D–NY), regarding health insurance discrimination. We are optimistic that similar endeavors from your office, and from those of your colleagues, will continue to expand the scope and prominence of this issue. Hopefully, our combined efforts will insure the passage of this legislation, and ultimately result in the elimination of genetics-based discrimination in both health insurance and employment. Please sign Hadassah on as supporters of this bill.

I look forward to working with you on this important piece of legislation. If you have any additional questions, or would like our assistance, please contact Ms. Tana Senn, Director of American Affairs/Domestic Policy. Again, we applaud your efforts in addressing this crucial issue.

With admiration and appreciation.

MARLENE E. POST,
National President.

AMERICAN CIVIL LIBERTIES UNION FOUNDATION,
July 1, 1999.

DEAR SENATOR KENNEDY: The American Civil Liberties Union is a national, private, non-profit organization of more than 250,000 members dedicated to preserving the principles of liberty embodied in the Bill of Rights and the U.S. Constitution. The ACLU applauds the efforts of Senators Daschle, Dodd, Harkin and Kennedy in their continued efforts to promote awareness of the current and future problems of genetic discrimination. We are in full support of the Genetic Nondiscrimination in Health Insurance and Employment Act of 1999 and ask that the issue of genetic discrimination be given complete and immediate attention.

Sincerely,

JEREMY GRUBER, *Legal Director, ACLU National Taskforce on Civil Liberties in the Workplace.*

NATIONAL PARTNERSHIP FOR WOMEN & FAMILIES,
July 1, 1999.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Russell Senate Office Building, Washington, DC.

DEAR SENATOR KENNEDY: I want to thank you for, once again, taking the lead on an issue of great importance to women. The National Partnership for Women & Families is proud to endorse your bill, ''The Genetic Nondiscrimination In Health Insurance and Employment Act of 1999.''

We believe that genetic discrimination is the next big civil rights issue. The job of deciphering every gene found in the human body—more than 80,000 in all—is proceeding at record speed. Just a decade ago, genetic testing was largely restricted to prenatal tests to look for birth defects. Today, more than 550 genetic tests are being used for the diagnosis of disease, and millions of women and their families stand to benefit from improved prevention, detection, and treatment of diseases like breast and ovarian cancer.

Unfortunately, without adequate protection against misuse, the potential for real medical benefit from genetic advances may be outweighed by the fear of discrimination by insurers and employers. Your bill will alleviate that fear and allow women and men to benefit from medical and scientific progress. Thank you once again for all your hard work on this issue.

Sincerely yours,

JUDITH L. LICHTMAN,
President, National Partnership for Women & Families.

SUSANNAH A. BARUCH,
Director of Legal and Public Policy, National Partnership for Women & Families.

By Mr. MCCONNELL (for himself and Mr. BUNNING):

S. 1323. A bill to amend the Federal Power Act to ensure that certain Federal power customers are provided protection by the Federal Energy Regulatory Commission, and for other purposes; to the Committee on Environment and Public Works.

THE TVA CUSTOMER PROTECTION ACT

Mr. MCCONNELL. Mr. President, I have come to the Senate floor today to introduce a bill known as the TVA Customer Protection Act. This legislation will implement a number of consumer protections that will make TVA accountable to ratepayers and better prepare TVA to compete in a restructured electricity market. I am pleased to have Senator BUNNING as an original cosponsor on this bill.

The legislation I am introducing, which is virtually identical to the legislation I introduced in the 105th Congress, provides Valley ratepayers protections against unchecked and unjustified increases in their power rates. Included in this bill are checks against future increases in TVA's massive debt. This bill will put an end to TVA's ability to compete unfairly with its regional distributors and will prohibit TVA from sticking ratepayers with the bill for its international forays that have no relevance to its responsibility to provide low-cost power to the Valley. Finally, this bill also codifies an agreement between TVA and several industry associations to limit TVA's authority as a government entity to compete with small businesses in non-electric services.

Mr. President, TVA is a federal corporation that was first established in 1933, to tame the Tennessee River, our nation's fifth largest river, and to bring economic development to this once poverty stricken region. Today, TVA provides power to nearly all of Tennessee and to parts of six other states covering over 80,000 square miles and serving eight million consumers. The bulk of TVA's power sales are made through municipal and cooperative distributors, which in turn are responsible for delivering that power to every home, office and farm in the Valley. TVA has exclusive power contracts with its distributors and the three-member TVA board sets the retail rates offered by distributors.

Mr. President, while TVA has achieved significant success, it has not come without a price. Today, TVA customers are paying a premium for TVA's excesses and mismanagement. For example, TVA has accumulated an enormous debt of nearly $26 billion, despite its monopoly status and the Board's unilateral rate making authority. As a result, in 1998, TVA customers paid an astronomical 30 cents of every $1 to interest expenses. When you match TVA's interest charge of 30 cents to the 11 cents paid by the Federal Government, it makes Uncle Sam look like a conservative financial planner. When compared to the average regulated public utility, which pays a mere 7 percent in finance cost, it is obvious that this isn't a good deal for TVA ratepayers.

In a 1994 study, the General Accounting Office determined that TVA's financial condition ''threatens its long-term viability and places the federal government at risk.'' Only through years of unaccountability and fiscal irresponsibility could a power company have ever reached this level of debt, despite the fact that TVA is a monopoly provider of electricity.

As a result of TVA's fiscal mismanagement and bloated budgets, TVA rates are higher than those of FERC-regulated utilities in Kentucky. Since 1988, wholesale power rates of regulated utilities in Kentucky have steadily fallen, while TVA has maintained the same level, albeit higher than Kentucky utilities. Then, in 1997, TVA was forced to raise rates by 7 percent in an effort to get its fiscal house back in order. It is apparent that due to TVA's past financial mismanagement, thousands of Kentucky residents are paying more for power than Kentucky residents who are outside the TVA fence.

Mr. President, another way to quantify the impact of TVA's fiscal irresponsibility is to compare the electric rates paid by Kentuckians. Mr. President I have a chart here that displays the rate premiums paid by the 211,427 TVA customers living in Kentucky. I have used the rates filed by Kentucky Utilities and TVA's publicly disclosed rates between 1999 and 2003. Based on these rates, Kentuckians will pay an average of $50 million more annually for the privilege of being served by TVA. Over the next five years this amounts to a $250 million ''TVA membership fee.'' It is painfully clear the Kentuckians who are served by TVA are getting a raw deal from this New Deal program.

Mr. President, I have come to the conclusion that TVA needs to be made more accountable for its actions. Not more accountable to Congress or the President, but the people TVA is charged to serve—Valley customers.

Mr. President, it is my desire to provide TVA customers with a clear picture of TVA's financial situation including its rates, charges and costs. The Federal Energy Regulatory Commission (FERC) is authorized under the Federal Power Act with regulating electric utilities. FERC currently provides regulatory oversight to over 200 utilities for wholesale and transmission power rates to ensure that their electric rates and charges are ''just and reasonable and not unduly discriminatory or preferential.'' At present, TVA is entirely exempt from these necessary regulations allowing it to operate as a self-regulating monopoly, with no such mandate for openness, fairness or oversight.

Mr. President, I am not alone in this belief. The distributors serving Memphis, Tennessee, Knoxville, Tennessee, and Paducah, Kentucky, share my views that TVA should fully comply with the FERC authority. Recently, before the House Commerce Committee, Mr. Herman Morris, Jr., President and CEO of the Memphis Light, Gas and Water Division testified on behalf of MLGWD and the Knoxville Utilities Board that FERC would ''provide a neutral forum for resolving disputes regarding TVA transmission, wholesale sales pricing, terms and conditions.'' Mr. Morris went on to say that FERC jurisdiction is ''necessary to provide Tennessee Valley distributors the same level of protection that the rest of the country enjoys.''

Requiring TVA to comply with FERC regulations will serve two purposes. First, it will allow customers to accurately evaluate TVA's wholesale and transmission pricing to ensure the rates charged are ''just and reasonable'' and will provide customers with a forum for challenging future rate increases just as every other regulated utility does.

Second, this information will provide FERC with a better understanding of the costs TVA has accumulated. Understanding the full scope of these costs will be critical in an open transmission and wholesale market. It will also have a significant impact in determining how competitive TVA will be in the future.

Another measure which I have added this year builds on the full disclosure provisions by requiring FERC to conduct an investigation to determine TVA's total stranded cost liability. I have heard from a number of distributors who are very concerned about the potential stranded cost liability they might be assessed. They adamantly oppose paying for any costs or services they haven't paid for. For example, residents of Paducah, Kentucky don't want to pay for the costs TVA incurred in providing service to Nashville. Unfortunately, nobody has any idea of the total stranded cost liability TVA has incurred or can be recovered. This investigation will uncover those costs that were prudently incurred and are eligible for recovery as stranded costs.

In order to ensure that TVA keeps its promise of lowering its debt, I have proposed that TVA be required to meet four need-based criteria before it is able to add costly generating capacity. For my colleagues who are not familiar with TVA, it is important to note that TVA's tremendous level of debt is a result of TVA's aggressive and unchecked plan to add new generating capacity in the Valley. In 1966, TVA announced a plan to build 17 nuclear facilities throughout the Valley. Today less than half of these facilities are in commercial service.

As a result, TVA is $26 billion in debt and has invested $14 billion in non-performing nuclear assets which have driven rates up in the Valley. To prevent history from repeating itself, I believe it is necessary to apply safeguards against overbuilding. TVA must demonstrate a legitimate need before committing such significant resources again.

This legislation will also prohibit TVA from using Valley ratepayers to subsidize power sales outside the Valley in the future. All new generation will be required to meet the needs of Valley ratepayers.

Mr. President, let me take a moment to go through the other important customer reforms included in the bill. Section Four of the bill prohibits TVA from continuing to subsidize their foreign endeavors at ratepayer's expense. Quarter million dollar conferences in China and other points on the globe are not consistent with either TVA's deficit reduction goals or its mission to be a low-cost power provider to the Valley.

Another provision that I have included is a measure proposed by the TVA distributors. Section Five in the bill protects distributors from unfair competition by ending TVA's ability to directly serve large industrial customers. In the past, TVA has been able to directly serve some of the valley's largest industrial customers. Through this loophole, TVA is able to use its considerable market power to unfairly compete with distributors.

Section Seven of this bill will increase TVA's level of accountability by applying all federal antitrust laws and penalties. I have included this provision in response to heavy-handed tactics used by TVA to punish the City of Bristol, Virginia, for signing a contract with another energy provider.

TVA applied heavy-handed tactics by predicting unreliable electricity services as a disincentive to leaving, and TVA attempted to syphon-off Bristol's industrial customers by offering direct-serve power contracts at 2 percent below any rate offered by Bristol. I find these predatory practices to be entirely unacceptable, especially applied to one of its own customers. It is my belief that since TVA's activities were performed in a commercial endeavor, they should be held to the same standards as any other corporation under the antitrust laws.

I understand that TVA is willing to subject themselves to federal antitrust laws, so long as they aren't subject to any penalties. Mr. President, I have some advice for TVA.

If you can't pay the fine, don't do the crime.

Finally, this legislation limits TVA's ability to branch out into other businesses beyond power generation and transmission. TVA has attempted to diversify into equipment leasing as well as engineering and other contracting services in direct competition with other Valley businesses. I don't believe that TVA should be permitted to use its considerable advantages, like its tax-exempt status, to compete against Valley businesses. TVA has signed a Memorandum of Agreement with Valley businesses not to compete against them.

My legislation codifies that agreement. Mr. President, I hope these reforms will offer TVA customers—both distributors and individuals alike—the means to make TVA more accountable and put an end, once and for all, to TVA's unaccountability and unchecked fiscal irresponsibility. I want to put an end to TVA membership premium and let all Kentuckians benefit from some of the lowest power rates in the nation.

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

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

S. 1323

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 ''TVA Customer Protection Act of 1999''.

SEC. 2. INCLUSION IN DEFINITION OF PUBLIC UTILITY.

(a) IN GENERAL.—Section 201(e) of the Federal Power Act (16 U.S.C. 824(e)) is amended by inserting before the period at the end the following: '', and includes the Tennessee Valley Authority''.

(b) CONFORMING AMENDMENT.—Section 201(f) of the Federal Power Act (16 U.S.C. 824(f)) is amended by striking ''foregoing, or any corporation'' and inserting ''foregoing (other than the Tennessee Valley Authority) or any corporation''.

SEC. 3. DISPOSITION OF PROPERTY.

Section 203 of the Federal Power Act (16 U.S.C. 824b) is amended by adding at the end the following:

''(c) TVA EXCEPTION.—This section does not apply to a disposition of the whole or any part of the facilities of the Tennessee Valley Authority if—

''(1) the Tennessee Valley Authority discloses to the Commission (on a form, and to the extent, that the Commission shall prescribe by regulation) the sale, lease, or other disposition of any part of its facilities that—

''(A) is subject to the jurisdiction of the Commission under this Part; and

''(B) has a value of more than $50,000; and

''(2) all proceeds of the sale, lease, or other disposition under paragraph (1) are applied by the Tennessee Valley Authority to the reduction of debt of the Tennessee Valley Authority.''.

SEC. 4. FOREIGN OPERATIONS; PROTECTIONS.

Section 208 of the Federal Power Act (16 U.S.C. 824g) is amended by adding at the end the following:

''(c) TENNESSEE VALLEY AUTHORITY.—

''(1) LIMIT ON CHARGES.—

''(A) NO AUTHORIZATION OR PERMIT.—The Commission shall issue no order under this Act that has the effect of authorizing or permitting the Tennessee Valley Authority to make, demand, or receive any rate or charge, or impose any rule or regulation pertaining to a rate or charge, that includes any costs incurred by or for the Tennessee Valley Authority in the conduct of any activities or operations outside the United States.

''(B) UNLAWFUL RATE.—

''(i) IN GENERAL.—Any rate, charge, rule, or regulation described in subparagraph (A) shall be deemed for the purposes of this Act to be unjust, unreasonable, and unlawful.

''(ii) NO LIMITATION ON AUTHORITY.—Clause (i) does not limit the authority of the Commission under any other provision of law to regulate and establish just and reasonable rates and charges for the Tennessee Valley Authority.

''(2) ANNUAL REPORT.—The Tennessee Valley Authority shall annually—

''(A) prepare and file with the Commission, in a form that the Commission shall prescribe by regulation, a report setting forth in detail any activities or operations engaged in outside the United States by or on behalf of the Tennessee Valley Authority; and

''(B) certify to the Commission that the Tennessee Valley Authority has neither recovered nor sought to recover the costs of activities or operations engaged in outside the United States by or on behalf of the Tennessee Valley Authority in any rate, charge, rule, or regulation on file with the Commission.''.

SEC. 5. TVA POWER SALES AND PROPERTY VALUATION.

(a) IN GENERAL.—Part II of the Federal Power Act (16 U.S.C. 824 et seq.) is amended by adding at the end the following:

''SEC. 215. TVA POWER SALES.

''(a) IN GENERAL.—The Tennessee Valley Authority shall not sell electric power to a retail customer that will consume the power within the area that, on the date of enactment of this section, is assigned by law as the distributor service area, unless—

''(1) the customer (or predecessor in interest to the customer) was purchasing electric power directly from the Tennessee Valley Authority as a retail customer on that date;

''(2) the distributor is purchasing firm power from the Tennessee Valley Authority in an amount that is equal to not more than 50 percent of the total retail sales of the distributor; or

''(3) the distributor agrees that the Tennessee Valley Authority may sell power to the customer.

''(b) RETAIL SALES.—Notwithstanding any other provision of law, the rates, terms, and conditions of retail sales of electric power by the Tennessee Valley Authority that are not prohibited by subsection (a) shall be subject to regulation under State law applicable to public utilities in the manner and to the extent that a State commission or other regulatory authority determines to be appropriate.

''(c) ASSURANCE OF ADEQUATE ELECTRIC GENERATION CAPACITY.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, after the date of enactment of this section, the Tennessee Valley Authority shall not construct or acquire by any means electric generation capacity, or sell the output of electric generation capacity constructed or acquired after that date, unless the Commission has issued to the Tennessee Valley Authority a certificate of public convenience and necessity authorizing the construction or acquisition of electric generation capacity.

''(2) CRITERIA FOR ISSUANCE OF CERTIFICATE.—The Commission shall issue a certificate of public convenience and necessity under paragraph (1) only if the Commission finds, after affording an opportunity for an evidentiary hearing, that—

''(A) the reserve power margin of the Tennessee Valley Authority for the area within which the Tennessee Valley Authority is permitted by law to be a source of supply—

''(i) is less than 15 percent; and

''(ii) is expected to remain less than 15 percent for a period of at least 1 year unless new capacity is constructed or acquired;

''(B) the Energy Information Administration has submitted to the Commission, with respect to issuance of the certificate of public convenience and necessity, a determination that—

''(i) there is no commercially reasonable option for the purchase of power from the wholesale power market to meet the needs of the area within which the Tennessee Valley Authority is permitted by law to be a source of supply; and

''(ii) the proposed construction or acquisition is the only commercially reasonable means to meet the firm contractual obligations of the Tennessee Valley Authority with respect to the area within which the Tennessee Valley Authority is permitted by law to be a source of supply;

''(C) the electric generation capacity or the output of the capacity proposed to be authorized will not make the Tennessee Valley Authority a direct or indirect source of supply in any area with respect to which the Authority is prohibited by law from being, directly or indirectly, a source of supply; and

''(D) the electric generation capacity proposed to be authorized is completely subscribed in advance for use by customers only within the area for which the Tennessee Valley Authority or distributors of the Authority were the primary source of power supply on July 1, 1957.

''SEC. 216. VALUATION OF CERTAIN TVA PROPERTY.

''(a) EVIDENTIARY HEARING.—Not later than 120 days after the date of enactment of this section, notwithstanding any other provision of law, the Commission shall commence a hearing on the record for the purpose of determining the value of the property owned by the Tennessee Valley Authority—

''(1) that is used and useful; and

''(2) the cost of which was prudently incurred in providing electric service, as of July 1, 1999, to—

''(A) the distributors of the Authority; and

''(B) the customers that directly purchased power from the Authority.

''(b) PROCEDURES AND STANDARDS.—In making the determination under subsection (a), the Commission shall use, to the maximum extent practicable, the procedures and standards that the Commission uses in making similar determinations with respect to public utilities.

''(c) TIMING OF FINAL ORDER.—The Commission shall issue a final order with respect to the determination under subsection (a)—

''(1) not later than 1 year after the date of commencement of the hearing under subsection (a); or

''(2) not later than a date determined by the Commission by an order supported by the record.

''(d) TIMING OF ORDER AWARDING RECOVERY OF STRANDED COSTS.—The Commission may issue an order awarding recovery to the Tennessee Valley Authority of costs rendered uneconomic by competition not earlier than the date on which the Commission issues a final order with respect to the determination under subsection (a).''.

(b) TRANSITION.—Not later than 180 days after the date of enactment of this Act, the Tennessee Valley Authority shall file all rates and charges for the transmission or sale of electric energy and the classifications, practices, and regulations affecting those rates and charges, together with all contracts that in any manner affect or relate to contracts that are required to be filed under Part II of the Federal Power Act (16 U.S.C. 824 et seq.) (as amended by subsection (a)) and that are in effect as of the date of enactment of this Act.

SEC. 6. FILING AND FULL DISCLOSURE OF TVA DOCUMENTS.

Part III of the Federal Power Act (16 U.S.C. 825 et seq.) is amended—

(1) by redesignating sections 319 through 321 as sections 320 through 322, respectively; and

(2) by inserting after section 318 the following:

''SEC. 319. FILING AND FULL DISCLOSURE OF TVA DOCUMENTS.

''(a) IN GENERAL.—The Tennessee Valley Authority shall file and disclose the same documents and other information that other public utilities are required to file under this Act, as the Commission shall require by regulation.

''(b) REGULATION.—

''(1) TIMING.—The regulation under subsection (a) shall be promulgated not later than 1 year after the date of enactment of this section.

''(2) CONSIDERATIONS.—In promulgating the regulation under subsection (a), the Commission shall take into consideration the practices of the Commission with respect to public utilities other than the Tennessee Valley Authority.''.

SEC. 7. APPLICABILITY OF THE ANTITRUST LAWS.

The Tennessee Valley Authority Act of 1933 (16 U.S.C. 831 et seq.) is amended by inserting after section 16 the following:

''SEC. 17. APPLICABILITY OF THE ANTITRUST LAWS.

''(a) DEFINITION OF ANTITRUST LAWS.—In this section, the term 'antitrust laws' means—

''(1) an antitrust law (within the meaning of section (1) of the Clayton Act (15 U.S.C. 12));

''(2) the Act of June 19, 1936 (commonly known as the 'Robinson Patman Act') (49 Stat. 1526, chapter 323; 15 U.S.C. 13 et seq.); and

''(3) section 5 of the Federal Trade Commission Act (15 U.S.C. 45), to the extent that the section relates to unfair methods of competition.

''(b) APPLICABILITY.—Nothing in this Act modifies, impairs, or supersedes the antitrust laws.

''(c) ANTITRUST LAWS.—

''(1) TVA DEEMED A PERSON.—The Tennessee Valley Authority shall be deemed to be a person, and not government, for purposes of the antitrust laws.

''(2) APPLICABILITY.—Notwithstanding any other provision of law, the antitrust laws (including the availability of any remedy for a violation of an antitrust law) shall apply to the Tennessee Valley Authority notwithstanding any determination that the Tennessee Valley Authority is a corporate agency or instrumentality of the United States or is otherwise engaged in governmental functions.''.

SEC. 8. SAVINGS PROVISION.

(a) DEFINITION OF TVA DISTRIBUTOR.—In this section, the term ''TVA distributor'' means a cooperative organization or publicly owned electric power system that, on January 2, 1998, purchased electric power at wholesale from the Tennessee Valley Authority under an all-requirements power contract.

(b) EFFECT OF ACT.—Nothing in this Act or any amendment made by this Act—

(1) subjects any TVA distributor to regulation by the Federal Energy Regulatory Commission; or

(2) abrogates or affects any law in effect on the date of enactment of this Act that applies to a TVA distributor.

SEC. 9. PROVISION OF CONSTRUCTION EQUIPMENT, CONTRACTING, AND ENGINEERING SERVICES.

Section 4 of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831c) is amended by adding at the end the following:

''(m) PROVISION OF CONSTRUCTION EQUIPMENT, CONTRACTING, AND ENGINEERING SERVICES.—

''(1) IN GENERAL.—Notwithstanding any other provision of this Act, except as provided in this subsection, the Corporation shall not have power to—

''(A) rent or sell construction equipment;

''(B) provide a construction equipment maintenance or repair service;

''(C) perform contract construction work; or

''(D) provide a construction engineering service;

to any private or public entity.

''(2) ELECTRICAL CONTRACTORS.—The Corporation may provide equipment or a service described in subparagraph (1) to a private contractor that is engaged in electrical utility work on an electrical utility project of the Corporation.

''(3) CUSTOMERS, DISTRIBUTORS, AND GOVERNMENTAL ENTITIES.—The Corporation may provide equipment or a service described in subparagraph (1) to—

''(A) a power customer served directly by the Corporation;

''(B) a distributor of Corporation power; or

''(C) a Federal, State, or local government entity;

that is engaged in work specifically related to an electrical utility project of the Corporation.

''(4) USED CONSTRUCTION EQUIPMENT.—

''(A) DEFINITION OF USED CONSTRUCTION EQUIPMENT.—In this paragraph, the term 'used construction equipment' means construction equipment that has been in service for more than 2,500 hours.

''(B) DISPOSITION.—The Corporation may dispose of used construction equipment by means of a public auction conducted by a private entity that is independent of the Corporation.

''(C) DEBT REDUCTION.—The Corporation shall apply all proceeds of a disposition of used construction equipment under subparagraph (B) to the reduction of debt of the Corporation.''.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Federal Energy Regulatory Commission such sums as are necessary to carry out this Act and the amendments made by this Act.

TVA BOARD SPENT MORE THAN $85,000 TO TRAVEL IN 1998

Knoxville, Tenn.—Credit card receipts show Tennessee Valley Authority board members spent more than $85,000 in 1998 on travel expenses, a newspaper reported on Sunday.

Among the charges are lodging at the Ritz-Carlton hotel near Washington, a casino resort in Nevada and a golf club in Mississippi. TVA Chairman Craven Crowell alone took 92 trips, including 12 to foreign countries, The Knoxville News-Sentinel reported.

Crowell's charges totaled $49,541. Crowell, who is currently in England with other Tennessee business leaders, declined to discuss the issue with the newspaper last week.

Among Crowell's duties while traveling are promoting TVA bonds, meeting with utility officials and attending conferences, according to TVA officials.

''These are not pleasure trips,'' said TVA spokesman Steve Bender. ''The chairman is working on these trips.''

The U.S. General Accounting Office, the investigative arm of Congress, is probing how TVA Inspector General George Prosser spent TVA expense money, after a written request from Crowell. In question are more than $10,000 in travel and entertainment charges.

Prosser maintains the expenses are legitimate and he is the victim of retaliation by TVA officials because he investigated TVA executive Joe Dickey for fraud.

Prosser's expenses include a $500 hotel bill from a Mississippi casino, $4,500 at attractions with golf courses and more than $200 in liquor.

Crowell currently is the only member of the three-member TVA board. Johnny Hayes left in January to work in Vice President Al Gore's presidential campaign, and Bill Kennoy's nine-year term ended May 18.

In 1998, Kennoy spent $17,935 on 69 trips, and he didn't return phone calls from the newspaper seeking comment. Hayes spent $17,268 on 155 trips.

''I never charged golf, a meal or anything else where I wasn't on TVA business,'' Hayes said.

''I was out with customers constantly,'' he said. ''I fished with them. I golfed with them. I went to every major convention they had.''

U.S. Rep. Harold Ford, Jr., D–Memphis, said the travel expenses seemed high at first glance.

''The real measure is how much they accomplish on the trips,'' Ford said.

PADUCAH POWER SYSTEM,
Paducah, KY, July 1, 1999.

Senator MITCH MCCONNELL,
Russell Building, Washington, DC.

DEAR SENATOR MCCONNELL: Having reviewed the ''TVA Customer Protection Act of 1999,'' the Board and management of Paducah Power System are supportive of the bill.

Specifically, the protection from TVA competing with the distributors for retail customers as long as at least half of the distributors wholesale power requirements are purchased from TVA is very important.

The provision for identifying and establishing the methodology and value of stranded cost is extremely important. This information will assist future planning for distributors.

Additionally, the protection of Valley ratepayers from subsidizing off system sales provides distributors within the Valley to continue to provide energy at the lowest practical cost.

Thank you for your efforts and continuing interest in the people of Western Kentucky and all the Tennessee Valley.

Feel free to call if I can be of any assistance.

Respectfully,

DON FULLER,
General Manager.

By Mr. FRIST:

S. 1326. A bill to eliminate certain benefits for Members of Congress, and for other purposes; to the Committee on Governmental Affairs.

CITIZEN CONGRESS ACT

Mr. FRIST. Mr. President, today I rise to introduce the Citizen Congress Act, a bill which will end the five greatest perks and privileges which separate the Members of Congress from the American people, and which will eliminate taxpayer-funded financial incentives which encourage Members to become life-long legislators. In the past two Congresses, I have introduced a more broad version of this legislation. However, in the next two years, I want to focus on removing the top five taxpayer-funded financial incentives which encourage Senators and Representatives to remain in office as career politicians. I believe that the elimination of these five special privileges will return Congress to the institution our fore-fathers established.

As we approach the two-hundred and twenty-third anniversary of the founding of our great country, we should remember that our Founding Fathers envisioned a Congress of citizen legislators who would leave their families and communities for a short time to write legislation and pass laws, and then return home to live under those laws they helped to pass. Unfortunately, we have stayed from that vision. With the passage of the Congressional Accountability Act four years ago, we made the first step towards ensuring that Members of Congress abide by the same laws as everyone else. In spite of this measure, Members of Congress continue to receive special perks and privileges unavailable to most American citizens. While I support term limits for Members of Congress, and I remain committed to passing a term limits amendment to the Constitution, there are other more immediate actions we can take to restore faith in Congress.

The legislation I introduce today represents an achievable step toward making Congress more accountable and responsible to the American people. The Citizen Congress Act will eliminate the five greatest financial incentives for Members to become life-long legislators, and will put them on equal footing with the majority of Americans. The provisions of this legislation include: Eliminate the taxpayer subsidy element of Congressional pensions; require public disclosure of Congressional pensions; eliminate automatic COLA's for Congressional pensions; eliminate automatic COLA's for Congressional pay; and require a roll call vote on all Congressional pay increases.

Eliminating the taxpayer subsidy of Congressional pensions and reforming the overall Congressional pension system represents a remarkable improvement. With the Citizen Congress Act, Senators and Representatives will no longer be eligible for pensions that far exceed what is available in the private sector and are padded with matching taxpayer dollars. Instead, Members will have access to the same plans as other federal employees and private citizens,

with no taxpayer subsidy. This will ensure that Members who serve in Congress for many years do not accumulate multi-million dollar pensions at the public's expense. Automatic cost of living adjustments for Congressional pensions are also eliminated in this bill. Additionally, requiring a public roll call vote on pay increases ensures that Members of Congress do not vote themselves a pay increase in the dead of night, as has been the case many, many times in the past.

At a time when everyone is tightening their belts to maintain fiscal responsibility and restore confidence in our government, it is only fitting that Members of Congress eliminate the perks and privileges which separate them from the American people. This is what Tennesseans tell me when I travel across our state, and that is what I am doing with the Citizen Congress Act. I encourage my colleagues to join me in passing this important legislation and bringing Congress another step closer to the American people.

Mr. President, I ask unanimous consent that the full 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. 1326

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 ''Citizen Congress Act''.

SEC. 2. LIMITATION ON RETIREMENT COVERAGE FOR MEMBERS OF CONGRESS.

(a) IN GENERAL.—Notwithstanding any other provision of law, effective at the beginning of the Congress next beginning after the date of the enactment of this Act, a Member of Congress shall be ineligible to participate in the Civil Service Retirement System or the Federal Employees' Retirement System, except as otherwise provided under this section.

(b) PARTICIPATION IN THE THRIFT SAVINGS PLAN.—Notwithstanding subsection (a), a Member may participate in the Thrift Savings Plan subject to section 8351 if title 5, United States Code, at anytime during the 12-year period beginning on the date the Member begins his or her first term.

(c) REFUNDS OF CONTRIBUTIONS.—

(1) IN GENERAL.—Nothing in subsection (a) shall prevent refunds from being made, in accordance with otherwise applicable provisions of law (including those relating to the Thrift Savings Plan), on account of an individual's becoming ineligible to participate in the Civil Service Retirement System or the Federal Employees' Retirement System (as the case may be) as a result of the enactment of this section.

(2) TREATMENT OF REFUND.—For purposes of any refund referred to in paragraph (1), a Member who so becomes ineligible to participate in either of the retirement systems referred to in paragraph (1) shall be treated in the same way as if separated from service.

(d) ANNUITIES NOT AFFECTED TO THE EXTENT BASED ON PRIOR SERVICE.—Subsection (a) shall not be considered to affect—

(1) any annuity (or other benefit) entitlement which is based on a separation from service occurring before the date of the enactment of this Act (including any survivor annuity based on the death of the individual who so separated); or

(2) any other annuity (or benefit), to the extent provided under subsection (e).

(e) PRESERVATIONS OF RIGHTS BASED ON PRIOR SERVICE.—

(1) IN GENERAL.—For purposes of determining eligibility for, or the amount of, any annuity (or other benefit) referred to in subsection (d)(2) based on service as a Member of Congress—

(A) all service as a Member of Congress shall be disregarded except for any such service performed before the date of the enactment of this Act; and

(B) all pay for service performed as a Member of Congress shall be disregarded other than pay for service which may be taken into account under subparagraph (A).

(2) PRESERVATION OF RIGHTS.—To the extent practicable, eligibility for, and the amount of, any annuity (or other benefit) to which an individual is entitled based on a separation of a Member of Congress occurring after such Member becomes ineligible to participate in the Civil Service Retirement System or the Federal Employees' Retirement System (as the case may be) by reason of subsection (a) shall be determined in a manner that preserves any rights to which the Member would have been entitled, as of the date of the enactment of this Act, had separation occurred on such date.

(f) REGULATIONS.—Any regulations necessary to carry out this section may be prescribed by the Office of Personnel Management and the Executive Director (referred to in section 8401(13) of title 5, United States Code) with respect to matters within their respective areas of responsibility.

(g) DEFINITION.—In this section, the terms ''Member of Congress'' and ''Member'' have the meaning of the term ''Member'' as defined under section 8331(2) or 8401(20) of title 5, United States Code.

(h) RULE OF CONSTRUCTION.—Nothing in this section shall be considered to apply with respect to any savings plan or other matter outside of subchapter III of chapter 83 or chapter 84 of title 5, United States Code.

SEC. 3. DISCLOSURE OF ESTIMATES OF FEDERAL RETIREMENT BENEFITS OF MEMBERS OF CONGRESS.

(a) IN GENERAL.—Section 105(a) of the Legislative Branch Appropriations Act, 1965 (2 U.S.C. 104a; Public Law 88–454; 78 Stat. 550) is amended by adding at the end the following new paragraph:

''(5) The Secretary of the Senate and the Clerk of the House of Representatives shall include in each report submitted under paragraph (1), with respect to Members of Congress, as applicable—

''(A) the total amount of individual contributions made by each Member to the Civil Service Retirement and Disability Fund and the Thrift Savings Fund under chapters 83 and 84 of title 5, United States Code, for all Federal service performed by the Member as a Member of Congress and as a Federal employee;

''(B) an estimate of the annuity each Member would be entitled to receive under chapters 83 and 84 of such title based on the earliest possible date to receive annuity payments by reason of retirement (other than disability retirement) which begins after the date of expiration of the term of office such Member is serving; and

''(C) any other information necessary to enable the public to accurately compute the Federal retirement benefits of each Member based on various assumptions of years of service and age of separation from service by reason of retirement.''.

(b) EFFECTIVE DATE.—This section shall take effect 1 year after the date of the enactment of this Act.

SEC. 4. ELIMINATION OF AUTOMATIC ANNUITY ADJUSTMENTS FOR MEMBERS OF CONGRESS.

The portion of the annuity of a Member of Congress which is based solely on service as a Member of Congress shall not be subject to a cost-of-living adjustment under section 8340 or 8462 of title 5, United States Code.

SEC. 5. ELIMINATION OF AUTOMATIC PAY ADJUSTMENTS FOR MEMBERS OF CONGRESS.

(a) PAY ADJUSTMENTS.—Paragraph (2) of section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) is repealed.

(b) CONFORMING AMENDMENT.—Section 601(a)(1) of such Act is amended—

(1) by striking ''(a)(1)'' and inserting ''(a)'';

(2) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively; and

(3) by striking '', as adjusted by paragraph (2) of this subsection''.

SEC. 6. ROLLCALL VOTE FOR ANY CONGRESSIONAL PAY RAISE.

It shall not be in order in the Senate or the House of Representatives to dispose of any amendment, bill, resolution, motion, or other matter relating to the pay of Members of Congress unless the matter is decided by a rollcall vote.

By Mr. CHAFEE (for himself, Mr. ROCKEFELLER, Mr. BOND, Mr. REED, Mr. JEFFORDS, Mr. MOYNIHAN, Mr. BREAUX, Ms. LANDRIEU, Mr. KERREY, and Ms. MIKULSKI):

S. 1327. A bill to amend part E of title IV of the Social Security Act to provide States with more funding and greater flexibility in carrying out programs designed to help children make the transition from foster care to self-sufficiency, and for other purposes; to the Committee on Finance.

FOSTER CARE INDEPENDENCE ACT OF 1999

Mr. CHAFEE. Mr. President, it is a rare opportunity when we can provide assistance to one of our nation's most vulnerable groups: children in the foster care program. Currently, Independent Living Programs for older foster children end at their 18th birthday, abandoning these teens in the middle of a critical transition period from adolescence to adulthood. Sadly, these young people are left to negotiate the rough waters of adulthood without vital health and mental health resources and critical life-skills. That is why I am pleased to join my colleagues Senators ROCKEFELLER, BOND, MOYNIHAN, and others in introducing the Foster Care Independence Act.

Many of the 20,000 adolescents who leave the foster care rolls each year to become adults come from particularly troubled backgrounds. Typically, these young people have experienced on average four placements in the past seven years of their lives. As a result, they lack a sense of permanency and the skills essential to becoming self-reliant and productive adults. Our bill will cushion the transition to adulthood by funding Independent Living Programs and ensuring access to the critical health care and mental health services provided by Medicaid through a foster child's 21st birthday.

Most importantly, it doubles the money available to state-administered

Independent Living Programs, allowing them to provide the day-to-day living needs for 18 to 21-year-olds while they learn valuable life skills. This more comprehensive program with a long transition period will promote the safety, health, and permanency in the lives of these children. It also removes a significant barrier to these children's adoption by ensuring that the families who adopt them have access to the appropriate resources through age 21.

In addition, this bill provides them access to the health and mental health services offered through Medicaid. Numerous studies of adolescents who leave foster care have found that this population has a significantly higher-than-normal rate of school drop outs, out-of-wedlock pregnancies, homelessness, health and mental health problems, poverty, and unemployment. They are also more likely to be victims of crime and physical assaults. My more comprehensive program addresses these grave health and safety concerns by allowing adolescents who age out of or are adopted out of foster care to continue to receive crucial health, and mental health care benefits through the age of 21.

I am heartened by the broad, bipartisan support that the Independent Living Act of 1999, introduced by my colleague, Representative NANCY JOHNSON, received last week in the House. I urge my colleagues to join me in supporting this important measure and ask unanimous consent that the full text and summary of the bill printed in the RECORD.

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

S. 1327

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Foster Care Independence Act of 1999''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—IMPROVED INDEPENDENT LIVING PROGRAM

Subtitle A—Improved Independent Living Program

Sec. 101. Improved independent living program.

Subtitle B—Related Foster Care Provision

Sec. 111. Increase in amount of assets allowable for children in foster care.

Subtitle C—Medicaid Amendments

Sec. 121. State option of medicaid coverage for adolescents leaving foster care.

Subtitle D—Welfare-To-Work Amendments

Sec. 131. Children aging out of foster care eligible for services.

TITLE II—SSI FRAUD PREVENTION

Subtitle A—Fraud Prevention and Related Provisions

Sec. 201. Liability of representative payees for overpayments to deceased recipients.

Sec. 202. Recovery of overpayments of SSI benefits from lump sum SSI benefit payments.

Sec. 203. Additional debt collection practices.

Sec. 204. Requirement to provide State prisoner information to Federal and federally assisted benefit programs.

Sec. 205. Rules relating to collection of overpayments from individuals convicted of crimes.

Sec. 206. Treatment of assets held in trust under the SSI program.

Sec. 207. Disposal of resources for less than fair market value under the SSI program.

Sec. 208. Administrative procedure for imposing penalties for false or misleading statements.

Sec. 209. Exclusion of representatives and health care providers convicted of violations from participation in social security programs.

Sec. 210. State data exchanges.

Sec. 211. Study on possible measures to improve fraud prevention and administrative processing.

Sec. 212. Annual report on amounts necessary to combat fraud.

Sec. 213. Computer matches with medicare and medicaid institutionalization data.

Sec. 214. Access to information held by financial institutions.

Subtitle B—Benefits for Certain Veterans of World War II

Sec. 251. Establishment of program of special benefits for certain World War II veterans.

TITLE III—CHILD SUPPORT

Sec. 301. Elimination of enhanced matching for laboratory costs for paternity establishment.

Sec. 302. Elimination of hold harmless provision for State share of distribution of collected child support.

TITLE IV—TECHNICAL CORRECTIONS

Sec. 401. Technical corrections relating to amendments made by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

TITLE I—IMPROVED INDEPENDENT LIVING PROGRAM

Subtitle A—Improved Independent Living Program

SEC. 101. IMPROVED INDEPENDENT LIVING PROGRAM.

(a) FINDINGS.—The Congress finds the following:

(1) The Adoption and Safe Families Act of 1997 establishes that safety, health, and permanency are paramount when planning for children in foster care. States are required to make reasonable efforts to locate permanent families for all children, including older children and teens, for whom reunification with their biological families is not in the best interests of the children.

(2) Older children who continue to be in foster care as adolescents may become eligible for Independent Living programs. These Independent Living programs are not an alternative to permanency planning for these children. Enrollment in Independent Living programs can occur concurrent with continued efforts to locate, and achieve placement in, permanent families for older children in foster care.

(3) About 20,000 adolescents leave the Nation's foster care system each year because they have reached 18 years of age and are expected to support themselves. In addition, approximately 5,000 adolescents (foster children over the age of 12) are adopted out of the foster care system each year, of whom approximately 620 are over the age of 16 at the time of their adoption. A large percentage of these children have not yet completed their high school education.

(4) Congress has received extensive information that adolescents leaving foster care are in trouble. A careful study of all the children aging out of foster care in Wisconsin during 1994 showed high rates of school drop out, out-of-wedlock childbearing, homelessness, poverty, and being the target of crime and physical assaults.

(5) The Nation's State and local governments, with financial support from the Federal Government, should offer an extensive program of education, health and mental health care, training, employment, financial support, and post adoption support services for adolescents leaving foster care (including those who exit foster care to adoption), with participation in such program beginning several years before high school graduation and continuing, as needed, until the young adults exiting foster care establish independence or reach 21 years of age.

(b) IMPROVED INDEPENDENT LIVING PROGRAM.—Section 477 of the Social Security Act (42 U.S.C. 677) is amended to read as follows:

''SEC. 477. INDEPENDENT LIVING PROGRAM.

''(a) PURPOSE.—The purpose of this section is to provide States with flexible funding that will enable the States to design and conduct programs—

''(1) to identify children who are likely to remain in foster care during their teenage years and that help these children make the transition to self-sufficiency by providing services such as assistance in obtaining a high school diploma, career exploration, vocational training, job placement and retention, training in daily living skills, training in budgeting and financial management skills, substance abuse prevention, and how to maintain their own physical and mental health, including how to access health care, mental health, and community-based peer-support services;

''(2) to help children leaving foster care, including those adopted after age 16, obtain the education, training, and services necessary to obtain and maintain employment;

''(3) to help children leaving foster care, including those adopted after age 16, prepare for and enter postsecondary training and education institutions;

''(4) to provide personal and emotional support to children aging out of foster care, through mentors, the promotion of interactions with dedicated adults, and continued efforts at locating permanent family resources, including adoption, for these children; and

''(5) to provide financial assistance, access to health and mental health care, supervised housing, counseling, employment, education, permanency planning, and other appropriate support and services that promote active and responsible citizenship, healthy development, and community membership to former foster care recipients between 18 and 21 years of age to complement their own efforts to achieve long-term self-sufficiency.

''(b) APPLICATIONS.—

''(1) IN GENERAL.—A State may apply for funds from its allotment under subsection (c) for a period of 5 consecutive fiscal years by submitting to the Secretary, in writing, a plan that meets the requirements of paragraph (2) and the certifications required by paragraph (3) with respect to the plan.

''(2) STATE PLAN.—A plan meets the requirements of this paragraph if the plan specifies which State agency or agencies will administer, supervise, or oversee the programs carried out under the plan, and describes how the State intends to do the following:

''(A) Design and deliver programs to achieve the purposes of this section in such a way that each child's health, safety, opportunity for a permanent family, and successful, long-term self-sufficiency is of paramount concern.

''(B) Ensure that all political subdivisions in the State are served by the programs, though not necessarily in a uniform manner.

''(C) Ensure that the programs serve children of various ages and at various stages of achieving independence.

''(D) Involve public and private individuals and organizations familiar with, or interested in addressing, the needs of youths aging out of foster care, including young people served by these programs, and, where they exist, organizations of youths who have been in foster care.

''(E) Use objective criteria for determining eligibility for benefits and services under the programs, and for ensuring fair and equitable treatment of benefit recipients.

''(F) Cooperate in national evaluations of the effects of the programs in achieving the purposes of this section.

''(G) Designate an independent living coordinator to oversee the delivery of benefits and services under the programs.

''(3) CERTIFICATIONS.—The certifications required by this paragraph with respect to a plan are the following:

''(A) A certification by the chief executive officer of the State that the State will provide assistance and services to children who have left foster care after the age of 16 but have not attained 21 years of age.

''(B) A certification by the chief executive officer of the State that not more than 30 percent of the amounts paid to the State from its allotment under subsection (c) for a fiscal year will be expended for room or board for children who have left foster care after the age of 16 and have attained 18 but not 21 years of age, and that such room and board services shall be supervised, including interaction between the youths and adults, and the provision of such services shall include a requirement that the participating youths must be actively enrolled in educational, vocational training, or career development programs.

''(C) A certification by the chief executive officer of the State that none of the amounts paid to the State from its allotment under subsection (c) will be expended for room or board for any child who has not attained 18 years of age.

''(D) A certification by the chief executive officer of the State that the State has consulted widely with public and private individuals and organizations familiar with, or interested in addressing, the needs of youths aging out of foster care, including young people served by the programs under the plan, and, where they exist, organizations of youths who have been in foster care, in developing the plan and that the State has given all interested members of the public at least 30 days to submit comments on the plan.

''(E) A certification by the chief executive officer of the State that the State will make every effort to coordinate the State programs receiving funds provided from an allotment made to the State under subsection (c) with other Federal and State programs for youth, especially transitional living youth projects authorized under part B of title III of the Juvenile Justice and Delinquency Prevention Act of 1974 and funded and administered by the Department of Health and Human Services, local housing programs, programs for disabled youth, and school-to-work programs.

''(F) A certification by the chief executive officer of the State that each Indian tribe in the State has been informed about the programs to be carried out under the plan; that each such tribe has been given an opportunity to comment on the plan before submission to the Secretary; and that benefits and services under the programs will be made available to Indian children in the State on the same basis as to other children in the State.

''(G) A certification by the chief executive officer of the State that the State will use training funds provided under the program of Federal payments for foster care and adoption assistance to provide training to help foster parents, adoptive parents, workers in group homes, and case managers understand and address the issues confronting adolescents preparing for independent living, with such training utilizing a youth development approach, and will, to the extent possible, coordinate such training with the independent living program conducted for adolescents.

''(H) A certification by the chief executive officer of the State that the State will ensure that each adolescent participating in any program under this section will have a personal independent living plan, and that adolescents themselves will participate directly in designing their own program activities that prepare them for independent living and in taking personal responsibility for fulfilling their program requirements.

''(I) A certification by the chief executive officer of the State that the State has established and will enforce standards and procedures to prevent fraud and abuse in the programs carried out under the plan.

''(4) APPROVAL.—The Secretary shall approve an application submitted by a State pursuant to paragraph (1) for a period if—

''(A) the application is submitted on or before June 30 of the calendar year in which such period begins; and

''(B) the Secretary finds that the application contains the material required by paragraph (1).

''(5) AUTHORITY TO IMPLEMENT CERTAIN AMENDMENTS; NOTIFICATION.—A State with an application approved under paragraph (4) may implement any amendment to the plan contained in the application if the application, incorporating the amendment, would be approvable under paragraph (4). Within 30 days after a State implements any such amendment, the State shall notify the Secretary of the amendment.

''(6) AVAILABILITY.—The State shall make available to the public any application submitted by the State pursuant to paragraph (1), and a brief summary of the plan contained in the application.

''(c) ALLOTMENTS TO STATES.—For fiscal year 2000 and each succeeding fiscal year, the Secretary shall allot the amount specified in subsection (h) that remains after applying subsection (g)(2) among States with applications approved under subsection (b) for the fiscal year in the following manner:

''(1) The Secretary shall first allot to each State an amount equal to the amount payable to the State for fiscal year 1998 under this section, as in effect on the day before the date of the enactment of the Foster Care Independence Act of 1999.

''(2) From the amount remaining after carrying out paragraph (1), the Secretary shall allot to each State that elects the option under section 1902(a)(10)(A)(ii)(XV) to provide medical assistance to independent foster care adolescents the sum of—

''(A) an amount equal to one-half of the amount allotted to the State under paragraph (1), plus

''(B) an amount bearing the same ratio to the amount remaining after carrying out paragraph (1) and subparagraph (A) as the number of children in foster care under a program of the State in the most recent fiscal year for which such information is available bears to the total number of children in such foster care in all States for such most recent fiscal year.

''(3) REALLOTMENT OF UNUSED FUNDS.—The Secretary shall use the formula provided in paragraph (1) of this subsection to reallot among the States with applications approved under subsection (b) for a fiscal year any amount allotted to a State under this subsection for the preceding year that is not payable to the State for the preceding year.

''(d) USE OF FUNDS.—

''(1) IN GENERAL.—A State to which an amount is paid from its allotment under subsection (c) may use the amount in any manner that is reasonably calculated to accomplish the purposes of this section.

''(2) NO SUPPLANTATION OF OTHER FUNDS AVAILABLE FOR SAME GENERAL PURPOSES.—The amounts paid to a State from its allotment under subsection (c) shall be used to supplement and not supplant any other funds which are available for the same general purposes in the State.

''(e) PENALTIES.—

''(1) USE OF GRANT IN VIOLATION OF THIS PART.—If the Secretary is made aware, by an audit conducted under chapter 75 of title 31, United States Code, or by any other means, that a program receiving funds from an allotment made to a State under subsection (c) has been operated in a manner that is inconsistent with, or not disclosed in the State application approved under subsection (b), the Secretary shall assess a penalty against the State in an amount equal to not less than 1 percent and not more than 5 percent of the amount of the allotment.

''(2) FAILURE TO COMPLY WITH DATA REPORTING REQUIREMENT.—The Secretary shall assess a penalty against a State that fails during a fiscal year to comply with an information collection plan implemented under subsection (f) in an amount equal to not less than 1 percent and not more than 5 percent of the amount allotted to the State for the fiscal year.

''(3) PENALTIES BASED ON DEGREE OF NONCOMPLIANCE.—The Secretary shall assess penalties under this subsection based on the degree of noncompliance.

''(f) DATA COLLECTION AND PERFORMANCE MEASUREMENT.—

''(1) IN GENERAL.—The Secretary, in consultation with State and local public officials responsible for administering independent living and other child welfare programs, child welfare advocates, members of Congress, youth service providers, and researchers, shall—

''(A) develop outcome measures (such as measures of educational attainment, employment, career goal-setting and development, active participation in personal health care, development of healthy relationships with family, mentors, and other community members, as well as, avoidance of dependency, homelessness, nonmarital childbirth, illegal activities, substance abuse or alcohol dependence, and high-risk behaviors) that can be used—

''(i) to assess the performance of States in operating independent living programs, and

''(ii) to explicitly track all outcomes, particularly those related to educational attainment, for youths who are provided with room and board services under such State programs;

''(B) identify data elements needed to track—

''(i) the number and characteristics of children receiving services under this section;

''(ii) the type and quantity of services being provided; and

''(iii) State performance on the outcome measures;

''(C) develop and implement a plan to collect the needed information beginning with the 2nd fiscal year beginning after the date of the enactment of this section; and

''(D) ensure that the data collection plan described in subparagraph (C) will be coordinated with the development and implementation of other data collection efforts required under the Adoption and Safe Families Act of 1997 and the Adoption and Foster Care Reporting System and the Statewide Automated Child Welfare Information Systems.

''(2) REPORT TO THE CONGRESS.—Within 12 months after the date of the enactment of this section, the Secretary shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report detailing the plans and timetable for collecting from the States the information described in paragraph (1).

''(g) EVALUATIONS.—

''(1) IN GENERAL.—The Secretary shall conduct evaluations of such State programs funded under this section as the Secretary deems to be innovative or of potential national significance. The evaluation of any such program shall include information on the effects of the program on education, employment, and personal development. To the maximum extent practicable, the evaluations shall be based on rigorous scientific standards including random assignment to treatment and control groups. The Secretary is encouraged to work directly with State and local governments to design methods for conducting the evaluations, directly or by grant, contract, or cooperative agreement.

''(2) FUNDING OF EVALUATIONS.—The Secretary shall reserve 1.5 percent of the amount specified in subsection (h) for a fiscal year to carry out, during the fiscal year, evaluation, technical assistance, performance measurement, and data collection activities related to this section, directly or through grants, contracts, or cooperative agreements with appropriate entities.

''(h) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated to the Secretary $140,000,000 for each fiscal year.''.

(c) PAYMENTS TO STATES.—Section 474(a)(4) of such Act (42 U.S.C. 674(a)(4)) is amended to read as follows:

''(4) the lesser of—

''(A) 80 percent of the amount (if any) by which—

''(i) the total amount expended by the State during the fiscal year in which the quarter occurs to carry out programs in accordance with the State application approved under section 477(b) for the period in which the quarter occurs (including any amendment that meets the requirements of section 477(b)(5)); exceeds

''(ii) the total amount of any penalties assessed against the State under section 477(e) during the fiscal year in which the quarter occurs; or

''(B) the amount allotted to the State under section 477 for the fiscal year in which the quarter occurs, reduced by the total of the amounts payable to the State under this paragraph for all prior quarters in the fiscal year.''.

(d) REGULATIONS.—Not later than 12 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall issue such regulations as may be necessary to carry out the amendments made by this section.

Subtitle B—Related Foster Care Provision

SEC. 111. INCREASE IN AMOUNT OF ASSETS ALLOWABLE FOR CHILDREN IN FOSTER CARE.

Section 472(a) of the Social Security Act (42 U.S.C. 672(a)) is amended by adding at the end the following: ''In determining whether a child would have received aid under a State plan approved under section 402 (as in effect on July 16, 1996), a child whose resources (determined pursuant to section 402(a)(7)(B), as so in effect) have a combined value of not more than $10,000 shall be considered to be a child whose resources have a combined value of not more than $1,000 (or such lower amount as the State may determine for purposes of such section 402(a)(7)(B)).''.

Subtitle C—Medicaid Amendments

SEC. 121. STATE OPTION OF MEDICAID COVERAGE FOR ADOLESCENTS LEAVING FOSTER CARE.

(a) IN GENERAL.—Title XIX of the Social Security Act is amended—

(1) in section 1902(a)(10)(A)(ii) (42 U.S.C. 1396a(a)(10)(A)(ii))—

(A) by striking ''or'' at the end of subclause (XIII);

(B) by adding ''or'' at the end of subclause (XIV); and

(C) by adding at the end the following new subclause:

''(XV) who are independent foster care adolescents (as defined in (section 1905(v)(1));''; and

(2) in section 1905 (42 U.S.C. 1396d), by adding at the end the following new subsection:

''(v)(1) For purposes of this title, the term 'independent foster care adolescent' means an individual—

''(A) who is under 21 years of age;

''(B)(i) who, on the individual's 18th birthday, was in foster care under the responsibility of a State, (ii) who is described in subparagraph (A), (B), or (C) of section 477(a)(2) (regardless of whether or not the State has exercised the option described in such subparagraph (B) or (C)), or (iii) who was adopted after the individual's 16th birthday and before the individual's 18th birthday and with respect to whose adoption there was in effect an adoption assistance agreement described in section 473; and

''(C) who meets the income and resource standards (if any) established by the State consistent with paragraph (2).

The State may waive the application of any resource or income standard otherwise applicable under subparagraph (C) for reasonable classifications of adolescents.

''(2) The income and resource standards (if any) established by a State under paragraph (1)(C) may not be less than the corresponding income and resource standards applied by the State under section 1931(b) and the income and resource methodologies (if any) used in applying such paragraph may not be more restrictive than the methodologies referred to in paragraph (2)(C) of such section.''.

(b) CONFORMING AMENDMENT.—Section 1903(f)(4) of such Act (42 U.S.C. 1396b(f)(4)) is amended by inserting ''1902(a)(10)(A)(ii)(XV),'' after 1902(a)(10)(A)(ii)((X),''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to medical assistance for items and services furnished on or after October 1, 1999, without regard to whether or not final regulations to carry out such amendments have been promulgated by such date.

Subtitle D—Welfare-To-Work Amendments

SEC. 131. CHILDREN AGING OUT OF FOSTER CARE ELIGIBLE FOR SERVICES.

(a) RECIPIENTS WITH CHARACTERISTICS OF LONG-TERM DEPENDENCY; CHILDREN AGING OUT OF FOSTER CARE.—Clause (iii) of section 403(a)(5)(C) of the Social Security Act (42 U.S.C. 603(a)(5)(C)(iii)) is amended—

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

(2) in subclause (II), by striking the period at the end and inserting ''; or''; and

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

''(III) to children—

''(aa) who have attained 18 years of age but not 25 years of age; and

''(bb) who, on the day before attaining 18 years of age were recipients of foster care maintenance payments (as defined in section 475(4)) under part E or were in foster care under the responsibility of a State.''.

(b) CONFORMING AMENDMENT.—Section 403(a)(5)(C)(iii) of the Social Security Act (42 U.S.C. 603(a)(5)(C)(iii)) is amended by inserting ''HARD TO EMPLOY'' before ''INDIVIDUALS'' in the heading.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1999.

TITLE II—SSI FRAUD PREVENTION

Subtitle A—Fraud Prevention and Related Provisions

SEC. 201. LIABILITY OF REPRESENTATIVE PAYEES FOR OVERPAYMENTS TO DECEASED RECIPIENTS.

(a) AMENDMENT TO TITLE II.—Section 204(a)(2) of the Social Security Act (42 U.S.C. 404(a)(2)) is amended by adding at the end the following new sentence: ''If any payment of more than the correct amount is made to a representative payee on behalf of an individual after the individual's death, the representative payee shall be liable for the repayment of the overpayment, and the Commissioner of Social Security shall establish an overpayment control record under the social security account number of the representative payee.''.

(b) AMENDMENT TO TITLE XVI.—Section 1631(b)(2) of such Act (42 U.S.C. 1383(b)(2)) is amended by adding at the end the following new sentence: ''If any payment of more than the correct amount is made to a representative payee on behalf of an individual after the individual's death, the representative payee shall be liable for the repayment of the overpayment, and the Commissioner of Social Security shall establish an overpayment control record under the social security account number of the representative payee.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to overpayments made 12 months or more after the date of the enactment of this Act.

SEC. 202. RECOVERY OF OVERPAYMENTS OF SSI BENEFITS FROM LUMP SUM SSI BENEFIT PAYMENTS.

(a) IN GENERAL.—Section 1631(b)(1)(B)(ii) of the Social Security Act (42 U.S.C. 1383(b)(1)(B)(ii)) is amended—

(1) by inserting ''monthly'' before ''benefit payments''; and

(2) by inserting ''and in the case of an individual or eligible spouse to whom a lump sum is payable under this title (including under section 1616(a) of this Act or under an agreement entered into under section 212(a) of Public Law 93–66) shall, as at least one means of recovering such overpayment, make the adjustment or recovery from the lump sum payment in an amount equal to not less than the lesser of the amount of the overpayment or 50 percent of the lump sum payment,'' before ''unless fraud''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect 12 months after the date of the enactment of this Act and shall apply to amounts incorrectly paid which remain outstanding on or after such date.

SEC. 203. ADDITIONAL DEBT COLLECTION PRACTICES.

(a) IN GENERAL.—Section 1631(b) of the Social Security Act (42 U.S.C. 1383(b)) is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(2) by inserting after paragraph (3) the following new paragraph:

''(4)(A) With respect to any delinquent amount, the Commissioner of Social Security may use the collection practices described in sections 3711(f), 3716, 3717, and 3718 of title 31, United States Code, and in section 5514 of title 5, United States Code, all as in effect immediately after the enactment of the Debt Collection Improvement Act of 1996.

''(B) For purposes of subparagraph (A), the term 'delinquent amount' means an amount—

''(i) in excess of the correct amount of payment under this title;

''(ii) paid to a person after such person has attained 18 years of age; and

''(iii) determined by the Commissioner of Social Security, under regulations, to be otherwise unrecoverable under this section after such person ceases to be a beneficiary under this title.''.

(b) CONFORMING AMENDMENTS.—Section 3701(d)(2) of title 31, United States Code, is amended by striking ''section 204(f)'' and inserting ''sections 204(f) and 1631(b)(4)''.

(c) TECHNICAL AMENDMENTS.—Section 204(f) of the Social Security Act (42 U.S.C. 404(f)) is amended—

(1) by striking ''3711(e)'' and inserting ''3711(f)''; and

(2) by inserting ''all'' before ''as in effect''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to debt outstanding on or after the date of the enactment of this Act.

SEC. 204. REQUIREMENT TO PROVIDE STATE PRISONER INFORMATION TO FEDERAL AND FEDERALLY ASSISTED BENEFIT PROGRAMS.

Section 1611(e)(1)(I)(ii)(II) of the Social Security Act (42 U.S.C. 1382(e)(1)(I)(ii)(II)) is amended by striking ''is authorized to'' and inserting ''shall''.

SEC. 205. RULES RELATING TO COLLECTION OF OVERPAYMENTS FROM INDIVIDUALS CONVICTED OF CRIMES.

(a) WAIVERS INAPPLICABLE TO OVERPAYMENTS BY REASON OF PAYMENT IN MONTHS IN WHICH BENEFICIARY IS A PRISONER OR A FUGITIVE.—

(1) AMENDMENT TO TITLE II.—Section 204(b) of the Social Security Act (42 U.S.C. 404(b)) is amended—

(A) by inserting ''(1)'' after ''(b)''; and

(B) by adding at the end the following new paragraph:

''(2) Paragraph (1) shall not apply with respect to any payment to any person made during a month in which such benefit was not payable under section 202(x).''.

(2) AMENDMENT TO TITLE XVI.—Section 1631(b)(1)(B)(i) of such Act (42 U.S.C. 1383(b)(1)(B)(i)) is amended by inserting ''unless (I) section 1611(e)(1) prohibits payment to the person of a benefit under this title for the month by reason of confinement of a type described in clause (i) or (ii) of section 202(x)(1)(A), or (II) section 1611(e)(5) prohibits payment to the person of a benefit under this title for the month,'' after ''administration of this title''.

(b) 10-YEAR PERIOD OF INELIGIBILITY FOR PERSONS FAILING TO NOTIFY COMMISSIONER OF OVERPAYMENTS IN MONTHS IN WHICH BENEFICIARY IS A PRISONER OR A FUGITIVE OR FAILING TO COMPLY WITH REPAYMENT SCHEDULE FOR SUCH OVERPAYMENTS.—

(1) AMENDMENT TO TITLE II.—Section 202(x) of such Act (42 U.S.C. 402(x)) is amended by adding at the end the following new paragraph:

''(4)(A) No person shall be considered entitled to monthly insurance benefits under this section based on the person's disability or to disability insurance benefits under section 223 otherwise payable during the 10-year period that begins on the date the person—

''(i) knowingly fails to timely notify the Commissioner of Social Security, in connection with any application for benefits under this title, of any prior receipt by such person of any benefit under this title or title XVI in any month in which such benefit was not payable under the preceding provisions of this subsection, or

''(ii) knowingly fails to comply with any schedule imposed by the Commissioner which is for repayment of overpayments comprised of payments described in subparagraph (A) and which is in compliance with section 204.

''(B) The Commissioner of Social Security shall, in addition to any other relevant factors, take into account any mental or linguistic limitations of a person (including any lack of facility with the English language) in determining whether the person has knowingly failed to comply with a requirement of clause (i) or (ii) of subparagraph (A).''.

(2) AMENDMENT TO TITLE XVI.—Section 1611(e)(1) of such Act (42 U.S.C. 1382(e)(1)) is amended by adding at the end the following new subparagraph:

''(J)(i) A person shall not be considered an eligible individual or eligible spouse for purposes of benefits under this title by reason of disability, during the 10-year period that begins on the date the person—

''(I) knowingly fails to timely notify the Commissioner of Social Security, in an application for benefits under this title, of any prior receipt by the person of a benefit under this title or title II in a month in which payment to the person of a benefit under this title was prohibited by—

''(aa) the preceding provisions of this paragraph by reason of confinement of a type described in clause (i) or (ii) of section 202(x)(1)(A); or

''(bb) section 1611(e)(4); or

''(II) knowingly fails to comply with any schedule imposed by the Commissioner which is for repayment of overpayments comprised of payments described in clause (i) of this subparagraph and which is in compliance with section 1631(b).

''(ii) The Commissioner of Social Security shall, in addition to any other relevant factors, take into account any mental or linguistic limitations of a person (including any lack of facility with the English language) in determining whether the person has knowingly failed to comply with a requirement of subclause (I) or (II) of clause (i).''.

(c) CONTINUED COLLECTION EFFORTS AGAINST PRISONERS.—

(1) AMENDMENT TO TITLE II.—Section 204(b) of such Act (42 U.S.C. 404(b)), as amended by subsection (a)(1) of this section, is amended further by adding at the end the following new paragraph:

''(3) The Commissioner shall not refrain from recovering overpayments from resources currently available to any overpaid person or to such person's estate solely because such individual is confined as described in clause (i) or (ii) of section 202(x)(1)(A).''.

(2) AMENDMENT TO TITLE XVI.—Section 1631(b)(1)(A) of such Act (42 U.S.C. 1383(b)(1)(A)) is amended by adding after and below clause (ii) the following flush left sentence:

''The Commissioner shall not refrain from recovering overpayments from resources currently available to any individual solely because the individual is confined as described in clause (i) or (ii) of section 202(x)(1)(A).''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to overpayments made in, and to benefits payable for, months beginning 24 months or more after the date of the enactment of this Act.

SEC. 206. TREATMENT OF ASSETS HELD IN TRUST UNDER THE SSI PROGRAM.

(a) TREATMENT AS RESOURCE.—Section 1613 of the Social Security Act (42 U.S.C. 1382b) is amended by adding at the end the following new subsection:

''Trusts

''(e)(1) In determining the resources of an individual, paragraph (3) shall apply to a trust (other than a trust described in paragraph (5)) established by the individual.

''(2)(A) For purposes of this subsection, an individual shall be considered to have established a trust if any assets of the individual (or of the individual's spouse) are transferred to the trust other than by will.

''(B) In the case of an irrevocable trust to which are transferred the assets of an individual (or of the individual's spouse) and the assets of any other person, this subsection shall apply to the portion of the trust attributable to the assets of the individual (or of the individual's spouse).

''(C) This subsection shall apply to a trust without regard to—

''(i) the purposes for which the trust is established;

''(ii) whether the trustees have or exercise any discretion under the trust;

''(iii) any restrictions on when or whether distributions may be made from the trust; or

''(iv) any restrictions on the use of distributions from the trust.

''(3)(A) In the case of a revocable trust established by an individual, the corpus of the trust shall be considered a resource available to the individual.

''(B) In the case of an irrevocable trust established by an individual, if there are any circumstances under which payment from the trust could be made to or for the benefit of the individual or the individual's spouse, the portion of the corpus from which payment to or for the benefit of the individual or the individual's spouse could be made shall be considered a resource available to the individual.

''(4) The Commissioner of Social Security may waive the application of this subsection with respect to an individual if the Commissioner determines that such application would work an undue hardship (as determined on the basis of criteria established by the Commissioner) on the individual.

''(5) This subsection shall not apply to a trust described in subparagraph (A) or (C) of section 1917(d)(4).

''(6) For purposes of this subsection—

''(A) the term 'trust' includes any legal instrument or device that is similar to a trust;

''(B) the term 'corpus' means, with respect to a trust, all property and other interests held by the trust, including accumulated earnings and any other addition to the trust after its establishment (except that such term does not include any such earnings or addition in the month in which the earnings or addition is credited or otherwise transferred to the trust); and

''(C) the term 'asset' includes any income or resource of the individual or of the individual's spouse, including—

''(i) any income excluded by section 1612(b);

''(ii) any resource otherwise excluded by this section; and

''(iii) any other payment or property to which the individual or the individual's spouse is entitled but does not receive or have access to because of action by—

''(I) the individual or spouse;

''(II) a person or entity (including a court) with legal authority to act in place of, or on behalf of, the individual or spouse; or

''(III) a person or entity (including a court) acting at the direction of, or on the request of, the individual or spouse.''.

(b) TREATMENT AS INCOME.—Section 1612(a)(2) of such Act (42 U.S.C. 1382a(a)(2)) is amended—

(1) by striking ''and'' at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting ''; and''; and

(3) by adding at the end the following new subparagraph:

''(G) any earnings of, and additions to, the corpus of a trust established by an individual (within the meaning of section 1613(e)), of which the individual is a beneficiary, to which section 1613(e) applies, and, in the case of an irrevocable trust, with respect to which circumstances exist under which a payment from the earnings or additions could be made to or for the benefit of the individual.''.

(c) CONFORMING AMENDMENTS.—Section 1902(a)(10) of the Social Security Act (42 U.S.C. 1396a(a)(10)) is amended—

(1) by striking ''and'' at the end of subparagraph (E);

(2) by adding ''and'' at the end of subparagraph (F); and

(3) by inserting after subparagraph (F) the following new subparagraph:

''(G) that, in applying eligibility criteria of the supplemental security income program under title XVI for purposes of determining eligibility for medical assistance under the State plan of an individual who is not receiving supplemental security income, the State will disregard the provisions of section 1613(e);''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2000, and shall apply to trusts established on or after such date.

SEC. 207. DISPOSAL OF RESOURCES FOR LESS THAN FAIR MARKET VALUE UNDER THE SSI PROGRAM.

(a) IN GENERAL.—Section 1613(c) of the Social Security Act (42 U.S.C. 1382b(c)) is amended—

(1) in the caption, by striking ''Notification of Medicaid Policy Restricting Eligibility of Institutionalized Individuals for Benefits Based on'';

(2) in paragraph (1)—

(A) in subparagraph (A)—

(i) by inserting ''paragraph (1) and'' after ''provisions of'';

(ii) by striking ''title XIX'' the first place it appears and inserting ''this title and title XIX, respectively,'';

(iii) by striking ''subparagraph (B)'' and inserting ''clause (ii)'';

(iv) by striking ''paragraph (2)'' and inserting ''subparagraph (B)'';

(B) in subparagraph (B)—

(i) by striking ''by the State agency''; and

(ii) by striking ''section 1917(c)'' and all that follows and inserting ''paragraph (1) or section 1917(c).''; and

(C) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(3) in paragraph (2)—

(A) by striking ''(2)'' and inserting ''(B)''; and

(B) by striking ''paragraph (1)(B)'' and inserting ''subparagraph (A)(ii)'';

(4) by striking ''(c)(1)'' and inserting ''(2)(A)''; and

(5) by inserting before paragraph (2) (as so redesignated by paragraph (4) of this subsection) the following new subsection:

''(c)(1)(A)(i) If an individual or the spouse of an individual disposes of resources for less than fair market value on or after the look-back date described in clause (ii)(I), the individual is ineligible for benefits under this title for months during the period beginning on the date described in clause (iii) and equal to the number of months calculated as provided in clause (iv).

''(ii)(I) The look-back date described in this subclause is a date that is 36 months before the date described in subclause (II).

''(II) The date described in this subclause is the date on which the individual applies for benefits under this title or, if later, the date on which the individual (or the spouse of the individual) disposes of resources for less than fair market value.

''(iii) The date described in this clause is the first day of the first month in or after which resources were disposed of for less than fair market value and which does not occur in any other period of ineligibility under this paragraph.

''(iv) The number of months calculated under this clause shall be equal to—

''(I) the total, cumulative uncompensated value of all resources so disposed of by the individual (or the spouse of the individual) on or after the look-back date described in clause (ii)(I); divided by

''(II) the amount of the maximum monthly benefit payable under section 1611(b), plus the amount (if any) of the maximum State supplementary payment corresponding to the State's payment level applicable to the individual's living arrangement and eligibility category that would otherwise be payable to the individual by the Commissioner pursuant to an agreement under section 1616(a) of this Act or section 212(b) of Public Law 93–66, for the month in which occurs the date described in clause (ii)(II),

rounded, in the case of any fraction, to the nearest whole number, but shall not in any case exceed 36 months.

''(B)(i) Notwithstanding subparagraph (A), this subsection shall not apply to a transfer of a resource to a trust if the portion of the trust attributable to the resource is considered a resource available to the individual pursuant to subsection (e)(3) (or would be so considered but for the application of subsection (e)(4)).

''(ii) In the case of a trust established by an individual or an individual's spouse (within the meaning of subsection (e)), if from such portion of the trust, if any, that is considered a resource available to the individual pursuant to subsection (e)(3) (or would be so considered but for the application of subsection (e)(4)) or the residue of the portion on the termination of the trust—

''(I) there is made a payment other than to or for the benefit of the individual; or

''(II) no payment could under any circumstance be made to the individual,

then, for purposes of this subsection, the payment described in clause (I) or the foreclosure of payment described in clause (II) shall be considered a transfer of resources by the individual or the individual's spouse as of the date of the payment or foreclosure, as the case may be.

''(C) An individual shall not be ineligible for benefits under this title by reason of the application of this paragraph to a disposal of resources by the individual or the spouse of the individual, to the extent that—

''(i) the resources are a home and title to the home was transferred to—

''(I) the spouse of the transferor;

''(II) a child of the transferor who has not attained 21 years of age, or is blind or disabled;

''(III) a sibling of the transferor who has an equity interest in such home and who was residing in the transferor's home for a period of at least 1 year immediately before the date the transferor becomes an institutionalized individual; or

''(IV) a son or daughter of the transferor (other than a child described in subclause (II)) who was residing in the transferor's home for a period of at least 2 years immediately before the date the transferor becomes an institutionalized individual, and who provided care to the transferor which permitted the transferor to reside at home rather than in such an institution or facility;

''(ii) the resources—

''(I) were transferred to the transferor's spouse or to another for the sole benefit of the transferor's spouse;

''(II) were transferred from the transferor's spouse to another for the sole benefit of the transferor's spouse;

''(III) were transferred to, or to a trust (including a trust described in section 1917(d)(4)) established solely for the benefit of, the transferor's child who is blind or disabled; or

''(IV) were transferred to a trust (including a trust described in section 1917(d)(4)) established solely for the benefit of an individual who has not attained 65 years of age and who is disabled;

''(iii) a satisfactory showing is made to the Commissioner of Social Security (in accordance with regulations promulgated by the Commissioner) that—

''(I) the individual who disposed of the resources intended to dispose of the resources either at fair market value, or for other valuable consideration;

''(II) the resources were transferred exclusively for a purpose other than to qualify for benefits under this title; or

''(III) all resources transferred for less than fair market value have been returned to the transferor; or

''(iv) the Commissioner determines, under procedures established by the Commissioner, that the denial of eligibility would work an undue hardship as determined on the basis of criteria established by the Commissioner.

''(D) For purposes of this subsection, in the case of a resource held by an individual in common with another person or persons in a joint tenancy, tenancy in common, or similar arrangement, the resource (or the affected portion of such resource) shall be considered to be disposed of by the individual when any action is taken, either by the individual or by any other person, that reduces or eliminates the individual's ownership or control of such resource.

''(E) In the case of a transfer by the spouse of an individual that results in a period of ineligibility for the individual under this subsection, the Commissioner shall apportion the period (or any portion of the period) among the individual and the individual's spouse if the spouse becomes eligible for benefits under this title.

''(F) For purposes of this paragraph—

''(i) the term 'benefits under this title' includes payments of the type described in section 1616(a) of this Act and of the type described in section 212(b) of Public Law 93–66;

''(ii) the term 'institutionalized individual' has the meaning given such term in section 1917(e)(3); and

''(iii) the term 'trust' has the meaning given such term in subsection (e)(6)(A) of this section.''.

(b) CONFORMING AMENDMENT.—Section 1902(a)(10) of the Social Security Act (42 U.S.C. 1396a(a)(10)), as amended by section 206(c) of this Act, is amended by striking ''section 1613(e)'' and inserting ''subsections (c) and (e) of section 1613''.

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective with respect to disposals made on or after the date of the enactment of this Act.

SEC. 208. ADMINISTRATIVE PROCEDURE FOR IMPOSING PENALTIES FOR FALSE OR MISLEADING STATEMENTS.

(a) IN GENERAL.—Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by inserting after section 1129 the following new section:

"SEC. 1129A. ADMINISTRATIVE PROCEDURE FOR IMPOSING PENALTIES FOR FALSE OR MISLEADING STATEMENTS.

''(a) IN GENERAL.—Any person who makes, or causes to be made, a statement or representation of a material fact for use in determining any initial or continuing right to or the amount of—

''(1) monthly insurance benefits under title II; or

''(2) benefits or payments under title XVI,

that the person knows or should know is false or misleading or knows or should know omits a material fact or makes such a statement with knowing disregard for the truth shall be subject to, in addition to any other penalties that may be prescribed by law, a penalty described in subsection (b) to be imposed by the Commissioner of Social Security.

''(b) PENALTY.—The penalty described in this subsection is—

''(1) nonpayment of benefits under title II that would otherwise be payable to the person; and

''(2) ineligibility for cash benefits under title XVI,

for each month that begins during the applicable period described in subsection (c).

''(c) DURATION OF PENALTY.—The duration of the applicable period, with respect to a determination by the Commissioner under subsection (a) that a person has engaged in conduct described in subsection (a), shall be—

''(1) 6 consecutive months, in the case of a first such determination with respect to the person;

''(2) 12 consecutive months, in the case of a second such determination with respect to the person; and

''(3) 24 consecutive months, in the case of a third or subsequent such determination with respect to the person.

''(d) EFFECT ON OTHER ASSISTANCE.—A person subject to a period of nonpayment of benefits under title II or ineligibility for title XVI benefits by reason of this section nevertheless shall be considered to be eligible for and receiving such benefits, to the extent that the person would be receiving or eligible for such benefits but for the imposition of the penalty, for purposes of—

''(1) determination of the eligibility of the person for benefits under titles XVIII and XIX; and

''(2) determination of the eligibility or amount of benefits payable under title II or XVI to another person.

''(e) DEFINITION.—In this section, the term 'benefits under title XVI' includes State supplementary payments made by the Commissioner pursuant to an agreement under section 1616(a) of this Act or section 212(b) of Public Law 93–66.

''(f) CONSULTATIONS.—The Commissioner of Social Security shall consult with the Inspector General of the Social Security Administration regarding initiating actions under this section.''.

(b) CONFORMING AMENDMENT PRECLUDING DELAYED RETIREMENT CREDIT FOR ANY MONTH TO WHICH A NONPAYMENT OF BENEFITS PENALTY APPLIES.—Section 202(w)(2)(B) of such Act (42 U.S.C. 402(w)(2)(B)) is amended—

(1) by striking ''and'' at the end of clause (i);

(2) by striking the period at the end of clause (ii) and inserting '', and''; and

(3) by adding at the end the following new clause:

''(iii) such individual was not subject to a penalty imposed under section 1129A.''.

(c) ELIMINATION OF REDUNDANT PROVISION.—Section 1611(e) of such Act (42 U.S.C. 1382(e)) is amended—

(1) by striking paragraph (4);

(2) in paragraph (6)(A)(i), by striking ''(5)'' and inserting ''(4)''; and

(3) by redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively.

(d) REGULATIONS.—Within 6 months after the date of the enactment of this Act, the Commissioner of Social Security shall develop regulations that prescribe the administrative process for making determinations under section 1129A of the Social Security Act (including when the applicable period in subsection (c) of such section shall commence), and shall provide guidance on the exercise of discretion as to whether the penalty should be imposed in particular cases.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to statements and representations made on or after the date of the enactment of this Act.

SEC. 209. EXCLUSION OF REPRESENTATIVES AND HEALTH CARE PROVIDERS CONVICTED OF VIOLATIONS FROM PARTICIPATION IN SOCIAL SECURITY PROGRAMS.

(a) IN GENERAL.—Part A of title XI of the Social Security Act (42 U.S.C. 1301–1320b–17) is amended by adding at the end the following new section:

''EXCLUSION OF REPRESENTATIVES AND HEALTH CARE PROVIDERS CONVICTED OF VIOLATIONS FROM PARTICIPATION IN SOCIAL SECURITY PROGRAMS

''SEC. 1148. (a) IN GENERAL.—The Commissioner of Social Security shall exclude from participation in the social security programs any representative or health care provider—

''(1) who is convicted of a violation of section 208 or 1632 of this Act,

''(2) who is convicted of any violation under title 18, United States Code, relating to an initial application for or continuing entitlement to, or amount of, benefits under title II of this Act, or an initial application for or continuing eligibility for, or amount of, benefits under title XVI of this Act, or

''(3) who the Commissioner determines has committed an offense described in section 1129(a)(1) of this Act.

''(b) NOTICE, EFFECTIVE DATE, AND PERIOD OF EXCLUSION.—(1) An exclusion under this section shall be effective at such time, for such period, and upon such reasonable notice to the public and to the individual excluded as may be specified in regulations consistent with paragraph (2).

''(2) Such an exclusion shall be effective with respect to services furnished to any individual on or after the effective date of the exclusion. Nothing in this section may be construed to preclude, in determining disability under title II or title XVI, consideration of any medical evidence derived from services provided by a health care provider before the effective date of the exclusion of the health care provider under this section.

''(3)(A) The Commissioner shall specify, in the notice of exclusion under paragraph (1), the period of the exclusion.

''(B) Subject to subparagraph (C), in the case of an exclusion under subsection (a), the minimum period of exclusion shall be five years, except that the Commissioner may waive the exclusion in the case of an individual who is the sole source of essential services in a community. The Commissioner's decision whether to waive the exclusion shall not be reviewable.

''(C) In the case of an exclusion of an individual under subsection (a) based on a conviction or a determination described in subsection (a)(3) occurring on or after the date of the enactment of this section, if the individual has (before, on, or after such date of enactment) been convicted, or if such a determination has been made with respect to the individual—

''(i) on one previous occasion of one or more offenses for which an exclusion may be effected under such subsection, the period of the exclusion shall be not less than 10 years, or

''(ii) on 2 or more previous occasions of one or more offenses for which an exclusion may be effected under such subsection, the period of the exclusion shall be permanent.

''(c) NOTICE TO STATE AGENCIES.—The Commissioner shall promptly notify each appropriate State agency employed for the purpose of making disability determinations under section 221 or 1633(a)—

''(1) of the fact and circumstances of each exclusion effected against an individual under this section, and

''(2) of the period (described in subsection (b)(3)) for which the State agency is directed to exclude the individual from participation in the activities of the State agency in the course of its employment.

''(d) NOTICE TO STATE LICENSING AGENCIES.—The Commissioner shall—

''(1) promptly notify the appropriate State or local agency or authority having responsibility for the licensing or certification of an individual excluded from participation under this section of the fact and circumstances of the exclusion,

''(2) request that appropriate investigations be made and sanctions invoked in accordance with applicable State law and policy, and

''(3) request that the State or local agency or authority keep the Commissioner and the Inspector General of the Social Security Administration fully and currently informed with respect to any actions taken in response to the request.

''(e) NOTICE, HEARING, AND JUDICIAL REVIEW.—(1) Any individual who is excluded (or directed to be excluded) from participation under this section is entitled to reasonable notice and opportunity for a hearing thereon by the Commissioner to the same extent as is provided in section 205(b), and to judicial review of the Commissioner's final decision after such hearing as is provided in section 205(g).

''(2) The provisions of section 205(h) shall apply with respect to this section to the same extent as it is applicable with respect to title II.

''(f) APPLICATION FOR TERMINATION OF EXCLUSION.—(1) An individual excluded from participation under this section may apply to the Commissioner, in the manner specified by the Commissioner in regulations and at the end of the minimum period of exclusion provided under subsection (b)(3) and at such other times as the Commissioner may provide, for termination of the exclusion effected under this section.

''(2) The Commissioner may terminate the exclusion if the Commissioner determines, on the basis of the conduct of the applicant which occurred after the date of the notice of exclusion or which was unknown to the Commissioner at the time of the exclusion, that—

''(A) there is no basis under subsection (a) for a continuation of the exclusion, and

''(B) there are reasonable assurances that the types of actions which formed the basis for the original exclusion have not recurred and will not recur.

''(3) The Commissioner shall promptly notify each State agency employed for the purpose of making disability determinations under section 221 or 1633(a) of the fact and circumstances of each termination of exclusion made under this subsection.

''(g) AVAILABILITY OF RECORDS OF EXCLUDED REPRESENTATIVES AND HEALTH CARE PROVIDERS.—Nothing in this section shall be construed to have the effect of limiting access by any applicant or beneficiary under title II or XVI, any State agency acting

under section 221 or 1633(a), or the Commissioner to records maintained by any representative or health care provider in connection with services provided to the applicant or beneficiary prior to the exclusion of such representative or health care provider under this section.

''(h) REPORTING REQUIREMENT.—Any representative or health care provider participating in, or seeking to participate in, a social security program shall inform the Commissioner, in such form and manner as the Commissioner shall prescribe by regulation, whether such representative or health care provider has been convicted of a violation described in subsection (a).

''(i) DELEGATION OF AUTHORITY.—The Commissioner may delegate authority granted by this section to the Inspector General.

''(j) DEFINITIONS.—For purposes of this section:

''(1) EXCLUDE.—The term 'exclude' from participation means—

''(A) in connection with a representative, to prohibit from engaging in representation of an applicant for, or recipient of, benefits, as a representative payee under section 205(j) or 1631(a)(2)(A)(ii), or otherwise as a representative, in any hearing or other proceeding relating to entitlement to benefits, and

''(B) in connection with a health care provider, to prohibit from providing items or services to an applicant for, or recipient of, benefits for the purpose of assisting such applicant or recipient in demonstrating disability.

''(2) SOCIAL SECURITY PROGRAM.—The term 'social security programs' means the program providing for monthly insurance benefits under title II, and the program providing for monthly supplemental security income benefits to individuals under title XVI (including State supplementary payments made by the Commissioner pursuant to an agreement under section 1616(a) of this Act or section 212(b) of Public Law 93–66).

''(3) CONVICTED.—An individual is considered to have been 'convicted' of a violation—

''(A) when a judgment of conviction has been entered against the individual by a Federal, State, or local court, except if the judgment of conviction has been set aside or expunged;

''(B) when there has been a finding of guilt against the individual by a Federal, State, or local court;

''(C) when a plea of guilty or nolo contendere by the individual has been accepted by a Federal, State, or local court; or

''(D) when the individual has entered into participation in a first offender, deferred adjudication, or other arrangement or program where judgment of conviction has been withheld.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to convictions of violations described in paragraphs (1) and (2) of section 1148(a) of the Social Security Act and determinations described in paragraph (3) of such section occurring on or after the date of the enactment of this Act.

SEC. 210. STATE DATA EXCHANGES.

Whenever the Commissioner of Social Security requests information from a State for the purpose of ascertaining an individual's eligibility for benefits (or the correct amount of such benefits) under title II or XVI of the Social Security Act, the standards of the Commissioner promulgated pursuant to section 1106 of such Act or any other Federal law for the use, safeguarding, and disclosure of information are deemed to meet any standards of the State that would otherwise apply to the disclosure of information by the State to the Commissioner.

SEC. 211. STUDY ON POSSIBLE MEASURES TO IMPROVE FRAUD PREVENTION AND ADMINISTRATIVE PROCESSING.

(a) STUDY.—As soon as practicable after the date of the enactment of this Act, the Commissioner of Social Security, in consultation with the Inspector General of the Social Security Administration and the Attorney General, shall conduct a study of possible measures to improve—

(1) prevention of fraud on the part of individuals entitled to disability benefits under section 223 of the Social Security Act or benefits under section 202 of such Act based on the beneficiary's disability, individuals eligible for supplemental security income benefits under title XVI of such Act, and applicants for any such benefits; and

(2) timely processing of reported income changes by individuals receiving such benefits.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Commissioner shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a written report that contains the results of the Commissioner's study under subsection (a). The report shall contain such recommendations for legislative and administrative changes as the Commissioner considers appropriate.

SEC. 212. ANNUAL REPORT ON AMOUNTS NECESSARY TO COMBAT FRAUD.

(a) IN GENERAL.—Section 704(b)(1) of the Social Security Act (42 U.S.C. 904(b)(1)) is amended—

(1) by inserting ''(A)'' after ''(b)(1)''; and

(2) by adding at the end the following new subparagraph:

''(B) The Commissioner shall include in the annual budget prepared pursuant to subparagraph (A) an itemization of the amount of funds required by the Social Security Administration for the fiscal year covered by the budget to support efforts to combat fraud committed by applicants and beneficiaries.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to annual budgets prepared for fiscal years after fiscal year 1999.

SEC. 213. COMPUTER MATCHES WITH MEDICARE AND MEDICAID INSTITUTIONALIZATION DATA.

(a) IN GENERAL.—Section 1611(e)(1) of the Social Security Act (42 U.S.C. 1382(e)(1)), as amended by section 205(b)(2) of this Act, is further amended by adding at the end the following new subparagraph:

''(K) For the purpose of carrying out this paragraph, the Commissioner of Social Security shall conduct periodic computer matches with data maintained by the Secretary of Health and Human Services under title XVIII or XIX. The Secretary shall furnish to the Commissioner, in such form and manner and under such terms as the Commissioner and the Secretary shall mutually agree, such information as the Commissioner may request for this purpose. Information obtained pursuant to such a match may be substituted for the physician's certification otherwise required under subparagraph (G)(i).''.

(b) CONFORMING AMENDMENT.—Section 1611(e)(1)(G) of such Act (42 U.S.C. 1382(e)(1)(G)) is amended by striking ''subparagraph (H)'' and inserting ''subparagraph (H) or (K)''.

SEC. 214. ACCESS TO INFORMATION HELD BY FINANCIAL INSTITUTIONS.

Section 1631(e)(1)(B) of the Social Security Act (42 U.S.C. 1383(e)(1)(B)) is amended—

(1) by striking ''(B) The'' and inserting ''(B)(i) The''; and

(2) by adding at the end the following new clause:

''(ii)(I) The Commissioner of Social Security may require each applicant for, or recipient of, benefits under this title to provide authorization by the applicant or recipient (or by any other person whose income or resources are material to the determination of the eligibility of the applicant or recipient for such benefits) for the Commissioner to obtain (subject to the cost reimbursement requirements of section 1115(a) of the Right to Financial Privacy Act) from any financial institution (within the meaning of section 1101(1) of such Act) any financial record (within the meaning of section 1101(2) of such Act) held by the institution with respect to the applicant or recipient (or any such other person) whenever the Commissioner determines the record is needed in connection with a determination with respect to such eligibility or the amount of such benefits.

''(II) Notwithstanding section 1104(a)(1) of the Right to Financial Privacy Act, an authorization provided by an applicant or recipient (or any other person whose income or resources are material to the determination of the eligibility of the applicant or recipient) pursuant to subclause (I) of this clause shall remain effective until the earliest of—

''(aa) the rendering of a final adverse decision on the applicant's application for eligibility for benefits under this title;

''(bb) the cessation of the recipient's eligibility for benefits under this title; or

''(cc) the express revocation by the applicant or recipient (or such other person referred to in subclause (I)) of the authorization, in a written notification to the Commissioner.

''(III)(aa) An authorization obtained by the Commissioner of Social Security pursuant to this clause shall be considered to meet the requirements of the Right to Financial Privacy Act for purposes of section 1103(a) of such Act, and need not be furnished to the financial institution, notwithstanding section 1104(a) of such Act.

''(bb) The certification requirements of section 1103(b) of the Right to Financial Privacy Act shall not apply to requests by the Commissioner of Social Security pursuant to an authorization provided under this clause.

''(cc) A request by the Commissioner pursuant to an authorization provided under this clause is deemed to meet the requirements of section 1104(a)(3) of the Right to Financial Privacy Act and the flush language of section 1102 of such Act.

''(IV) The Commissioner shall inform any person who provides authorization pursuant to this clause of the duration and scope of the authorization.

''(V) If an applicant for, or recipient of, benefits under this title (or any such other person referred to in subclause (I)) refuses to provide, or revokes, any authorization made by the applicant or recipient for the Commissioner of Social Security to obtain from any financial institution any financial record, the Commissioner may, on that basis, determine that the applicant or recipient is ineligible for benefits under this title.''.

Subtitle B—Benefits for Certain Veterans of World War II

SEC. 251. ESTABLISHMENT OF PROGRAM OF SPECIAL BENEFITS FOR CERTAIN WORLD WAR II VETERANS.

(a) IN GENERAL.—The Social Security Act is amended by inserting after title VII the following:

''TITLE VIII—SPECIAL BENEFITS FOR CERTAIN WORLD WAR II VETERANS

''TABLE OF CONTENTS

''Sec. 801. Basic entitlement to benefits.
''Sec. 802. Qualified individuals.
''Sec. 803. Residence outside the United States.

''Sec. 804. Disqualifications.
''Sec. 805. Benefit amount.
''Sec. 806. Applications and furnishing of information.
''Sec. 807. Representative payees.
''Sec. 808. Overpayments and underpayments.
''Sec. 809. Hearings and review.
''Sec. 810. Other administrative provisions.
''Sec. 811. Penalties for fraud.
''Sec. 812. Definitions.
''Sec. 813. Appropriations.

''SEC. 801. BASIC ENTITLEMENT TO BENEFITS.

''Every individual who is a qualified individual under section 802 shall, in accordance with and subject to the provisions of this title, be entitled to a monthly benefit paid by the Commissioner of Social Security for each month after September 2000 (or such earlier month, if the Commissioner determines is administratively feasible) the individual resides outside the United States.

''SEC. 802. QUALIFIED INDIVIDUALS.

''Except as otherwise provided in this title, an individual—

''(1) who has attained the age of 65 on or before the date of the enactment of this title;

''(2) who is a World War II veteran;

''(3) who is eligible for a supplemental security income benefit under title XVI for—

''(A) the month in which this title is enacted; and

''(B) the month in which the individual files an application for benefits under this title;

''(4) whose total benefit income is less than 75 percent of the Federal benefit rate under title XVI;

''(5) who has filed an application for benefits under this title; and

''(6) who is in compliance with all requirements imposed by the Commissioner of Social Security under this title,

shall be a qualified individual for purposes of this title.

''SEC. 803. RESIDENCE OUTSIDE THE UNITED STATES.

For purposes of section 801, with respect to any month, an individual shall be regarded as residing outside the United States if, on the first day of the month, the individual so resides outside the United States.

''SEC. 804. DISQUALIFICATIONS.

''Notwithstanding section 802, an individual may not be a qualified individual for any month—

''(1) that begins after the month in which the Commissioner of Social Security is notified by the Attorney General that the individual has been removed from the United States pursuant to section 237(a) of the Immigration and Nationality Act and before the month in which the Commissioner of Social Security is notified by the Attorney General that the individual is lawfully admitted to the United States for permanent residence;

''(2) during any part of which the individual is outside the United States due to flight to avoid prosecution, or custody or confinement after conviction, under the laws of the United States or the jurisdiction within the United States from which the person has fled, for a crime, or an attempt to commit a crime, that is a felony under the laws of the place from which the individual has fled, or which, in the case of the State of New Jersey, is a high misdemeanor under the laws of such State;

''(3) during any part of which the individual violates a condition of probation or parole imposed under Federal or State law; or

''(4) during any part of which the individual is confined in a jail, prison, or other penal institution or correctional facility pursuant to a conviction of an offense.

''SEC. 805. BENEFIT AMOUNT.

''The benefit under this title payable to a qualified individual for any month shall be in an amount equal to 75 percent of the Federal benefit rate under title XVI for the month, reduced by the amount of the qualified individual's benefit income for the month.

''SEC. 806. APPLICATIONS AND FURNISHING OF INFORMATION.

''(a) IN GENERAL.—The Commissioner of Social Security shall, subject to subsection (b), prescribe such requirements with respect to the filing of applications, the furnishing of information and other material, and the reporting of events and changes in circumstances, as may be necessary for the effective and efficient administration of this title.

''(b) VERIFICATION REQUIREMENT.—The requirements prescribed by the Commissioner of Social Security under subsection (a) shall preclude any determination of entitlement to benefits under this title solely on the basis of declarations by the individual concerning qualifications or other material facts, and shall provide for verification of material information from independent or collateral sources, and the procurement of additional information as necessary in order to ensure that the benefits are provided only to qualified individuals (or their representative payees) in correct amounts.

''SEC. 807. REPRESENTATIVE PAYEES.

''(a) IN GENERAL.—If the Commissioner of Social Security determines that the interest of any qualified individual under this title would be served thereby, payment of the qualified individual's benefit under this title may be made, regardless of the legal competency or incompetency of the qualified individual, either directly to the qualified individual, or for his or her benefit, to another person (the meaning of which term, for purposes of this section, includes an organization) with respect to whom the requirements of subsection (b) have been met (in this section referred to as the qualified individual's 'representative payee'). If the Commissioner of Social Security determines that a representative payee has misused any benefit paid to the representative payee pursuant to this section, section 205(j), or section 1631(a)(2), the Commissioner of Social Security shall promptly revoke the person's designation as the qualified individual's representative payee under this subsection, and shall make payment to an alternative representative payee or, if the interest of the qualified individual under this title would be served thereby, to the qualified individual.

''(b) EXAMINATION OF FITNESS OF PROSPECTIVE REPRESENTATIVE PAYEE.—

''(1) Any determination under subsection (a) to pay the benefits of a qualified individual to a representative payee shall be made on the basis of—

''(A) an investigation by the Commissioner of Social Security of the person to serve as representative payee, which shall be conducted in advance of the determination and shall, to the extent practicable, include a face-to-face interview with the person (or, in the case of an organization, a representative of the organization); and

''(B) adequate evidence that the arrangement is in the interest of the qualified individual.

''(2) As part of the investigation referred to in paragraph (1), the Commissioner of Social Security shall—

''(A) require the person being investigated to submit documented proof of the identity of the person;

''(B) in the case of a person who has a social security account number issued for purposes of the program under title II or an employer identification number issued for purposes of the Internal Revenue Code of 1986, verify the number;

''(C) determine whether the person has been convicted of a violation of section 208, 811, or 1632; and

''(D) determine whether payment of benefits to the person in the capacity as representative payee has been revoked or terminated pursuant to this section, section 205(j), or section 1631(a)(2)(A)(iii) by reason of misuse of funds paid as benefits under this title, title II, or title XVI, respectively.

''(c) REQUIREMENT FOR CENTRALIZED FILE.—The Commissioner of Social Security shall establish and maintain a centralized file, which shall be updated periodically and which shall be in a form that renders it readily retrievable by each servicing office of the Social Security Administration. The file shall consist of—

''(1) a list of the names and social security account numbers or employer identification numbers (if issued) of all persons with respect to whom, in the capacity of representative payee, the payment of benefits has been revoked or terminated under this section, section 205(j), or section 1631(a)(2)(A)(iii) by reason of misuse of funds paid as benefits under this title, title II, or title XVI, respectively; and

''(2) a list of the names and social security account numbers or employer identification numbers (if issued) of all persons who have been convicted of a violation of section 208, 811, or 1632.

''(d) PERSONS INELIGIBLE TO SERVE AS REPRESENTATIVE PAYEES.—

''(1) IN GENERAL.—The benefits of a qualified individual may not be paid to any other person pursuant to this section if—

''(A) the person has been convicted of a violation of section 208, 811, or 1632;

''(B) except as provided in paragraph (2), payment of benefits to the person in the capacity of representative payee has been revoked or terminated under this section, section 205(j), or section 1631(a)(2)(A)(ii) by reason of misuse of funds paid as benefits under this title, title II, or title XVI, respectively; or

''(C) except as provided in paragraph (2)(B), the person is a creditor of the qualified individual and provides the qualified individual with goods or services for consideration.

''(2) EXEMPTIONS.—

''(A) The Commissioner of Social Security may prescribe circumstances under which the Commissioner of Social Security may grant an exemption from paragraph (1) to any person on a case-by-case basis if the exemption is in the best interest of the qualified individual whose benefits would be paid to the person pursuant to this section.

''(B) Paragraph (1)(C) shall not apply with respect to any person who is a creditor referred to in such paragraph if the creditor is—

''(i) a relative of the qualified individual and the relative resides in the same household as the qualified individual;

''(ii) a legal guardian or legal representative of the individual;

''(iii) a facility that is licensed or certified as a care facility under the law of the political jurisdiction in which the qualified individual resides;

''(iv) a person who is an administrator, owner, or employee of a facility referred to in clause (iii), if the qualified individual resides in the facility, and the payment to the facility or the person is made only after the Commissioner of Social Security has made a good faith effort to locate an alternative representative payee to whom payment would serve the best interests of the qualified individual; or

''(v) a person who is determined by the Commissioner of Social Security, on the basis of written findings and pursuant to procedures prescribed by the Commissioner of Social Security, to be acceptable to serve as a representative payee.

''(C) The procedures referred to in subparagraph (B)(v) shall require the person who will serve as representative payee to establish, to the satisfaction of the Commissioner of Social Security, that—

''(i) the person poses no risk to the qualified individual;

''(ii) the financial relationship of the person to the qualified individual poses no substantial conflict of interest; and

''(iii) no other more suitable representative payee can be found.

''(e) DEFERRAL OF PAYMENT PENDING APPOINTMENT OF REPRESENTATIVE PAYEE.—

''(1) IN GENERAL.—Subject to paragraph (2), if the Commissioner of Social Security makes a determination described in the first sentence of subsection (a) with respect to any qualified individual's benefit and determines that direct payment of the benefit to the qualified individual would cause substantial harm to the qualified individual, the Commissioner of Social Security may defer (in the case of initial entitlement) or suspend (in the case of existing entitlement) direct payment of the benefit to the qualified individual, until such time as the selection of a representative payee is made pursuant to this section.

''(2) TIME LIMITATION.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), any deferral or suspension of direct payment of a benefit pursuant to paragraph (1) shall be for a period of not more than 1 month.

''(B) EXCEPTION IN THE CASE OF INCOMPETENCY.—Subparagraph (A) shall not apply in any case in which the qualified individual is, as of the date of the Commissioner of Social Security's determination, legally incompetent under the laws of the jurisdiction in which the individual resides.

''(3) PAYMENT OF RETROACTIVE BENEFITS.—Payment of any benefits which are deferred or suspended pending the selection of a representative payee shall be made to the qualified individual or the representative payee as a single sum or over such period of time as the Commissioner of Social Security determines is in the best interest of the qualified individual.

''(f) HEARING.—Any qualified individual who is dissatisfied with a determination by the Commissioner of Social Security to make payment of the qualified individual's benefit to a representative payee under subsection (a) of this section or with the designation of a particular person to serve as representative payee shall be entitled to a hearing by the Commissioner of Social Security to the same extent as is provided in section 809(a), and to judicial review of the Commissioner of Social Security's final decision as is provided in section 809(b).

''(g) NOTICE REQUIREMENTS.—

''(1) IN GENERAL.—In advance of the payment of a qualified individual's benefit to a representative payee under subsection (a), the Commissioner of Social Security shall provide written notice of the Commissioner's initial determination to so make the payment. The notice shall be provided to the qualified individual, except that, if the qualified individual is legally incompetent, then the notice shall be provided solely to the legal guardian or legal representative of the qualified individual.

''(2) SPECIFIC REQUIREMENTS.—Any notice required by paragraph (1) shall be clearly written in language that is easily understandable to the reader, shall identify the person to be designated as the qualified individual's representative payee, and shall explain to the reader the right under subsection (f) of the qualified individual or of the qualified individual's legal guardian or legal representative—

''(A) to appeal a determination that a representative payee is necessary for the qualified individual;

''(B) to appeal the designation of a particular person to serve as the representative payee of qualified individual; and

''(C) to review the evidence upon which the designation is based and to submit additional evidence.

''(h) ACCOUNTABILITY MONITORING.—

''(1) In any case where payment under this title is made to a person other than the qualified individual entitled to the payment, the Commissioner of Social Security shall establish a system of accountability monitoring under which the person shall report not less often than annually with respect to the use of the payments. The Commissioner of Social Security shall establish and implement statistically valid procedures for reviewing the reports in order to identify instances in which persons are not properly using the payments.

''(2) SPECIAL REPORTS.—Notwithstanding paragraph (1), the Commissioner of Social Security may require a report at any time from any person receiving payments on behalf of a qualified individual, if the Commissioner of Social Security has reason to believe that the person receiving the payments is misusing the payments.

''(3) CENTRALIZED FILE.—The Commissioner of Social Security shall maintain a centralized file, which shall be updated periodically and which shall be in a form that is readily retrievable, of—

''(A) the name, address, and (if issued) the social security account number or employer identification number of each representative payee who is receiving benefit payments pursuant to this section, section 205(j), or section 1631(a)(2); and

''(B) the name, address, and social security account number of each individual for whom each representative payee is reported to be providing services as representative payee pursuant to this section, section 205(j), or section 1631(a)(2).

''(4) The Commissioner of Social Security shall maintain a list, which shall be updated periodically, of public agencies and community-based nonprofit social service agencies which are qualified to serve as representative payees pursuant to this section and which are located in the jurisdiction in which any qualified individual resides.

''(i) RESTITUTION.—In any case where the negligent failure of the Commissioner of Social Security to investigate or monitor a representative payee results in misuse of benefits by the representative payee, the Commissioner of Social Security shall make payment to the qualified individual or the individual's alternative representative payee of an amount equal to the misused benefits. The Commissioner of Social Security shall make a good faith effort to obtain restitution from the terminated representative payee.

''SEC. 808. OVERPAYMENTS AND UNDERPAYMENTS.

''(a) IN GENERAL.—Whenever the Commissioner of Social Security finds that more or less than the correct amount of payment has been made to any person under this title, proper adjustment or recovery shall be made, as follows:

''(1) With respect to payment to a person of more than the correct amount, the Commissioner of Social Security shall decrease any payment under this title to which the overpaid person (if a qualified individual) is entitled, or shall require the overpaid person or his or her estate to refund the amount in excess of the correct amount, or, if recovery is not obtained under these two methods, shall seek or pursue recovery by means of reduction in tax refunds based on notice to the Secretary of the Treasury, as authorized under section 3720A of title 31, United States Code.

''(2) With respect to payment of less than the correct amount to a qualified individual who, at the time the Commissioner of Social Security is prepared to take action with respect to the underpayment—

''(A) is living, the Commissioner of Social Security shall make payment to the qualified individual (or the qualified individual's representative payee designated under section 807) of the balance of the amount due the underpaid qualified individual; or

''(B) is deceased, the balance of the amount due shall revert to the general fund of the Treasury.

''(b) WAIVER OF RECOVERY OF OVERPAYMENT.—In any case in which more than the correct amount of payment has been made, there shall be no adjustment of payments to, or recovery by the United States from, any person who is without fault if the Commissioner of Social Security determines that the adjustment or recovery would defeat the purpose of this title or would be against equity and good conscience.

''(c) LIMITED IMMUNITY FOR DISBURSING OFFICERS.—A disbursing officer may not be held liable for any amount paid by the officer if the adjustment or recovery of the amount is waived under subsection (b), or adjustment under subsection (a) is not completed before the death of the qualified individual against whose benefits deductions are authorized.

''(d) AUTHORIZED COLLECTION PRACTICES.—

''(1) IN GENERAL.—With respect to any delinquent amount, the Commissioner of Social Security may use the collection practices described in sections 3711(e), 3716, and 3718 of title 31, United States Code, as in effect on October 1, 1994.

''(2) DEFINITION.—For purposes of paragraph (1), the term 'delinquent amount' means an amount—

''(A) in excess of the correct amount of the payment under this title; and

''(B) determined by the Commissioner of Social Security to be otherwise unrecoverable under this section from a person who is not a qualified individual under this title.

''SEC. 809. HEARINGS AND REVIEW.

''(a) HEARINGS.—

''(1) IN GENERAL.—The Commissioner of Social Security shall make findings of fact and decisions as to the rights of any individual applying for payment under this title. The Commissioner of Social Security shall provide reasonable notice and opportunity for a hearing to any individual who is or claims to be a qualified individual and is in disagreement with any determination under this title with respect to entitlement to, or the amount of, benefits under this title, if the individual requests a hearing on the matter in disagreement within 60 days after notice of the determination is received, and, if a hearing is held, shall, on the basis of evidence adduced at the hearing affirm, modify, or reverse the Commissioner of Social Security's findings of fact and the decision. The Commissioner of Social Security may, on the Commissioner of Social Security's own motion, hold such hearings and to conduct such investigations and other proceedings as the Commissioner of Social Security deems necessary or proper for the administration of this title. In the course of any hearing, investigation, or other proceeding, the Commissioner may administer oaths and affirmations, examine witnesses, and receive evidence. Evidence may be received at any

hearing before the Commissioner of Social Security even though inadmissible under the rules of evidence applicable to court procedure. The Commissioner of Social Security shall specifically take into account any physical, mental, educational, or linguistic limitation of the individual (including any lack of facility with the English language) in determining, with respect to the entitlement of the individual for benefits under this title, whether the individual acted in good faith or was at fault, and in determining fraud, deception, or intent.

''(2) EFFECT OF FAILURE TO TIMELY REQUEST REVIEW.—A failure to timely request review of an initial adverse determination with respect to an application for any payment under this title or an adverse determination on reconsideration of such an initial determination shall not serve as a basis for denial of a subsequent application for any payment under this title if the applicant demonstrates that the applicant failed to so request such a review acting in good faith reliance upon incorrect, incomplete, or misleading information, relating to the consequences of reapplying for payments in lieu of seeking review of an adverse determination, provided by any officer or employee of the Social Security Administration.

''(3) NOTICE REQUIREMENTS.—In any notice of an adverse determination with respect to which a review may be requested under paragraph (1), the Commissioner of Social Security shall describe in clear and specific language the effect on possible entitlement to benefits under this title of choosing to reapply in lieu of requesting review of the determination.

''(b) JUDICIAL REVIEW.—The final determination of the Commissioner of Social Security after a hearing under subsection (a)(1) shall be subject to judicial review as provided in section 205(g) to the same extent as the Commissioner of Social Security's final determinations under section 205.

''SEC. 810. OTHER ADMINISTRATIVE PROVISIONS.

''(a) REGULATIONS AND ADMINISTRATIVE ARRANGEMENTS.—The Commissioner of Social Security may prescribe such regulations, and make such administrative and other arrangements, as may be necessary or appropriate to carry out this title.

''(b) PAYMENT OF BENEFITS.—Benefits under this title shall be paid at such time or times and in such installments as the Commissioner of Social Security determines are in the interests of economy and efficiency.

''(c) ENTITLEMENT REDETERMINATIONS.—An individual's entitlement to benefits under this title, and the amount of the benefits, may be redetermined at such time or times as the Commissioner of Social Security determines to be appropriate.

''(d) SUSPENSION OF BENEFITS.—Regulations prescribed by the Commissioner of Social Security under subsection (a) may provide for the temporary suspension of entitlement to benefits under this title as the Commissioner determines is appropriate.

''SEC. 811. PENALTIES FOR FRAUD.

''(a) IN GENERAL.—Whoever—

''(1) knowingly and willfully makes or causes to be made any false statement or representation of a material fact in an application for benefits under this title;

''(2) at any time knowingly and willfully makes or causes to be made any false statement or representation of a material fact for use in determining any right to the benefits;

''(3) having knowledge of the occurrence of any event affecting—

''(A) his or her initial or continued right to the benefits; or

''(B) the initial or continued right to the benefits of any other individual in whose behalf he or she has applied for or is receiving the benefit,

conceals or fails to disclose the event with an intent fraudulently to secure the benefit either in a greater amount or quantity than is due or when no such benefit is authorized; or

''(4) having made application to receive any such benefit for the use and benefit of another and having received it, knowingly and willfully converts the benefit or any part thereof to a use other than for the use and benefit of the other individual,

shall be fined under title 18, United States Code, imprisoned not more than 5 years, or both.

''(b) RESTITUTION BY REPRESENTATIVE PAYEE.—If a person or organization violates subsection (a) in the person's or organization's role as, or in applying to become, a representative payee under section 807 on behalf of a qualified individual, and the violation includes a willful misuse of funds by the person or entity, the court may also require that full or partial restitution of funds be made to the qualified individual.

''SEC. 812. DEFINITIONS.

''In this title:

''(1) WORLD WAR II VETERAN.—The term 'World War II veteran' means a person who served during World War II—

''(A) in the active military, naval, or air service of the United States during World War II, and who was discharged or released therefrom under conditions other than dishonorable after service of 90 days or more; or

''(B) in the organized military forces of the Government of the Commonwealth of the Philippines, while the forces were in the service of the Armed Forces of the United States pursuant to the military order of the President dated July 26, 1941, including among the military forces organized guerrilla forces under commanders appointed, designated, or subsequently recognized by the Commander in Chief, Southwest Pacific Area, or other competent authority in the Army of the United States, in any case in which the service was rendered before December 31, 1946.

''(2) WORLD WAR II.—The term 'World War II' means the period beginning on September 16, 1940, and ending on July 24, 1947.

''(3) SUPPLEMENTAL SECURITY INCOME BENEFIT UNDER TITLE XVI.—The term 'supplemental security income benefit under title XVI', except as otherwise provided, includes State supplementary payments which are paid by the Commissioner of Social Security pursuant to an agreement under section 1616(a) of this Act or section 212(b) of Public Law 93–66.

''(4) FEDERAL BENEFIT RATE UNDER TITLE XVI.—The term 'Federal benefit rate under title XVI' means, with respect to any month, the amount of the supplemental security income cash benefit (not including any State supplementary payment which is paid by the Commissioner of Social Security pursuant to an agreement under section 1616(a) of this Act or section 212(b) of Public Law 93–66) payable under title XVI for the month to an eligible individual with no income.

''(5) UNITED STATES.—The term 'United States' means, notwithstanding section 1101(a)(1), only the 50 States, the District of Columbia, and the Commonwealth of the Northern Mariana Islands.

''(6) BENEFIT INCOME.—The term 'benefit income' means any recurring payment received by a qualified individual as an annuity, pension, retirement, or disability benefit (including any veterans' compensation or pension, workmen's compensation payment, old-age, survivors, or disability insurance benefit, railroad retirement annuity or pension, and unemployment insurance benefit), but only if a similar payment was received by the individual from the same (or a related) source during the 12-month period preceding the month in which the individual files an application for benefits under this title.

''SEC. 813. APPROPRIATIONS.

''There are hereby appropriated for fiscal year 2001 and subsequent fiscal years such sums as may be necessary to carry out this title.''.

(b) CONFORMING AMENDMENTS.—

(1) SOCIAL SECURITY TRUST FUNDS LAE ACCOUNT.—Section 201(g) of such Act (42 U.S.C. 401(g)) is amended—

(A) in the fourth sentence of paragraph (1)(A), by inserting after ''this title,'' the following: ''title VIII,'';

(B) in paragraph (1)(B)(i)(I), by inserting after ''this title,'' the following: ''title VIII,''; and

(C) in paragraph (1)(C)(i), by inserting after ''this title,'' the following: ''title VIII,''.

(2) REPRESENTATIVE PAYEE PROVISIONS OF TITLE II.—Section 205(j) of such Act (42 U.S.C. 405(j)) is amended—

(A) in paragraph (1)(A), by inserting ''807 or'' before ''1631(a)(2)'';

(B) in paragraph (2)(B)(i)(I), by inserting '', title VIII,'' before ''or title XVI'';

(C) in paragraph (2)(B)(i)(III), by inserting '', 811,'' before ''or 1632'';

(D) in paragraph (2)(B)(i)(IV)—

(i) by inserting '', the designation of such person as a representative payee has been revoked pursuant to section 807(a),'' before ''or payment of benefits''; and

(ii) by inserting '', title VIII,'' before ''or title XVI'';

(E) in paragraph (2)(B)(ii)(I)—

(i) by inserting ''whose designation as a representative payee has been revoked pursuant to section 807(a),'' before ''or with respect to whom''; and

(ii) by inserting '', title VIII,'' before ''or title XVI'';

(F) in paragraph (2)(B)(i)(II), by inserting '', 811,'' before ''or 1632'';

(G) in paragraph (2)(C)(i)(II) by inserting '', the designation of such person as a representative payee has been revoked pursuant to section 807(a),'' before ''or payment of benefits'';

(H) in each of clauses (i) and (ii) of paragraph (3)(E), by inserting '', section 807,'' before ''or section 1631(a)(2)'';

(I) in paragraph (3)(F), by inserting ''807 or'' before ''1631(a)(2)''; and

(J) in paragraph (4)(B)(i), by inserting ''807 or'' before ''1631(a)(2)''.

(3) WITHHOLDING FOR CHILD SUPPORT AND ALIMONY OBLIGATIONS.—Section 459(h)(1)(A) of such Act (42 U.S.C. 659(h)(1)(A)) is amended—

(A) at the end of clause (iii), by striking ''and'';

(B) at the end of clause (iv), by striking ''but'' and inserting ''and''; and

(C) by adding at the end a new clause as follows:

''(v) special benefits for certain World War II veterans payable under title VIII; but''.

(4) SOCIAL SECURITY ADVISORY BOARD.—Section 703(b) of such Act (42 U.S.C. 903(b)) is amended by striking ''title II'' and inserting ''title II, the program of special benefits for certain World War II veterans under title VIII,''.

(5) DELIVERY OF CHECKS.—Section 708 of such Act (42 U.S.C. 908) is amended—

(A) in subsection (a), by striking ''title II'' and inserting ''title II, title VIII,''; and

(B) in subsection (b), by striking ''title II'' and inserting ''title II, title VIII,''.

(6) CIVIL MONETARY PENALTIES.—Section 1129 of such Act (42 U.S.C. 1320a–8) is amended—

(A) in the title, by striking ''II'' and inserting ''II, VIII'';

(B) in subsection (a)(1)—

(i) by striking ''or'' at the end of subparagraph (A);

(ii) by redesignating subparagraph (B) as subparagraph (C); and

(iii) by inserting after subparagraph (A) the following:

''(B) benefits or payments under title VIII, or'';

(C) in subsection (a)(2), by inserting ''or title VIII,'' after ''title II'';

(D) in subsection (e)(1)(C)—

(i) by striking ''or'' at the end of clause (i);

(ii) by redesignating clause (ii) as clause (iii); and

(iii) by inserting after clause (i) the following:

''(ii) by decrease of any payment under title VIII to which the person is entitled, or'';

(E) in subsection (e)(2)(B), by striking ''title XVI'' and inserting ''title VIII or XVI''; and

(F) in subsection (l), by striking ''title XVI'' and inserting ''title VIII or XVI''.

(7) RECOVERY OF SSI OVERPAYMENTS.—Section 1147 of such Act (42 U.S.C. 1320b–17) is amended—

(A) in subsection (a)(1)—

(i) by inserting ''or VIII'' after ''title II'' the first place it appears; and

(ii) by striking ''title II'' the second place it appears and inserting ''such title''; and

(B) in the title, by striking ''SOCIAL SECURITY'' and inserting ''OTHER''.

(8) REPRESENTATIVE PAYEE PROVISIONS OF TITLE XVI.—Section 1631(a)(2) of such Act (42 U.S.C. 1383(a)(2)) is amended—

(A) in subparagraph (A)(iii), by inserting ''or 807'' after ''205(j)(1)'';

(B) in subparagraph (B)(ii)(I), by inserting '', title VIII,'' before ''or this title'';

(C) in subparagraph (B)(ii)(III), by inserting '', 811,'' before ''or 1632'';

(D) in subparagraph (B)(ii)(IV)—

(i) by inserting ''whether the designation of such person as a representative payee has been revoked pursuant to section 807(a),'' before ''and whether certification''; and

(ii) by inserting '', title VIII,'' before ''or this title'';

(E) in subparagraph (B)(iii)(II), by inserting ''the designation of such person as a representative payee has been revoked pursuant to section 807(a),'' before ''or certification''; and

(F) in subparagraph (D)(ii)(II)(aa), by inserting ''or 807'' after ''205(j)(4)''.

(9) ADMINISTRATIVE OFFSET.—Section 3716(c)(3)(C) of title 31, United States Code, is amended—

(A) by striking ''sections 205(b)(1)'' and inserting ''sections 205(b)(1), 809(a)(1),''; and

(B) by striking ''either title II'' and inserting ''title II, VIII,''.

TITLE III—CHILD SUPPORT

SEC. 301. ELIMINATION OF ENHANCED MATCHING FOR LABORATORY COSTS FOR PATERNITY ESTABLISHMENT.

(a) IN GENERAL.—Section 455(a)(1) of the Social Security Act (42 U.S.C. 655(a)(1)) is amended by striking subparagraph (C) and redesignating subparagraph (D) as subparagraph (C).

(b) EFFECTIVE DATE.—The amendment made by this section shall be effective with respect to calendar quarters beginning on or after October 1, 1999.

SEC. 302. ELIMINATION OF HOLD HARMLESS PROVISION FOR STATE SHARE OF DISTRIBUTION OF COLLECTED CHILD SUPPORT.

(a) IN GENERAL.—Section 457 of the Social Security Act (42 U.S.C. 657) is amended—

(1) in subsection (a), by striking ''subsections (e) and (f)'' and inserting ''subsections (d) and (e)'';

(2) by striking subsection (d);

(3) in subsection (e), by striking the 2nd sentence; and

(4) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

(b) EFFECTIVE DATE.—The amendments made by this section shall be effective with respect to calendar quarters beginning on or after October 1, 1999.

TITLE IV—TECHNICAL CORRECTIONS

SEC. 401. TECHNICAL CORRECTIONS RELATING TO AMENDMENTS MADE BY THE PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT OF 1996.

(a) Section 402(a)(1)(B)(iv) of the Social Security Act (42 U.S.C. 602(a)(1)(B)(iv)) is amended by striking ''Act'' and inserting ''section''.

(b) Section 409(a)(7)(B)(i)(II) of the Social Security Act (42 U.S.C. 609(a)(7)(B)(i)(II)) is amended by striking ''part'' and inserting ''section''.

(c) Section 413(g)(1) of the Social Security Act (42 U.S.C. 613(g)(1)) is amended by striking ''Act'' and inserting ''section''.

(d) Section 413(i)(1) of the Social Security Act (42 U.S.C. 613(i)(1)) is amended by striking ''part'' and inserting ''section''.

(e) Section 416 of the Social Security Act (42 U.S.C. 616) is amended by striking ''Opportunity Act'' and inserting ''Opportunity Reconciliation Act'' each place such term appears.

(f) Section 431(a)(6) of the Social Security Act (42 U.S.C. 629a(a)(6))) is amended—

(1) by inserting '', as in effect before August 22, 1986'' after ''482(i)(5)''; and

(2) by inserting '', as so in effect'' after ''482(i)(7)(A)''.

(g) Sections 452(a)(7) and 466(c)(2)(A)(i) of the Social Security Act (42 U.S.C. 652(a)(7) and 666(c)(2)(A)(i)) are each amended by striking ''Social Security'' and inserting ''social security''.

(h) Section 454 of the Social Security Act (42 U.S.C. 654) is amended—

(1) by striking '', or'' at the end of each of paragraphs (6)(E)(i) and (19)(B)(i) and inserting ''; or'';

(2) in paragraph (9), by striking the comma at the end of each of subparagraphs (A), (B), (C) and inserting a semicolon; and

(3) by striking '', and'' at the end of each of paragraphs (19)(A) and (24)(A) and inserting ''; and''.

(i) Section 454(24)(B) of the Social Security Act (42 U.S.C. 654(24)(B)) is amended by striking ''Opportunity Act'' and inserting ''Opportunity Reconciliation Act''.

(j) Section 344(b)(1)(A) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (110 Stat. 2236) is amended to read as follows:

''(A) in paragraph (1), by striking subparagraph (B) and inserting the following new subparagraph:

'(B) equal to the percent specified in paragraph (3) of the sums expended during such quarter that are attributable to the planning, design, development, installation or enhancement of an automatic data processing and information retrieval system (including in such sums the full cost of the hardware components of such system); and'; and''.

(k) Section 457(a)(2)(B)(i)(I) of the Social Security Act (42 U.S.C. 657(a)(2)(B)(i)(I)) is amended by striking ''Act Reconciliation'' and inserting ''Reconciliation Act''.

(l) Section 457 of the Social Security Act (42 U.S.C. 657) is amended by striking ''Opportunity Act'' each place it appears and inserting ''Opportunity Reconciliation Act''.

(m) Section 466(a)(7) of the Social Security Act (42 U.S.C. 666(a)(7)) is amended by striking ''1681a(f))'' and inserting ''1681a(f)))''.

(n) Section 466(b)(6)(A) of the Social Security Act (42 U.S.C. 666(b)(6)(A)) is amended by striking ''state'' and inserting ''State''.

(o) Section 471(a)(8) of the Social Security Act (42 U.S.C. 671(a)(8)) is amended by striking ''(including activities under part F)''.

(p) Section 1137(a)(3) of the Social Security Act (42 U.S.C. 1320b-7(a)(3)) is amended by striking ''453A(a)(2)(B)(iii))'' and inserting ''453A(a)(2)(B)(ii)))''.

(q) The amendments made by this section shall take effect as if included in the enactment of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

FOSTER CARE INDEPENDENCE ACT OF 1999—FACT SHEET

Federal Independent Living Programs (ILP) are designed to assist some of our Nation's most vulnerable children as they make the transition from foster children to independent adults. Under current law, teens are ''out of the system'' and completely on their own immediately when they turn 18. Many teens need help to make a successful transition to self-sufficiency, especially teens who have spent years in foster care. Programs must be designed to be consistent with the Adoption and Safe Families Act of 1997, namely that safety and health of the child are paramount. Studies of adolescents who leave foster care have found that these children have a significantly higher than normal rate of school drop out, out-of-wedlock childbearing, homelessness, health and mental health problems, and poverty.

The Foster Care Independence Act of 1999 is designed to help teens aging out of foster care make a more successful transition to adulthood. It addresses safety by allowing for ILP funds to be used to ensure that the basic needs of housing and food can be provided to these youth. It addresses health by ensuring that teens who are aging out of or adopted out of foster care to continue to receive crucial health, and mental health, care benefits to the age of 21. Key provisions of the Act include:

Strong Medicaid coverage: Requires states that receiving new ILP monies continue to provide health care, including coverage for mental health needs to foster, or adopted (whose adoptive placements began on or after their 16th birthdays), children up to their 21st birthday.

Funding for Independent Living services: Doubles the funding—up to $140 million—for Independent Living services to enable states to cover teens from 18 to 21, with support services and housing assistance, with language to promote continuing education and/or job training. The bill also insures that ILP are supervised and includes a broad array of services based on young people's developmental and self-sufficiency needs.

Avoids disincentives for adoption of teens: Consistent with the priorities established in the Adoption and Safe Families Act, this bill promotes permanence by allowing teens adopted after 16 to retain eligibility for Independent Living programs, including vital access to health coverage from ages 18–21. This clarifies that Independent Living programs are not a substitute for permanency for foster care teens, rather support services to ease the transition for teens who have faced challenges. This provision allows Independent Living Program services to be concurrent with continued reasonable efforts to locate and achieve placement in adoptive families or other planned permanent settings as required under ASFA.

Quality data, evaluation and outcome measures: Insures that quality data is collected and evaluated, to enhance programs are effective, and seeks to coordinate with the data collection efforts required under the Adoption and Safe Families Act.

Updated funding formula: Funding formula provides that every state can quality for new

Independent Living incentives to serve teens aging out of foster care from 18 to 21.

Mr. ROCKEFELLER. Mr. President, I rise today to join Senator CHAFEE and a bipartisan group in the introduction of the Foster Care Independence Act of 1999. I would like to thank Senator CHAFEE for his leadership on behalf of vulnerable young people, including our bipartisan work on this legislation. I also wish to thank the other co-sponsors of this legislation—Senators REED, BOND, LANDRIEU, MOYNIHAN, BREAUX, KERREY, MIKULSKI, and JEFFORDS. Work on this legislation is based on the foundation created by the bipartisan 1997 Adoption and Safe Families Act.

Our First Lady, Mrs. Clinton, has also been a special leader on behalf of vulnerable children. In 1997, she helped focus the national spotlight on the need to promote adoption. This year, she has helped to focus much needed attention on the challenges facing teenagers who age out of foster care, and has challenged us to improve the system for such teens by expanding the Independent Living program.

In 1997, a unique bipartisan Senate coalition formed to promote adoption and find ways to help our most vulnerable children, those subjected to abuse and neglected. After months of hard work, we forged consensus on the Adoption and Safe Families Act of 1997 (ASFA). This law, for the first time ever, establishes that a child's health and safety are paramount when any decisions are made regarding children in the abuse and neglect system. The law also stressed the importance of permanency to a child, and it imposed new time frames as goals for permanency. While this law was the most sweeping and comprehensive piece of child welfare legislation passed in over a decade, more work and resources will be crucial to truly achieve the goals of safety, stability and permanence for all abused and neglected children.

We have been pleased to learn that one of the desired outcomes of the Adoption Act, moving children more swiftly from foster care into permanent homes, has begun to become a reality. Adoptions throughout the country are up dramatically, far exceeding expectations. Yet, at the same time, we find that there continue to be approximately 20,000 young people each year who turn 18 and ''age out'' of the foster care system with no home, no family, no medical coverage and no system of support in place. In my own state of West Virginia, over 1000 of our foster children are over the age of 16. 185 of these children, in the last year, received services through the state's Independent Living program.

How do such teens in West Virginia and throughout the country fare? A Wisconsin study shows us that 18 months after leaving foster care, over one-third had not graduated from high school, half were unemployed, nearly half had no access to or coverage for health care, and many were homeless or victims or perpetrators of crimes. These are not just numbers, each of these statistics represents a real person, like Wendy or James:

Wendy had been in foster care since the age of 6. She had been moved again and again, and at the age of 14 was placed in a Wilderness Program for teens with challenging behaviors. At 16 she was moved to a locked residential facility. Her 18th birthday, in December, was a cold day in more ways than one. Early in the morning, a knock came on her door and she was told to get dressed and gather her things, as she was moving. This was not unusual for her, so she did as she was told. She went, with her meager possessions, to the front desk and asked, ''Where am I going?'' The staff person jingled the large key ring, opened the front door, looked out into the snowy day and said, ''Anywhere you want—you are 18 and you are on your own.'' One year later, Wendy was addicted to drugs, homeless and pregnant. She had no access to health care until she became pregnant—Her baby was now her ticket to care.

James had been in foster care since the age of 10. He had been moved ''only'' five or six times and when he turned 18, all services stopped. The foster family he had been living with could not afford to care for him any longer, but they agreed to allow him to sleep in their garage. He had to drop out of school in order to work full time at a pizza restaurant and attempt to support himself. When he turned 19, he had an opportunity to be adopted with some of his younger siblings. He immediately said, ''Yes!'' and when asked by the judge why he would want to be adopted at his age, he replied, ''I will always need a family, and someday, I hope my children will be able to have grandparents.'' James was able to re-enroll in school, graduate with a trade and is now a self-supporting married man. Oh, and his 3 children do have grandparents.

This legislation will provide resources and incentives to states so that more of our young people will have stories that end like James, and fewer that end like Wendy's.

One of the most significant provisions of ASFA was the assurance of ongoing health care coverage for all children with special needs who move from foster care to adoption. The Foster Care Independence Act is an essential next step in this ongoing process. This important legislation will ensure that health care coverage for our foster care youths does not end when they turn 18. All states who wish to receive the new Independent Living Program money must provide assurance that they will provide health care coverage to these young people through to the age of 21. Young people who have survived the many traumas that led to their placement in foster care, and their journey through the foster care system often have special health care needs, especially in the area of mental health. Providing transitional health coverage at this crucial juncture in their lives can make the difference between successfully moving on to accomplish their goals, or becoming stuck in an unsatisfying and unhealthy way of life.

Another key focus of ASFA is on moving children from foster care to permanent homes, and when possible adoption. Older teens in foster care have a great need for a permanent family. Although we propose to improve the Independent Living program and increase eligibility for services to the age of 21, it does end at that time. And yet a youth's need for a family does not end at any particular age. Each of us can clearly recall times when we have had to turn to our own families for advice, comfort or support long after our 18th or 21st birthdays. Many of us are still in the role of providing such support to our own children who are in their late teens or 20s. Therefore, an important provision in this Senate version of the Foster Care Independence Act states that Independent Living (IL) programs are not alternatives to permanency planning—young people of all ages need and deserve every possible effort made towards permanence, including adoption. It would be counterproductive to create any disincentive for adoption of teenagers. Therefore, our legislation would allow any enhanced independent living services, particularly health care, to continue until age 21 for those teens who are lucky enough to become adopted after 16 years old.

Independent Living programs were designed to provide young people with training, skill-development and support as they make the transition from foster care to self-sufficiency. In some states, with creativity and innovation, these programs have seen remarkable success in that effort. In other localities, the programs have provided minimal support, and young people have faced an array of challenging life decisions and choices without the skills or supports to make them successfully. This bill requires that states improve their Independent Living programs, by requiring youth involvement at every level, requiring youths to participate in on-going education and career development activities, and requiring that those youths for whom room and board services are provided also have adult supervision and support.

In short, this bill assists a very vulnerable group of young Americans by ensuring that they have access to: Health Care up to the age of 21; continued efforts to locate a permanent family; a quality Independent Living program providing a broad array of skills, resources and services; and a program that focuses on critical outcomes, especially in the areas of education, career development, and positive lifestyle choices.

These will be valuable steps in our efforts to be more able to effectively address the needs of our Nation's most vulnerable young people, on the brink of adulthood. I urge my colleagues to

join us in co-sponsoring and passing this bill.

Mr. BOND. Mr. President, I rise today with my colleagues Senators CHAFEE, ROCKEFELLER, REED, MOYNIHAN, BREAUX, CONRAD, JEFFORDS, MIKULSKI, and LANDRIEU to introduce the Foster Care Independence Living Act of 1999. This important piece of legislation will provide transitional assistance for the estimated 20,000 youths in the United States who ''age out'' of the foster care system at the age of 18 without a permanent family.

This legislation builds on the Promotion of Adoption, Safety, and Support for Abused and Neglected Children (PASS) Act that I co-sponsored in 1997. The Foster Care Independence Living Act of 1999 increases the funding for the independent living program in order to provide basic living needs, such as housing and food. Additionally, the increased funding provides states the option to grant Medicaid for health care, including mental health needs, to former foster children up to their 21st birthdays as a condition of receiving the increased funding.

This legislation also guarantees that state programs are well supervised and provides a wide range of support which focuses on health, safety, and permanency goals. In addition, the bill allows children who receive aid under the independent living program to have assets or resources totaling $10,000, in contrast to the old requirement of $1,000, which deterred foster children from saving money for a sound future.

Mr. President, at age 18 foster care children are suddenly expected to be adults, able to take care of themselves. That is not a reasonable expectation, especially for kids deprived of a nurturing parent or other caring adult. As these youths age out of foster care without a permanent family or a structure of continued support, many lack a high school education, have difficulty maintaining employment, and often experience high levels of depression and discouragement. Research has proven that a significant number of homeless shelters users had recently been discharged from foster care. Other studies found that former foster care youth 2½ to 4 years after they ''aged out'' of foster care found that 46% of the youths had not completed high school, approximately 40% were dependent on public assistance or Medicaid and 42% had given birth or fathered a child.

Mr. President, I know first hand how this legislation can impact our nation's foster care children. In my home state of Missouri, Epworth Children and Family Services, in St. Louis, provides resources needed to help people who fall through the cracks of a system that is not strong enough to help build a future for foster care children ''aging out'' of foster care. Robin, an 18-year-old foster care youth, was all alone in the world when she entered Epworth's Independent Living Program. Her father was never a part of her life and her mother was serving time in jail. Motivated by the desire to regain custody of her two-year-old baby boy, Robin started the program with high hopes. However Robin struggled as she worked with the caring staff at Epworth. Despite attempts by the professional at Epworth to stretch limited resources to address Robin's ongoing needs, their system failed Robin. She was removed from Epworth by the Missouri Division of Family Services. Robin needed more support, more staff interaction and more resources than the Epworth program could provide.

Mr. President, the Foster Care Independence Living Act of 1999 provides significant assistance to assure that these foster care youth who ''age out'' of the system are provided with the assistance needed to transition out of foster care into independence. The provisions in this bill will assist these youth to begin a supervised and nurtured life outside of the foster care system. They will be given the time and resources they need to enter adulthood prepared. This independent living initiative would give many ''Robins'' the change to be self-sufficient and to contribute to her community. This means a better life for all of our children.

Mr. MOYNIHAN. Mr. President, today, I am proud to co-sponsor the Foster Care Independence Act of 1999, introduced by my good friend and colleague Senator CHAFEE. We are joined by a group of our colleagues, including Senator ROCKEFELLER, BOND, REED.

This legislation will help a group of our children in dire circumstances—foster children who reach age 18 still in the custody of the state. They were victims of abuse and neglect and their families proved to be beyond repair. About 20,000 children a year ''age out'' of the foster care system. They reach 18 and we, in large part, abandon them to the world. Many make their way successfully. But far too many, alas, do not, and these children are more likely to become homeless or end up on public assistance.

More than a decade ago, we recognized that these children needed additional help in preparing for life on their own. I am proud to have helped create the Independent Living program, which provided Federal support for efforts that prepare teenager for the transition from foster care to independence.

Today we are working on a bipartisan basis to build on this program. The bill we are introducing will double funding for the Independent Living program and increase the use of the funds to assist former foster care children until they reach 21, including, for the first time, help with room and board. As any parent knows, many 19 and 20-year olds remain in need of family support from time to time. For children who have ''aged out'' of foster care by turning 18, the government is, in effect, their parent and we should do more to help them become independent and self-sufficient, just as other parents do. The legislation also contains important provisions encouraging states to continue Medicaid coverage for these children so that health care remains available to them.

Mr. President, this legislation has widespread support, including from the Administration and key members of both parties. I would like to particularly thank the First Lady for her leadership in working on behalf of these children. I thank Senator CHAFEE for offering it and look forward to working with him and many others to see that it becomes law.

By Mr. KERRY (for himself, Mr. GRASSLEY, Mr. BAUCUS, Mr. HARKIN, Mr. CLELAND and Mr. BURNS):

S. 1328. A bill to amend the Internal Revenue Code of 1986 to permit the disclosure of certain tax information by the Secretary of the Treasury to facilitate combined Federal and State employment tax reporting, and for other purposes; to the Committee on Finance.

SINGLE POINT TAX FILING ACT OF 1999

Mr. KERRY. Mr. President, there is no shortage of ideological ferment over the issue of taxes—from IRS Reform to discussion after discussion of tax cuts, we have gone back and forth over these questions and we've worked, as much as possible, to find a bipartisan consensus. Today I am joined by my colleagues Senator GRASSLEY and Senator BAUCUS to introduce legislation about which I would think every member of this body would be able to agree—legislation that makes tax filing simpler and easier for the small businesses that constitute 98 percent of all businesses in America, employ nearly 60 percent of the workforce, and which, having created close to two-thirds of America's net new jobs since the 1970s, continue to serve as the wellspring for our Nation's technological innovation and productivity growth.

Mr. President, America's small businesses are today drowning in tax paperwork. The nation's 6.7 million employers are responsible for filing federal and state employment taxes and wage reports, as well as unemployment insurance reports. Under current law, employers file tax and unemployment insurance reports with federal and state agencies throughout the year, reports which obligate employers to understand and comply with diverse and often conflicting state and federal laws. Just to keep up with these requirements, employers must maintain separate wage records for federal income tax withholding, state income tax withholding, FICA, FUTA, and SUI. In many cases, employers must report this information to government agencies at different times and in different forms. The reporting burden is only compounded when employers do business in more than one state, many of which do not have the same legal or procedural requirements. Just consider the financial burden—essentially a tax

on taxes—associated with employer tax, wage, and unemployment insurance reporting is estimated at $16.2 billion for Fiscal Year 1999. The federal portion of this employer burden is $9.8 billion, the state portion relatively little less at $6.4 billion.

Given what we know about the role small businesses play as the engine of our economy, and given all the expectations we share in terms of the potential for these businesses to push the boundaries of economic growth out even further in the new economy, I think we would all agree that we ought to do something to relieve some of the tax filing burdens on these employers, to give them more time and, I think it follows, more capital to focus on job creation in our workforce, not, respectfully, job creation over at the IRS and in the accounting industry.

Let me just read to you what David A. Lifson, speaking on behalf of the American Institute of Certified Public Accountants, said in his testimony before the Ways and Means Committee, Oversight Subcommittee on ''The Impact of Complexity of the Tax Code on Individual Taxpayers and Small Businesses'' May 25, 1999:

''Significant problems arise from the increasing complexity of the tax law. For example: a growing number of taxpayers perceive the tax law to be unfair; it becomes increasingly more difficult for the Internal Revenue Service to administer the tax law; the cost of compliance for all taxpayers is increasing (of particular concern are the many taxpayers with unsophisticated financial affairs who are forced to seek professional tax return preparation assistance); and, complexity interferes with economic decision making. The end result is erosion of voluntary compliance. By and large, our citizens obey the law, but it is only human to disobey a law if you do not or can not understand the rules. In a recent Associated Press (AP) poll, 66 percent of the respondents said that the federal tax system is too complicated. Three years ago, just under one-half of respondents in a similar AP poll said that the tax system was too complicated. The poll also showed that more than half of those surveyed, 56 percent, now pay someone else to prepare their tax returns. This is a serious indictment of our tax system. When over half our individual taxpayers have so little comprehension of (or faith in) their tax system that they have to hire another party to prepare their returns, something is not right.''

Now, Mr. President, I applaud David Lifson's candor in speaking out for tax simplification. The truth is, when the one industry—accounting—which depends financially on the very complexity and unwieldiness of our tax filing process and the tax code itself, is saying—honestly—that the system is too complex, we know—unequivocally—that we need to do something to make the tax filing process work for taxpayers. The burden of tax code complexity is taking a heavy toll. At an April hearing before the Senate Small Business Committee, the General Accounting Office identified more than 200 different federal tax code requirements that potentially apply to small businesses. Today, when a business hires an employee, the business becomes responsible for collecting and paying three federal taxes (income tax withholding, FICA, and FUTA). It also becomes liable for state and local employment taxes: in most states, these include a state income tax and a state unemployment tax. For businesses, each tax presents its own set of rules and regulations. For the small business owner just starting up, these employment tax rules make compliance difficult and confusing—and in too many instances the cumbersome nature of the tax filing process is a disincentive in itself for small businesses to grow.

We need to reverse that course, and, Mr. President, we can do just that today—we can simplify the tax filing process for employers by allowing the Internal Revenue Service (IRS) and State agencies to combine, on one form, both State and Federal employment tax returns.

As we all know, traditionally, federal tax forms are filed with the federal government and state tax forms are filed with individual states. This necessitates duplication of items common to both returns. Several States have been working creatively with the IRS to implement combined State and Federal reporting of employment taxes, on one form, as a way of reducing the administrative burden on taxpayers. The Taxpayer Relief Act of 1997 authorized a demonstration project to assess the feasibility and desirability of expanding combined reporting. The pilot project was: (1) limited to the State of Montana, (2) limited to employment tax reporting, (3) limited to disclosure of the name, address, taxpayer identification number, and signature of the taxpayer, and (4) limited to a period of five years. On March 29, 1999, the IRS announced the successful testing of the Single-Point Filing Initiative. Several States are currently considering agreements with the IRS to initiate joint-filing of employment taxes. Those States include Maine, Oklahoma, Iowa, South Carolina, Ohio, and Massachusetts. My colleague Senator BAUCUS knows just how popular this experiment has been in Montana. He'll tell you that by permitting the IRS to share a limited amount of basic taxpayer identity information—information which States already collect separately at an added expense to themselves and the taxpayer, the Single-Point Tax Filing Act we are introducing today will allow the IRS to expand joint-filing beyond its current pilot project.

Implementation of combined State-Federal employment tax reporting—a good idea, a common-sense idea long in the making—has been hindered because the tax code applies restrictions on disclosure of information common to both the State and Federal portions of the combined form. Our bill will waive those restrictions, and allow us to take a common-sense step forward for small businesses in the United States, a step forward for single-point tax filing.

Mr. President, this is one of the obligations the American people—regardless of party or politics, expect us to take seriously—to protect them as taxpayers. And I believe that this is one tax provision, one measure of simplification, on which we can all agree—and we can make it law at no additional cost to taxpayers. I am pleased to introduce the Single Point Tax Filing legislation today, I thank the distinguished members of the Finance Committee CHARLES GRASSLEY and MAX BAUCUS who join me today in offering this legislation, and I ask for your support of this important measure.

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

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

SINGLE-POINT TAX FILING ACT OF 1999

PURPOSE

To simplify the tax filing process for employers by allowing the Internal Revenue Service (IRS) and State agencies to combine, on one form, both State and Federal employment tax returns.

SUMMARY

Traditionally, Federal tax forms are filed with the Federal government and State tax forms are filed with individual States. This necessitates duplication of items common to both returns. Several States have been working with the IRS to implement combined State and Federal reporting of employment taxes, on one form, as a way of reducing the administrative burden on taxpayers. By permitting the IRS to share a limited amount of basic taxpayer identity information—information which States already collect separately at an added expense to themselves and the taxpayer, the Single-Point Tax Filing Act will allow the IRS to expand joint-filing beyond its current pilot project.

BACKGROUND

The tax code prohibits disclosure of tax returns and return information, except to the extent specifically authorized by law. Unauthorized disclosure is a felony punishable by a fine not exceeding $5,000 or imprisonment of not more than five years, or both. An action for civil damages also may be brought for unauthorized disclosure. No tax information may be furnished by the IRS to another agency unless the other agency establishes procedures satisfactory to the IRS for safeguarding the tax information it receives.

Implementation of combined State-Federal employment tax reporting has been hindered because the tax code applies restrictions on disclosure of information common to both the State and Federal portions of the combined form.

The Taxpayer Relief Act of 1997 authorized a demonstration project to assess the feasibility and desirability of expanding combined reporting. The pilot project was: (1) limited to the State of Montana, (2) limited to employment tax reporting, (3) limited to disclosure of the name, address, taxpayer identification number, and signature of the taxpayer, and (4) limited to a period of five

years. On March 29, 1999, the IRS announced the successful testing of the Single-Point Filing Initiative.

Several States are currently considering agreements with the IRS to initiate joint-filing of employment taxes. Those States include Maine, Oklahoma, Iowa, South Carolina, Ohio, and Massachusetts.

LEGISLATION

Before additional joint-filing projects may move forward, the IRS must receive legislative authority to share basic information with State agencies. By providing the necessary statutory waiver, the Single-Point Tax Filing Act will permit the IRS to extend joint-filing beyond its current pilot project. The waiver would only pertain to employment tax reporting and would only permit the disclosure of the taxpayer's name, mailing address, taxpayer identification number, and signature (i.e., taxpayer identity information).

Mr. BAUCUS. Mr. President, I want to add my strong support to the Single-Point Tax Filing Act of 1999 introduced by my colleagues Senators KERRY and GRASSLEY. As a result of language I had included in the 1997 Taxpayer Relief Act, Montana is the only state in the nation currently testing a Single-Point Tax Filing system, also known as the Simplified Tax and Wage Reporting System, or STAWRS.

The STAWRS pilot project in Montana has been a tremendous success. Earlier this year, the State of Montana and its Department of Revenue received a Regulatory Innovation Award from the Small Business Administration, the Commissioner's Award from the Internal Revenue Service, and the ''Hammer'' Award by the National Performance Review. These awards were all given in recognition of the pilot project's achievement in dramatically reducing paperwork and cutting red tape for small businesses. I was also honored to receive SBA's Special Advocacy Award for my efforts to have legislation enacted that allowed the pilot project to go forward.

The STAWRS program is designed to help businesses file their paperwork with one office, instead of wading through a blizzard of paper. It's one-stop shopping and will go a long way toward streamlining payroll information, making filing faster and easier. Right now, businesses find themselves reporting the same exact information, on wide variety of forms, to a range of state and federal agencies. This takes time and effort, both of which small business owners could put to much better use running their businesses. The STAWRS project is intended to eventually make it possible for employers to file a single, one-page report that is then shared by the appropriate revenue agencies. The governments will do the work and extract the information they need rather than the employer.

Small businesses are the engine for economic growth in this country. They have created close to two-thirds of America's net new jobs since the 1970's, helping drive our unprecedented economic growth and prosperity. All of this growth has been achieved despite the crushing paperwork requirements that small business owners face. The Single-Point Tax Filing Act gives us an opportunity to reduce this paperwork burden at no cost to the government. I am proud that Montana has taken the lead in reducing paperwork for small business, and strongly believe it should be made available to small businesses in every state, and on a permanent basis.

I urge my colleagues to support the bill.

By Mr. REID:

S. 1329. A bill to direct the Secretary of the Interior to convey certain land to Nye County, Nevada, and for other purposes; to the Committee on Energy and Natural Resources.

CONVEYANCE OF LAND TO NYE COUNTY, NEVADA

Mr. REID. Mr. President, I rise today to introduce legislation to authorize Nye County, Nevada to acquire approximately 800 acres of public land. This conveyance will facilitate the development of both the Nevada Science and Technology Center and the Amargosa Valley Science and Technology Park, part of a larger proposed Nevada Science and Technology Corridor.

The Nevada Science and Technology Center is a proposed interactive science center and museum, highlighting the environment, industries, and technological developments associated with the region. This state of the art facility will have the potential to draw visitors from the Las Vegas Valley, 80 miles to the southeast, and the 1.3 million tourists who visit nearby Death Valley on an annual basis. The Center will appeal to people of all ages and backgrounds because it will provide a unique, fun, hands-on experience. Planning for this project is ongoing under the direction of a Nevada registered non-profit organization.

The Amargosa Valley Science and Technology Park is a proposed research and development business park designed to support Department of Energy contractors and suppliers associated with the Nevada Test Site, located immediately to the north of this site. Nye County currently has a $1.5 million grant from the Economic Development Administration in the final stages of review at that agency's regional office. Once finalized, this grant will provide the funding for water and infrastructure development in support of both the science center and the research and development park.

The lands proposed for conveyance have been identified for disposal under the Bureau of Land Management's October 1998 Las Vegas Resource Management Plan. Due to the non-profit nature of the Science Center, this portion of land, approximately 450 acres, would be conveyed at no cost. Because the research and industrial park will house commercial operations, the County would be required to pay fair market value for these lands, approximately 350 acres. The legislation contains provisions for the no-cost land to revert to the federal government should it be used for purposes other than the science center and related facilities.

This legislation will provide the impetus for future development in this area, providing the opportunity for economic growth in Nye County. I urge my colleagues to vote for passage of this bill.

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

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

S. 1329

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

SECTION 1. CONVEYANCE TO NYE COUNTY, NEVADA.

(a) DEFINITIONS.—In this section:

(1) COUNTY.—The term ''County'' means Nye County, Nevada.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(b) PARCELS CONVEYED FOR USE OF THE NEVADA SCIENCE AND TECHNOLOGY CENTER.—

(1) IN GENERAL.—For no consideration and at no other cost to the County, the Secretary shall convey to the County, subject to valid existing rights, all right, title, and interest in and to the parcels of public land described in paragraph (2).

(2) LAND DESCRIPTION.—The parcels of public land referred to in paragraph (1) are the following:

(A) The portion of Sec. 13 north of United States Route 95, T. 15 S. R. 49 E, Mount Diablo Meridian, Nevada.

(B) In Sec. 18, T. 15 S., R. 50 E., Mount Diablo Meridian, Nevada:

(i) W ½ W ½ NW ¼.

(ii) The portion of the W ½ W ½ SW ¼ north of United States Route 95.

(3) USE.—

(A) IN GENERAL.—The parcels described in paragraph (2) shall be used for the construction and operation of the Nevada Science and Technology Center as a nonprofit museum and exposition center, and related facilities and activities.

(B) REVERSION.—The conveyance of any parcel described in paragraph (2) shall be subject to reversion to the United States, at the discretion of Secretary, if the parcel is used for a purpose other than that specified in subparagraph (A).

(b) PARCELS CONVEYED FOR OTHER USE FOR A COMMERCIAL PURPOSE.—

(1) RIGHT TO PURCHASE.—For a period of 5 years beginning on the date of enactment of this Act, the County shall have the exclusive right to purchase the parcels of public land described in paragraph (2) for the fair market value of the parcels, as determined by the Secretary.

(2) LAND DESCRIPTION.—The parcels of public land referred to in paragraph (1) are the following parcels in Sec. 18, T. 15 S., R. 50 E., Mount Diablo Meridian, Nevada:

(A) E ½ NW ¼.

(B) E ½ W ½ NW ¼.

(C) The portion of the E ½ SW ¼ north of United States Route 95.

(D) The portion of the E ½ W ½ SW ¼ north of United States Route 95.

(E) The portion of the SE ¼ north of United States Route 95.

(3) USE OF PROCEEDS.—Proceeds of a sale of a parcel described in paragraph (2)—

(A) shall be deposited in the special account established under section 4(e)(1)(C) of

the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2345); and

(B) shall be available to the Secretary as provided in section 4(e)(3) of that Act (112 Stat. 2346).

By Mr. REID:

S. 1330. A bill to give the city of Mesquite, Nevada, the right to purchase at fair market value certain parcels of public land in the city; to the Committee on Energy and Natural Resources.

CONVEYANCE OF LAND TO THE CITY OF MESQUITE, NEVADA

Mr. REID. Mr. President, I rise today to introduce legislation to authorize the city of Mesquite, Nevada, to acquire approximately 7,690 acres of public land necessary to provide for urban and economic growth and development of a new commercial airport. This legislation will amend existing public law and allow for the continued expansion of this growing community.

Mesquite is the one of the fastest growing cities in the fastest growing State in the Nation According to figures released by the U.S. Census Bureau, Mesquite grew by 441% between 1990 and 1998, increasing in population from 1,871 to over 10,000. This phenomenal growth rate is being fueled by a variety of factors, including the development of new destination resorts and the ''discovery'' of other recreational opportunities in the tri-state region of Nevada, Arizona, and Utah. As the tourism industry in the area continues to grow and prosper, a greater capacity for air carrier service will be required to meet the needs of the region. In addition, the city of Mesquite is land locked by public lands. While some relief has been provided via the existing public law, this growth is exceeding demand and the city expects to be out of room within a couple of years. This bill is designed to help with both growth related and air service issues.

Although the existing Mesquite Airport is adequate for general aviation service, terrain precludes the expansion necessary for commercial and cargo service. A new commercial airport is needed to meet the future regional demands. The proposed airport site identified in this bill is a result of an approved Site Selection Study conducted for the Clark County Department of Aviation. This study was funded through, and approved by, the Federal Aviation Administration. Of course, no airport construction activities will begin without completion of a comprehensive Airport Master Plan and environmental review. Once these steps are completed, airport construction will be financed by the City of Mesquite and its business community.

Existing state law requires that the airport site be contiguous with the city limits in order to be annexed. The legislation I introduce today will authorize the city to purchase 5,400 acres of public land to meet this connectivity requirement. As some of this land has development potential, the city will be required to pay fair market value for this acreage. The actual airport site of 2,560 acres would be acquired by the city pursuant to existing land acquisition statues related to transportation and airport development.

Mr. President, I request that this legislation be given prompt consideration.

Mr. President, I also 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. 1330

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

SECTION 1. CONVEYANCE OF LAND TO CITY OF MESQUITE, NEVADA.

Section 3 of Public Law 99–548 (100 Stat. 3061; 110 Stat. 3009–202) is amended by adding at the end the following:

''(e) FIFTH AREA.—

''(1) RIGHT TO PURCHASE.—For a period of 12 years after the date of enactment of this Act, the city of Mesquite, Nevada, shall have the exclusive right to purchase the parcels of public land described in paragraph (2).

''(2) LAND DESCRIPTION.—The parcels of public land referred to in paragraph (1) are as follows:

''(A) In T. 13 S., R. 70 E., Mount Diablo Meridian, Nevada:

''(i) The portion of sec. 27 north of Interstate Route 15.

''(ii) Sec. 28: NE ¼, S ½ (except the Interstate Route 15 right-of-way).

''(iii) Sec. 29: E ½ NE ¼ SE ¼, SE ¼ SE ¼.

''(iv) The portion of sec. 30 south of Interstate Route 15.

''(v) The portion of sec. 31 south of Interstate Route 15.

''(vi) Sec. 32: NE ¼ NE ¼ (except the Interstate Route 15 right-of-way), the portion of NW ¼ NE ¼ south of Interstate Route 15, and the portion of W ½ south of Interstate Route 15.

''(vii) The portion of sec. 33 north of Interstate Route 15.

''(B) In T. 14 S., R. 70 E., Mount Diablo Meridian, Nevada:

''(i) Sec. 5: NW ¼.

''(ii) Sec. 6: N ½.

''(C) In T. 13 S., R. 69 E., Mount Diablo Meridian, Nevada:

''(i) The portion of sec. 25 south of Interstate Route 15.

''(ii) The portion of sec. 26 south of Interstate Route 15.

''(iii) The portion of sec. 27 south of Interstate Route 15.

''(iv) Sec. 28: SW ¼ SE ¼.

''(v) Sec. 33: E ½.

''(vi) Sec. 34.

''(vii) Sec. 35.

''(viii) Sec. 36.

''(3) NOTIFICATION.—Not later than 10 years after the date of enactment of this subsection, the city shall notify the Secretary which of the parcels of public land described in paragraph (2) the city intends to purchase.

''(4) CONVEYANCE.—Not later than 1 year after receiving notification from the city under paragraph (3), the Secretary shall convey to the city the land selected for purchase.

''(5) WITHDRAWAL.—Subject to valid existing rights, until the date that is 12 years after the date of enactment of this subsection, the parcels of public land described in paragraph (2) are withdrawn from all forms of entry and appropriation under the public land laws, including the mining laws, and from operation of the mineral leasing and geothermal leasing laws.

''(6) USE OF PROCEEDS.—The proceeds of the sale of each parcel—

''(A) shall be deposited in the special account established under section 4(e)(1)(C) of the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2345); and

''(B) shall be disposed of by the Secretary as provided in section 4(e)(3) of that Act (112 Stat. 2346).

''(f) SIXTH AREA.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall convey to the city of Mesquite, Nevada, in accordance with section 47125 of title 49, United States Code, up to 2,560 acres of public land to be selected by the city from among the parcels of land described in paragraph (2).

''(2) LAND DESCRIPTION.—The parcels of land referred to in paragraph (1) are as follows:

''(A) In T. 13 S., R. 69 E., Mount Diablo Meridian, Nevada:

''(i) The portion of sec. 28 south of Interstate Route 15 (except S ½ SE ¼).

''(ii) The portion of sec. 29 south of Interstate Route 15.

''(iii) The portion of sec. 30 south of Interstate Route 15.

''(iv) The portion of sec. 31 south of Interstate Route 15.

''(v) Sec. 32.

''(vi) Sec. 33: W ½.

''(B) In T. 14 S., R. 69 E., Mount Diablo Meridian, Nevada:

''(i) Sec. 4.

''(ii) Sec. 5.

''(iii) Sec. 6.

''(iv) Sec. 8.

''(C) In T. 14 S., R. 68 E., Mount Diablo Meridian, Nevada:

''(i) Sec. 1.

''(ii) Sec. 12.

''(3) WITHDRAWAL.—Subject to valid existing rights, until the date that is 12 years after the date of enactment of this subsection, the parcels of public land described in paragraph (2) are withdrawn from all forms of entry and appropriation under the public land laws, including the mining laws, and from operation of the mineral leasing and geothermal leasing laws.''.

By Mr. REID:

S. 1331. A bill to give Lincoln County, Nevada, the right to purchase at fair market value certain public land in the county; to the Committee on Energy and Natural Resources.

LINCOLN COUNTY LANDS ACT OF 1999

Mr. REID. Mr. President, I rise today to introduce legislation to provide Lincoln County, Nevada with the exclusive right to purchase approximately 4,800 acres of public land near Mesquite, Nevada. This legislation, to be known as the Lincoln County Lands Act of 1999, will facilitate economic growth and development in one of the most economically distressed counties in the Silver State.

Lincoln County encompasses an area of 10,132 square miles, which is larger than several of the New England states combined. Approximately 98% of the County is owned by the federal government and property tax revenues amount to only $1,106,558 annually. As a result, Lincoln County is hard pressed to provide basic services to its citizens and the County school district in facing a critical situation as its schools are literally crumbling because of a lack of funds to maintain them.

The Lincoln County Lands Act will allow the County to address these economic problems in a positive way.

By allowing Lincoln County to purchase 4,800 acres of public land (less than 1/10th of 1% of the land in the County) at fair market value, this legislation will result in the County's property tax revenues increasing by over $12.9 million annually—an increase of more than 1000%. While this may seem extraordinary, it is a result of land being situated immediately adjacent to the rapidly growing City of Mesquite which is located just over the County line in Clark County, Nevada. Mesquite's growth has created a huge demand for more housing and commercial development that can be best met by allowing Lincoln County to purchase this public land and develop it in a prudent manner. Under this scenario everyone involved is a winner. Lincoln County will gain badly needed property tax revenue, Mesquite gains room for expansion and growth, and the federal government will be fairly compensated for the sale of public lands.

Another important aspect of this legislation is that it allows for the proceeds of any sale of land pursuant to the Act to be utilized by the Bureau of Land Management to acquire or otherwise protect environmentally sensitive lands in Nevada, to defray the administrative costs that BLM will incur in processing this land sale, and to develop a multi-species habitat plan for all of Lincoln County. These provisions, similar to those contained in the Southern Nevada Public Land Management Act enacted in 1998, will help ensure that a mechanism exists to fund the conservation and protection of Nevada's natural resources.

Mr. President, the Lincoln County Lands Act is modeled after other legislation that I have successfully sponsored, such as the Mesquite Lands Act of 1986 and the previously mentioned Southern Nevada Public Land Management Act. These laws have provided a framework for creating economic growth while protecting the environment and the taxpayer. I am very pleased to be able to build upon these achievements by assisting Lincoln County in a similar manner. I look forward to prompt consideration of this important piece of legislation.

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. 1331

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 ''Lincoln County Land Act of 1999''.

SEC. 2. SALE OF PUBLIC LAND.

(a) RIGHT TO PURCHASE.—For a period of 10 years after the date of enactment of this Act, Lincoln County, Nevada, shall have the exclusive right to purchase the parcels of public land described in subsection (b).

(b) LAND DESCRIPTION.—The parcels of public land referred to in subsection (a) are the following parcels in T. 12 S., R. 71 E., Mount Diablo Meridian, Nevada:

(1) Sec. 16: NW ¼ SW ¼, S ½ SW ¼, SE ¼.
(2) Sec. 17: SW ¼, W ½ SE ¼, SE ¼ SE ¼.
(3) Sec. 18: SE ¼.
(4) Sec. 19: E ½.
(5) Sec. 20.
(6) Sec. 21: W ½.
(7) Sec. 28: W ½.
(8) Sec. 29.
(9) Sec. 30: E ½.
(10) Sec. 31: E ½.
(11) Sec. 32.
(12) Sec. 33: W ½, SE ¼.
(13) Sec. 34: S ½.

(c) NOTIFICATION.—Not later than 180 days after the date of enactment of this Act, Lincoln County, Nevada, shall notify the Secretary of the Interior which of the parcels of public land described in subsection (b) the county intends to purchase.

(d) TERMS AND CONDITIONS OF SALE.—All sales of public land under this section—

(1) shall be subject to valid existing rights; and

(2) shall be made for fair market value, as determined by the Secretary.

(e) CONVEYANCE.—Not later than 1 year after receiving notification by Lincoln County that the county wishes to proceed with a purchase under subsection (a), the Secretary of the Interior shall convey to Lincoln County the parcels of land selected for purchase.

(f) WITHDRAWAL.—Subject to valid existing rights, until the date that is 10 years after the date of enactment of this Act, the public land described in subsection (b) is withdrawn from all forms of entry and appropriation under the public land laws, including the mining laws, and from operation of the mineral leasing and geothermal leasing laws.

SEC. 3. DISPOSITION OF PROCEEDS.

(a) LAND SALES.—Of the gross proceeds of sales of land under this Act in a fiscal year—

(1) 5 percent shall be paid directly to the State of Nevada for use in the general education program of the State;

(2) 10 percent shall be returned to Lincoln County for use as determined through normal county budgeting procedures, with emphasis given to support of schools, of which no amount may be used in support of litigation against the Federal Government; and

(3) the remainder shall be deposited in a special account in the Treasury of the United States (referred to in this section as the ''special account'') for use as provided in subsection (b).

(b) AVAILABILITY OF SPECIAL ACCOUNT.—

(1) IN GENERAL.—Amounts in the special account (including amounts earned as interest under paragraph (3)) shall be available to the Secretary of the Interior, without further Act of appropriation, and shall remain available until expended, for—

(A) the cost of acquisition of environmentally sensitive land or interests in such land in the State of Nevada, with priority given to land outside Clark County;

(B) development of a multispecies habitat conservation plan in Lincoln County, Nevada; and

(C) reimbursement of costs incurred by the Bureau of Land Management in preparing sales under this Act, or other authorized land sales or exchanges within Lincoln County, Nevada, including the costs of land boundary surveys, compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), appraisals, environmental and cultural clearances, and any public notice.

(2) ACQUISITION FROM WILLING SELLERS.—An acquisition under paragraph (1)(A) shall be made only from a willing seller and after consultation with the State of Nevada and units of local government under the jurisdiction of which the environmentally sensitive land is located.

(3) INTEREST.—Amounts in the special account shall earn interest in the amount determined by the Secretary of Treasury on the basis of current average market yield on outstanding marketable obligations of the United States of comparable maturities.

By Mr. BAYH (for himself, Mr. LUGAR, Mr. ROCKEFELLER, Mr. VOINOVICH, Mr. DURBIN, Mr. BINGAMAN, Mr. STEVENS, Mr. KENNEDY, Mr. MURKOWSKI, Mr. KERREY, and Ms. LANDRIEU):

S. 1332. A bill to authorize the President to award a gold medal on behalf of Congress to Father Theodore M. Hesburg, in recognition of his outstanding and enduring contributions to civil rights, higher education, the Catholic Church, the Nation, and the global community; to the Committee on Banking, Housing, and Urban Affairs.

CONGRESSIONAL GOLD MEDAL IN HONOR OF REVEREND THEODORE HESBURGH

● Mr. BAYH. Mr. President, I rise today with my good friend and colleague from Indiana, Senator RICHARD LUGAR, to introduce legislation awarding the Congressional Gold Medal to the Reverend Theodore Hesburgh, president emeritus of the University of Notre Dame.

This bipartisan effort recognizes Father Hesburgh for his outstanding contributions to the civil rights movement and to improving higher education. His efforts have provided benefits not only to the people of the United States but to the global community as well.

Over the years, Father Hesburgh has held 15 presidential appointments and remains a national leader in the fields of education, civil rights and development of the world's poorest nations. Most notable among Father Hesburgh's many previous awards is the Medal of Freedom, the nation's highest civilian honor, bestowed on him by President Johnson in 1964.

Mr. President, Father Hesburgh has been a champion of the civil rights movement for more than forty years. He was a charter member of the U.S. Commission on Civil Rights in 1957, and served as Chairman of the commission from 1969–72. His relentless pursuit of justice, peace and equality continue to inspire people around the world.

Despite Father Hesburgh's commitment and obligations to Notre Dame and the various commissions he served, he still managed to give a sufficient amount of time and attention to global problems. Father Hesburgh served four Popes in many capacities, including as the permanent Vatican City representative to the International Atomic Energy Agency in Vienna from 1956–1970. In 1971, he joined the board of Overseas Developing Council, a private organization supporting interests of the underdeveloped world, and chaired it until

1982. During this time, he led fund-raising efforts that averted mass starvation in Cambodia in the immediate aftermath of the Khmer Rouge.

Notre Dame is perhaps most celebrated for its athletic prowess, but these on-the-field achievements should not overshadow Notre Dame's place as a world class institution of learning and scholarship. When Father Hesburgh stepped down as head of Notre Dame in 1987, he ended the longest tenure among active presidents of American institutions of higher learning. The accomplishments made during Father Hesburgh's tenure are perhaps best reflected in the significant gains made from the time he took over as the 15th president of Notre Dame in 1952, up until his departure. By the time Father Hesburgh left Notre Dame, enrollment had doubled, the number of faculty had tripled, and the number of degrees offered by the school had grown to over 2,500.

Most strikingly, Father Hesburgh was responsible for making dramatic changes to the University's composition by admitting women to Notre Dame. He also established several of Notre Dame's prestigious institutions, both the Kroc Institute for International Peace Studies and the Kellogg Institute for International Studies.

Today, even in retirement, Father Hesburgh continues to be a leading educator and humanitarian, inspiring generations of students and citizens, while generously sharing his wisdom in the struggle for the rights of man.

That is why we rise today to introduce legislation in the Senate honoring this man with a Congressional Gold Medal for his outstanding contributions to the University of Notre Dame, our country and the global community.●

● Mr. LUGAR. Mr. President, I rise today to join Senator BAYH in introducing legislation to bestow a Congressional Gold Medal on Reverend Theodore M. Hesburgh, C.S.C., president emeritus of the University of Notre Dame.

In 1952, at the age of 35, Father Hesburgh became the fifteenth president of the University of Notre Dame. He served in that position for a remarkable 35 years. At the time of his retirement in 1987, he had the longest tenure among active American university presidents. Father Hesburgh's leadership and vision, together with the hard work of faculty, staff, alumni, and students, built Notre Dame into one of the premier universities in the United States.

In you ask any Golden-domer, they will tell you that Father Hesburgh's contributions to the University of Notre Dame are as big as the 13-floor library that bears his name. Notre Dame grew exponentially in research funding and in endowment during Father Hesburgh's presidency. When he assumed the office in 1952, Notre Dame served fewer than 5,000 students. Today it is an internationally recognized university of nearly 10,000 students engaged in every imaginable academic discipline.

More importantly, through his example and direction, Father Hesburgh inspired the university community to pursue not only academic excellence and international prominence, but also justice and spiritual meaning. Few universities have succeeded at creating an environment so committed to public service and so rich in its dialogue between the intellectual and the spiritual.

As Father Hesburgh worked to build the University of Notre Dame into what it is today, he simultaneously answered the call to serve his nation and the world. His career has embodied the principle of public service that he espoused at Notre Dame.

Father Hesburgh has held a remarkable 15 Presidential appointments over the years, covering such diverse topics as the peaceful uses of atomic energy and campus unrest. He was a charter member of the U.S. Commission on Civil Rights, created in 1957, and he chaired the commission from 1969–1972.

All the while he remained a national leader in education, serving on many commissions and study groups. He chaired the International Federation of Catholic Universities from 1963 to 1970. In this position and through his writings, he was instrumental in redefining the importance of international studies in higher education and the nature and mission of a contemporary Catholic university. Father Hesburgh also served four Popes as a Vatican representative to the International Atomic Energy Agency and other international assemblies.

The problems of underdeveloped nations have been a special interest of Father Hesburgh. He joined the board of the Overseas Development Council in 1971. His fund-raising work as Chairman helped avert mass starvation in Cambodia in 1979 and 1980. He also chaired the Select Commission on Immigration and Refugee Policy between 1979 and 1981. The recommendations of the Commission became the basis of legislation five years later.

Father Hesburgh's lengthy list of awards include the Medal of Freedom, bestowed by President Johnson in 1964. He is also the recipient of 135 honorary degrees, the most ever awarded to an American.

In retirement, Father Hesburgh has become a best-selling author. He still plays a major role in the development of higher education through the institutes he was instrumental in founding at Notre Dame, including the Kroc Institute for International Peace Studies and the Kellogg Institute for International Studies. Father Hesburgh chairs the advisory committee for both institutes.

Despite his innumerable accomplishments, Father Hesburgh has always remained grounded in the campus life of Notre Dame University. He continues to frequently lecture and preside at mass. He talks with everyone who approaches him and still loves having lunch with students daily to discuss their views on the courses and programs he has been so instrumental in advancing.

Mr. President, Father Hesburgh's life stands as an example of the type of service, dedication, and faith that the Congressional Gold Medal was meant to commemorate. I encourage my colleagues to join Senator BAYH and myself in supporting this legislation.●

By Mr. WYDEN (for himself and Mr. BENNETT):

S. 1333. A bill to expand homeownership in the United States; to the Committee on Banking, Housing, and Urban Affairs.

PROMOTING HOUSING AFFORDABILITY FOR WORKING FAMILIES ACT OF 1999

● Mr. WYDEN. Mr. President, many Americans are benefiting from today's robust economy—unemployment is down, the stock market is up and homeownership is at record levels.

Sounds good. But while homeownership levels are up for some, for others, the idea of owning a home is about as realistic as winning the lottery.

For millions of working families, paying for the house of their dreams too often turns into a financial nightmare. Homeownership should not be reserved for the wealthiest in our society, but should be within the grasp of every working man and woman.

Families with incomes below $25,000 generally cannot afford rent—much less monthly mortgage payments on most homes. Some of these are the people who keep our streets safe, fight fires and teach our children, people who play vital roles in our community. They deserve to own their own homes in the communities they know so well and work so hard to improve.

Working families should be able to invest in themselves and in their families rather than put their hard-earned income every month into rent paid to someone else. Houses do more than provide shelter. Houses become homes. They allow adults a chance to become established. They give children a sense of security. They allow small towns to function and big cities to endure.

It is no wonder then that we value homeownership in this country. Owning a home is a part of our culture, it's what we call ''the American dream.'' Still, this dream is out of the reach of many Americans. In Oregon, where more than 75 percent of jobs do not pay a living wage for a single parent, housing costs have skyrocketed, forcing nearly half of Oregon renters to spend more than 30 percent of their income on housing and utilities. According to the Department of Housing and Urban Development's guidelines, if someone is spending more than 30 percent of his or her income on housing, they start cutting into other basic needs such as putting food on the table, taking elderly parents to the doctor or clothing kids for school.

People should not have to choose between feeding their kids or keeping a roof over their heads. The bill that I am introducing, ''The Promoting Housing Affordability for Working Families Act of 1999,'' will help communities remove the barriers to affordable housing, so working families will not have to make this choice. Many factors, such as excessive rules and regulations, add to the price of a house. Cities and states must work together to remove these barriers. By working together, they can free up rental housing for those who cannot afford to buy a home while making the purchase of a first home easier for folks who have been previously denied the opportunity.

This bill addresses the problem on three fronts. First, it brings communities together to form ''barrier removal councils'' so they can identify problems to housing affordability and begin implementing solutions.

Second, the bill requires Federal agencies to examine the impact of their regulations on the cost of housing. Determining this information through a ''housing impact analysis'' at the outset will save states, communities and, ultimately, families a lot of hassle down the road.

Third, it makes homeownership possible for people who help our communities thrive—teachers, police officers, fire fighters and other public employees. Through incentives such as downpayment assistance and closing cost flexibility this bill helps people live in the communities they serve.

Many working families are ready for their first home. They are starting to raise families, move up the ladder at work and are prepared to take on the responsibilities of homeownership. But when they get to the front door, they cannot step over the threshold because they are tied up in unnecessary regulation that drives up home prices. The ''Promoting Housing Affordability for Working Families Act of 1999'' will help these families untangle this regulatory knot and unlock the door to their first home.●

By Mr. AKAKA (for himself, Mr. EDWARDS, Mr. FRIST, Mr. LEVIN, Mr. STEVENS, Mr. SARBANES, and Mr. DURBIN):

S. 1334. A bill to amend chapter 63 of title 5, United States Code, to increase the amount of leave time available to a Federal employee in any year in connection with serving as an organ donor, and for other purposes; to the Committee on Governmental Affairs.

ORGAN DONOR LEAVE ACT

Mr. AKAKA. Mr. President, I am pleased today to introduce the Organ Donor Leave Act. This bill would extend the amount of leave in each calendar year available to federal workers who serve as living organ donors from 7 days to 30 days. It is a straight forward way to ensure that federal employees who serve as an organ donor have sufficient time to recover from an organ transplant operation.

I am delighted to be joined by Senator FRIST, one of the nation's leading transplant surgeons and the only active surgeon in Congress, as well as Senators EDWARDS, STEVENS, LEVIN, SARBANES, and DURBIN. The bill we offer is a companion bill to H.R. 457, introduced by Representative ELIJAH CUMMINGS and marked out of the House Government Reform Committee. Last year, an identical bill passed the House, but not the Senate. It is my hope that, with such a distinguished list of cosponsors from both sides of the aisle, the Senate will quickly enact this important legislation.

In most instances, an organ transplant operation and post-operative recovery time for a living donor is generally six to eight weeks. In order to address the disparity between the available leave a federal employee may take for an organ donation and the average recovery time, the Office of Personnel Management (OPM) and the Department of Health and Human Services (HHS) assisted in the drafting of this legislation to increase the amount of time that may be used for organ donation to 30 days. The amount of leave for a bone marrow donation would remain at seven days because experience shows that a week is considered adequate recovery time form bone marrow donations.

Since 1954, when the first kidney transplant was performed, there have been hundreds of patients who have received successful transplants from living donors. Unfortunately, there are not enough organs available and over 55,000 Americans currently wait for a life-saving organ. There are certain organs, such as a single kidney, a lobe of a lung, a segment of the liver, or a portion of the pancreas, which may be transplanted from a living donor. These operations can reduce the mortality of small children needing liver transplants, help another person breathe, or free a dialysis patient from daily treatment.

According to the University of Southern California Liver Transplant Program, ''With living donors, liver transplants can be performed electively and before patients get extremely ill, thus leading to better outcomes. Another advantage to this approach is the emotional satisfaction donors share with recipients when a life is saved.''

Our bill has the strong support of the American Transplantation Society, the nation's largest professional transplant organization, representing over 1,400 physicians, surgeons, and scientists. In a letter expressing support of the Organ Donor Leave Act, the AST noted: ''. . . a lack of leave time has served as a significant impediment and disincentive for individuals willing to share the gift-of-life. This important initiative addresses the disparities between leave time and recovery time.'' According to AST, the bill would give ''. . . donors the added assurance that they will be granted an adequate amount of time to recuperate from the life-saving process that they undertake voluntarily.''

Mr. President, this bill has already been passed by the House once, and appears to be on the same course in the 106th Congress. I hope the Senate will agree with the other chamber, and I urge my colleagues to support moving this life-saving legislation as soon as possible. I ask unanimous consent that a letter from the American Society of Transplantation be printed in the RECORD.

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

AMERICAN SOCIETY
OF TRANSPLANTATION,
Thorofare, NJ, June 29, 1999.

Hon. DANIEL AKAKA,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR AKAKA: The American Society of Transplantation (AST) commends you for your continuing efforts to improve our nation's system for organ donation and transplantation. The AST is the largest professional transplant organization in the United States and represents over 1,400 physicians, surgeons and scientists. During the last few years, the Society has greatly appreciated the opportunity to work with Congressional Members and staff in addressing many important organ transplantation issues.

The AST applauds you most recent efforts to improve organ donation by introducing the Senate companion legislation to H.R. 457 which seeks to amend the United States Code, to increase the amount of leave time available to a Federal employee in any year in connection with serving as an organ donor. Through this legislation, the Federal Government will become a leader in encouraging individuals to perform the valuable public service of donating organs.

In the past, a lack of leave time has served as a significant impediment and disincentive for individuals willing to share the gift-of-life. This important initiative address disparities between leave time and recovery time. This legislation gives donors the added assurance that they will be granted an adequate amount of time to recuperate from the life saving process that they undertake voluntarily.

As we have discussed in the past, the problems that our nation faces in the allocation of organs and tissues for transplantation, a precious and scarce resource, are complex, and continue to evolve from both a medical and policy perspective. However, the real answer to dealing with the dilemma of allocating and distributing an inadequate supply of organs is through efforts such as yours to increase donation.

On behalf of the thousands of U.S. patients currently awaiting organ transplants, we commend you for your leadership in this area. In addition, we look forward to continuing to work with you in the future to improve the field of transplantation medicine.

Sincerely,

JOHN R. LAKE,
President.
JOHN F. NEYLAN,
Chair, Public Policy Committee.

By Mr. REED (for himself, Mr. SCHUMER, and Mr. EDWARDS):

S. 1336. A bill to amend the Internal Revenue Code of 1986 to provide a credit to promote home ownership among

low-income individuals; to the Committee on Finance.

HOME OWNERSHIP TAX CREDIT ACT OF 1999

Mr. REED. Mr. President, I rise to discuss the state of home ownership in the U.S., in addition to legislation I am introducing with Senator SCHUMER and Senator EDWARDS to enable more families to achieve the American dream of home ownership.

Today, we have many reasons to celebrate. Indeed, the national home ownership rate has soared to an all-time high of almost 67 percent, which is up from 64 percent in 1993. Of further significance, this increase has, in large measure, been fueled by the growth in home ownership among minority households. In fact, minorities were responsible for 42 percent of the increase in home ownership between 1994 and 1997, although they only account for 17 percent of the home owner population.

Despite these positive developments, a number of distressing trends should give us cause for concern. For example, minority home ownership rates still lag significantly behind those of non-minority households: 45 percent for minorities versus 72 percent for white households. In addition, only 45 percent of low-income households live in owner-occupied homes, as compared to 86 percent of high-income households.

These alarming disparities have broad societal implications because of the tremendous benefits associated with home ownership. Historically, home ownership has been the key to wealth creation in this country, and wealth in the form of home equity has enabled families to start businesses, finance their children's education, and cover unexpected expenses. Consequently, unequal home ownership rates lead to wealth disparities. In fact, the median wealth of non-elderly low income home owners is 12 times greater than the median wealth of non-elderly renters of the same income.

In addition to wealth-building, home ownership has a positive effect on families and on our communities. Indeed, research has found that children of homeowners are less likely to become involved in the justice system, drop out of school, or have children out of wedlock. Moreover, home ownership is correlated with membership in community organizations and voting, as well as participation in neighborhood enhancing activities.

In view of the substantial benefits associated with home ownership, the Federal Government has actively worked to increase the home ownership rate. The primary tools in this effort have been the mortgage interest and the real estate tax deductions. Although these tax deductions have reduced the costs of home ownership for many, they are of little use to low-income households because their itemized tax deductions generally do not exceed the standard deduction. As such, over 90 percent of the total benefits of the mortgage interest deduction accrue to home buyers with incomes greater than $40,000, and because of the progressive nature of federal income tax rates, even if lower-income households do itemize their deductions, they receive a smaller deduction as a percentage of income than more affluent buyers.

To attack the home ownership disparity between low- and upper-income households, the Federal Government has relied on the Mortgage Revenue Bond (MRB) program, the Mortgage Credit Certificate (MCC) program, and, to a limited extent, the Low-Income Housing Tax Credit (LIHTC) program. Under these programs, the Federal Government subsidizes interest rates to reduce monthly mortgage costs for low-income home owners.

While these programs have been successful, their effects have been limited. Indeed, the size of these programs, as measured by their annual cost—$2.2 billion—pales in comparison to the annual cost of the mortgage and real estate tax deductions—$58 billion.

Also, while attacking the income constraints that prevent many low-income families from being able to afford monthly mortgage costs, these programs do not address wealth constraints such as a lack of savings for a down payment and closing costs, that keep many low-income families from becoming home owners.

During these times of economic prosperity, we have a rare opportunity to close the home ownership gap that exists between low-income and upper-income families. To this end, I am introducing legislation to establish a Home Ownership Tax Credit targeted to low-income families. This legislation, which has been developed in conjunction with Harvard's Joint Center on Housing Studies, the Brookings Institution, and Self-Help Community Development Corporation, would attack the wealth and income constraints that prevent many low-income families from becoming home owners.

Under this legislation, the Federal Government would issue tax credits to participating lenders who would then be obligated to extend either low-interest or zero-interest second mortgages to low-income families. These second mortgages would effectively be used to cover the downpayment and closing costs, although a prospective home buyer would still be required to make a small contribution toward the purchase. Families could defer repayment on the second mortgage for 25 years, at which point a balloon payment would come due, or they could repay the second mortgage over 30-years, concurrent with the repayment of their first mortgage. In either event, the interest rate on the second mortgage would be subsidized, which would lower families' monthly mortgage costs. Also, these second mortgages would eliminate the need for private mortgage insurance, providing additional savings of roughly $60 per month. Under this proposal, families earning as little as $14,500 would, for the first time, have the opportunity of realizing the American dream of home ownership.

Mr. President, I believe this legislation represents a common-sense approach to addressing the home ownership disparity which exists and I would hope my colleagues can be supportive.

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

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

S. 1336

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

SECTION 1. SHORT TITLE; FINDINGS; PURPOSES.

(a) SHORT TITLE.—This Act may be cited as the ''Home Ownership Tax Credit Act of 1999''.

(b) FINDINGS.—Congress finds the following:

(1) Home ownership is of primary importance in building wealth in low-income families.

(2) 67 percent of the wealth that is owned by non-elderly low-income households consists of the equity in their residences and the median wealth of such non-elderly low-income households is 12 times greater than the median wealth for non-elderly renters with the same level of income.

(3) Only 45 percent of low-income households live in owner-occupied homes, as compared to 66 percent of all households, and 86 percent of high-income households.

(4) According to the Bureau of the Census, in 1993, 88 percent of all renters and 93 percent of renters earning less than $20,000 could not afford a house selling for half of the regional median house price.

(5) There is a 23 percentage point difference in home ownership rates between central cities and suburban cities which is largely the result of the concentration of low-income households in central cities.

(6) The cost of the largest Federal tax incentives for home ownership, the mortgage interest deduction and the real estate tax deduction, is equal to approximately twice the amount of Federal expenditures for direct Federal housing assistance which benefits low-income households.

(7) The mortgage interest deduction and the real estate tax deduction have little value to low-income households because the itemized tax deductions of low-income households generally do not exceed the standard deduction.

(8) Over 90 percent of the total benefits of the mortgage interest deduction accrue to home buyers with incomes greater than $40,000.

(9) Current provisions in the Federal tax code to promote home ownership among low-income households, such as the mortgage revenue bond program, the mortgage credit certificate program, and the low-income housing credit, fail to simultaneously attack the twin constraints of lack of wealth and low income that prevent many low-income households from becoming homeowners.

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

(1) to establish a decentralized, market-driven approach to increasing home ownership among low-income households,

(2) to enable low-income households to overcome the wealth and income constraints that frequently prevent such households from becoming homeowners, and

(3) to reduce the disparities in home ownership between low-income households and higher-income households and between central cities and suburban cities.

SEC. 2. HOME OWNERSHIP TAX CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business related credits) is amended by adding at the end the following:

"SEC. 45D. HOME OWNERSHIP TAX CREDIT.

''(a) ALLOWANCE OF CREDIT.—

''(1) IN GENERAL.—For purposes of section 38, the amount of the home ownership tax credit determined under this section for any taxable year in the credit period shall be an amount equal to the applicable percentage of the home ownership tax credit amount allocated such taxpayer by a State housing finance agency in the credit allocation year under subsection (b).

''(2) APPLICABLE PERCENTAGE.—For purposes of this section, the Secretary shall prescribe the applicable percentage for any year in which the taxpayer is a qualified lender. Such percentage with respect to any month in the credit period with respect to such taxpayer shall be percentages which will yield over such period amounts of credit under paragraph (1) which have a present value equal to 100 percent of the home ownership tax credit amount allocated such taxpayer under subsection (b).

''(3) METHOD OF DISCOUNTING.—The present value under paragraph (2) shall be determined in the same manner as the low-income housing credit under section 42(b)(2)(C).

''(b) ALLOCATION OF HOME OWNERSHIP TAX CREDIT AMOUNTS.—

''(1) AMOUNT OF CREDIT.—Each qualified State shall receive a home ownership tax credit dollar amount for each calendar year in an amount equal to the sum of—

''(A) an amount equal to—

''(i) 40 cents multiplied by the State population, multiplied by

''(ii) 10, plus

''(B) the unused home ownership tax credit dollar amount (if any) of such State for the preceding year.

''(2) QUALIFIED STATE.—For purposes of this section—

''(A) IN GENERAL.—The term 'qualified State' means a State with an approved allocation plan to allocate home ownership tax credits to qualified lenders through the State housing finance agency.

''(B) APPROVED ALLOCATION PLAN.—For purposes of this paragraph, the term 'approved allocation plan' means a written plan, certified by the Secretary, which includes—

''(i) selection criteria for the allocation of credits to qualified lenders—

''(I) based on a process in which lenders submit bids for the value of the credit, and

''(II) which gives priority to qualified lenders with qualified home ownership tax credit loans which are prepaid during a calendar year, for credit allocations in the succeeding calendar year,

''(ii) an assurance that the State will not allocate in excess of 10 percent of the home ownership tax credit amount for the calendar year for qualified home ownership tax credit loans which are neighborhood revitalization project loans,

''(iii) a procedure that the agency (or an agent or other private contractor of such agency) will follow in monitoring for noncompliance with the provisions of this section and in notifying the Internal Revenue Service of such noncompliance with respect to which such agency becomes aware, and

''(iv) such other assurances as the Secretary may require.

''(3) QUALIFIED LENDER.—For purposes of this section, the term 'qualified lender' means a lender which—

''(A) is an insured depository institution (as defined in section 3 of the Federal Deposit Insurance Act), insured credit union (as defined in section 101 of the Federal Credit Union Act), community development financial institution (as defined in section 103 of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4702)), or nonprofit community development corporation (as defined in section 613 of the Community Economic Development Act of 1981 (42 U.S.C. 9802)),

''(B) makes available, through such lender or the lender's designee, pre-purchase homeownership counseling for mortgagors, and

''(C) during the 1-year period beginning on the date of the credit allocation, originates not less than 100 qualified home ownership tax credit loans in an aggregate amount not less than the amount of the bid of such lender for such credit allocation.

''(4) CARRYOVER OF CREDIT.—A home ownership tax credit amount received by a State for any calendar year and not allocated in such year shall remain available to be allocated in the succeeding calendar year.

''(5) POPULATION.—For purposes of this section, population shall be determined in accordance with section 146(j).

''(6) COST-OF-LIVING ADJUSTMENT.—

''(A) IN GENERAL.—In the case of a calendar year after 2000, the 40 cent amount contained in paragraph (1)(A)(i) shall be increased by an amount equal to—

''(i) such amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting 'calendar year 1999' for 'calendar year 1992' in subparagraph (B) thereof.

''(B) ROUNDING.—If any amount as adjusted under subparagraph (A) is not a multiple of 5 cents, such amount shall be rounded to the next lowest multiple of 5 cents.

''(c) QUALIFIED HOME OWNERSHIP TAX CREDIT LOAN DEFINED.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified home ownership tax credit loan' means a loan originated and funded by a qualified lender which is secured by a second lien on a residence, but only if—

''(A) the requirements of subsections (d), (e), and (f) are met,

''(B) subject to subparagraphs (F), (H), and (I), the proceeds from such loan are applied exclusively—

''(i) to acquire such residence, or

''(ii) to substantially improve such residence in connection with a neighborhood revitalization project,

''(C) the principal amount of the loan is equal to an amount which is—

''(i) not less than 18 percent of the purchase price of the residence securing the loan, and

''(ii) not more than the lesser of—

''(I) 22 percent of such purchase price, or

''(II) $25,000,

''(D) in the case of a neighborhood revitalization project loan, subparagraph (C) is applied by substituting—

''(i) 'purchase price or appraised value' for 'purchase price', and

''(ii) '$40,000' for '$25,000',

''(E) the loan is—

''(i) amortized over a period of not more than 30 years (or any lesser period of time as determined by the lender or the State housing finance agency (as applicable)), or

''(ii) described in paragraph (2),

''(F) the proceeds of such loan are not used for settlement or other closing costs of the transaction in an amount in excess of 4 percent of the purchase price of the residence securing the loan,

''(G) the rate of interest of the loan does not exceed the greater of—

''(i) the excess of—

''(I) the prime lending rate in effect as of the date on which the loan is originated, over

''(II) 5.5 percent, or

''(ii) 3 percent,

''(H) the origination fee paid with respect to the loan does not cause the aggregate amount of origination fees paid with respect to any loans secured by the residence—

''(i) in the case of a neighborhood revitalization project loan, to exceed 1 percent of the appraised value of the residence which secures the loan, and

''(ii) in the case of any other loan, to exceed 2 percent of the appraised value of such residence, and

''(I) the servicing fees of such loan—

''(i) are allocated from interest payments made with respect to the loan, and

''(ii) may not—

''(I) in the case of a neighborhood revitalization project loan, exceed a total of 38 basis points, and

''(II) in the case of any other loan, when added to such fees of any other loan secured by the residence, exceed a total of 63 basis points.

''(2) BALLOON PAYMENT LOAN.—

''(A) IN GENERAL.—A loan is described in this paragraph if such loan—

''(i) meets the requirements of subparagraphs (B) and (C),

''(ii) is for a period of 25 years and, except as provided in clause (iv), no payment is due on such loan until the sooner of—

''(I) the end of such period, or

''(II) the date on which the residence which secures the loan is disposed of,

''(iii) does not prohibit early repayment of such loan, and

''(iv) requires payment on such loan if the mortgagor receives any portion of the equity of such residence as part of a refinancing of any loan secured by such residence.

''(B) INTEREST.—Notwithstanding paragraph (1)(G), the rate of interest of the loan is zero percent.

''(C) SERVICING FEES.—Notwithstanding paragraph (1)(I), there shall be no servicing fees in connection with the loan.

''(3) INDEX OF AMOUNT.—

''(A) IN GENERAL.—In the case of a calendar year after 2000, the amounts under subparagraphs (C) and (D) of paragraph (1) shall be increased by an amount equal to—

''(i) such amount, multiplied by

''(ii) the housing price adjustment for such calendar year.

''(B) HOUSING PRICE ADJUSTMENT.—For purposes of subparagraph (A), the housing price adjustment for any calendar year is the percentage (if any) by which—

''(i) the housing price index for the preceding calendar year, exceeds

''(ii) the housing price index for calendar year 2000.

''(C) HOUSING PRICE INDEX.—For purposes of subparagraph (B), the housing price index means the housing price index published by the Federal Housing Finance Board (as established in section 2A of the Federal Home Loan Bank Act (12 U.S.C. 1422a)) for the calendar year.

''(d) MORTGAGOR.—

''(1) IN GENERAL.—A loan meets the requirements of this subsection if it is made to a mortgagor—

''(A) whose family income for the year in which the mortgagor applies for the loan is 80 percent or less of the area median gross income for the area in which the residence which secures the mortgage is located,

''(B) for whom the loan would not result in a housing debt-to-income ratio, with respect to the residence securing the loan, or total debt-to-income ratio which is greater than the guidelines set by the Federal Housing

Administration (or any other ratio as determined by the State housing finance agency or lender if such ratio is less than such guidelines), and

''(C) who attends pre-purchase homeownership counseling provided by the qualified lender or the lender's designee.

''(2) DETERMINATION OF FAMILY INCOME.—For purposes of this subsection and subsection (h), the family income of a mortgagor and area median gross income shall be determined in accordance with section 143(f)(2).

''(e) RESIDENCE REQUIREMENTS.—A loan meets the requirements of this subsection if it is secured by a residence that is—

''(1) a single-family residence (including a manufactured home (within the meaning of section 25(e)(10))) which is the principal residence (within the meaning of section 121) of the mortgagor, or can reasonably be expected to become the principal residence of the mortgagor within a reasonable time after the financing is provided,

''(2) purchased by the mortgagor with a down payment in an amount not less than the lesser of—

''(A) 2 percent of the purchase price, or

''(B) $1,000, and

''(3) in the case of a mortgagor with a family income greater than 50 percent of the area median gross income, as determined under subsection (d)(1)(A), not financed in connection with a qualified mortgage issued under section 143.

''(f) DEFINITION AND SPECIAL RULES RELATING TO CREDIT PERIOD.—

''(1) CREDIT PERIOD DEFINED.—For purposes of this section, the term 'credit period' means the period of 10 taxable years beginning with the taxable year in which a home ownership tax credit amount is allocated to the taxpayer.

''(2) SPECIAL RULE FOR 1ST YEAR OF CREDIT PERIOD.—

''(A) IN GENERAL.—The credit allowable under subsection (a) with respect to any taxpayer for the 1st taxable year of the credit period shall be determined by substituting for the applicable percentage under subsection (a)(2) the fraction—

''(i) the numerator of which is the sum of the applicable percentages determined under subsection (a)(2) as of the close of each full month of such year, during which the taxpayer was a qualified lender, and

''(ii) the denominator of which is 12.

''(B) DISALLOWED 1ST YEAR CREDIT ALLOWED IN 11TH YEAR.—Any reduction by reason of subparagraph (A) in the credit allowable (without regard to subparagraph (A)) for the 1st taxable year of the credit period shall be allowable under subsection (a) for the 1st taxable year following the credit period.

''(3) DISPOSITION OF HOME OWNERSHIP TAX CREDIT LOANS.—If a qualified home ownership tax credit loan is disposed of during any year for which a credit is allowable under subsection (a), such credit shall be allocated between the parties on the basis of the number of days during such year the mortgage was held by each and the portion of the total credit allocated to the qualified lender which is attributable to such mortgage.

''(g) LOSS OF CREDIT.—If, during the taxable year, a qualified home ownership tax credit loan is repaid prior to the expiration of the credit period with respect to such loan, the amount of the home ownership tax credit attributable to such loan is no longer available under subsection (a). For purposes of the preceding sentence, the tax credit is allowable for the portion of the year in which such repayment occurs for which the loan is outstanding, determined in the same manner as provided in subsection (f)(2)(A).

''(h) RECAPTURE OF PORTION OF FEDERAL SUBSIDY FROM HOME-OWNER.—

''(1) IN GENERAL.—If, during the taxable year, any taxpayer described in paragraph (3) disposes of an interest in a residence with respect to which a home ownership tax credit amount applies, then the taxpayer's tax imposed by this chapter for such taxable year shall be increased by 50 percent of the gain (if any) on the disposition of such interest.

''(2) EXCEPTIONS.—Paragraph (1) shall not apply to any disposition—

''(A) by reason of death,

''(B) which is made on a date that is more than 10 years after the date on which the qualified home ownership tax credit loan secured by such residence was made, or

''(C) in which the purchaser of the residence assumes the qualified home ownership tax credit loan secured by the residence.

''(3) INCOME LIMITATION.—A taxpayer is described in this paragraph if, on the date of the disposition, the family income of the mortgagor is 115 percent or more of the area median gross income as determined under subsection (d)(1)(A) for the year in which the disposition occurs.

''(4) SPECIAL RULES RELATING TO LIMITATION ON RECAPTURE AMOUNT BASED ON GAIN REALIZED.—For purposes of this subsection, rules similar to the rules of section 143(m)(6) shall apply.

''(5) LENDER TO INFORM MORTGAGOR OF POTENTIAL RECAPTURE.—The qualified lender which makes a qualified home ownership tax credit loan to a mortgagor shall, at the time of settlement, provide a written statement informing the mortgagor of the potential recapture under this subsection.

''(6) SPECIAL RULES.—For purposes of this subsection, rules similar to the rules of section 143(m)(8) shall apply.

''(i) OTHER DEFINITIONS.—

''(1) NEIGHBORHOOD REVITALIZATION PROJECT LOAN.—

''(A) IN GENERAL.—The term 'neighborhood revitalization project loan' means a loan secured by a second lien on a residence, the proceeds of which are used to substantially improve such residence in connection with a neighborhood revitalization project.

''(B) NEIGHBORHOOD REVITALIZATION PROJECT.—The term 'neighborhood revitalization project' means a project of sufficient size and scope to alleviate physical deterioration and stimulate investment in—

''(i) a geographic location within the jurisdiction of a unit of local government (but not the entire jurisdiction) designated in comprehensive plans, ordinances, or other documents as a neighborhood, village, or similar geographic designation, or

''(ii) the entire jurisdiction of a unit of local government if the population of such jurisdiction is not in excess of 25,000.

''(2) STATE.—The term 'State' includes a possession of the United States.

''(3) STATE HOUSING FINANCE AGENCY.—The term 'State housing finance agency' means the public agency, authority, corporation, or other instrumentality of a State that has the authority to provide residential mortgage loan financing throughout the State.

''(j) CERTIFICATION AND OTHER REPORTS TO THE SECRETARY.—

''(1) CERTIFICATION WITH RESPECT TO STATE ALLOCATION OF HOME OWNERSHIP TAX CREDITS.—The Secretary may, upon a finding of noncompliance, revoke the certification of a qualified State and revoke any qualified home ownership tax credit amounts allocated to such State or allocated by such State to a qualified lender.

''(2) ANNUAL REPORT FROM HOUSING FINANCE AGENCIES.—Each State housing finance agency which allocates any home ownership tax credit amount to any qualified lender for any calendar year shall submit to the Secretary (at such time and in such manner as the Secretary shall prescribe) an annual report specifying—

''(A) the home ownership tax credit amount allocated to each qualified lender for such year, and

''(B) with respect to each qualified lender—

''(i) the principal amount of the aggregate qualified home ownership tax credit loans made by such lender in such year and the outstanding amount of such loans in such year, and

''(ii) the number of qualified home ownership tax credit loans made by such lender in such year.

The penalty under section 6652(j) shall apply to any failure to submit the report required by this paragraph on the date prescribed therefore.

''(k) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.''

(b) LIMITATION ON CARRYBACK OF UNUSED CREDIT.—Subsection (d) of section 39 of the Internal Revenue Code of 1986 (relating to carryback and carryforward of unused credits) is amended by adding at the end the following:

''(9) NO CARRYBACK OF HOME OWNERSHIP TAX CREDITS BEFORE EFFECTIVE DATE.—No portion of the unused business credit for any taxable year which is attributable to the home ownership tax credit determined under section 45D may be carried back to a taxable year ending before the date of the enactment of section 45D.''

(c) CONFORMING AMENDMENTS.—

(1) Section 38(b) of the Internal Revenue Code of 1986 is amended—

(A) by striking ''plus'' at the end of paragraph (11),

(B) by striking the period at the end of paragraph (12), and inserting '', plus'', and

(C) by adding at the end the following:

''(13) the home ownership tax credit determined under section 45D.''

(2) The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following:

''Sec. 45D. Home ownership tax credit.''

(d) EFFECTIVE DATE.—The amendments made by this section apply to calendar years after 1999.

SUMMARY OF THE HOME OWNERSHIP TAX CREDIT ACT

Bill Summary: Under this legislation, each year the federal government would issue home ownership tax credits to state housing finance agencies (HFAs). State HFAs would then auction these credits off to lenders such as banks, thrifts, community development financial institutions, and community development corporations. Lenders purchasing the tax credits would commit to extending either: 1) zero-interest balloon second mortgages that are due in 25 years or upon the sale of the home, or 2) very low-interest rate second mortgages that amortize in 30 years. These second mortgages would reduce the size of the first mortgage and ultimately reduce monthly mortgage costs. The aggregate principal amount of second mortgages made by each lender would be equal to the price the lender paid for the tax credits. Also, the lender would commit to making at least 100 home ownership tax credit loans.

The lender would receive the tax credit annually for 10 years or until the loan was paid off, whichever occurred earlier. If a home ownership tax credit mortgage was prepaid during the 10-year tax credit period, the lender would have priority in the issuance of tax credits in the subsequent year.

The lender would get its principal back when the second mortgage amortized, balloon payment came due, or the house was

sold. Lenders also would be able to sell the tax credit mortgages on the secondary market with the tax credits being transferred to secondary market investors.

Only borrowers earning up to 80 percent of the area median income would qualify to take advantage of the home ownership tax credit program. These second mortgages could be between 18 and 22 percent of the purchase price of the home, up to $25,000. The second mortgage could be up to $40,000 if used in areas formally targeted for neighborhood revitalization.

Under this proposal, families earning at little at $14,500 would be able to become home owners.

Example: The following example indicates how this proposal would work:

A low-income family identifies a $100,000 home that it wants to purchase. The potential home buyers would visit a lender participating in the tax credit program. Let's assume that the lender would agree to extend a $81,000 first mortgage to the home buyer. Under the tax credit program, the home buyer would only be required to make a $1,000 down payment. Assuming that the home buyer met the eligibility requirements of the home ownership tax credit program, the lender would also agree to extend an $18,000 second mortgage (In the alternative, the home buyer could get the first and second mortgages from different lenders). Closing costs of up to $4,000 could be financed into the second mortgage, increasing the second mortgage amount to $22,000.

If the second mortgage was a zero-interest 25-year balloon, the home buyer would only pay principal, interest, taxes, and insurance on the $81,000 first mortgage for 25 years, or until sale of the home (approximately $540/month at 7 percent interest, plus taxes and insurance). Assuming that the home buyer stayed in the home, at the end of 25 years, he/she could refinance using his/her accumulated equity to repay most or all of the $22,000 they owed on the balloon mortgage.

In sum, this proposal will allow a low-income family to purchase a $100,000 home with a $1000 down payment and a monthly mortgage payment of $540 (plus taxes and insurance) throughout most of the life of the first mortgage.

By Mr. GRASSLEY (for himself, Mr. SESSIONS, and Mr. KYL):

S. 1337. A bill to provide for the placement of anti-drug messages on appropriate Internet sites controlled by NASA; to the Committee on Commerce, Science, and Transportation.

ANTI-DRUG MESSAGES ON NASA INTERNET CONTROLLED SITES

Mr. GRASSLEY. Mr. President, today, I am introducing legislation along with Senator SESSIONS and Senator KYL to help in sending our young people a no-use message on drugs. This parallels efforts in the House by Congressman MATT SALMON and it is supported by NASA.

The average age of our young people who first use illegal drugs is 16 and the age of first use is dropping. We need to reverse this trend and prevent drug use among young people. An easy way of contacting them is at our finger tips. NASA's web sites are among the most visited government sites. Thousands of schools have programs that include NASA's web sites in their curriculum. I believe it is important to reach out to those young people. Here is a chance to reach millions of young people at no added expense to the taxpayer.

In this bill the NASA administration must work with the Office of National Drug Control Policy to add anti-drug messages on NASA's web sites. With our young people being bombarded by images of violence and drugs from films and TV, this is a way to get the anti-drug message to our children at a young age through a location that we know a large number will see. I urge my colleagues to join me in this effort and support this bill.

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

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

S. 1337

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

SECTION 1. ANTI-DRUG MESSAGES ON INTERNET SITES.

Not later than 90 days after the date of enactment of this Act, the Administrator of the National Aeronautics and Space Administration, in consultation with the Director of the Office of National Drug Control Policy, shall place anti-drug messages on appropriate Internet sites controlled by the National Aeronautics and Space Administration.

By Mr. MURKOWSKI (by request):

S. 1338. A bill entitled the ''Military Lands Withdrawal Act of 1999''; to the Committee on Energy and Natural Resources.

MILITARY LANDS WITHDRAWAL ACT OF 1999

Mr. MURKOWSKI. Mr. President, I send to the desk the Military Lands Withdrawal Act of 1999. I am introducing this legislation on behalf of the Administration. At this point I am neither prepared to support nor object to any of the specific provisions contained within this legislative proposal. It is my intention however, to hold hearings on this important legislation and the withdrawal renewals contained within it. After those hearings have been held and we have had the benefit of input from the parties most effected by the withdrawals, I am prepared to offer an amendment in the nature of a substitute which makes such needed changes as are identified during the hearing process.

This legislation renews the withdrawals contained within P.L. 99–606, enacted by Congress in 1986. This Congressional action withdrew 7.2 million acres of public land for use by the Department of Defense at six installations. The affected bases are the Barry M. Goldwater Air Force Range in Arizona, Nellis Air Force Base and Naval Air Station Fallon in Nevada, the McGregor Army Range in New Mexico, and Fort Wainwright and Fort Greely in my home state of Alaska. These withdrawals were for a period of 15 years and expire in 2001.

I have a deep abiding recognition of the unique and critical role all of these military bases play in our national defense strategy and on the economies of the states within which they are located. However, I also understand that the issues surrounding the renewal of these withdrawals are complex and varied. Congress's ability to resolve these issues will ultimately define success or failure for this entire round of withdrawals. What we do here will have a lasting impact on these bases military mission, their local economies, and the environmental protection of the public lands. It is my firm belief that only through the Congressional hearing process can the concerns of all affected parties be recorded and factored into the renewal of these base withdrawals.

I am committed to the prompt consideration of this legislation. However, taking into consideration the fact that these withdrawals do not expire until 2001, I believe it is prudent that we move this legislation at a pace which allows both the public and our colleagues the opportunity to participate in a meaningful way and in the proper forum.

By Mr. DURBIN:

S. 1339. A bill to provide for the debarment or suspension from Federal procurement and nonprocurement activities of persons that violate certain labor and safety laws; to the Committee on Governmental Affairs.

FEDERAL PROCUREMENT AND ASSISTANCE INTEGRITY ACT

Mr. DURBIN. Mr. President, I am pleased today to introduce legislation to improve the efficiency and protect the integrity of Federal procurement and assistance programs, by ensuring that the Federal Government does business with responsible contractors and participants

The United States General Accounting Office [GAO] has found that billions of dollars in Federal procurement contracts and assistance are going to individuals and corporations which are violating our nation's labor and employment laws. In 1995, the GAO reported that more than $23 billion in Federal contracts were awarded in fiscal year 1993 to contractors who violated labor laws. That is 13 percent of the $182 billion in Federal contracts awarded that year. Part of the reason for this, the GAO found, is that the National Labor Relations Board, which enforces our nation's labor laws, does not know whether violators of the law are receiving Federal contracts. And the General Services Administration, which oversees Federal procurement, does not know the labor relations records of Federal contractors.

In 1996, the GAO reported that $38 billion in Federal contracts in fiscal year 1994 were awarded to contractors who had violated workplace health and safety laws. That is 22 percent of the $176 billion in Federal contracts of $25,000 or more which were awarded that year. The GAO found that 35 people died and 55 more people were hospitalized in fiscal year 1994 as a result of injuries at the workplaces of federal contractors who violated health and

safety laws. These contractors were assessed a total of $10.9 million in penalties in fiscal year 1994—while being awarded $38 billion in Federal contracts.

The GAO concluded that, although federal agencies have the authority to deny contracts and federal assistance to companies that violate Federal laws, this authority is rarely used in the case of safety and health violations. The GAO found that federal agencies do not normally collect or receive information about which contractors are violating health and safety laws—even when contractors have been assessed large penalties for egregious or repeat violations.

The Federal Government should not ignore the health and safety records of companies that apply for federal contracts and assistance. A report published this week in the Archives of Internal Medicine concludes that job-related injuries and illnesses in the United States are more common than previously thought, costing the nation more than AIDS, Alzheimer's, cancer or heart disease. The report, which analyzed national estimates of job-related illnesses and injuries in 1992, states that more than 13 million Americans were injured from job-related causes in just one year—more than four times the number of people who live in the City of Chicago. The report concluded that the cost to our country from workplace injuries and illnesses was $171 billion in 1992.

The Federal Government has a responsibility to taxpayers, working Americans and law-abiding businesses, to ensure that federal tax dollars do not go to individuals and corporations that violate safety and health, labor and veterans' employment preference laws. About 26 million Americans are employed by federal contractors and subcontractors. They deserve to know that their Government is not rewarding employers who violate the laws that protect American workers and veterans. The legislation I am introducing today will improve the enforcement of our nation's health and safety, labor and veterans' employment laws, and provide an incentive to contractors to comply with the law. This legislation will allow the Secretary of Labor to debar or suspend a person from receiving Federal contracts or assistance for violating the National Labor Relations Act, the Fair Labor Standards Act, the Occupational Safety and Health Act or the disabled and Vietnam-era veterans hiring preference law. It will require the Secretary of Labor and the National Labor Relations Board to develop procedures to determine whether a violation of law is serious enough to warrant debarment or suspension. And, as recommended by the GAO, this legislation will require ongoing exchanges of information among Federal agencies to improve their ability to enforce our nation's laws. This legislation is identical to a bill introduced in the House of Representatives by Congressman Lane Evans of Illinois, and it is similar to legislation introduced in previous years by former Senator Paul Simon.

Mr. President, it is important to note that the vast majority of Federal contractors obey the law. This legislation is only directed at those who are violating the law. It will deny Federal contracts and assistance to individuals and companies that violate the law and ensure that Federal contracts are awarded to companies that respect the law.

I urge my colleagues to join me in supporting this legislation, and I ask unanimous consent that the text of the bill be printed in the RECORD.

S. 1339

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Federal Procurement and Assistance Integrity Act''.

SEC. 2. PURPOSE.

The purpose of this Act is to improve the efficiency and effectiveness and protect the integrity of the Federal procurement and assistance systems by ensuring that the Federal Government does business with responsible contractors and participants.

SEC. 3. DEBARMENT AND SUSPENSION FOR VIOLATORS OF CERTAIN LABOR AND SAFETY LAWS.

(a) DEBARMENT AND SUSPENSION.—The Secretary of Labor may debar or suspend a person from procurement activities or nonprocurement activities upon a finding, in accordance with procedures developed under this section, that the person violated any of the following laws:

(1) The National Labor Relations Act (29 U.S.C. 151 et seq.).

(2) The Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).

(3) The Occupational Safety and Health Act (29 U.S.C. 651 et seq.).

(4) Section 4212(a) of title 38, United States Code.

(b) PROCEDURES.—The Secretary of Labor and the National Labor Relations Board shall jointly develop procedures to determine whether a violation of a law listed in subsection (a) is serious enough to warrant debarment or suspension under that subsection. The procedures shall provide for an assessment of the nature and extent of compliance with such laws, including whether there are or were single or multiple violations of those laws or other labor or safety laws and whether the violations occur or have occurred at one facility, several facilities, or throughout the company concerned. In developing the procedures, the Secretary and the Board shall consult with departments and agencies of the Federal Government and provide, to the extent feasible, for ongoing exchanges of information between the departments and agencies and the Department of Labor and the Board in order to accurately carry out such assessments.

(c) DEFINITIONS.—In this section:

(1) DEBAR.—The term ''debar'' means to exclude, pursuant to established administrative procedures, from Federal Government contracting and subcontracting, or from participation in nonprocurement activities, for a specified period of time commensurate with the seriousness of the failure or offense or the inadequacy of performance.

(2) NONPROCUREMENT ACTIVITIES.—The term ''nonprocurement activities'' means all programs and activities involving Federal financial and nonfinancial assistance and benefits, as covered by Executive Order No. 12549 and the Office of Management and Budget guidelines implementing that order.

(3) PROCUREMENT ACTIVITIES.—The term ''procurement activities'' means all acquisition programs and activities of the Federal Government, as defined in the Federal Acquisition Regulation.

(4) SUSPEND.—The term ''suspend'' means to disqualify, pursuant to established administrative procedures, from Federal Government contracting and subcontracting, or from participation in nonprocurement activities, for a temporary period of time because an entity or individual is suspected of engaging in criminal, fraudulent, or seriously improper conduct.

(d) EFFECTIVE DATE.—This Act shall take effect on October 1, 1999.

(e) REGULATIONS.—The Federal Acquisition Regulation and the regulations issued pursuant to Executive Order No. 12549 shall be revised to include provisions to carry out this Act.

(f) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Labor and the National Labor Relations Board shall jointly submit to Congress a report on the implementation of this Act.

By Mrs. LINCOLN:

S. 1340. A bill to redesignate the ''Stuttgart National Aquaculture Research Center'' as the ''Harry K. Dupree Stuttgart National Aquaculture Research Center''; to the Committee on Agriculture, Nutrition, and Forestry.

HARRY K. DUPREE STUTTGART NATIONAL AQUACULTURE RESEARCH CENTER

Mrs. LINCOLN. Mr. President, I offer for the Senate's consideration, a bill to rename the Stuttgart National Aquaculture Research Center after a man that has been essential to the success of the aquaculture industry in Arkansas: Dr. Harry K. Dupree.

Dr. Dupree has devoted his entire career to the progress of the warmwater fish industry. In Arkansas, aquaculture production has taken great strides in recent years. The catfish industry in the state has grown rapidly and Arkansas currently ranks second nationally in acreage and production of catfish. The baitfish industry is not far behind, selling more than 15 million pounds of fish annually. Much of this success is due to the ongoing efforts of Dr. Harry Dupree.

The early years of Dr. Dupree's career were spent in Alabama. Harry received his master's in fisheries management from Auburn University in 1956 and his Ph.D. in Zoology in 1960. From 1960 to 1974, Harry served as both a Research Biologist and Laboratory Director at the Southeastern Fish Cultural Laboratory in Marion, Alabama. There, Dr. Dupree focused his efforts on catfish research and established the major elements required for a manufactured feed for channel catfish. His research activities led to the formulation of pelleted feed for catfish production and made it possible for catfish production to move from a small, labor intensive industry of local interest to a streamlined industry with potential for expansion on the national and international level.

Arkansas was fortunate enough to lure Dr. Dupree to the Fish Farming Experimental Laboratory in Stuttgart, Arkansas, during 1974 where he served as Scientific Director for the next 18 years. His efforts, dating back to before 1985, resulted in funding for design and construction of the new laboratories and offices for the facilities on the campus of the Stuttgart National Aquaculture Research Center. These facilities were constructed in 1992 and Dr. Dupree has served as the Laboratory Director for the center ever since.

I first met Harry during my tenure as Representative of the First Congressional District of Arkansas. I'll never forget the enthusiasm and genuine interest Harry displayed as he showed me around the research center that he had worked so hard to establish. I, and many others, share many fond memories and great gratitude for the wonderful friendship and great work of Dr. Harry Dupree. The pride that he has exhibited and has instilled in all Arkansans for the science industry of Aquaculture has been tremendous.

Dr. Dupree is a great man with a huge heart. I urge my colleagues to act promptly on this legislation so that Dr. Harry K. Dupree will receive the recognition that he truly deserves.

Mr. President, at this point I ask unanimous consent that letters of support for this bill be included in the RECORD from constituents and aquaculture associations across Arkansas.

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

THE SENATE,
STATE OF ARKANSAS,
June 22, 1999.

Hon. BLANCHE LAMBERT LINCOLN,
Washington, DC.

DEAR SENATOR LINCOLN: I am writing to submit my letter of support for proposed legislation naming the USDA Fish Farming Laboratory in Stuttgart after Dr. Harry Dupree.

As you know, you and I have served together with Dr. Dupree on the Arkansas Delta Council and Foundation. Dr. Dupree has served Delta Council since its formation in 1990, and more recently as Treasurer. More importantly, Dr. Dupree has been the central figure in the development of the Fish Farming Laboratory since the beginning. When I was an aide to Senator Bumpers, I recall meeting Dr. Dupree for the first time at the annual U.S. Senate Catfish Fry in the Russell Senate Office Building. He was busy telling everyone he could find about the importance of the mission for the fish lab, and why it needed more funding. Years later, Harry and I became close friends when I moved to Stuttgart, and I witnessed his many efforts as the chief champion of a new lab and mission at USDA. Everything that is associated with the fish lab is due at one level or another to the efforts of Dr. Harry Dupree.

Therefore, I can speak with complete authority when I say that our constituents here in Arkansas County, and in the aquaculture field, fully support the naming of this facility after Dr. Dupree. I can think of no more fitting name for this lab. Indeed, it is every bit as much an honor for USDA, this center and for Arkansas County to have this named after Dr. Dupree as it is an honor for Dr. Dupree.

Finally, I would ask that these comments, along with the other comments you are receiving about Dr. Dupree, be listed in the Congressional Record. I believe it would be a fitting tribute for him, his wife Ruth, and for his hard work and dedicated public service.

Thank you for your consideration of this request, and I trust that all is well with you in Washington.

Sincerely,

KEVIN A. SMITH.

ADFA,
June 23, 1999.

Hon. BLANCHE LINCOLN,
Washington, DC.

DEAR SENATOR LINCOLN: I want to express my full support for legislation that would change the name of the Stuttgart National Aquaculture Research Center to the Harry K. Dupree Stuttgart National Aquaculture Research Center.

Dr. Harry K. Dupree has devoted his professional career to the advancement of warmwater fish culture; first as a research scientist in fish nutrition and later in administration of research while continuing with research. Early in his career his research established the major elements required for a manufactured feed for channel catfish. This work included the establishment of amino acid requirements of channel catfish, highlighting those that are considered ''essential'', and testing many types of proteins for their usefulness as primary amino acid sources. Dr. Dupree contributed to the establishment of the vitamin requirements of channel catfish, working specifically with vitamin E, vitamin A, and beta carotene. Research on sources of oil for formulating channel catfish diets led to the understanding of the lipid requirements for commercial production.

Dr. Dupree's research helped establish the form and formulation of manufactured feed most readily accepted by channel catfish. With his studies of the feeding habits of cultured catfish, helped determine the quality of feed needed at different stages of development, the digestibility of feeds of different compositions, and the quantity and timing of feeding for maximum pond production. His research activities led to the formulation of pelleted feed for catfish production and made it possible for catfish production to move from a small, labor intensive industry of local interest to a streamlined industry with potential for expansion on the national and international level. Dr. Dupree has written extensively on the subject of fish nutrition and is a recognized authority on warmwater fish nutrition.

Dr. Dupree's research in other areas of fish biology illustrates the breadth of his interest and abilities. His work on immunity and with the immune response of paddlefish, gar, and channel catfish lead to a better understanding of basic systems of immunity. His research on hormone induction of ovulation of goldfish led to modern day standard procedures now employed in spawning these and other species of fish. Other research has included pesticide analysis of Channel catfish and work with karyology of grass carp that led to modern methods for determining the difference between diploids and triploids.

In 1984, Dr. Dupree was responsible for editing ''The Third Report to the Fish Farmer'' and for revising or writing a large part of the publication. ''The Third Report'' is a comprehensive review of most aspects of warmwater aquaculture and is one of the most popular publications released by the U.S. Fish and Wildlife Service; 17,500 copies have been printed and most have been distributed to satisfy or through GPO sales.

Dr. Dupree is largely responsible for the laboratories, offices and research buildings that are now at the Stuttgart National Aquaculture Research Center. His efforts, dating back to before 1985, resulted in funding for design and construction of the new laboratories and offices and it is because of his efforts that the laboratory exists today. His efforts are continuing as he expands the facilities available for the growing research staff that he has fought to gain funding for.

I have been involved with aquaculture for 30 years, first as a fish farmer and for the last 8 years as the State Aquaculture Coordinator. I don't know of anyone who has contributed as much to the aquaculture industry as Dr. Harry Dupree.

I have talked to people in many states that are very supportive of this name change and feel that Dr. Dupree is very worthy of the honor.

Sincerely,

TED MCNULTY,
State Aquaculture Coordinator, ADFA.

UNIVERSITY OF ARKANSAS,
DIVISION OF AGRICULTURE,
June 30, 1999.

Hon. BLANCHE LINCOLN,
United States Senate, Washington, DC.

DEAR SENATOR LINCOLN: It is an honor and a pleasure to support renaming of the Stuttgart National Aquaculture Research Center in Stuttgart, Arkansas the Harry K. Dupree—Stuttgart National Aquaculture Research Center. It is a fitting tribute to a man who had a vision for what the Center could be and then devoted his professional career to making it a reality for the benefit of fish farmers and the fish industry throughout the country.

If ever a person personifies dedication, it is Dr. Dupree. He takes tremendous pride in the people, facilities, and programs that make up the Stuttgart Center. For nearly forty years, the Stuttgart Center has guided and championed the warmwater aquaculture industry. For twenty-five of those years, Dr. Dupree has been at the helm. Today thriving, vibrant industry is a legacy of both the Center and the leadership and devotion provided by Dr. Dupree.

I am proud to call Harry Dupree a friend and express my deep gratitude for being given this opportunity to honor our friendship and his career.

Sincerely,

MILO J. SHULT,
Vice President for Agriculture.

KEO FISH FARM, INC.,
Keo, AR, June 21, 1999.

Sen. BLANCH LINCOLN,
United States Senate, Washington, D.C. 20510

DEAR SENATOR LINCOLN: As I discussed earlier with you, Keo Fish Farm, Inc. would consider it most appropriate for the Stuttgart Fish Farming Experiment Station to be re-named after its long-time Director, Dr. Harry K. Dupree. I believe you will find widespread support among Arkansas' fish farmers for such action.

Sincerely,

MIKE FREEZE.

By Mr. DORGAN (for himself, Mr. LOTT, Mr. DASCHLE, Mr. NICKLES, Mr. REID, Mr. MURKOWSKI, Mr. CONRAD, Mr. BREAUX, Mr. GRAHAM, Mr. KERREY, Mr. HAGEL, Mr. HARKIN, Mr. DURBIN, Mr. SCHUMER, Mr. COCHRAN, Mr. CRAIG, Mr. BROWNBACK, Mr. WELLSTONE, Mr. EDWARDS, Mr. CAMPBELL, Mr. JOHNSON, Mr. BINGAMAN, Mr. MACK, Mr. DOMENICI, Mr. BENNETT, Mr. SANTORUM, and Mr. LEAHY):

S. 1341. A bill to amend the Internal Revenue Code of 1986 to expand the applicability of section 179 which permits the expensing of certain depreciable assets; to the Committee on Finance.

MAIN STREET BUSINESS INCENTIVE ACT OF 1999

● Mr. DORGAN. Mr. President, today I'm joined by Senators LOTT, DASCHLE, NICKLES, REID, MURKOWSKI, and twenty-one other distinguished colleagues in introducing the ''Main Street Business Incentive Act of 1999,'' which addresses a gap in the current law that is impeding the improvement of many of our small town Main Street businesses. Specifically, the bill would raise the income tax expensing provision for small businesses in current law from $19,000 to $25,000 this year. The bill also would expand the provision to cover investments in commercial buildings and structural improvements.

Mr. President, small businesses are the economic anchors of Main Streets in small and large communities throughout our country. They provide jobs, sponsor local charities and little league teams, and enable people to purchase their daily necessities without driving long distances. Without small businesses, we wouldn't have communities, which is why Congress has adjusted the tax laws in numerous ways over the years to encourage investments that enable them to grow and thrive.

For example, many businesses have to depreciate the cost of new equipment purchases—which is to say, they deduct these costs over a long period of years. Small businesses, by contrast, can ''expense'' up to $19,000 in purchases of such assets. They deduct the cost entirely in the first year. That maximum amount will increase to $25,000 in year 2003. This tax provision is helpful to many small businesses because it enables them to write off the investment immediately and so bolsters their cash flow.

However, this expensing provision is not as helpful as it could be and needs to be. Specifically, it does not include investments that small businesses make in improving the store front or the building in which they conduct their business. In many small towns, the local drug store, shoe store or grocery store doesn't have much need of new equipment. But it does need to improve the store front or the interior, and generally spruce things up.

Such investments are good for our Main Streets. They improve the appearance of both the business and the town. Yet under today's tax law, if a small business owner improves his storefront, he has to spread the cost of the investments for tax purposes over 39 years, which is the depreciation schedule for commercial real estate. The result is a large economic hurdle for many of these small businesses.

There are Main Streets all across our country that were built or refurbished thirty, forty or fifty years ago and now need investment and improvement. The Tax Code should encourage this. A simple way to accomplish it is to allow the expensing of up to $25,000, not only for equipment and machinery, but also for small business investments in store fronts and business locations. The motel, the gas station, the hardware store or barber shop ought to be able to ''expense'' that amount of investment in their property. That's what my legislation provides.

This would be a significant benefit to America's small business and I think would result in a significant improvement in America's communities and main streets. This legislation is supported by a number of small business-oriented trade groups including the National Federation of Independent Business (NFIB), NFIB-North Dakota, the Small Business Legislative Council, the North Dakota Association of Realtors and National Association of Realtors.

I urge my colleagues to cosponsor this much-needed legislation.●

By Mr. ALLARD:

S. 1342. A bill to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers; to the Committee on Finance.

LEGISLATION TO REPEAL THE FEDERAL DEATH TAX

● Mr. ALLARD. Mr. President, today I am introducing legislation to repeal the federal death tax, otherwise known as the estate and gift tax. I ask unanimous consent that the text of the bill be printed in the RECORD. I also ask unanimous consent that Colorado Senate Joint Memorial 99–004, approved by the Colorado Legislature be printed in the RECORD. This memorial resolution urges the immediate repeal of the Federal estate and gift tax. Finally, I ask that an article I recently wrote on this topic be printed in the RECORD.

The material follows:

S. 1342

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

SECTION 1. REPEAL OF FEDERAL TRANSFER TAXES.

(a) IN GENERAL.—Subtitle B of the Internal Revenue Code of 1986 is repealed.

(b) EFFECTIVE DATE.—The repeal made by subsection (a) shall apply to the estates of decedents dying, and gifts and generation-skipping transfers made, after the date of enactment of this Act.

(c) TECHNICAL AND CONFORMING CHANGES.—The Secretary of the Treasury or the Secretary's delegate shall, as soon as practicable but in any event not later than 90 days after the date of enactment of this Act, submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a draft of any technical and conforming changes in the Internal Revenue Code of 1986 which are necessary to reflect throughout such Code the changes in the substantive provisions of law made by this Act.

TIME TO END THE ESTATE TAX

(By Senator Wayne Allard)

As we approach the new millennium a consensus has emerged in favor of significant tax reform. While some prefer the flat tax, others advocate the sales tax. A third camp argues that Congress should avoid a complete overhaul and instead work to improve the existing system. Whatever path is chosen, it should include elimination of the federal estate and gift tax. Repeal of the estate tax is the first step toward a fairer and flatter tax system.

Congress has levied estate taxes at various times throughout U.S. history, particularly during war. The current estate tax dates back to 1916, a time when many in Congress were looking for ways to redistribute some of the wealth held by a small number of super-rich families. This first permanent estate tax had a top rate of only 10 percent, and the threshold was high enough to ensure that the tax effected only a tiny fraction of the population.

Like the rest of our tax code, it did not take long for this limited tax to evolve into a more substantial burden. In only the second year of the tax, the top rate was increased to 25 percent. By 1935 the top rate was 70 percent and in 1941 it reached an all time high of 77 percent.

While income tax rates have declined in recent decades, estate taxes have remained high. Today, the top estate tax rate is 55 percent (a top marginal rate of 60 percent is paid by some estates), and the tax is imposed on amounts above the 1999 exemption level of $650,000 (value above $650,000 is taxed at an initial rate of 37%).

Generally, the value of all assets held at death is included in the estate for purposes of assessing the tax—this includes residences, business assets, stocks, bonds, savings, personal property, etc. Estate tax returns are due within nine months of the decedent's death (a six-month extension is available) and with the exception of certain closely held businesses, the tax is due when the return is filed. The tax is paid by the estate rather than by the beneficiary (in contrast to an inheritance tax).

The 1997 tax bill increased the unified estate and gift tax exemption from $600,000 to $1 million. However, this is done very gradually and does not reach the $1 million level until 2006. The bill also increased the exemption amount for a qualified family owned business to $1.3 million. While both actions are a good first step, they barely compensate for the effects of inflation. The $600,000 exemption level was last set in 1987, just to keep pace with inflation the exemption should have risen to $850,000 by 1997. Incremental improvements help, but we need more substantial reform.

The United States retains among the highest estate taxes in the world. Among industrial nations, only Japan has a higher top rate than the U.S. But Japan's 70 percent applies to an inheritance of $16 million or more. The U.S. top rate of 55% kicks in on estates of $3 million or more. France, the United Kingdom, and Ireland all have top rates of 40%, and the average top rate of OECD countries is only 29%. Australia, Canada, and Mexico presently have no estate taxes.

The strongest argument that supporters of the estate tax make is that most American families will never have to pay an estate tax. While this is true, it does not justify retention of a tax that causes great harm to family businesses and farms, often constitutes double taxation, limits economic growth, consumes significant resources in unproductive tax compliance activities, and raises only a tiny portion of federal tax revenues. In other words, the estate tax is not worth all the trouble.

The estate tax can destroy a family business. This is the most disturbing aspect of the tax. No American family should lose its business or farm because of the estate tax. Current estimates are that more than 70 percent of family businesses do not survive the

second generation, and 87 percent do not survive the third generation. While there are many reasons for these high numbers, the estate tax is certainly one of them. The estate tax fails to distinguish between cash and non-liquid assets, and since family businesses are often asset-rich and cash poor, they can be forced to sell assets in order to pay the tax. This practice can destroy the business outright, or leave it so strapped for capital that long-term survival is jeopardized. Similarly, more and more large ranches and farms are facing the prospect of break-up and sale to developers in order to pay the estate tax. In addition to destroying a family business, this harms the environment.

Recently, the accounting firm Price Waterhouse calculated the taxable components of 1995 estates. While 21 percent of assets were corporate stock and bonds, and another 21 percent were mutual fund assets, fully 32 percent of gross estates consisted of ''business assets'' such as stock in closely held businesses, interests in non-corporate businesses and farms, and interests in limited partnerships. In larger estates this portion rose to 55 percent. Clearly, a substantial portion of taxable estates consist of family businesses.

The National Center for Policy Analysis reports that a 1995 survey by Travis Research Associates found that 51 percent of family businesses would have significant difficulty surviving the estate tax, and 30 percent of respondents said they would have to sell part or all of their business. This is supported by a 1995 Family Business Survey conducted by Matthew Greenwald and Associates which found that 33 percent of family businesses anticipate having to liquidate or sell part of their business to pay the estate tax.

While some businesses are destroyed by the estate tax, many more expend substantial resources in tax planning and compliance. Those that survive the estate tax often do so by purchasing expensive insurance. A 1995 Gallup survey of family firms found that 23 percent of the owners of companies valued at over $10 million pay $50,000 or more per year in insurance premiums on policies designed to help them pay the eventual tax bill. The same survey found that family firms estimated they had spent on average over $33,000 on lawyers, accountants and financial planners over a period of 6.5 years in order to prepare for the estate tax.

In fact, one of the great ironies of the estate tax is that an extensive amount of tax planning can very nearly eliminate the tax. This results in a situation where the very wealthy can end up paying less estate tax than those of more modest means. As noted above, life insurance can play a big role in estate planning, but there are also mechanisms such as qualified personal residence trusts, charitable remainder trusts, charitable lead trusts, generation-skipping trusts, and the effective use of annual gifts. While these mechanisms may reduce the tax, they waste resources that could be put to much better use growing businesses and creating jobs.

One of the tenets of a fair tax system is that income is taxed only once. Income should be taxed when it is first earned or realized, it should not be repeatedly re-taxed by government. The estate tax violates this tenet. At the time of a person's death, much of their savings, business assets, or farm assets have already been subjected to federal, state, and local tax. These same assets are then taxed again under the estate tax. Price Waterhouse has calculated that those families that will be liable for the estate tax face the prospect of nearly 73 percent of every dollar being taxed away.

Repeal of the estate tax would benefit the economy. Without the estate tax, greater business resources could be put toward productive economic activities. Recently, the Center for the Study of Taxation commissioned George Mason University Professor Richard Wagner to estimate the economic impact of a phase-out of the estate tax. He estimated that if the tax is phased out over 5 years beginning in 1999, that the economy would create 189,895 more jobs and would grow by an additional $509 billion over a ten year period. Similarly, a recent Heritage Foundation study simulated the results of an estate tax repeal under two respected economic models, the Washington University Macro Model, and the Wharton Econometric Model. Under the models, a repeal of the tax is forecast to increase jobs and GDP, as well as reduce the cost of capital.

One might expect that with all the economic dislocation associated with the estate tax that it raises a significant amount of revenue or accomplishes a redistributionist social policy. In fact, the revenue take is quite modest—approximately 1 percent of federal revenue, or $14.7 billion in 1995. And as for social policy, the ability of the federal government to equalize wealth through the estate tax may be quite limited. A 1995 study published by the Rand Corporation found that for the very wealthiest Americans, only 7.5 percent of their wealth is attributable to inheritance—the other 92.5 percent is from earnings.

America is a nation of tremendous economic opportunity. Success is determined principally through hard work and individual initiative. Our tax policy should focus on encouraging greater initiative rather than on attempts to limit inherited wealth. The estate tax is a relic. It damages family businesses, harms the economy, and constitutes double taxation. It is time for the estate tax to go.

SENATE JOINT MEMORIAL 99–004

Whereas, The Federal Unified Gift and Estate Tax, or ''Death Tax'', generates a minimal amount of federal revenue, especially considering the high cost of collection and compliance and in fact has been shown to decrease federal revenues from what they might otherwise have been; and

Whereas, This federal Death Tax has been identified as destructive to job opportunity and expansion, especially to minority entrepreneurs and family farmers; and

Whereas, This federal Death Tax causes severe hardship to growing family businesses and family farming operations, often to the point of partial or complete forced liquidation; and

Whereas, Critical state and local leadership assets are unnecessarily destroyed and forever lost to the future detriment of their communities through relocation or liquidation; and

Whereas, Local and state schools, churches, and numerous charitable organizations would greatly benefit from the increased employment and continued family business leadership that would result from the repeal of the federal Death Tax; now, therefore,

Be It Resolved by the Senate of the Sixty-second General Assembly of the State of Colorado, the House of Representatives concurring herein: That the Congress of the United States is hereby memoralized to immediately repeal the Federal Unified Gift and Estate Tax.

Be It Further Resolved, That copies of this Joint Memorial be sent to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and each member of the Colorado congressional delegation.●

By Mr. REID:

S. 1343. A bill to direct the Secretary of Agriculture to convey certain National Forest land to Elko County, Nevada, for continued use as a cemetery, to the Committee on Energy and Natural Resources.

CONVEYANCE OF NATIONAL FOREST LAND TO ELKO COUNTY, NEVADA

Mr. REID. Mr. President, I rise today to introduce legislation to authorize the Secretary of Agriculture to convey, without consideration, two acres of land to Elko County, NV, for use as a cemetery. This proposal should not be controversial, and I urge my colleagues to act upon this quickly.

Jarbidge, NV, is a small town located in the remote wilderness of Elko County in northern Nevada. Surrounded by the Humboldt-Toiyabe National Forest, this community is representative of many of the small, rural communities of Nevada. Its residents have worked hard to earn a living off the land and many of its families have deep roots in Nevada established decades ago by early pioneers to the Silver State. Since the 1900's, the people there have buried their dead in a small parcel of national forest land.

The people of Jarbidge now have an opportunity to establish a permanent trust for the maintenance of this historic cemetery. The establishment of the trust is dependent on county ownership of the land, however. The Forest Service has stated that they cannot and will not give the land to the County, and insist that the land be paid for—either in cash or via a land exchange. While I agree that in the vast majority of instances this is the correct stance, in this case the Forest Service is just plain wrong.

We should do the right thing and give this land to the county to honor the families whose loved ones rest in that small cemetery. The bill I introduce today is companion legislation to a House bill introduced by my fellow Nevada legislator JIM GIBBONS—a bill which is making its way through the House. I hope my colleagues in the Senate will act quickly so that the residents of Jarbidge will know the entire U.S. Congress supports their efforts to honor the memory of deceased residents whose graves occupy this tiny plot of land.

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. 1343

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

SECTION 1. CONVEYANCE OF NATIONAL FOREST LAND TO ELKO COUNTY, NEVADA, FOR USE AS CEMETERY.

(a) REQUIREMENT TO CONVEY.—The Secretary of Agriculture shall convey, without consideration, to Elko County, Nevada, all right, title, and interest of the United States in and to the parcel of real property described in subsection (b), for use as a cemetery.

(b) DESCRIPTION OF PROPERTY.—

(1) IN GENERAL.—The property referred to in subsection (a) is a parcel of National Forest land (including any improvements on the

land) in Elko County, Nevada, known as ''Jarbidge Cemetery'', consisting of approximately 2 acres and described as the NE¼SW1¼NW¼ of Section 9 T 46 N, R 58 E, MDB&M.

(2) SURVEY.—

(A) IN GENERAL.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(B) COST.—As a condition of any conveyance under this section, the County shall pay the cost of the survey.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions with respect to the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

ADDITIONAL COSPONSORS

S. 97

At the request of Mr. MCCAIN, the names of the Senator from Missouri (Mr. BOND) and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of S. 97, a bill to require the installation and use by schools and libraries of a technology for filtering or blocking material on the Internet on computers with Internet access to be eligible to receive or retain universal service assistance.

S. 215

At the request of Mr. MOYNIHAN, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 215, a bill to amend title XXI of the Social Security Act to increase the allotments for territories under the State Children's Health Insurance Program.

S. 222

At the request of Mr. LAUTENBERG, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 222, a bill to amend title 23, United States Code, to provide for a national standard to prohibit the operation of motor vehicles by intoxicated individuals.

S. 333

At the request of Mr. LEAHY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 333, a bill to amend the Federal Agriculture Improvement and Reform Act of 1996 to improve the farmland protection program.

S. 343

At the request of Mr. BOND, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 343, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for 100 percent of the health insurance costs of self-employed individuals.

S. 376

At the request of Mr. BURNS, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Hawaii (Mr. INOUYE), the Senator from Alaska (Mr. STEVENS), and the Senator from Mississippi (Mr. LOTT) were added as cosponsors of S. 376, a bill to amend the Communications Satellite Act of 1962 to promote competition and privatization in satellite communications, and for other purposes.

S. 424

At the request of Mr. COVERDELL, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 424, a bill to preserve and protect the free choice of individuals and employees to form, join, or assist labor organizations, or to refrain from such activities.

S. 446

At the request of Mrs. BOXER, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 446, a bill to provide for the permanent protection of the resources of the United States in the year 2000 and beyond.

S. 459

At the request of Mr. BREAUX, the names of the Senator from North Dakota (Mr. DORGAN), the Senator from New Hampshire (Mr. GREGG), and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 459, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on private activity bonds.

S. 472

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

S. 484

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

S. 542

At the request of Mr. ABRAHAM, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 542, a bill to amend the Internal Revenue Code of 1986 to expand the deduction for computer donations to schools and allow a tax credit for donated computers.

S. 566

At the request of Mr. LUGAR, the names of the Senator from Georgia (Mr. CLELAND) and the Senator from Colorado (Mr. CAMPBELL) were added as cosponsors of S. 566, a bill to amend the Agricultural Trade Act of 1978 to exempt agricultural commodities, livestock, and value-added products from unilateral economic sanctions, to prepare for future bilateral and multilateral trade negotiations affecting United States agriculture, and for other purposes.

S. 635

At the request of Mr. MACK, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 635, a bill to amend the Internal Revenue Code of 1986 to more accurately codify the depreciable life of printed wiring board and printed wiring assembly equipment.

S. 642

At the request of Mr. GRASSLEY, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 642, a bill to amend the Internal Revenue Code of 1986 to provide for Farm and Ranch Risk Management Accounts, and for other purposes.

S. 659

At the request of Mr. MOYNIHAN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 659, a bill to amend the Internal Revenue Code of 1986 to require pension plans to provide adequate notice to individuals whose future benefit accruals are being significantly reduced, and for other purposes.

S. 663

At the request of Mr. SPECTER, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 663, a bill to impose certain limitations on the receipt of out-of-State municipal solid waste, to authorize State and local controls over the flow of municipal solid waste, and for other purposes.

S. 676

At the request of Mr. CAMPBELL, the names of the Senator from Indiana (Mr. BAYH), the Senator from Maryland (Mr. SARBANES), and the Senator from Missouri (Mr. BOND) were added as cosponsors of S. 676, a bill to locate and secure the return of Zachary Baumel, a citizen of the United States, and other Israeli soldiers missing in action.

S. 693

At the request of Mr. HELMS, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 693, a bill to assist in the enhancement of the security of Taiwan, and for other purposes.

S. 800

At the request of Mr. BURNS, the names of the Senator from Tennessee (Mr. FRIST), the Senator from Michigan (Mr. ABRAHAM), and the Senator from Missouri (Mr. ASHCROFT) were added as cosponsors of S. 800, a bill to promote and enhance public safety through the use of 9-1-1 as the universal emergency assistance number, further deployment of wireless 9-1-1 service, support of States in upgrading 9-1-1 capabilities and related functions, encouragement of construction and operation of seamless, ubiquitous, and reliable networks for personal wireless services, and for other purposes.

S. 817

At the request of Mrs. BOXER, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 817, a bill to improve academic and social outcomes for students and reduce both juvenile crime and the risk that youth will become victims of

crime by providing productive activities during after school hours.

S. 856

At the request of Mr. JEFFORDS, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 856, a bill to provide greater options for District of Columbia students in higher education.

S. 879

At the request of Mr. CONRAD, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 879, a bill to amend the Internal Revenue Code of 1986 to provide a shorter recovery period for the depreciation of certain leasehold improvements.

S. 918

At the request of Mr. KERRY, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 918, a bill to authorize the Small Business Administration to provide financial and business development assistance to military reservists' small business, and for other purposes.

S. 951

At the request of Mr. DOMENICI, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 951, a bill to amend the Internal Revenue Code of 1986 to establish a permanent tax incentive for research and development, and for other purposes.

S. 952

At the request of Mr. BIDEN, his name was withdrawn as a cosponsor of S. 952, a bill to expand an antitrust exemption applicable to professional sports leagues and to require, as a condition of such an exemption, participation by professional football and major league baseball sports leagues in the financing of certain stadium construction activities, and for other purposes.

S. 959

At the request of Mr. HOLLINGS, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from New York (Mr. MOYNIHAN), and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 959, a bill to establish a National Ocean Council, a Commission on Ocean Policy, and for other purposes.

S. 969

At the request of Mr. ASHCROFT, the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of S. 969, a bill to amend the Individuals with Disabilities Education Act and the Gun-Free Schools Act of 1994 to authorize schools to apply appropriate discipline measures in cases where students have weapons or threaten to harm others, and for other purposes.

S. 1017

At the request of Mr. MACK, the names of the Senator from Montana (Mr. BURNS), and the Senator from New Hampshire (Mr. GREGG) were added as cosponsors of S. 1017, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on the low-income housing credit.

S. 1075

At the request of Mrs. BOXER, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1075, a bill to promote research to identify and evaluate the health effects of silicone breast implants, and to insure that women and their doctors receive accurate information about such implants.

S. 1079

At the request of Mr. MACK, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 1079, a bill to amend the Internal Revenue Code of 1986 to increase the deductibility of business meal expenses for individuals subject to Federal hours of service.

S. 1108

At the request of Mr. COCHRAN, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 1108, a bill to amend the Federal Crop Insurance Act to improve crop insurance coverage and administration, and for other purposes.

S. 1130

At the request of Mr. MCCAIN, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of S. 1130, a bill to amend title 49, United States Code, with respect to liability of motor vehicle rental or leasing companies for the negligent operation of rented or leased motor vehicles.

S. 1159

At the request of Mr. STEVENS, the names of the Senator from Pennsylvania (Mr. SPECTER) and the Senator from South Dakota (Mr. DASCHLE) were added as cosponsors of S. 1159, a bill to provide grants and contracts to local educational agencies to initiate, expand, and improve physical education programs for all kindergarten through 12th grade students.

S. 1165

At the request of Mr. MACK, the names of the Senator from Kentucky (Mr. BUNNING), the Senator from Montana (Mr. BURNS), and the Senator from Illinois (Mr. FITZGERALD) were added as cosponsors of S. 1165, a bill to amend the Internal Revenue Code of 1986 to repeal the limitation on the amount of receipts attributable to military property which may be treated as exempt foreign trade income.

S. 1172

At the request of Mr. TORRICELLI, the name of the Senator from Florida (Mr. MACK) was added as a cosponsor of S. 1172, a bill to provide a patent term restoration review procedure for certain drug products.

S. 1227

At the request of Mr. CHAFEE, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1227, a bill to amend title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide States with the option to allow legal immigrant pregnant women and children to be eligible for medical assistance under the medical program, and for other purposes.

S. 1267

At the request of Mr. SCHUMER, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 1267, a bill to require that health care providers inform their patients of certain referral fees upon the referral of the patients to clinical trials.

S. 1277

At the request of Mr. BAUCUS, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Minnesota (Mr. WELLSTONE) 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. 1290

At the request of Mr. INOUYE, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1290, a bill to amend title 36 of the United States Code to establish the American Indian Education Foundation, and for other purposes.

S. 1310

At the request of Ms. COLLINS, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1310, a bill to amend title XVIII of the Social Security Act to modify the interim payment system for home health services, and for other purposes.

SENATE CONCURRENT RESOLUTION 34

At the request of Mr. SPECTER, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from Alaska (Mr. MURKOWSKI), and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of Senate Concurrent Resolution 34, a concurrent resolution relating to the observance of ''In Memory'' Day.

SENATE CONCURRENT RESOLUTION 36

At the request of Mr. SCHUMER, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of Senate Concurrent Resolution 36, a concurrent resolution condemning Palestinian efforts to revive the original Palestine partition plan of November 29, 1947, and condemning the United Nations Commission on Human Rights for its April 27, 1999, resolution endorsing Palestinian self-determination on the basis of the original Palestine partition plan.

SENATE RESOLUTION 92

At the request of Mrs. BOXER, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of Senate Resolution 92, a resolution expressing the sense of the Senate that funding for prostate cancer research should be increased substantially.

SENATE RESOLUTION 95

At the request of Mr. THURMOND, the names of the Senator from Connecticut

(Mr. DODD), the Senator from Nebraska (Mr. KERREY), the Senator from California (Mrs. FEINSTEIN), and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of Senate Resolution 95, a resolution designating August 16, 1999, as ''National Airborne Day.''

SENATE RESOLUTION 119

At the request of Mr. SMITH, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of Senate Resolution 119, a resolution expressing the sense of the Senate with respect to United Nations General Assembly Resolution ES–10/6.

SENATE CONCURRENT RESOLUTION 43—PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND A CONDITIONAL ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES

Mr. LOTT submitted the following resolution; which was considered and agreed to:

S. CON. RES. 43

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Thursday, July 1, 1999, Friday, July 2, 1999, or Saturday, July 3, 1999, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, July 12, 1999, or until such time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on the legislative day of Thursday, July 1, 1999, or Friday, July 2, 1999, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 12:30 p.m. on Monday, July 12, 1999, for morning-hour debate, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

SENATE RESOLUTION 132—DESIGNATING THE WEEK BEGINNING JANUARY 21, 2001, ''ZINFANDEL GRAPE APPRECIATION WEEK''

Mrs. FEINSTEIN (for herself and Mrs. BOXER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 132

Whereas Zinfandel grapes have historical significance among agricultural products of the United States, in that the origins of Zinfandel grapes in the United States date back to the 1830s;

Whereas Zinfandel grape vines are a living link to the time when gold was discovered in the Sierra Nevada mountains and many people in the United States moved west to seek their fortunes;

Whereas some Zinfandel grape vines in the Sierra Nevada foothills are at least 125 years old and still producing grapes;

Whereas Zinfandel grape vines were an integral part of the Gold Rush of 1849 and the agricultural cultivation of the West;

Whereas Zinfandel wine is an excellent representative of the agricultural community of the United States because its development and production range from the hot houses and nurseries of New England and Long Island to the hills and valleys of the Pacific Coast and Southwest;

Whereas Zinfandel grape vines are planted in 14 States and distributed to every major community in all 50 States, and have worldwide recognition by scholars, growers, and consumers as being a quintessential creation of the United States;

Whereas Zinfandel grape products are used in products as diverse as jams, pasta sauce, and wine;

Whereas the Zinfandel grape, a principal component of an important agricultural sector in the United States, has been the leading red grape from the 1880s to the present in terms of acres planted and wine produced, and is accordingly a crucial part of an industry that, in 1996, produced approximately $41,000,000,000 of direct and indirect economic activity and $3,000,000,000 in State and local revenue, and provided permanent employment for 554,630 people;

Whereas Zinfandel wine has been winning first prize and similar recognition in competitions since 1859 against domestic and internationally produced wines, and brings great credit to the quality of agriculture in the United States;

Whereas Zinfandel vines grown in the United States serve as the source of vines grown elsewhere in the world and set the standards for Zinfandel vines worldwide;

Whereas only Zinfandel wine, among the wines of the world, is recognized as being a product that is uniquely from the United States;

Whereas the Zinfandel grape is an embodiment of the history and heritage of the United States, and, in particular, of the settlement and agricultural cultivation of the West; and

Whereas for the reasons described above, the Zinfandel grape is a national treasure: Now, therefore, be it

Resolved,That the Senate—

(1) designates the week beginning January 21, 2001, as ''Zinfandel Grape Appreciation Week''; and

(2) requests the President to issue a proclamation calling on the people of the United States to celebrate the week with appropriate ceremonies and programs.

● Mrs. FEINSTEIN. Mr. President, I rise today to submit a resolution to commemorate the Zinfandel grape.

The Zinfandel grape has a long and unique history that mirrors the diversity and agricultural development of our nation. Unlike other grapes that today have international recognition—such as Cabernet, Chardonnay, or Pinot Noir—the Zinfandel grape is uniquely and distinctly American. One writer has referred to it as ''the Horatio Alger of varietals, the True American.''

While Zinfandel's exact origins are unclear, we know that it was consumed as a table grape in New England in the 1830's, and that Zinfandel cuttings from a nursery in Long Island were taken by the settlers as they headed west. During the California Gold Rush of 1849, Zinfandel vines were planted and their products consumed as table grapes and as wine. By the 1880's, Zinfandel was the most commonly planted red grape in the West, and the wine made from Zinfandel grapes began winning awards as early as 1859.

Today the Zinfandel grape is our most versatile of viticultural products. It is used in jams, jellies, pasta sauces, mustards, and other food products. It is produced as a wine in 14 states, including Arizona, California, Colorado, Illinois, Indiana, Iowa, Massachusetts, Nevada, New Mexico, North Carolina, Oregon, Ohio, Tennessee and Texas.

Zinfandel products now touch every region of the United States, yet knowledge of its uniquely American heritage is poor. I hope that passage of this resolution will bring greater awareness to the public of the notable and uniquely American attributes of this important agricultural product.

In my state, there are grape vines in the foothills of the Sierra Nevada mountains that have been alive since the late 1800's. These ancient vines still produce grapes, and the genetic qualities of these grapes so interest scientists that the University of California at Davis has established a ''Heritage Vineyard'' project specifically to study these plants.

On a more prosaic level, these old vines are a living link to our past—to a time when many Americans living in the East uprooted themselves and moved to West to cultivate and settle the entire expanse of our country. We should recognize and treasure these historical connections to the development of our nation.

Mr. President, let me clarify that this resolution does not seek to commemorate an alcoholic product, or any particular commercial product. It does not seek to commemorate a ''western'' issue, since Zinfandel food products are consumed nationwide and Zinfandel grapes are made into wine in every major portion of the country. Indeed, the very origins of Zinfandel are in the East. Rather, my colleagues and I seek to commemorate a uniquely American agricultural product that has gained international recognition and that is produced and enjoyed in every part of this country.

I am pleased to submit this resolution to commemorate the Zinfandel grape and establish January 23–29, 2001, as Zinfandel Grape Appreciation Week.●

SENATE RESOLUTION 133—SUPPORTING RELIGIOUS TOLERANCE TOWARD MUSLIMS

Mr. ABRAHAM (for himself and Mr. CRAIG) submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 133

Whereas the American Muslim community, comprised of approximately 6,000,000 people, is a vital part of our Nation, with

more than 1,500 mosques, Islamic schools, and Islamic centers in neighborhoods across the United States;

Whereas Islam is one of the great Abrahamic faiths, whose significant contributions throughout history have advanced the fields of math, science, medicine, law, philosophy, art, and literature;

Whereas the United States is a secular nation, with an unprecedented commitment to religious tolerance and pluralism, where the rights, liberties, and freedoms guaranteed by the Constitution are guaranteed to all citizens regardless of religious affiliation;

Whereas Muslims have been subjected, simply because of their faith, to acts of discrimination and harassment that all too often have led to hate-inspired violence, as was the case during the rush to judgment in the aftermath of the tragic Oklahoma City bombing;

Whereas discrimination against Muslims intimidates American Muslims and may prevent Muslims from freely expressing their opinions and exercising their religious beliefs as guaranteed by the first amendment to the Constitution;

Whereas American Muslims have regrettably been portrayed in a negative light in some discussions of policy issues such as issues relating to religious persecution abroad or fighting terrorism in the United States;

Whereas stereotypes and anti-Muslim rhetoric have also contributed to a backlash against Muslims in some neighborhoods across the United States; and

Whereas all persons in the United States who espouse and adhere to the values of the founders of our Nation should help in the fight against bias, bigotry, and intolerance in all their forms and from all their sources: Now, therefore, be it

Resolved, That—

(1) the Senate condemns anti-Muslim intolerance and discrimination as wholly inconsistent with the American values of religious tolerance and pluralism;

(2) while the Senate respects and upholds the right of individuals to free speech, the Senate acknowledges that individuals and organizations that foster such intolerance create an atmosphere of hatred and fear that divides the Nation;

(3) the Senate resolves to uphold a level of political discourse that does not involve making a scapegoat of an entire religion or drawing political conclusions on the basis of religious doctrine; and

(4) the Senate recognizes the contributions of American Muslims, who are followers of one of the three major monotheistic religions of the world and one of the fastest growing faiths in the United States.

SENATE RESOLUTION 134—EXPRESSING THE SENSE OF THE SENATE THAT JOSEPH JEFFERSON ''SHOELESS JOE'' JACKSON SHOULD BE APPROPRIATELY HONORED FOR IS OUTSTANDING BASEBALL ACCOMPLISHMENTS

Mr. HARKIN (for himself, Mr. THURMOND, and Mr. HOLLINGS) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 134

Resolved,

SECTION 1. SENSE OF THE SENATE THAT "SHOELESS JOE" JACKSON SHOULD BE RECOGNIZED FOR HIS BASEBALL ACCOMPLISHMENTS.

(a) FINDINGS.—The Senate finds the following:

(1) In 1919, the infamous ''Black Sox'' scandal erupted when an employee of a New York gambler allegedly bribed 8 players of the Chicago White Sox, including Joseph Jefferson ''Shoeless Joe'' Jackson, to throw the first and second games of the 1919 World Series to the Cincinnati Reds.

(2) In September 1920, a criminal court acquitted ''Shoeless Joe'' Jackson of the charge that he conspired to throw the 1919 World Series.

(3) Despite the acquittal, Commissioner Landis banned ''Shoeless Joe'' Jackson from playing Major League Baseball for life without conducting any investigation of Jackson's alleged activities, issuing a summary punishment that fell far short of due process standards.

(4) The evidence shows that Jackson did not deliberately misplay during the 1919 World Series in an attempt to make his team lose the World Series.

(5) During the 1919 World Series, Jackson's play was outstanding—his batting average was .375, the highest of any player from either team; he had 12 hits, setting a World Series record; he did not commit any errors; and he hit the only home run of the Series.

(6) Not only was Jackson's performance during the 1919 World Series unmatched, but his accomplishments throughout his 13-year career in professional baseball were outstanding as well—he was 1 of only 7 Major League Baseball players to ever top the coveted mark of a .400 batting average for a season, and he earned a lifetime batting average of .356, the third highest of all time.

(7) ''Shoeless Joe'' Jackson's career record clearly makes him one of our Nation's top baseball players of all time.

(8) Because of his lifetime ban from Major League Baseball, ''Shoeless Joe'' Jackson has been excluded from consideration for admission to the Major League Baseball Hall of Fame.

(9) ''Shoeless Joe'' Jackson passed away in 1951, and 80 years have elapsed since the 1919 World Series scandal erupted.

(10) Recently, Major League Baseball Commissioner Bud Selig took an important first step toward restoring the reputation of ''Shoeless Joe'' Jackson by agreeing to investigate whether he was involved in a conspiracy to alter the outcome of the 1919 World Series and whether he should be eligible for inclusion in the Major League Baseball Hall of Fame.

(11) Courts have exonerated ''Shoeless Joe'' Jackson, the evidence shows that Jackson did not deliberately misplay during the 1919 World Series, and 80 years have passed since the scandal erupted; therefore, Major League Baseball should remove the taint upon the memory of ''Shoeless Joe'' Jackson and honor his outstanding baseball accomplishments.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Joseph Jefferson ''Shoeless Joe'' Jackson should be appropriately honored for his outstanding baseball accomplishments.

• Mr. HARKIN. Mr. President, on behalf of myself and Senators THURMOND and HOLLINGS, I am submitting today a sense of the Senate resolution to right a wrong perpetrated against one of the greatest American baseball players of all time—Joseph Jefferson ''Shoeless Joe'' Jackson.

In 1920 ''Shoeless Joe'' Jackson was banned from the game of baseball, the game he loved. He was banned from Major League baseball for allegedly taking part in a conspiracy to throw the 1919 World Series, in what has become known as the ''Black Sox'' scandal. While ''Shoeless Joe'' did admit that he received $5,000 from his roommate, Lefty Williams, to participate in the fix, evidence suggests that Jackson did everything in his power to stop the fix from going through. He twice tried to give the money back. He offered to sit out the World Series in order to avoid any appearance of impropriety. And, he tried to inform White Sox owner Charles Comisky of the fix. All of these efforts fell on deaf ears.

Perhaps the most convincing evidence of Jackson's withdrawal from the conspiracy was his performance on the field during the series. During the 1919 World Series—which he was accused of conspiring to fix—''Shoeless Joe'' Jackson's batting average was .375, the highest of any player from either team. He had 12 hits, a World Series record. He led his team in runs scored and runs batted in. And, he hit the only home run of the series. On defense, Jackson committed no errors and had no questionable plays in 30 chances.

When criminal charges were brought against Jackson in trial, the jury found him ''not guilty.'' White Sox owner Charles Comiskey and several sportswriters testified that they saw no indication that Jackson did anything to indicate he was trying to throw the series. But, when the issue came before the newly-formed Major League Baseball Commissioner's office, Commissioner Judge Kenesaw ''Mountain'' Landis found Jackson guilty of taking part in the fix, and he was banned for life from playing baseball. The Commissioner's office never conducted an investigation and never heard a hearing, thus denying ''Shoeless Joe'' Jackson due process.

Major League Baseball now has an opportunity to correct a great injustice. I wrote recently to Commissioner Bud Selig urging him to take a new look at this case. I was very pleased when the Commissioner responded to my inquiry by saying he is giving the case a fair and objective review. Restoring ''Shoeless Joe'' Jackson's eligibility for the Hall of Fame would benefit Major League Baseball, baseball fans, and all Americans who appreciate a sense of fair play.

''Shoeless Joe'' Jackson is an inspiration to people of all generations. Babe Ruth was said to have copied Jackson's swing. I was touched by Jackson's story through the movie ''Field of Dreams,'' which recounted his story. The movie was filmed in Dyersville, Iowa. Thousands of Iowans, young and old alike, have come to embrace ''Shoeless Joe.'' In fact, there is an annual Shoeless Joe Jackson celebration and celebrity baseball game in Dyersville. This year it will be attended by a cast of baseball greats, including Tommy Lasorda and Bob Feller.

Jackson's career statistics and accomplishments throughout his thirteen years in professional baseball clearly earn him a place as one of baseball's

all-time greats. His career batting average of .356 is the third highest of all time. In addition, Jackson was one of only seven Major League Baseball players to top the coveted mark of a .400 batting average for a season.

The resolution we submit today states that Major League Baseball should honor Jackson's accomplishments appropriately. I believe Jackson should be inducted into the Major League Baseball Hall of Fame. If that is to happen, Jackson must first be cleared for consideration by the Hall of Fame Veterans Committee, which will stand as the jury which decides whether Jackson's accomplishments during his playing career are worthy of recognition in the Hall of Fame.

Mr. President, we are involved in many important issues. Clearly, this matter will not and should not take up the same amount of time this body devotes to critical issues like health care, education, or national defense. But, restoring the good name and reputation of a single American is important. This resolution gives us an opportunity to right an old wrong. It gives us an opportunity to honor one of the all-time great players of America's pastime, ''Shoeless Joe'' Jackson.

I urge my colleagues to support this resolution.●

SENATE RESOLUTION—CALLING FOR THE IMMEDIATE RELEASE OF THE THREE HUMANITARIAN WORKERS IN YUGOSLAVIA

Mr. DURBIN (for himself and Mr. LEAHY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 135

Whereas Branko Jelen, Steve Pratt, and Peter Wallace are three humanitarian workers employed in Yugoslavia by CARE International, the relief and development organization, providing food, medicines and fuel to more than 50,000 Serbian refugees in Serbia and to displaced ethnic Albanians in Kosovo;

Whereas Steve Pratt and Peter Wallace, two Australian nationals, were detained on March 31, 1999, and later accused of operating and managing a spy ring and being employed by a spy ring, and Branko Jelen, a Yugoslav, was arrested one week later on the same charges;

Whereas on March 30, the organization CARE International had received a letter of commendation from the Yugoslavian government about CARE International's humanitarian work in Yugoslavia;

Whereas one of the three humanitarian workers, Steve Pratt, appeared on Serbian television on April 11, and he was coerced into saying that he had performed covert intelligence activities;

Whereas the three humanitarian workers were held without access to outsiders for 20 days;

Whereas on May 29 a military court dismissed every element of the original indictment, but then proceeded to convict the three CARE International workers on an entirely new charge of passing on information to a foreign organization, namely CARE International, and sentenced Pratt to 12 years, Jelen to six, and Wallace to four;

Whereas this last charge was introduced at the reading of the verdict, denying lawyers for the three any opportunity to mount an appropriate defense;

Whereas it appears these humanitarian workers were convicted of providing ''situation reports'' to their head office and other CARE International offices around the world, based on legitimately gathered information, necessary to enable CARE International management to plan their humanitarian assistance in a rapidly changing context and to inform CARE International management of the security situation in which their staff were working;

Whereas the convictions of these three humanitarian workers raise serious questions regarding the ability of humanitarian aid organizations to operate in Yugoslavia, with implications for their operations in other areas of conflict around the world;

Whereas the three humanitarian workers are innocent, committed no crime, and are being held prisoner unjustly;

Whereas Yugoslavia needs humanitarian workers who feel secure enough to do their work and who are not at risk of going to prison on false charges; and

Whereas many leaders around the world have raised the issue and sought to free the captives, including Kofi Annan, Nelson Mandela, Marti Ahtisaari, Mary Robinson, and Jesse Jackson; Now, therefore, be it

Resolved, That the Senate—

(1) urges the Government of the United States and the United Nations to undertake urgent and strenuous efforts to secure the release of the three CARE International humanitarian workers; and

(2) calls upon the Government of the Federal Republic of Yugoslavia to send a positive signal to the international humanitarian community and to give these workers their freedom without further delay.

Mr. DURBIN. Mr. President, today I am joining with Senator LEAHY to introduce a resolution calling for the immediate release of three CARE International workers in Yugoslavia. The three humanitarian workers committed no crime and are being held prisoner unjustly. Coercion was used in extracting a televised ''confession'' from one of the workers and the judicial proceedings held against them were a sham, preventing them from mounting a serious defense.

The men, Branko Jelen, Steve Pratt, and Peter Wallace, are three humanitarian workers employed in Yugoslavia by CARE International, which has been providing food, medicines and fuel to more than 50,000 Serbian refugees in Serbia and to displaced ethnic Albanians in Kosovo.

On March 31, 1999, Steve Pratt and Peter Wallace, two Australian nationals, were arrested and later accused of operating a spy ring. Branko Jelen, a Yugoslav, was arrested a week later on the same charges. Yugoslav officials forced Steve Pratt to appear on Serbian television on April 11, when he was coerced into saying that he had performed covert intelligence activities. The three were held without access to outsiders for 20 days.

On May 29 a military court dismissed the original indictment, but then convicted the three CARE International workers on an entirely new charge of passing on information to a foreign organization, their employer, CARE International! This charge was introduced at the reading of the verdict, denying lawyers for the three any opportunity to mount an appropriate defense. Pratt was sentenced to 12 years, Jelen to 6 years, and Wallace to 4 years in prison.

These humanitarian workers apparently were convicted of providing ''situation reports'' to their head office and other CARE International offices around the world, based on legitimately gathered information. Such reports are necessary to enable CARE International management to plan their humanitarian assistance and to inform CARE International management of the rapidly changing security situation faced by their staff.

The convictions of these three humanitarian workers raise serious questions regarding the ability of humanitarian aid organizations to operate in Yugoslavia, with implications for their operations in other areas of conflict around the world. Humanitarian workers must feel secure enough to do their work and must not be at risk of going to prison on false charges. Since that is not now the case in Serbia, CARE International regretfully was forced to stop its operations there.

The resolution we introduce today urges the United States and the United Nations to try to secure the release of the three humanitarian workers and calls on the Yugoslavia government to release them. I urge my colleagues to support this resolution.

SENATE RESOLUTION—CONDEMNING THE ACTS OF ARSON AT THE THREE SACRAMENTO, CA, AREA SYNAGOGUES ON JUNE 18, 1999, AND CALLING ON ALL AMERICANS TO CATEGORICALLY REJECT CRIMES OF HATE AND INTOLERANCE

Mrs. BOXER (for herself, Mrs. FEINSTEIN, Mr. DASCHLE, and Mr. ABRAHAM) submitted the following resolution; which was considered and agreed to:

S. RES. 136

Whereas on the evening of June 18, 1999, in Sacramento, California, the Congregation B'nai Israel, Congregation Beth Shalom, and Kenesset Israel Torah Center were victims of malicious and cowardly acts of arson;

Whereas such crimes against our institutions of faith are crimes against us all;

Whereas we have celebrated since our Nation's birth the rich and colorful diversity of its people, and the sancitity of a free and democratic society;

Whereas the liberties Americans enjoy are attributed in large part to the courage and determination of visionaries who made great strides in overcoming the barriers of oppression, intolerance, and discrimination in order to ensure fair and equal treatment for every American by every American;

Whereas this type of unacceptable behavior is a direct assault upon the fundamental rights of all Americans who cherish their freedom of religion; and

Whereas every Member of Congress serves in part as a role model and bears a responsibility to protect and honor the multitude of cultural institutions and traditions we enjoy in the United States of America: Now, therefore, be it

Resolved, That the Senate—

(1) condemns the crimes that occurred in Sacramento, California, at Congregation B'nai Israel, Congregation Beth Shalom, and Kenesset Israel Torah Center on the evening of June 18, 1999;

(2) rejects such acts of intolerance and malice in our society and interprets such attacks on cultural and religious institutions as an attack on all Americans;

(3) in the strongest terms possible, is committed to using Federal law enforcement personnel and resources pursuant to existing Federal authority to identify the persons who committed these heinous acts and bring them to justice in a swift and deliberate manner;

(4) recognizes and applauds the residents of the Sacramento, California, area who have so quickly joined together to lend support and assistance to the victims of these despicable crimes, and remain committed to preserving the freedom of religion of all members of the community; and

(5) calls upon all Americans to categorically reject similar acts of hate and intolerance.

AMENDMENTS SUBMITTED

TREASURY-POSTAL SERVICE APPROPRIATIONS

REED (AND CHAFEE) AMENDMENT NO. 1193

Mr. REED (for himself and Mr. CHAFEE) proposed an amendment to the bill (S. 1282) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2000, and for other purposes; as follows:

On page 98, insert between lines 4 and 5 the following:

SEC. 636. Section 5304 of title 5, United States Code, is amended by adding at the end the following:

''(j) For purposes of this section, the 5 counties of the State of Rhode Island (including Providence, Bristol, Newport, Kent, and Washington counties) shall be considered as 1 county, adjacent to the Boston-Worcester-Lawrence; Massachusetts, New Hampshire, Maine, and Connecticut locality pay area and the Hartford, Connecticut locality pay area.''.

WARNER AMENDMENT NO. 1194

Mr. CAMPBELL (for Mr. WARNER) proposed an amendment to the bill, S. 1282, supra; as follows:

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

SECTION 1. PROFESSIONAL LIABILITY INSURANCE.

(a) SHORT TITLE.—This Act may be cited as the ''Federal Employees Equity Act of 1999''.

(b) IN GENERAL.—Section 636(a) of the Treasury, Postal Service, and General Government Appropriations Act, 1997 (Public Law 104–208; 110 Stat. 3009–363; 5 U.S.C. prec. 5941 note) is amended in the first sentence by striking ''may'' and inserting ''shall''.

(c) LAW ENFORCEMENT OFFICERS.—Section 636(c)(2) of the Treasury, Postal Service, and General Government Appropriations Act, 1997 (Public Law 104–208; 110 Stat. 3009–364; 5 U.S.C. prec. 5941 note) is amended to read as follows:

''(2) the term 'law enforcement officer' means an employee, the duties of whose position are primarily the investigation, apprehension, prosecution, or detention of individuals suspected or convicted of offenses against the criminal laws of the United States, including—

''(A) any law enforcement officer under section 8331(20) or 8401(17) of title 5, United States Code;

''(B) any special agent under section 206 of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4823);

''(C) any customs officer as defined under section 5(e)(1) of the Act of February 13, 1911 (19 U.S.C. 267);

''(D) any revenue officer or revenue agent of the Internal Revenue Service; or

''(E) any Assistant United States Attorney appointed under section 542 of title 28, United States Code.''.

(d) EFFECTIVE DATE.—The amendments made by this Act shall take effect on the later of—

(1) October 1, 1999; or

(2) the date of enactment of this Act.

Mr. WARNER. Mr. President, I rise today in support of my amendment creating the Federal Employees Equity Act of 1999.

My legislation expands a provision included in the Omnibus Appropriations Bill for fiscal year 1997 (P.L. 104–208) to allow Federal agencies to contribute to the costs of professional liability insurance for their senior executives, managers and law enforcement officials. While this important benefit contained in the Omnibus Appropriation bill was indeed enacted, it has not been made available on as wide a basis to Federal employees as we had hoped.

The Federal Employees Equity Act would ensure that Federal agencies reimburse one-half the premiums for Professional Liability Insurance for employees covered by this bill. Federal managers, supervisors and law enforcement officials should not have to fear the excessive costs of legal representation when unwarranted allegations are made against them and investigations of these allegations are conducted.

I was a strong supporter of the provision in 1996 because Federal officials often found themselves to be the target of unfounded allegations of wrongdoing. Sometimes allegations were made by citizens, against whom Federal officials were enforcing the law and by employees who had performance or conduct problems. Although many allegations have proven to be specious, these Federal officials were often subject to lengthy investigations and had to pay for their own legal representation when their agencies could not provide it.

The affected Federal managers, supervisors and law enforcement officials are generally prohibited from being represented by unions. For employees who are in bargaining units represented by unions, Congress allows Federal agencies to subsidize the time and expenses of union representatives when they are needed by such employees, whether or not they are dues paying members of the union.

Because these Federal officials are denied union representation, they have found it necessary to purchase Professional Liability Insurance in order to protect themselves when allegations are made against them to the Inspector General of their agency, to the Office of Special Counsel, or to the EEO office. The insurance provides coverage for legal representation for the employees when they are accused, and will pay judgments against the employee up to a maximum dollar amount if the employee is found to have made a mistake while carrying out his official duties. Currently, these managers must hire their own lawyers in order to defend their reputation and careers when they are the subject of a grievance, regardless of whether the complaint has merit.

The current law has had some success and has been implemented by several Federal departments including: Departments of Agriculture, Education, Interior, Labor, and such agencies as the Social Security Administration, Small Business Administration, General Services Administration, Securities and Exchange Commission, National Aeronautics and Space Administration, the Office of the Inspector General at the Department of Housing and Urban Development, the National Science Foundation, the Merit Systems Protection Board, the Office of the Inspector General at the Office of Public Health and Science, and the Substance Abuse and Mental Health Services Administration at Department of Health and Human Services.

Regrettably, other departments such as Treasury, Justice, Defense, Commerce, Transportation, Veterans Affairs, and agencies such as the Equal Employment Opportunity Commission, and the Office of Personnel Management have not seen fit to do so.

The professional associations of these officials (the Senior Executives Association, the Professional Managers Association, the FBI Agents Association, the Federal Criminal Investigators Association, the Federal Law Enforcement Officers Association, the National Association of Assistant U.S. Attorneys, and the Nation Treasury Employees Union) have endorsed the concept for legislation to require Federal agencies to reimburse half the cost of premiums for Professional Liability Insurance.

The intent of this measure is simply to ''level the playing field'' so that supervisors and managers are treated equally by various Federal agencies and have access to protections similar to those which are already provided for rank and file Federal employees.

I request your support for these Federal officials and for this legislation.

KYL (AND OTHERS) AMENDMENT NO. 1195

Mr. CAMPBELL (for Mr. KYL (for himself, Mrs. HUTCHISON, Mrs. FEINSTEIN, Mr. ABRAHAM, Mr. GRAHAM, Mr.

GRAMM, and Mr. BINGAMAN)) proposed an amendment to the bill, S. 1282, supra; as follows:

On page 13, line 24, strike ''$1,670,747,000'' and insert ''$1,720,747,000''.

On page 15, line 6, before the period, insert the following: '': *Provided further,* That $50,000,000 shall be available until expended to hire, train, provide equipment for, and deploy 500 new Customs inspectors''.

On page 49, line 13, strike ''$38,175,000'' and insert ''$36,500,000''.

On page 50, line 1, strike ''$23,681,000'' and insert ''$22,586,000''.

On page 53, line 3, strike ''$624,896,000'' and insert ''$590,110,000''.

On page 58, line 8, strike ''$120,198,000'' and insert ''$109,344,000''.

On page 62, line 26, strike ''$27,422,000'' and insert ''$25,805,000''.

KYL (AND OTHERS) AMENDMENT NO. 1196

Mr. CAMPBELL (for Mr. KYL (for himself, Mrs. HUTCHISON, Mrs. FEINSTEIN, Mr. MCCAIN, and Mr. ABRAHAM)) proposed an amendment to the bill, S. 1282, supra; as follows:

At the appropriate place, insert the following new section:

SEC. ___. SENSE OF THE SENATE ON FUNDING FOR CUSTOMS SERVICE PERSONNEL.

(a) FINDINGS.—The Senate finds the following:

(1) The Federal Government is responsible for securing our Nation's borders and stopping the flow of illegal drugs into the United States. The Federal Government is also responsible for affecting the flow of legitimate trade and commerce across the southern and northern borders of the United States.

(2) The United States Customs Service needs additional personnel to carry out its increasingly difficult mission, to seize illegal drugs and contraband and facilitate legitimate trade and commerce. Canada and Mexico are the United States first and second largest trading partners, respectively.

(3) The number of commercial trucks crossing United States-Mexico and United States-Canada ports-of-entry increased from 7,500,000 in 1994 to 10,100,000 in 1998, a 40-percent increase. More than 372,000,000 people crossed either the United States-Mexico or United States-Canada border in fiscal year 1998 and an additional 87,000,000 international passengers were processed at United States airports and seaports during fiscal year 1998. Between 1994 and 1998, however, the total number of United States Customs Service inspectors and canine enforcement officers increased by only 540, from 5,668 inspectors to 6,208 inspectors. As a result, significant delays in cross-border traffic now occur at various ports-of-entry throughout the United States.

(4) Even with limited numbers of inspectors and agents, the United States Customs Service continues to seize an alarming amount of drugs. Of the 3,484 pounds of heroin seized in the United States in 1998, the United States Customs Service seized 2,705 pounds. Of the 264,630 pounds of cocaine seized in the United States in 1998, the Customs Service seized 148,103 pounds. Of the 1,760,000 pounds of marijuana seized last year in the United States, the Customs Service seized 995,988 pounds.

(5) The United States Customs Service must have the necessary staffing and technology to detect, deter, disrupt, and seize illegal drugs and to expedite the processing of traffic and cargo at United States ports. Approximately 1,360 additional full-time Customs inspectors are needed to reduce traffic congestion to 20 minutes per vehicle at land ports of entry and to better interdict illegal drugs.

(6) The Customs Service requested 617 additional inspectors for fiscal year 2000 to work towards this goal. In the fiscal year 2000 budget request to Congress, however, the President set aside no additional money to hire additional inspectors.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that additional funding should be provided to the United States Customs Service to hire necessary staff for drug interdiction and traffic facilitation at United States land border crossings, including 617 full-time, active duty Customs inspectors for United States ports of entry.

JEFFORDS (AND LANDRIEU) AMENDMENT NO. 1197

Mr. CAMPBELL (for Mr. JEFFORDS (for himself, Mrs. LANDRIEU, and Mr. ROBB)) proposed an amendment to the bill, S. 1282, supra; as follows:

At the appropriate place, add the following:

TITLE ___—CHILD CARE CENTERS IN FEDERAL FACILITIES

SECTION 1. SHORT TITLE.

This title may be cited as the ''Federal Employees Child Care Act''.

SEC. ___2. DEFINITIONS.

In this title (except as otherwise provided in section ___5):

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of General Services.

(2) CHILD CARE ACCREDITATION ENTITY.—The term ''child care accreditation entity'' means a nonprofit private organization or public agency that—

(A) is recognized by a State agency or by a national organization that serves as a peer review panel on the standards and procedures of public and private child care or school accrediting bodies; and

(B) accredits a facility to provide child care on the basis of—

(i) an accreditation or credentialing instrument based on peer-validated research;

(ii) compliance with applicable State or local licensing requirements, as appropriate, for the facility;

(iii) outside monitoring of the facility; and

(iv) criteria that provide assurances of—

(I) use of developmentally appropriate health and safety standards at the facility;

(II) use of developmentally appropriate educational activities, as an integral part of the child care program carried out at the facility; and

(III) use of ongoing staff development or training activities for the staff of the facility, including related skills-based testing.

(3) ENTITY SPONSORING A CHILD CARE FACILITY.—The term ''entity sponsoring a child care facility'' means a Federal agency that operates, or an entity that enters into a contract or licensing agreement with a Federal agency to operate, a child care facility primarily for the use of Federal employees.

(4) EXECUTIVE AGENCY.—The term ''Executive agency'' has the meaning given the term in section 105 of title 5, United States Code, except that the term—

(A) does not include the Department of Defense and the Coast Guard; and

(B) includes the General Services Administration, with respect to the administration of a facility described in paragraph (5)(B).

(5) EXECUTIVE FACILITY.—The term ''executive facility''—

(A) means a facility that is owned or leased by an Executive agency; and

(B) includes a facility that is owned or leased by the General Services Administration on behalf of a judicial office.

(6) FEDERAL AGENCY.—The term ''Federal agency'' means an Executive agency, a legislative office, or a judicial office.

(7) JUDICIAL FACILITY.—The term ''judicial facility'' means a facility that is owned or leased by a judicial office (other than a facility that is also a facility described in paragraph (5)(B)).

(8) JUDICIAL OFFICE.—The term ''judicial office'' means an entity of the judicial branch of the Federal Government.

(9) LEGISLATIVE FACILITY.—The term ''legislative facility'' means a facility that is owned or leased by a legislative office.

(10) LEGISLATIVE OFFICE.—The term ''legislative office'' means an entity of the legislative branch of the Federal Government.

(11) STATE.—The term ''State'' has the meaning given the term in section 658P of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n).

SEC. ___3. PROVIDING QUALITY CHILD CARE IN FEDERAL FACILITIES.

(a) EXECUTIVE FACILITIES.—

(1) STATE AND LOCAL LICENSING REQUIREMENTS.—

(A) IN GENERAL.—Any entity sponsoring a child care facility in an executive facility shall—

(i) comply with child care standards described in paragraph (2) that are no less stringent than applicable State or local licensing requirements that are related to the provision of child care in the State or locality involved; or

(ii) obtain the applicable State or local licenses, as appropriate, for the facility.

(B) COMPLIANCE.—Not later than 6 months after the date of enactment of this Act—

(i) the entity shall comply, or make substantial progress (as determined by the Administrator) toward complying, with subparagraph (A); and

(ii) any contract or licensing agreement used by an Executive agency for the provision of child care services in the child care facility shall include a condition that the child care be provided by an entity that complies with the standards described in subparagraph (A)(i) or obtains the licenses described in subparagraph (A)(ii).

(2) HEALTH, SAFETY, AND FACILITY STANDARDS.—The Administrator shall by regulation establish standards relating to health, safety, facilities, facility design, and other aspects of child care that the Administrator determines to be appropriate for child care in executive facilities, and require child care facilities, and entities sponsoring child care facilities, in executive facilities to comply with the standards. The standards shall include requirements that child care facilities be inspected for, and be free of, lead hazards.

(3) ACCREDITATION STANDARDS.—

(A) IN GENERAL.—The Administrator shall issue regulations requiring, to the maximum extent possible, any entity sponsoring an eligible child care facility (as defined by the Administrator) in an executive facility to comply with standards of a child care accreditation entity.

(B) COMPLIANCE.—The regulations shall require that, not later than 3 years after the date of enactment of this Act—

(i) the entity shall comply, or make substantial progress (as determined by the Administrator) toward complying, with the standards; and

(ii) any contract or licensing agreement used by an Executive agency for the provision of child care services in the child care facility shall include a condition that the child care be provided by an entity that complies with the standards.

(4) EVALUATION AND COMPLIANCE.—

(A) IN GENERAL.—The Administrator shall evaluate the compliance, with the requirements of paragraph (1) and the regulations issued pursuant to paragraphs (2) and (3), as appropriate, of child care facilities, and entities sponsoring child care facilities, in executive facilities. The Administrator may conduct the evaluation of such a child care facility or entity directly, or through an agreement with another Federal agency or private entity, other than the Federal agency for which the child care facility is providing services. If the Administrator determines, on the basis of such an evaluation, that the child care facility or entity is not in compliance with the requirements, the Administrator shall notify the Executive agency.

(B) EFFECT OF NONCOMPLIANCE.—On receipt of the notification of noncompliance issued by the Administrator, the head of the Executive agency shall—

(i) if the entity operating the child care facility is the agency—

(I) not later than 2 business days after the date of receipt of the notification, correct any deficiencies that are determined by the Administrator to be life threatening or to present a risk of serious bodily harm;

(II) not later than 4 months after the date of receipt of the notification, develop and provide to the Administrator a plan to correct any other deficiencies in the operation of the facility and bring the facility and entity into compliance with the requirements;

(III) provide the parents of the children receiving child care services at the child care facility and employees of the facility with a notification detailing the deficiencies described in subclauses (I) and (II) and actions that will be taken to correct the deficiencies, and post a copy of the notification in a conspicuous place in the facility for 5 working days or until the deficiencies are corrected, whichever is later;

(IV) bring the child care facility and entity into compliance with the requirements and certify to the Administrator that the facility and entity are in compliance, based on an onsite evaluation of the facility conducted by an individual with expertise in child care health and safety; and

(V) in the event that deficiencies determined by the Administrator to be life threatening or to present a risk of serious bodily harm cannot be corrected within 2 business days after the date of receipt of the notification, close the child care facility, or the affected portion of the facility, until the deficiencies are corrected and notify the Administrator of the closure; and

(ii) if the entity operating the child care facility is a contractor or licensee of the Executive agency—

(I) require the contractor or licensee, not later than 2 business days after the date of receipt of the notification, to correct any deficiencies that are determined by the Administrator to be life threatening or to present a risk of serious bodily harm;

(II) require the contractor or licensee, not later than 4 months after the date of receipt of the notification, to develop and provide to the head of the agency a plan to correct any other deficiencies in the operation of the child care facility and bring the facility and entity into compliance with the requirements;

(III) require the contractor or licensee to provide the parents of the children receiving child care services at the child care facility and employees of the facility with a notification detailing the deficiencies described in subclauses (I) and (II) and actions that will be taken to correct the deficiencies, and to post a copy of the notification in a conspicuous place in the facility for 5 working days or until the deficiencies are corrected, whichever is later;

(IV) require the contractor or licensee to bring the child care facility and entity into compliance with the requirements and certify to the head of the agency that the facility and entity are in compliance, based on an onsite evaluation of the facility conducted by an independent entity with expertise in child care health and safety; and

(V) in the event that deficiencies determined by the Administrator to be life threatening or to present a risk of serious bodily harm cannot be corrected within 2 business days after the date of receipt of the notification, close the child care facility, or the affected portion of the facility, until the deficiencies are corrected and notify the Administrator of the closure, which closure may be grounds for the immediate termination or suspension of the contract or license of the contractor or licensee.

(C) COST REIMBURSEMENT.—The Executive agency shall reimburse the Administrator for the costs of carrying out subparagraph (A) for child care facilities located in an executive facility other than an executive facility of the General Services Administration. If an entity is sponsoring a child care facility for 2 or more Executive agencies, the Administrator shall allocate the reimbursement costs with respect to the entity among the agencies in a fair and equitable manner, based on the extent to which each agency is eligible to place children in the facility.

(5) DISCLOSURE OF PRIOR VIOLATIONS TO PARENTS AND FACILITY EMPLOYEES.—

(A) IN GENERAL.—The Administrator shall issue regulations that require that each entity sponsoring a child care facility in an executive facility, upon receipt by the child care facility or the entity (as applicable) of a request by any individual who is—

(i) a parent of any child enrolled at the facility;

(ii) a parent of a child for whom an application has been submitted to enroll at the facility; or

(iii) an employee of the facility;

shall provide to the individual the copies and description described in subparagraph (B).

(B) COPIES AND DESCRIPTION.—The entity shall provide—

(i) copies of all notifications of deficiencies that have been provided in the past with respect to the facility under clause (i)(III) or (ii)(III), as applicable, of paragraph (4)(B); and

(ii) a description of the actions that were taken to correct the deficiencies.

(b) LEGISLATIVE FACILITIES.—

(1) ACCREDITATION.—The Chief Administrative Officer of the House of Representatives, the Librarian of Congress, and the head of a designated entity in the Senate shall ensure that, not later than 1 year after the date of enactment of this Act, the corresponding child care facility obtains accreditation by a child care accreditation entity, in accordance with the accreditation standards of the entity.

(2) REGULATIONS.—

(A) IN GENERAL.—If the corresponding child care facility does not maintain accreditation status with a child care accreditation entity, the Chief Administrative Officer of the House of Representatives, the Librarian of Congress, or the head of the designated entity in the Senate shall issue regulations governing the operation of the corresponding child care facility, to ensure the safety and quality of care of children placed in the facility. The regulations shall be no less stringent in content and effect than the requirements of subsection (a)(1) and the regulations issued by the Administrator under paragraphs (2) and (3) of subsection (a), except to the extent that appropriate administrative officers make the determination described in subparagraph (B).

(B) MODIFICATION MORE EFFECTIVE.—The determination referred to in subparagraph (A) is a determination, for good cause shown and stated together with the regulations, that a modification of the regulations would be more effective for the implementation of the requirements and standards described in subsection (a) for the corresponding child care facilities, and entities sponsoring the corresponding child care facilities, in legislative facilities.

(3) CORRESPONDING CHILD CARE FACILITY.—In this subsection, the term ''corresponding child care facility'', used with respect to the Chief Administrative Officer, the Librarian, or the head of a designated entity described in paragraph (1), means a child care facility operated by, or under a contract or licensing agreement with, an office of the House of Representatives, the Library of Congress, or an office of the Senate, respectively.

(c) JUDICIAL BRANCH STANDARDS AND COMPLIANCE.—

(1) STATE AND LOCAL LICENSING REQUIREMENTS HEALTH, SAFETY, AND FACILITY STANDARDS, AND ACCREDITATION STANDARDS.—The Director of the Administrative Office of the United States Courts shall issue regulations for child care facilities, and entities sponsoring child care facilities, in judicial facilities, which shall be no less stringent in content and effect than the requirements of subsection (a)(1) and the regulations issued by the Administrator under paragraphs (2) and (3) of subsection (a), except to the extent that the Director may determine, for good cause shown and stated together with the regulations, that a modification of such regulations would be more effective for the implementation of the requirements and standards described in paragraphs (1), (2), and (3) of subsection (a) for child care facilities, and entities sponsoring child care facilities, in judicial facilities.

(2) EVALUATION AND COMPLIANCE.—

(A) DIRECTOR OF THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS.—The Director of the Administrative Office of the United States Courts shall have the same authorities and duties with respect to the evaluation of, compliance of, and cost reimbursement for child care facilities, and entities sponsoring child care facilities, in judicial facilities as the Administrator has under subsection (a)(4) with respect to the evaluation of, compliance of, and cost reimbursement for such centers and entities sponsoring such centers, in executive facilities.

(B) HEAD OF A JUDICIAL OFFICE.—The head of a judicial office shall have the same authorities and duties with respect to the compliance of and cost reimbursement for child care facilities, and entities sponsoring child care facilities, in judicial facilities as the head of an Executive agency has under subsection (a)(4) with respect to the compliance of and cost reimbursement for such centers and entities sponsoring such centers, in executive facilities.

(d) APPLICATION.—Notwithstanding any other provision of this section, if 8 or more child care facilities are sponsored in facilities owned or leased by an Executive agency, the Administrator shall delegate to the head of the agency the evaluation and compliance responsibilities assigned to the Administrator under subsection (a)(4)(A).

(e) TECHNICAL ASSISTANCE, STUDIES, AND REVIEWS.—The Administrator may provide technical assistance, and conduct and provide the results of studies and reviews, for Executive agencies, and entities sponsoring child care facilities in executive facilities, on a reimbursable basis, in order to assist the entities in complying with this section. The Chief Administrative Officer of the House of Representatives, the Librarian of Congress, the head of the designated Senate

entity described in subsection (b), and the Director of the Administrative Office of the United States Courts, may provide technical assistance, and conduct and provide the results of studies and reviews, or request that the Administrator provide technical assistance, and conduct and provide the results of studies and reviews, for legislative offices and judicial offices, as appropriate, and entities operating child care facilities in legislative facilities or judicial facilities, as appropriate, on a reimbursable basis, in order to assist the entities in complying with this section.

(f) INTERAGENCY COUNCIL.—

(1) COMPOSITION.—The Administrator shall establish an interagency council, comprised of—

(A) representatives of all Executive agencies described in subsection (d) and other Executive agencies at the election of the heads of the agencies;

(B) a representative of the Chief Administrative Officer of the House of Representatives, at the election of the Chief Administrative Officer;

(C) a representative of the head of the designated Senate entity described in subsection (b), at the election of the head of the entity;

(D) a representative of the Librarian of Congress, at the election of the Librarian; and

(E) a representative of the Director of the Administrative Office of the United States Courts, at the election of the Director.

(2) FUNCTIONS.—The council shall facilitate cooperation and sharing of best practices, and develop and coordinate policy, regarding the provision of child care, including the provision of areas for nursing mothers and other lactation support facilities and services, in the Federal Government.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $900,000 for fiscal year 2000 and such sums as may be necessary for each subsequent fiscal year.

SEC. ___4. FEDERAL CHILD CARE EVALUATION.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator and the Director of the Office of Personnel Management shall jointly prepare and submit to Congress a report that evaluates child care provided by entities sponsoring child care facilities in executive facilities, legislative facilities, or judicial facilities.

(b) CONTENTS.—The evaluation shall contain, at a minimum—

(1) information on the number of children receiving child care described in subsection (a), analyzed by age, including information on the number of those children who are age 6 through 12;

(2) information on the number of families not using child care described in subsection (a) because of the cost of the child care; and

(3) recommendations for improving the quality and cost effectiveness of child care described in subsection (a), including recommendations of options for creating an optimal organizational structure and using best practices for the delivery of the child care.

SEC. ___5. CHILD CARE SERVICES FOR FEDERAL EMPLOYEES.

(a) IN GENERAL.—In addition to services authorized to be provided by an agency of the United States pursuant to section 616 of the Act of December 22, 1987 (40 U.S.C. 490b), an Executive agency that provides or proposes to provide child care services for Federal employees may use agency funds to provide the child care services, in a facility that is owned or leased by an Executive agency, or through a contractor, for civilian employees of the agency.

(b) AFFORDABILITY.—Funds so used with respect to any such facility or contractor shall be applied to improve the affordability of child care for lower income Federal employees using or seeking to use the child care services offered by the facility or contractor.

(c) REGULATIONS.—The Administrator after consultation with the Director of the Office of Personnel Management, shall, within 180 days after the date of enactment of this Act, issue regulations necessary to carry out this section.

(d) DEFINITION.—For purposes of this section, the term ''Executive agency'' has the meaning given the term by section 105 of title 5, United States Code, but does not include the General Accounting Office.

SEC. ___6. MISCELLANEOUS PROVISIONS RELATING TO CHILD CARE PROVIDED BY FEDERAL AGENCIES.

(a) AVAILABILITY OF FEDERAL CHILD CARE CENTERS FOR ONSITE CONTRACTORS; PERCENTAGE GOAL.—Section 616 of the Act of December 22, 1987 (40 U.S.C. 490b) is amended—

(1) in subsection (a)—

(A) by striking ''officer or agency of the United States'' and inserting ''Federal agency or officer of a Federal agency''; and

(B) by striking paragraphs (2) and (3) and inserting the following:

''(2) the officer or agency determines that the space will be used to provide child care and related services to—

''(A) children of Federal employees or onsite Federal contractors; or

''(B) dependent children who live with Federal employees or onsite Federal contractors; and

''(3) the officer or agency determines that the individual or entity will give priority for available child care and related services in the space to Federal employees and onsite Federal contractors.''; and

(2) by adding at the end the following:

''(e)(1)(A) The Administrator of General Services shall confirm that at least 50 percent of aggregate enrollment in Federal child care centers governmentwide are children of Federal employees or onsite Federal contractors, or dependent children who live with Federal employees or onsite Federal contractors.

''(B) Each provider of child care services at an individual Federal child care center shall maintain 50 percent of the enrollment at the center of children described under subparagraph (A) as a goal for enrollment at the center.

''(C)(i) If enrollment at a center does not meet the percentage goal under subparagraph (B), the provider shall develop and implement a business plan with the sponsoring Federal agency to achieve the goal within a reasonable timeframe.

''(ii) The plan shall be approved by the Administrator of General Services based on—

''(I) compliance of the plan with standards established by the Administrator; and

''(II) the effect of the plan on achieving the aggregate Federal enrollment percentage goal.

''(2) The Administrator of General Services Administration may enter into public-private partnerships or contracts with nongovernmental entities to increase the capacity, quality, affordability, or range of child care and related services and may, on a demonstration basis, waive subsection (a)(3) and paragraph (1) of this subsection.''.

(b) PAYMENT OF COSTS OF TRAINING PROGRAMS.—Section 616(b)(3) of such Act (40 U.S.C. 490b(b)(3)) is amended to read as follows:

''(3) If a Federal agency has a child care facility in a Federal space, or is a sponsoring agency for a child care facility in a Federal space, the agency or the General Services Administration may pay accreditation fees, including renewal fees, for that center to be accredited. Any Federal agency that provides or proposes to provide child care services for children referred to in subsection (a)(2), may reimburse any Federal employee or any person employed to provide the services for the costs of training programs, conferences, and meetings and related travel, transportation, and subsistence expenses incurred in connection with those activities. Any per diem allowance made under this section shall not exceed the rate specified in regulations prescribed under section 5707 of title 5, United States Code.''.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—Section 616(c) of such Act (40 U.S.C. 490b(c)) is amended—

(1) by inserting ''Federal'' before ''child care centers''; and

(2) by striking ''Federal workers'' and inserting ''Federal employees''.

(d) PROVISION OF CHILD CARE BY PRIVATE ENTITIES.—Section 616(d) of such Act (40 U.S.C. 490b(d)) is amended to read as follows:

''(d)(1) If a Federal agency has a child care facility in a Federal space, or is a sponsoring agency for a child care facility in a Federal space, the agency, the child care center board of directors, or the General Services Administration may enter into an agreement with 1 or more private entities under which the private entities would assist in defraying the general operating expenses of the child care providers including salaries and tuition assistance programs at the facility.

''(2)(A) Notwithstanding any other provision of law, if a Federal agency does not have a child care program, or if the Administrator of General Services has identified a need for child care for Federal employees at a Federal agency providing child care services that do not meet the requirements of subsection (a), the agency or the Administrator may enter into an agreement with a non-Federal, licensed, and accredited child care facility, or a planned child care facility that will become licensed and accredited, for the provision of child care services for children of Federal employees.

''(B) Before entering into an agreement, the head of the Federal agency shall determine that child care services to be provided through the agreement are more cost effectively provided through the arrangement than through establishment of a Federal child care facility.

''(C) The Federal agency may provide any of the services described in subsection (b)(3) if, in exchange for the services, the facility reserves child care spaces for children referred to in subsection (a)(2), as agreed to by the parties. The cost of any such services provided by a Federal agency to a Federal child care facility on behalf of another Federal agency shall be reimbursed by the receiving agency.

''(3) This subsection does not apply to residential child care programs.''.

(e) PILOT PROJECTS.—Section 616 of such Act (40 U.S.C. 490b) is further amended by adding at the end the following:

''(f)(1) Upon approval of the agency head, a Federal agency may conduct a pilot project not otherwise authorized by law for no more than 2 years to test innovative approaches to providing alternative forms of quality child care assistance for Federal employees. A Federal agency head may extend a pilot project for an additional 2-year period. Before any pilot project may be implemented, a determination shall be made by the agency head that initiating the pilot project would be more cost-effective than establishing a new Federal child care facility. Costs of any pilot project shall be paid solely by the agency conducting the pilot project.

''(2) The Administrator of General Services shall serve as an information clearinghouse

for pilot projects initiated by other Federal agencies to disseminate information concerning the pilot projects to the other Federal agencies.

''(3) Within 6 months after completion of the initial 2-year pilot project period, a Federal agency conducting a pilot project under this subsection shall provide for an evaluation of the impact of the project on the delivery of child care services to Federal employees, and shall submit the results of the evaluation to the Administrator of General Services. The Administrator shall share the results with other Federal agencies.''.

(f) BACKGROUND CHECK.—Section 616 of such Act (40 U.S.C. 490b) is further amended by adding at the end the following:

''(g) Each Federal child care center located in a Federal space shall ensure that each employee of the center (including any employee whose employment began before the date of enactment of this subsection) shall undergo a criminal history background check consistent with section 231 of the Crime Control Act of 1990 (42 U.S.C. 13041).''.

(g) DEFINITIONS.—Section 616 of such Act (40 U.S.C. 490b) is further amended by adding at the end the following:

''(h) In this section:

''(1) The term 'Federal agency' has the meaning given the term 'Executive agency' in section ___2 of the Federal Employees Child Care Act.

''(2) The terms 'Federal building' and 'Federal space' have the meanings given the term 'executive facility' in such section ___2.

''(3) The term 'Federal child care center' means a child care center in an executive facility, as defined in such section ___2.

''(4) The terms 'Federal contractor' and 'Federal employee' mean a contractor and an employee, respectively, of an Executive agency, as defined in such section ___2.''.

ENZI (AND THOMAS) AMENDMENT NO. 1198

Mr. CAMPBELL (for Mr. ENZI (for himself and Mr. THOMAS) proposed an amendment to the bill, S. 1282, supra; as follows:

On page 48, line 2, strike the period following ''HIDTA'', insert a colon (:), and after the colon insert the following:

Provided further, That Campbell County and Uinta County are hereby designated as part of the Rock Mountain High Intensity Drug Trafficking Area for the State of Wyoming.

GRASSLEY AMENDMENT NO. 1199

Mr. CAMPBELL (for Mr. GRASSLEY) proposed an amendment to the bill, S. 1282, supra; as follows:

On page 13, line 24: Strike $1,670,747,000 and insert $1,928,494,752.

On page 2, line 19: Strike $133,168,000 and insert $130,168,000.

On page 4, line 8: Strike $111,340,000 and insert $102,340,000.

On page 8, line 11: Strike $80,114,000 and insert $75,114,000.

On page 10, line 18: Strike $200,054,000 and insert $190,054,000.

On page 11, line 16: Strike $569,225,000 and insert $560,225,000.

On page 17, line 16: Strike $3,291,945,000 and insert $3,271,945,000.

On page 18, line 6: Strike $3,305,090,000 and insert $3,205,090,000.

On page 19, line 2: Strike $1,450,100,000 and insert $1,400,100,000.

On page 49, line 13: Strike $38,175,000 and insert $30,427,248.

On page 51, line 15: Strike $5,140,000,000 and insert $5,100,000,000.

On page 63, line 13: Strike $179,738,000 and insert $175,738,000.

DEWINE (AND OTHERS) AMENDMENT NO. 1200

Mr. CAMPBELL (for Mr. DEWINE (for himself, Mr. ABRAHAM, Mr. BROWNBACK, Mr. SANTORUM, Mr. HELMS, Mr. ASHCROFT, Mr. HAGEL, Mr. MCCAIN, and Mr. NICKLES)) proposed an amendment to the bill, S. 1282, supra; as follows:

At the end of title VI, add the following:

SEC. . No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees health benefit program which provides any benefits or coverage for abortions.

SEC. . The provision of section shall not apply where the life of the mother would be endangered if the fetus were carried to term, or the pregnancy is the result of an act of rape or incest.

LOTT (AND DASCHLE) AMENDMENT NO. 1201

Mr. CAMPBELL (for Mr. LOTT (for himself and Mr. DASCHLE)) proposed an amendment to the bill, S. 1282, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. CONVEYANCE OF LAND TO THE COLUMBIA HOSPITAL FOR WOMEN.

(a) ADMINISTRATOR OF GENERAL SERVICES.—Subject to subsection (f) and such terms and conditions as the Administrator of General Services (in this section referred to as the ''Administrator'') shall require in accordance with this section, the Administrator shall convey to the Columbia Hospital for Women (formerly Columbia Hospital for Women and Lying-In Asylum; in this section referred to as ''Columbia Hospital''), located in Washington, District of Columbia, for $14,000,000 plus accrued interest to be paid in accordance with the terms set forth in subsection (d), all right, title, and interest of the United States in and to those pieces or parcels of land in the District of Columbia, described in subsection (b), together with all improvements thereon and appurtenances thereto. The purpose of this conveyance is to enable the expansion by Columbia Hospital of its Ambulatory Care Center, Betty Ford Breast Center, and the Columbia Hospital Center for Teen Health and Reproductive Toxicology Center.

(b) PROPERTY DESCRIPTION.—

(1) IN GENERAL.—The land referred to in subsection (a) was conveyed to the United States of America by deed dated May 2, 1888, from David Fergusson, widower, recorded in liber 1314, folio 102, of the land records of the District of Columbia, and is that portion of square numbered 25 in the city of Washington in the District of Columbia which was not previously conveyed to such hospital by the Act of June 28, 1952 (66 Stat. 287; chapter 486).

(2) PARTICULAR DESCRIPTION.—The property is more particularly described as square 25, lot 803, or as follows: all that piece or parcel of land situated and lying in the city of Washington in the District of Columbia and known as part of square numbered 25, as laid down and distinguished on the plat or plan of said city as follows: beginning for the same at the northeast corner of the square being the corner formed by the intersection of the west line of Twenty-fourth Street Northwest, with the south line of north M Street Northwest and running thence south with the line of said Twenty-fourth Street Northwest for the distance of two hundred and thirty-one feet ten inches, thence running west and parallel with said M Street Northwest for the distance of two hundred and thirty feet six inches and running thence north and parallel with the line of said Twenty-fourth Street Northwest for the distance of two hundred and thirty-one feet ten inches to the line of said M Street Northwest and running thence east with the line of said M Street Northwest to the place of beginning two hundred and thirty feet and six inches together with all the improvements, ways, easements, rights, privileges, and appurtenances to the same belonging or in anywise appertaining.

(c) DATE OF CONVEYANCE.—

(1) DATE.—The date of the conveyance of property required under subsection (a) shall be the date upon which the Administrator receives from Columbia Hospital written notice of its exercise of the purchase option granted by this section, which notice shall be accompanied by the first of 30 equal installment payments of $869,000 toward the total purchase price of $14,000,000, plus accrued interest.

(2) DEADLINE FOR CONVEYANCE OF PROPERTY.—Written notification and payment of the first installment payment from Columbia Hospital under paragraph (1) shall be ineffective, and the purchase option granted Columbia Hospital under this section shall lapse, if that written notification and installment payment are not received by the Administrator before the date which is 1 year after the date of enactment of this section.

(3) QUITCLAIM DEED.—Any conveyance of property to Columbia Hospital under this section shall be by quitclaim deed.

(d) CONVEYANCE TERMS.—

(1) IN GENERAL.—The conveyance of property required under subsection (a) shall be consistent with the terms and conditions set forth in this section and such other terms and conditions as the Administrator deems to be in the interest of the United States, including—

(A) the provision for the prepayment of the full purchase price if mutually acceptable to the parties;

(B) restrictions on the use of the described land for use of the purposes set out in subsection (a);

(C) the conditions under which the described land or interests therein may be sold, assigned, or otherwise conveyed in order to facilitate financing to fulfill its intended use; and

(D) the consequences in the event of default by Columbia Hospital for failing to pay all installments payments toward the total purchase price when due, including revision of the described property to the United States.

(2) PAYMENT OF PURCHASE PRICE.—Columbia Hospital shall pay the total purchase price of $14,000,000, plus accrued interest over the term at a rate of 4.5 percent annually, in equal installments of $869,000, for 29 years following the date of conveyance of the property and receipt of the initial installment of $869,000 by the Administrator under subsection (c)(1). Unless the full purchase price, plus accrued interest, is prepaid, the total amount paid for the property after 30 years will be $26,070,000.

(e) TREATMENT OF AMOUNTS RECEIVED.—Amounts received by the United States as payments under this section shall be paid into the fund established by section 210(f) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)), and may be expended by the Administrator for real property management and related activities not otherwise provided for, without further authorization.

(f) REVERSIONARY INTEREST.—

(1) IN GENERAL.—The property conveyed under subsection (a) shall revert to the United States, together with any improvements thereon—

(A) 1 year from the date on which Columbia Hospital defaults in paying to the United States an annual installment payment of $869,000, when due; or

(B) immediately upon any attempt by Columbia Hospital to assign, sell, or convey the described property before the United States has received full purchase price, plus accrued interest.

The Columbia Hospital shall execute and provide to the Administrator such written instruments and assurances as the Administrator may reasonably request to protect the interests of the United States under this subsection.

(2) RELEASE OF REVERSIONARY INTEREST.—The Administrator may release, upon request, any restriction imposed on the use of described property for the purposes of paragraph (1), and release any reversionary interest of the United States in the property conveyed under this subsection only upon receipt by the United States of full payment of the purchase price specified under subsection (d)(2).

(3) PROPERTY RETURNED TO THE GENERAL SERVICES ADMINISTRATION.—Any property that reverts to the United States under this subsection shall be under the jurisdiction, custody and control of the General Services Administration shall be available for use or disposition by the Administrator in accordance with applicable Federal law.

COLLINS (AND OTHERS) AMENDMENT NO. 1202

Mr. CAMPBELL (for Ms. COLLINS (for herself, Mr. CAMPBELL, Mr. DORGAN, Mr. INOUYE, Ms. SNOWE, Mr. HATCH, Mr. WYDEN, Mrs. LINCOLN, Mrs. MURRAY, Mr. LUGAR, Mr. COVERDELL, Mr. SHELBY, Mr. HELMS, Mr. ROBB, Mr. CLELAND, Mr. TORRICELLI, Mr. CONRAD, Mr. ABRAHAM, Mr. ALLARD, Mr. BROWNBACK, Mr. CHAFEE, Mr. DODD, Mr. ENZI, Mr. FEINGOLD, Mr. ASHCROFT, Mr. DURBIN, Mr. FITZGERALD, Mr. GORTON, Mr. GREGG, Mr. HAGEL, Mr. INHOFE, Mrs. LANDRIEU, Mr. REID, Mr. SPECTER, Mr. STEVENS, Mr. WELLSTONE, and Mr. THURMOND)) proposed an amendment to the bill, S. 1282, supra; as follows:

On page 98, insert between lines 4 and 5 the following:

SEC. 636. (a) Congress finds that—

(1) the Veterans of Foreign Wars of the United States (in this section referred to as the ''VFW''), which was formed by veterans of the Spanish-American War and the Philippine Insurrection to help secure rights and benefits for their service, will be celebrating its 100th anniversary in 1999;

(2) members of the VFW have fought, bled, and died in every war, conflict, police action, and military intervention in which the United States has engaged during this century;

(3) over its history, the VFW has ably represented the interests of veterans in Congress and State Legislatures across the Nation and established a network of trained service officers who, at no charge, have helped millions of veterans and their dependents to secure the education, disability compensation, pension, and health care benefits they are rightfully entitled to receive as a result of the military service performed by those veterans:

(4) the VFW has also been deeply involved in national education projects, awarding nearly $2,700,000 in scholarships annually, as well as countless community projects initiated by its 10,000 posts; and

(5) the United States Postal Service has issued commemorative postage stamps honoring the VFW's 50th and 75th anniversaries, respectively.

(b) Therefore, it is the sense of the Senate that the United States Postal Service is encouraged to issue a commemorative postage stamp in honor of the 100th anniversary of the founding of the Veterans of Foreign Wars of the United States.

DEWINE (AND COVERDELL) AMENDMENT NO. 1203

Mr. CAMPBELL (for Mr. DEWINE (for himself and Mr. COVERDELL)) proposed an amendment to the bill, S. 1282, supra; as follows:

At the appropriate place in title I, insert the following:

SEC. . In addition to the amounts appropriated under this Act for the United States Customs Service, $336,900,000 are appropriated to the United States Customs Service for drug enforcement activities in accordance with section 813(a) of the Western Hemisphere Drug Elimination Act, of which—

(1) $258,500,000 shall be used for acquisition of up to six P–3B Slick and up to four P–3B AEW aircraft;

(2) $25,500,000 shall be used for operations and maintenance support for the P–3B Slick and P–3B AEW aircraft;

(3) $20,000,000 shall be used for construction of a hangar facility;

(4) $13,400,000 shall be used for the restoration, operation, and maintenance of a radar facility in the Caribbean region;

(5) $10,000,000 shall be used for the development and deployment of a commercial unclassified relocatable Passive Coherent Location system for the region to determine active smuggling air and sea corridors;

(6) $9,500,000 shall be used to perform surface interdiction in the Bahamian Island basic, Caribbean basin, and the Eastern Pacific in conjunction with U.S. Customs Service air program to support end game operations.

On page 17, line 16, strike ''$3,291,945,000'' and insert ''$3,091,077,000''.

On page 18, line 6, strike ''$3,305,090,000'' and insert ''$3,169,058,000''.

HUTCHISON (AND KYL) AMENDMENT NO. 1204

Mr. CAMPBELL (for Mrs. HUTCHISON (for herself and Mr. KYL)) proposed an amendment to the bill, S. 1282, supra; as follows:

Insert the following:

On page 13, line 24: Strike ''$1,670,747,000 and insert $1,720,747,000.

On page 15, line 6: Insert ''Provided, that $50,000,000 be provided to hire, train, deploy, and provide equipment for 500 new full-time, active-duty Customs inspectors.''

On page 10, line 18: Strike $200,054,000 and insert $199,081,000.

On page 67, line 21: Strike $91,584,000 and insert $89,814,000.

On page 53, line 3: Strike $624,896,000 and insert $590,110,000.

On page 58, line 8: Strike $120,198,000 and insert $109,344,000.

On page 62, line 26: Strike $27,422,000 and insert $25,805,000.

REID AMENDMENT NO. 1205

Mr. CAMPBELL (for Mr. REID) proposed an amendment to the bill, S. 1282, supra; as follows:

On page 11, strike line 17, and insert the following: ''$39,320,000 may be used for the Youth Crime Gun Interdiction Initiative, of which $1,120,000 shall be provided for the purpose of expanding the program to include Las Vegas, Nevada, to allow, among other purposes, for the placement of six new agents in this area, with $1,120,000 being reimbursed from the Treasury Forfeiture Fund;''

On page 11, line 18, strike ''diction Initiative.''

BAUCUS AMENDMENT NO. 1206

Mr. DORGAN (for Mr. BAUCUS) proposed an amendment to the bill, S. 1282, supra; as follows:

On page 98, insert between lines 4 and 5 the following:

SEC. 636. (a) This section may be cited as the ''Post Office Community Partnership Act of 1999''.

(b) Section 404 of title 39, United States Code, is amended by striking subsection (b) and inserting the following:

''(b)(1) Before making a determination under subsection (a)(3) as to the necessity for the relocation, closing, consolidation, or construction of any post office, the Postal Service shall provide adequate notice to persons served by that post office of the intention of the Postal Service to relocate, close, consolidate, or construct that post office not later than 60 days before the final determination is made to relocate, close, consolidate, or construct.

''(2)(A) The notification under paragraph (1) shall be in writing, hand delivered or delivered by mail to persons served by that post office, and published in 1 or more newspapers of general circulation within the zip codes served by that post office.

''(B) The notification under paragraph (1) shall include—

''(i) an identification of the relocation, closing, consolidation, or construction of the post office involved;

''(ii) a summary of the reasons for the relocation, closing, consolidation, or construction;

''(iii) the proposed date for the relocation, closing, consolidation, or construction;

''(iv) notice of the opportunity of a hearing, if requested; and

''(v) notice of the opportunity for public comment, including suggestions.

''(3) Any person served by the post office that is the subject of a notification under paragraph (1) may offer an alternative relocation, closing, consolidation, or construction proposal during the 60-day period beginning on the date on which the notice is provided under paragraph (1).

''(4)(A) At the end of the period specified in paragraph (3), the Postal Service shall make a determination under subsection (a)(3). Before making a final determination, the Postal Service shall conduct a hearing, if requested by persons served by the post office that is the subject of a notice under paragraph (1). If a hearing is held under this paragraph, the persons served by such post office may present oral or written testimony with respect to the relocation, closing, consolidation, or construction of the post office.

''(B) In making a determination as to whether or not to relocate, close, consolidate, or construct a post office, the Postal Service shall consider—

''(i) the extent to which the post office is part of a core downtown business area;

''(ii) any potential effect of the relocation, closing, consolidation, or construction on the community served by the post office;

''(iii) whether the community served by the post office opposes a relocation, closing, consolidation, or construction;

''(iv) any potential effect of the relocation, closing, consolidation, or construction on employees of the Postal Service employed at the post office;

''(v) whether the relocation, closing, consolidation, or construction of the post office is consistent with the policy of the Government under section 101(b) that requires the Postal Service to provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns in which post offices are not self-sustaining;

''(vi) the quantified long-term economic saving to the Postal Service resulting from the relocation, closing, consolidation, or construction;

''(vii)(I) the adequacy of the existing post office; and

''(II) whether all reasonable alternatives to relocation, closing, consolidation, or construction have been explored; and

''(viii) any other factor that the Postal Service determines to be necessary for making a determination whether to relocate, close, consolidate, or construct that post office.

''(C) In making a determination as to whether or not to relocate, close, consolidate, or construct a post office, the Postal Service may not consider compliance with any provision of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.).

''(5)(A) Any determination of the Postal Service to relocate, close, consolidate, or construct a post office shall be in writing and shall include the findings of the Postal Service with respect to the considerations required to be made under paragraph (4).

''(B) The Postal Service shall respond to all of the alternative proposals described in paragraph (3) in a consolidated report that includes—

''(i) the determination and findings under subparagraph (A); and

''(ii) each alternative proposal and a response by the Postal Service.

''(C) The Postal Service shall make available to the public a copy of the report prepared under subparagraph (B) at the post office that is the subject of the report.

''(6)(A) The Postal Service shall take no action to relocate, close, consolidate, or construct a post office until the applicable date described in subparagraph (B).

''(B) The applicable date specified in this subparagraph is—

''(i) if no appeal is made under paragraph (7), the end of the 30-day period specified in that paragraph; or

''(ii) if an appeal is made under paragraph (7), the date on which a determination is made by the Commission under paragraph 7(A), but not later than 120 days after the date on which the appeal is made.

''(7)(A) A determination of the Postal Service to relocate, close, consolidate, or construct any post office may be appealed by any person served by that post office to the Postal Rate Commission during the 30-day period beginning on the date on which the report is made available under paragraph (5). The Commission shall review the determination on the basis of the record before the Postal Service in the making of the determination. The Commission shall make a determination based on that review not later than 120 days after appeal is made under this paragraph.

''(B) The Commission shall set aside any determination, findings, and conclusions of the Postal Service that the Commission finds to be—

''(i) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law;

''(ii) without observance of procedure required by law; or

''(iii) unsupported by substantial evidence on the record.

''(C) The Commission may affirm the determination of the Postal Service that is the subject of an appeal under subparagraph (A) or order that the entire matter that is the subject of that appeal be returned for further consideration, but the Commission may not modify the determination of the Postal Service. The Commission may suspend the effectiveness of the determination of the Postal Service until the final disposition of the appeal.

''(D) The provisions of sections 556 and 557, and chapter 7 of title 5 shall not apply to any review carried out by the Commission under this paragraph.

''(E) A determination made by the Commission shall not be subject to judicial review.

''(8) In any case in which a community has in effect procedures to address the relocation, closing, consolidation, or construction of buildings in the community, and the public participation requirements of those procedures are more stringent than those provided in this subsection, the Postal Service shall apply those procedures to the relocation, closing, consolidation, or construction of a post office in that community in lieu of applying the procedures established in this subsection.

''(9) In making a determination to relocate, close, consolidate, or construct any post office, the Postal Service shall comply with any applicable zoning, planning, or land use laws (including building codes and other related laws of State or local public entities, including any zoning authority with jurisdiction over the area in which the post office is located).

''(10) The relocation, closing, consolidation, or construction of any post office under this subsection shall be conducted in accordance with the National Historic Preservation Act (16 U.S.C. 470h–2).

''(11) Nothing in this subsection shall be construed to apply to a temporary customer service facility to be used by the Postal Service for a period of less than 60 days.

''(12)(A) For purposes of this paragraph the term 'emergency' means any occurrence that forces an immediate relocation from an existing facility, including natural disasters, fire, health and safety factors, and lease terminations.

''(B) If the Postmaster General makes a determination that an emergency exists relating to a post office, the Postmaster General may suspend the application of the provisions of this subsection for a period not to exceed 180 days with respect to such post office.

''(C) The Postmaster General may exercise the suspension authority under subparagraph (A) once with respect to a single emergency for any specific post office.''.

SCHUMER AMENDMENT NO. 1207

Mr. DORGAN (for Mr. SCHUMER) proposed an amendment to the bill, S. 1282, supra; as follows:

On page 98, insert between lines 4 and 5 the following:

SEC. 636. ITEMIZED INCOME TAX RECEIPT.

(a) IN GENERAL.—Not later than April 15, 2000, the Secretary of the Treasury shall establish an interactive program on an Internet website where any taxpayer may generate an itemized receipt showing a proportionate allocation (in money terms) of the taxpayer's total tax payments among the major expenditure categories.

(b) INFORMATION NECESSARY TO GENERATE RECEIPT.—For purposes of generating an itemized receipt under subsection (a), the interactive program—

(1) shall only require the input of the taxpayer's total tax payments, and

(2) shall not require any identifying information relating to the taxpayer.

(c) TOTAL TAX PAYMENTS.—For purposes of this section, total tax payments of an individual for any taxable year are—

(1) the tax imposed by subtitle A of the Internal Revenue Code of 1986 for such taxable year (as shown on his return), and

(2) the tax imposed by section 3101 of such Code on wages received during such taxable year.

(d) CONTENT OF TAX RECEIPT.—

(1) MAJOR EXPENDITURE CATEGORIES.—For purposes of subsection (a), the major expenditure categories are:

(A) National defense.

(B) International affairs.

(C) Medicaid.

(D) Medicare.

(E) Means-tested entitlements.

(F) Domestic discretionary.

(G) Social Security.

(H) Interest payments.

(I) All other.

(2) OTHER ITEMS ON RECEIPT.—

(A) IN GENERAL.—In addition, the tax receipt shall include selected examples of more specific expenditure items, including the items listed in subparagraph (B), either at the budget function, subfunction, or program, project, or activity levels, along with any other information deemed appropriate by the Secretary of the Treasury and the Director of the Office of Management and Budget to enhance taxpayer understanding of the Federal budget.

(B) LISTED ITEMS.—The expenditure items listed in this subparagraph are as follows:

(i) Public schools funding programs.

(ii) Student loans and college aid.

(iii) Low-income housing programs.

(iv) Food stamp and welfare programs.

(v) Law enforcement, including the Federal Bureau of Investigation, law enforcement grants to the States, and other Federal law enforcement personnel.

(vi) Infrastructure, including roads, bridges, and mass transit.

(vii) Farm subsidies.

(viii) Congressional Member and staff salaries.

(ix) Health research programs.

(x) Aid to the disabled.

(xi) Veterans health care and pension programs.

(xii) Space programs.

(xiii) Environmental cleanup programs.

(xiv) United States embassies.

(xv) Military salaries.

(xvi) Foreign aid.

(xvii) Contributions to the North Atlantic Treaty Organization.

(xviii) Amtrak.

(xix) United States Postal Service.

(e) COST.—No charge shall be imposed to cover any cost associated with the production or distribution of the tax receipt.

(f) REGULATIONS.—The Secretary of the Treasury may prescribe such regulations as may be necessary to carry out this section.

MOYNIHAN (AND SCHUMER) AMENDMENT NO. 1208

Mr. CAMPBELL (for Mr. MOYNIHAN (for himself and Mr. SCHUMER)) proposed an amendment to the bill, S. 1282, supra; as follows:

On page 56, line 3, after ''and'', insert the following: ''$5,870,000 shall be available for repairs to and alterations of the Federal courthouse at 40 Centre Street, New York, New York, and''.

HARKIN AMENDMENT NO. 1209

Mr. DORGAN (for Mr. HARKIN (for himself and Mr. EDWARDS)) proposed an

amendment to the bill, S. 1282, supra; as follows:

On page 47, strike lines 9 through 11 and insert in lieu thereof the following: ''Area Program, $205,277,000 for drug control activities consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas, of which $10,000,000 shall be used for methamphetamine programs above the sums allocated in fiscal year 1999 and otherwise provided for in this legislation with no less than half of the $10,000,000 going to areas solely dedicated to fighting methamphetamine usage, of which''

Amend page 53, line 3 by reducing the dollar figure by $17,000,000;

Amend page 51, line 15 by reducing the first dollar figure by $17,000,000.

SCHUMER AMENDMENT NO. 1210

Mr. DORGAN (for Mr. SCHUMER) proposed an amendment to the bill, S. 1282, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. TARGETED GUN DEALER ENFORCEMENT ACT OF 1999.

(a) SHORT TITLE.—This section may be cited as the ''Targeted Gun Dealer Enforcement Act of 1999''.

(b) REGULATION OF LICENSED DEALERS.—

(1) PROHIBITION ON STRAW PURCHASES.—

(A) IN GENERAL.—Section 922(a)(6) of title 18, United States Code, is amended by inserting '', or with respect to the identity of the person in fact purchasing or attempting to purchase such firearm or ammunition,'' before ''under the''.

(B) PENALTIES.—Section 924(a)(3) of title 18, United States Code, is amended by adding at the end the following: ''Notwithstanding the preceding sentence, a violation in relation to section 922(a)(6) or 922(d) by a licensed dealer, licensed importer, licensed manufacturer, or licensed collector shall be subject to the penalties under paragraph (2) of this subsection.''.

(2) NOTIFICATION OF STATE LAW REGARDING CARRYING CONCEALED FIREARMS.—Section 922 of title 18, United States Code, is amended by inserting after subsection (y) the following:

''(z) NOTIFICATION OF STATE REQUIREMENTS.—It shall be unlawful for a licensed dealer to transfer a firearm to any person, unless the dealer notifies that person whether applicable State law requires persons to be licensed to carry concealed firearms in the State, or prohibits the carrying of concealed firearms in the State.''.

(3) REVOCATION OR SUSPENSION OF LICENSE; CIVIL PENALTIES.—Section 923 of title 18, United States Code, is amended by striking subsections (e) and (f) and inserting the following:

''(e) REVOCATION OR SUSPENSION OF LICENSE; CIVIL PENALTIES.—

''(1) IN GENERAL.—The Secretary may, after notice and opportunity for hearing—

''(A) suspend or revoke any license issued under this section, if the holder of such license—

''(i) willfully violates any provision of this chapter or any rule or regulation prescribed by the Secretary under this chapter; or

''(ii) fails to have secure gun storage or safety devices available at any place in which firearms are sold under the license to persons who are not licensees (except that in any case in which a secure gun storage or safety device is temporarily unavailable because of theft, casualty loss, consumer sales, backorders from a manufacturer, or any other similar reason beyond the control of the licensee, the licensed dealer shall not be considered to be in violation of the requirement to make available such a device);

''(B) suspend or revoke the license issued under this section to a dealer who willfully transfers armor piercing ammunition; and

''(C) assess and collect a civil penalty of not more than $10,000 per violation against any holder of a license, if the Secretary is authorized to suspend or revoke the license of that holder under subparagraph (A) or (B).

''(2) LIABILITY.—The Secretary may at any time compromise, mitigate, or remit the liability with respect to any willful violation of this subsection or any rule or regulation prescribed by the Secretary under this subsection.

''(3) REVIEW.—An action of the Secretary under this subsection may be reviewed only as provided in subsection (f).

''(4) NOTIFICATION REQUIREMENT.—Not less than once every 6 months, the Secretary shall notify each licensed manufacturer and each licensed dealer of the name, address, and license number of each dealer whose license was suspended or revoked under this section during the preceding 6-month period.

''(f) RIGHTS OF APPLICANTS AND LICENSEES.—

''(1) IN GENERAL.—If the Secretary denies an application for, or revokes or suspends a license, or assesses a civil penalty under this section, the Secretary shall provide written notice of such denial, revocation, suspension, or assessment to the affected party, stating specifically the grounds upon which the application was denied, the license was suspended or revoked, or the civil penalty was assessed. Any notice of a revocation or suspension of a license under this paragraph shall be given to the holder of such license before the effective date of the revocation or suspension, as applicable.

''(2) APPEAL PROCESS.—

''(A) HEARING.—If the Secretary denies an application for, or revokes or suspends a license, or assesses a civil penalty under this section, the Secretary shall, upon request of the aggrieved party, promptly hold a hearing to review the denial, revocation, suspension, or assessment. A hearing under this subparagraph shall be held at a location convenient to the aggrieved party.

''(B) NOTICE OF DECISION; APPEAL.—If, after a hearing held under subparagraph (A), the Secretary decides not to reverse the decision of the Secretary to deny the application, revoke or suspend the license, or assess the civil penalty, as applicable—

''(i) the Secretary shall provide notice of the decision of the Secretary to the aggrieved party;

''(ii) during the 60-day period beginning on the date on which the aggrieved party receives a notice under clause (i), the aggrieved party may file a petition with the district court of the United States for the judicial district in which the aggrieved party resides or has a principal place of business for a de novo judicial review of such denial, revocation, suspension, or assessment;

''(iii) in any judicial proceeding pursuant to a petition under clause (ii)—

''(I) the court may consider any evidence submitted by the parties to the proceeding, regardless of whether or not such evidence was considered at the hearing held under subparagraph (A); and

''(II) if the court decides that the Secretary was not authorized to make such denial, revocation, suspension, or assessment, the court shall order the Secretary to take such actions as may be necessary to comply with the judgment of the court.

''(3) STAY PENDING APPEAL.—If the Secretary suspends or revokes a license under this section, upon the request of the holder of the license, the Secretary shall stay the effective date of the revocation, suspension, or assessment.''.

(4) EFFECT OF CONVICTION.—Section 925(b) of title 18, United States Code, is amended by striking ''until any conviction pursuant to the indictment becomes final'' and inserting ''until the date of any conviction pursuant to the indictment''.

(5) REGULATION OF HIGH-VOLUME CRIME GUN DEALERS.—Section 923(g) of title 18, United States Code, is amended by adding at the end the following:

''(8) HIGH-VOLUME CRIME GUN DEALERS.—

''(A) DEFINITION.—In this paragraph, the term 'high-volume crime gun dealer' means any licensed dealer with respect to which a designation under subparagraph (B)(i) is in effect, as provided in subparagraph (B)(ii).

''(B) DESIGNATION OF HIGH-VOLUME CRIME GUN DEALERS.—

''(i) IN GENERAL.—The Secretary shall designate a licensed dealer as a high-volume crime gun dealer—

''(I) as soon as practicable, if the Secretary determines that the licensed dealer sold, delivered, or otherwise transferred to 1 or more persons not licensed under this chapter not less than 25 firearms that, during the preceding calendar year, were used during the commission or attempted commission of a criminal offense under Federal, State, or local law, or were possessed in violation of Federal, State, or local law; or

''(II) immediately upon the expiration date of a suspension of the license of that dealer for a willful violation of this chapter, if such violation involved 1 or more firearms that were subsequently used during the commission or attempted commission of a criminal offense under Federal, State, or local law.

''(ii) EFFECTIVE PERIOD OF DESIGNATION.—A designation under clause (i) shall remain in effect during the period beginning on the date on which the designation is made and ending on the later of—

''(I) the expiration of the 18-month period beginning on that date; or

''(II) the date on which the license issued to that dealer under this section expires.

''(C) NOTIFICATION REQUIREMENT.—Upon the designation of a licensed dealer as a high-volume crime gun dealer under subparagraph (B), the Secretary shall notify the appropriate United States attorney's office, the appropriate State and local law enforcement agencies (including the district attorney's offices and the police or sheriff's departments), and each State and local agency responsible for the issuance of business licenses in the jurisdiction in which the high-volume crime gun dealer is located of such designation.

''(D) REPORTING AND RECORDKEEPING REQUIREMENTS.—Notwithstanding any other provision of this paragraph—

''(i) not later than 10 days after the date on which a handgun is sold, delivered, or otherwise transferred by a high-volume crime gun dealer to a person not licensed under this chapter, the high-volume crime gun dealer shall submit to the Secretary and to the department of State police or State law enforcement agency of the State or local jurisdiction in which the sale, delivery, or transfer took place, on a form prescribed by the Secretary, a report of the sale, delivery, or transfer, which report shall include—

''(I) the manufacturer or importer of the handgun;

''(II) the model, type, caliber, gauge, and serial number of the handgun; and

''(III) the name, address, date of birth, and height and weight of the purchaser or transferee, as applicable;

''(ii) each high-volume crime gun dealer shall submit to the Secretary, on a form prescribed by the Secretary, a monthly report of each firearm received and each firearm disposed of by the dealer during that month, which report shall include only the name of

the manufacturer or importer and the model, type, caliber, gauge, serial number, date of receipt, and date of disposition of each such firearm, except that the initial report submitted by a dealer under this clause shall include such information with respect to the entire inventory of the high-volume crime gun dealer; and

''(iii) a high-volume crime gun dealer may not destroy any record required to be maintained under paragraph (1)(A).

''(E) INSPECTION.—Notwithstanding paragraph (1), the Secretary may inspect or examine the inventory and records of a high-volume crime gun dealer at any time without a showing of reasonable cause or a warrant for purposes of determining compliance with the requirements of this chapter.

''(F) RECORDKEEPING BY LOCAL POLICE DEPARTMENTS.—Notwithstanding paragraph (3)(B), a State or local law enforcement agency that receives a report under subparagraph (D)(i) may retain a copy of that record for not more than 5 years.

''(G) LICENSE RENEWAL.—Notwithstanding subsection (d)(2), the Secretary shall approve or deny an application for a license submitted by a high-volume crime gun dealer before the expiration of the 120-day period beginning on the date on which the application is received.

''(H) EFFECT OF FAILURE TO COMPLY.—

''(i) IN GENERAL.—Notwithstanding subsection (e), the Secretary shall, after notice and an opportunity for a hearing—

''(I) suspend for not less than 90 days any license issued under this section to a high-volume crime gun dealer who willfully violates any provision of this section (including any requirement of this paragraph);

''(II) revoke any license issued under this section to a high-volume crime gun dealer who willfully violates any provision of this section (including any requirement of this paragraph) and who has committed a prior willful violation of any provision of this section (including any requirement of this paragraph); and

''(III) revoke any license issued under this section to a high-volume crime gun dealer who willfully violates any provision of section 922 or 924.

''(ii) STAY PENDING APPEAL.—Notwithstanding subsection (f)(3), the Secretary may not stay the effective date of a suspension or revocation under this subparagraph pending an appeal.''.

(c) ENHANCED ABILITY TO TRACE FIREARMS.—

(1) VOLUNTARY SUBMISSION OF DEALER'S RECORDS.—Section 923(g)(4) of title 18, United States Code, is amended to read as follows:

''(4) VOLUNTARY SUBMISSION OF DEALER'S RECORDS.—

''(A) BUSINESS DISCONTINUED.—

''(i) SUCCESSOR.—When a firearms or ammunition business is discontinued and succeeded by a new licensee, the records required to be kept by this chapter shall appropriately reflect that fact and shall be delivered to the successor. Upon receipt of those records, the successor licensee may retain the records of the discontinued business or submit the discontinued business records to the Secretary.

''(ii) NO SUCCESSOR.—When a firearms or ammunition business is discontinued without a successor, records required to be kept by this chapter shall be delivered to the Secretary within 30 days after the business is discontinued.

''(B) OLD RECORDS.—A licensee maintaining a firearms business may voluntarily submit the records required to be kept by this chapter to the Secretary if such records are at least 20 years old.

''(C) STATE OR LOCAL REQUIREMENTS.—If State law or local ordinance requires the delivery of records regulated by this paragraph to another responsible authority, the Secretary may arrange for the delivery of records to such other responsible authority.''

(2) CENTRALIZATION AND MAINTENANCE OF RECORDS.—Section 923(g) of title 18, United States Code, is amended by adding at the end the following:

''(9) CENTRALIZATION AND MAINTENANCE OF RECORDS BY SECRETARY.—Notwithstanding any other provision of law, the Secretary—

''(A) may receive and centralize any information or records submitted to the Secretary under this chapter and maintain such information or records in whatever manner will enable their most efficient use in law enforcement investigations; and

''(B) shall retain a record of each firearms trace conducted by the Secretary, unless the Secretary determines that there is a valid law enforcement reason not to retain the record.''.

(3) LICENSEE REPORTS OF SECONDHAND FIREARMS.—Section 923(g) of title 18, United States Code, is amended by adding at the end the following:

''(10) LICENSEE REPORTS OF SECONDHAND FIREARMS.—A licensed importer, licensed manufacturer, and licensed dealer shall submit to the Secretary, on a form prescribed by the Secretary, a monthly report of each firearm received from a person not licensed under this chapter during that month, which report shall not include any identifying information relating to the transferor or any subsequent purchaser.''.

(d) GENERAL REGULATION OF FIREARMS TRANSFERS.—

(1) TRANSFERS OF CRIME GUNS.—Section 924(h) of title 18, United States Code, is amended by inserting ''or having reasonable cause to believe'' after ''knowing''.

(2) INCREASED PENALTIES FOR TRAFFICKING IN FIREARMS WITH OBLITERATED SERIAL NUMBERS.—Section 924(a) of title 18, United States Code, is amended—

(A) in paragraph (1)(B), by striking ''(k),''; and

(B) in paragraph (2), by inserting ''(k),'' after ''(j),''.

(e) AMENDMENT OF FEDERAL SENTENCING GUIDELINES.—The United States Sentencing Commission shall amend the Federal sentencing guidelines to reflect the amendments made by this section.

LANDRIEU (AND JEFFORDS) AMENDMENT NO. 1211

Mr. DORGAN (for Mrs. LANDRIEU (for herself, and Mr. JEFFORDS)) proposed an amendment to the bill, S. 1282, supra; as follows:

At the appropriate place, add the following:

TITLE ___—CHILD CARE CENTERS IN FEDERAL FACILITIES

SECTION 1. SHORT TITLE.

This title may be cited as the ''Federal Employees Child Care Act''.

SEC. ___2. DEFINITIONS.

In this title (except as otherwise provided in section ___4):

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of General Services.

(2) EXECUTIVE AGENCY.—The term ''Executive agency'' has the meaning given the term in section 105 of title 5, United States Code, except that the term—

(A) does not include the Department of Defense and the Coast Guard; and

(B) includes the General Services Administration, with respect to the administration of a facility described in paragraph (3)(B).

(3) EXECUTIVE FACILITY.—The term ''executive facility''—

(A) means a facility that is owned or leased by an Executive agency; and

(B) includes a facility that is owned or leased by the General Services Administration on behalf of a judicial office.

(4) JUDICIAL FACILITY.—The term ''judicial facility'' means a facility that is owned or leased by a judicial office (other than a facility that is also a facility described in paragraph (3)(B)).

(5) JUDICIAL OFFICE.—The term ''judicial office'' means an entity of the judicial branch of the Federal Government.

(6) LEGISLATIVE FACILITY.—The term ''legislative facility'' means a facility that is owned or leased by a legislative office.

(7) LEGISLATIVE OFFICE.—The term ''legislative office'' means an entity of the legislative branch of the Federal Government.

SEC. ___3. FEDERAL CHILD CARE EVALUATION.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator and the Director of the Office of Personnel Management shall jointly prepare and submit to Congress a report that evaluates child care provided by entities sponsoring child care facilities in executive facilities, legislative facilities, or judicial facilities.

(b) CONTENTS.—The evaluation shall contain, at a minimum—

(1) information on the number of children receiving child care described in subsection (a), analyzed by age, including information on the number of those children who are age 6 through 12;

(2) information on the number of families not using child care described in subsection (a) because of the cost of the child care; and

(3) recommendations for improving the quality and cost effectiveness of child care described in subsection (a), including recommendations of options for creating an optimal organizational structure and using best practices for the delivery of the child care.

SEC. ___4. CHILD CARE SERVICES FOR FEDERAL EMPLOYEES.

(a) IN GENERAL.—In addition to services authorized to be provided by an agency of the United States pursuant to section 616 of the Act of December 22, 1987 (40 U.S.C. 490b), an Executive agency that provides or proposes to provide child care services for Federal employees may use agency funds to provide the child care services, in a facility that is owned or leased by an Executive agency, or through a contractor, for civilian employees of the agency.

(b) AFFORDABILITY.—Funds so used with respect to any such facility or contractor shall be applied to improve the affordability of child care for lower income Federal employees using or seeking to use the child care services offered by the facility or contractor.

(c) REGULATIONS.—The Administrator after consultation with the Director of the Office of Personnel Management, shall, within 180 days after the date of enactment of this Act, issue regulations necessary to carry out this section.

(d) DEFINITION.—For purposes of this section, the term ''Executive agency'' has the meaning given the term by section 105 of title 5, United States Code, but does not include the General Accounting Office.

SEC. ___5. MISCELLANEOUS PROVISIONS RELATING TO CHILD CARE PROVIDED BY FEDERAL AGENCIES.

(a) AVAILABILITY OF FEDERAL CHILD CARE CENTERS FOR ONSITE CONTRACTORS; PERCENTAGE GOAL.—Section 616 of the Act of December 22, 1987 (40 U.S.C. 490b) is amended—

(1) in subsection (a)—

(A) by striking ''officer or agency of the United States'' and inserting ''Federal agency or officer of a Federal agency''; and

(B) by striking paragraphs (2) and (3) and inserting the following:

''(2) the officer or agency determines that the space will be used to provide child care and related services to—

''(A) children of Federal employees or onsite Federal contractors; or

''(B) dependent children who live with Federal employees or onsite Federal contractors; and

''(3) the officer or agency determines that the individual or entity will give priority for available child care and related services in the space to Federal employees and onsite Federal contractors.''; and

(2) by adding at the end the following:

''(e)(1)(A) The Administrator of General Services shall confirm that at least 50 percent of aggregate enrollment in Federal child care centers governmentwide are children of Federal employees or onsite Federal contractors, or dependent children who live with Federal employees or onsite Federal contractors.

''(B) Each provider of child care services at an individual Federal child care center shall maintain 50 percent of the enrollment at the center of children described under subparagraph (A) as a goal for enrollment at the center.

''(C)(i) If enrollment at a center does not meet the percentage goal under subparagraph (B), the provider shall develop and implement a business plan with the sponsoring Federal agency to achieve the goal within a reasonable timeframe.

''(ii) The plan shall be approved by the Administrator of General Services based on—

''(I) compliance of the plan with standards established by the Administrator; and

''(II) the effect of the plan on achieving the aggregate Federal enrollment percentage goal.

''(2) The Administrator of General Services Administration may enter into public-private partnerships or contracts with nongovernmental entities to increase the capacity, quality, affordability, or range of child care and related services and may, on a demonstration basis, waive subsection (a)(3) and paragraph (1) of this subsection.''.

(b) PAYMENT OF COSTS OF TRAINING PROGRAMS.—Section 616(b)(3) of such Act (40 U.S.C. 490b(b)(3)) is amended to read as follows:

''(3) If a Federal agency has a child care facility in a Federal space, or is a sponsoring agency for a child care facility in a Federal space, the agency or the General Services Administration may pay accreditation fees, including renewal fees, for that center to be accredited. Any Federal agency that provides or proposes to provide child care services for children referred to in subsection (a)(2), may reimburse any Federal employee or any person employed to provide the services for the costs of training programs, conferences, and meetings and related travel, transportation, and subsistence expenses incurred in connection with those activities. Any per diem allowance made under this section shall not exceed the rate specified in regulations prescribed under section 5707 of title 5, United States Code.''.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—Section 616(c) of such Act (40 U.S.C. 490b(c)) is amended—

(1) by inserting ''Federal'' before ''child care centers''; and

(2) by striking ''Federal workers'' and inserting ''Federal employees''.

(d) PROVISION OF CHILD CARE BY PRIVATE ENTITIES.—Section 616(d) of such Act (40 U.S.C. 490b(d)) is amended to read as follows:

''(d)(1) If a Federal agency has a child care facility in a Federal space, or is a sponsoring agency for a child care facility in a Federal space, the agency, the child care center board of directors, or the General Services Administration may enter into an agreement with 1 or more private entities under which the private entities would assist in defraying the general operating expenses of the child care providers including salaries and tuition assistance programs at the facility.

''(2)(A) Notwithstanding any other provision of law, if a Federal agency does not have a child care program, or if the Administrator of General Services has identified a need for child care for Federal employees at a Federal agency providing child care services that do not meet the requirements of subsection (a), the agency or the Administrator may enter into an agreement with a non-Federal, licensed, and accredited child care facility, or a planned child care facility that will become licensed and accredited, for the provision of child care services for children of Federal employees.

''(B) Before entering into an agreement, the head of the Federal agency shall determine that child care services to be provided through the agreement are more cost effectively provided through the arrangement than through establishment of a Federal child care facility.

''(C) The Federal agency may provide any of the services described in subsection (b)(3) if, in exchange for the services, the facility reserves child care spaces for children referred to in subsection (a)(2), as agreed to by the parties. The cost of any such services provided by a Federal agency to a Federal child care facility on behalf of another Federal agency shall be reimbursed by the receiving agency.

''(3) This subsection does not apply to residential child care programs.''.

(e) PILOT PROJECTS.—Section 616 of such Act (40 U.S.C. 490b) is further amended by adding at the end the following:

''(f)(1) Upon approval of the agency head, a Federal agency may conduct a pilot project not otherwise authorized by law for no more than 2 years to test innovative approaches to providing alternative forms of quality child care assistance for Federal employees. A Federal agency head may extend a pilot project for an additional 2-year period. Before any pilot project may be implemented, a determination shall be made by the agency head that initiating the pilot project would be more cost-effective than establishing a new Federal child care facility. Costs of any pilot project shall be paid solely by the agency conducting the pilot project.

''(2) The Administrator of General Services shall serve as an information clearinghouse for pilot projects initiated by other Federal agencies to disseminate information concerning the pilot projects to the other Federal agencies.

''(3) Within 6 months after completion of the initial 2-year pilot project period, a Federal agency conducting a pilot project under this subsection shall provide for an evaluation of the impact of the project on the delivery of child care services to Federal employees, and shall submit the results of the evaluation to the Administrator of General Services. The Administrator shall share the results with other Federal agencies.''.

(f) BACKGROUND CHECK.—Section 616 of such Act (40 U.S.C. 490b) is further amended by adding at the end the following:

''(g) Each Federal child care center located in a Federal space shall ensure that each employee of the center (including any employee whose employment began before the date of enactment of this subsection) shall undergo a criminal history background check consistent with section 231 of the Crime Control Act of 1990 (42 U.S.C. 13041).''.

(g) DEFINITIONS.—Section 616 of such Act (40 U.S.C. 490b) is further amended by adding at the end the following:

''(h) In this section:

''(1) The term 'Federal agency' has the meaning given the term 'Executive agency' in section ___2 of the Federal Employees Child Care Act.

''(2) The terms 'Federal building' and 'Federal space' have the meanings given the term 'executive facility' in such section ___2.

''(3) The term 'Federal child care center' means a child care center in an executive facility, as defined in such section ___2.

''(4) The terms 'Federal contractor' and 'Federal employee' mean a contractor and an employee, respectively, of an Executive agency, as defined in such section ___2.''.

WELLSTONE AMENDMENT NO. 1212

Mr. DORGAN (for Mr. WELLSTONE) proposed an amendment to the bill, S. 1282, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. EVALUATION OF OUTCOME OF WELFARE REFORM AND FORMULA FOR BONUSES TO HIGH PERFORMANCE STATES.

(a) ADDITIONAL MEASURES OF STATE PERFORMANCE.—Section 403(a)(4)(C) of the Social Security Act (42 U.S.C. 603(a)(4)(C)) is amended—

(1) by striking ''Not later'' and inserting the following:

''(i) IN GENERAL.—Not later'';

(2) by inserting ''The formula shall provide for the awarding of grants under this paragraph based on criteria contained in clause (ii) and in accordance with clauses (iii), (iv), and (v).'' after the period; and

(3) by adding at the end the following:

''(ii) FORMULA CRITERIA.—The grants awarded under this paragraph shall be based on—

''(I) employment-related measures, including work force entries, job retention, and increases in household income of current recipients of assistance under the State program funded under this title;

''(II) the percentage of former recipients of such assistance (who have ceased to receive such assistance for not more than 6 months) who receive subsidized child care;

''(III) the improvement since 1995 in the proportion of children in working poor families eligible for food stamps that receive food stamps to the total number of children in the State and

''(IV) the percentage of members of families which are former recipients of assistance under the State program funded under this title (which have ceased to receive such assistance for not more than 6 months) who currently receive medical assistance under the State plan approved under title XIX or the child health assistance under title XXI.

For purposes of subclause (III), the term 'working poor families' means families which receives earnings equal to at least the comparable amount which would be received by an individual working a half-time position for minimum wage.

''(iii) EMPLOYMENT RELATED MEASURES.—Not less than $100,000,000 of the amount appropriated for a fiscal year under subparagraph (F) shall be used to award grants to States under this paragraph for that fiscal year based on scores for the criteria described in clause (ii)(I) and the criteria described in clause (ii)(II) with respect employed former recipients.

''(iv) FOOD STAMP MEASURES.—Not less than $50,000,000 of the amount appropriated for a fiscal year under subparagraph (F) shall be used to award grants to States under this paragraph for that fiscal year based on scores for the criteria described in clause (ii)(III).

''(v) MEDICAID AND SCHIP CRITERIA.—Not less than $50,000,000 of the amount appropriated for a fiscal year under subparagraph (F) shall be used to award grants to States under this paragraph for that fiscal year based on scores for the criteria described in clause (ii)(IV).''.

(b) DATA COLLECTION AND REPORTING.—Section 411(a) of the Social Security Act (42 U.S.C. 611(a)) is amended by adding at the end the following:

''(8) REPORT ON OUTCOME OF WELFARE REFORM FOR STATES NOT PARTICIPATING IN BONUS GRANTS UNDER SECTION 403(a)(4).—

''(A) IN GENERAL.—In the case of a State which does not participate in the procedure for awarding grants under section 403(a)(4) pursuant to regulations prescribed by the Secretary, the report required by paragraph (1) for a fiscal quarter shall include data regarding the characteristics and well-being of former recipients of assistance under the State program funded under this title for an appropriate period of time after such recipient has ceased receiving such assistance.

''(B) CONTENTS.—The data required under subparagraph (A) shall consist of information regarding former recipients, including—

''(i) employment status;

''(ii) job retention;

''(iii) poverty status;

''(iv) receipt of food stamps, medical assistance under the State plan approved under title XIX or child health assistance under title XXI, or subsidized child care;

''(v) accessibility of child care and child care cost; and

''(vi) measures of hardship, including lack of medical insurance and difficulty purchasing food.

''(C) SAMPLING.—A State may comply with this paragraph by using a scientifically acceptable sampling method approved by the Secretary.

''(D) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to ensure that—

''(i) data reported under this paragraph is in such a form as to promote comparison of data among States; and

''(ii) a State reports, for each measure, changes in data over time and comparisons in data between such former recipients and comparable groups of current recipients.''.

(c) REPORT OF CURRENTLY COLLECTED DATA.—Not later than July 1, 2000, the Secretary of Health and Human Services shall transmit to Congress a report regarding earnings and employment characteristics of former recipients of assistance under the State program funded under this part, based on information currently being received from States. Such report shall consist of a longitudinal record for a sample of States, which represents at least 80 percent of the population of each State, including a separate record for each of fiscal years 1997 through 2000 for—

(1) earnings of a sample of former recipients using unemployment insurance data;

(2) earnings of a sample of food stamp recipients using unemployment insurance data and

(3) earnings of a sample of current recipient of assistance using unemployment insurance data.

(d) EFFECTIVE DATES.—

(1) The amendment made by subsection (a) applies to each of fiscal years 2000 through 2003.

(2) The amendment made by subsection (b) applies to reports in fiscal years beginning in fiscal year 2000.

TORRICELLI (AND OTHERS) AMENDMENT NO. 1213

Mr. DORGAN (for Mr. TORRICELLI (for himself, Mr. LIEBERMAN, Mr. DODD, and Mr. LAUTENBERG)) proposed an amendment to the bill, S. 1282, supra; as follows:

On page 98, insert between lines 4 and 5 the following:

SEC. 636. PROHIBITION ON IMPOSITION OF DISCRIMINATORY COMMUTER TAXES BY POLITICAL SUBDIVISIONS OF STATES.

(a) IN GENERAL.—Chapter 4 of title 4, United States Code, is amended by adding at the end the following:

''§ 116. Prohibition on imposition of discriminatory commuter taxes by political subdivisions of States

''A political subdivision of a State may not impose a tax on income earned within such political subdivision by nonresidents of the political subdivision unless the effective rate of such tax imposed on such nonresidents who are residents of such State is not less than such rate imposed on such nonresidents who are not residents of such State.''.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 4 of title 4, United States Code, is amended by adding at the end the following:

''116. Prohibition on imposition of discriminatory commuter taxes by political subdivisions of States.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of enactment of this Act.

LAUTENBERG (AND OTHERS) AMENDMENT NO. 1214

Mr. DORGAN (for Mr. LAUTENBERG (for himself and Mrs. HUTCHISON, Mr. BYRD, Mr. HOLLINGS, Mr. HARKIN, and Mr. JOHNSON)) proposed an amendment to the bill, S. 1282, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. INCLUSION OF ALCOHOL ABUSE BY MINORS IN NATIONAL ANTI-DRUG MEDIA CAMPAIGN.

(a) IN GENERAL.—The Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277) is amended—

(1) in section 101(h) of division A (the Treasury Department Appropriations Act, 1999), in title III under the heading ''FEDERAL DRUG CONTROL PROGRAMS—SPECIAL FORFEITURE FUND (INCLUDING TRANSFER OF FUNDS)'', by inserting ''(including the use of alcohol by individuals who have not attained 21 years of age)'' after ''drug use among young Americans'';

(b) OFFICE OF NATIONAL DRUG CONTROL POLICY REAUTHORIZATION ACT OF 1998.—Section 704(b) of the Office of National Drug Control Policy Reauthorization Act of 1998 (title VII of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277)) is amended—

(1) in paragraph (14), by striking ''and'' after the semicolon;

(2) in paragraph (15), by striking the period and inserting ''; and'', and by adding at the end the following:

''(16) shall conduct a national media campaign in accordance with the Drug-Free Media Campaign Act of 1998 (including with respect to the use of alcohol by individuals who have not attained 21 years of age).''.

(c) DRUG-FREE MEDIA CAMPAIGN ACT OF 1998.—The Drug-Free Media Campaign Act of 1998 (subtitle A of title I of division D of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277)) is amended—

(1) in section 102(a), by inserting before the period the following: '', and use of alcohol by individuals in the United States who have not attained 21 years of age''; and

(2) in section 103(a)(1)(H), by inserting after ''antidrug messages'' the following: ''and messages discouraging underage alcohol consumption,''.

GRAHAM AMENDMENTS NOS. 1215–1216

Mr. DORGAN (for Mr. GRAHAM) proposed two amendments to the bill, S. 1282, supra; as follows:

AMENDMENT NO. 1215

At the appropriate place, insert the following:

SEC. ___. Amounts provided for the Office of National Drug Control Policy in this Act are hereby increased by $2,500,000, to be available for the funding for law enforcement in the High Intensity Drug Trafficking Area associated with Jacksonville, Florida. Amounts provided for General Services Administration building operations in this Act are reduced by $2,500,000.

AMENDMENT NO. 1216

On page 15, line 2, after the colon, insert the following: ''*Provided further,* That the number of Customs Service personnel assigned to Customs facilities in Florida or along the United States-Mexico border shall not be reduced below the number of such personnel assigned to such facilities for fiscal year 1999, if the reduction or diversion of personnel from those facilities would be detrimental to the drug enforcement or investigative operations of the Customs Service, or to the ability of the Customs Service to process international passengers, vessels, or cargo:''.

COCHRAN AMENDMENT NO. 1217

Mr. DORGAN (for Mr. COCHRAN) proposed an amendment to the bill, S. 1282, supra; as follows:

At the appropriate place in the bill insert the following new section:

''Section 1122 of the National Defense Authorization Act for Fiscal Year 1994 is hereby repealed''.

CAMPBELL AMENDMENTS NOS. 1218–1219

Mr. CAMPBELL proposed two amendments to the bill, S. 1282, supra; as follows:

AMENDMENT NO. 1218

On page 62, line 8, after ''building operations'' insert ''*Provided,* That the amounts provided above under this heading for rental of space, building operations and in aggregate amount for the Federal Buildings Fund, are reduced accordingly''.

AMENDMENT NO. 1219

At the appropriate place, at the end of the General Services Administration, General Provisions insert the following new sections:

SEC. 411. Notwithstanding 31 U.S.C. 1346, funds made available for fiscal year 2000 by this or any other Act to any department or agency, which is a member of the Joint Financial Management Improvement Program (JFMIP) shall be available to finance an appropriate share of JFMIP salaries and administrative costs.

SEC. 412. The Administrator of General Services may provide from governmentwide credit card rebates, up to $3,000,000 in support of the Joint Financial Management Improvement Program as approved by the Chief Financial Officers Council.

SCHUMER AMENDMENT NO. 1220

Mr. CAMPBELL (for Mr. SCHUMER) proposed an amendment to the bill, S. 1282, supra; as follows:

On page 98, insert between lines 4 and 5 the following:

SEC. 636. ITEMIZED INCOME TAX RECEIPT.

(a) IN GENERAL.—Not later than April 15, 2000, the Secretary of the Treasury shall establish an interactive program on an Internet website where any taxpayer may generate an itemized receipt showing a proportionate allocation (in money terms) of the taxpayer's total tax payments among the major expenditure categories.

(b) INFORMATION NECESSARY TO GENERATE RECEIPT.—For purposes of generating an itemized receipt under subsection (a), the interactive program—

(1) shall only require the input of the taxpayer's total tax payments, and

(2) shall not require any identifying information relating to the taxpayer.

(c) TOTAL TAX PAYMENTS.—For purposes of this section, total tax payments of an individual for any taxable year are—

(1) the tax imposed by subtitle A of the Internal Revenue Code of 1986 for such taxable year (as shown on his return), and

(2) the tax imposed by section 3101 of such Code on wages received during such taxable year.

(d) CONTENT OF TAX RECEIPT.—

(1) MAJOR EXPENDITURE CATEGORIES.—For purposes of subsection (a), the major expenditure categories are:

(A) National defense.

(B) International affairs.

(C) Medicaid.

(D) Medicare.

(E) Means-tested entitlements.

(F) Domestic discretionary.

(G) Social Security.

(H) Interest payments.

(I) All other.

(2) OTHER ITEMS ON RECEIPT.—

(A) IN GENERAL.—In addition, the tax receipt shall include selected examples of more specific expenditure items, including the items listed in subparagraph (B), either at the budget function, subfunction, or program, project, or activity levels, along with any other information deemed appropriate by the Secretary of the Treasury and the Director of the Office of Management and Budget to enhance taxpayer understanding of the Federal budget.

(B) LISTED ITEMS.—The expenditure items listed in this subparagraph are as follows:

(i) Public schools funding programs.

(ii) Student loans and college aid.

(iii) Low-income housing programs.

(iv) Food stamp and welfare programs.

(v) Law enforcement, including the Federal Bureau of Investigation, law enforcement grants to the States, and other Federal law enforcement personnel.

(vi) Infrastructure, including roads, bridges, and mass transit.

(vii) Farm subsidies.

(viii) Congressional Member and staff salaries.

(ix) Health research programs.

(x) Aid to the disabled.

(xi) Veterans health care and pension programs.

(xii) Space programs.

(xiii) Environmental cleanup programs.

(xiv) United States embassies.

(xv) Military salaries.

(xvi) Foreign aid.

(xvii) Contributions to the North Atlantic Treaty Organization.

(xviii) Amtrak.

(xix) United States Postal Service.

(e) COST.—No charge shall be imposed to cover any cost associated with the production or distribution of the tax receipt.

(f) REGULATIONS.—The Secretary of the Treasury may prescribe such regulations as may be necessary to carry out this section.

OPEN-MARKET REORGANIZATION FOR THE BETTERMENT OF INTERNATIONAL TELECOMMUNICATIONS ACT

BURNS AMENDMENT NO. 1221

Mr. BURNS proposed an amendment to the bill (S. 376) to amend the Communications Satellite Act of 1962 to promote competition and privatization in satellite communications, and for other purposes; as follows:

Section 4 of S. 376 (as amended by the ''ORBIT'' substitute) is amended by striking proposed Section 603 of the Communications Satellite Act and inserting the following new section:

SEC. 603. RESTRICTIONS PENDING PRIVATIZATION.

(a) INTELSAT shall be prohibited from entering the United States market directly to provide any satellite communications services or space segment capacity to carriers (other than the United States signatory) or end users in the United States until July 1, 2001 or until INTELSAT achieves a pro-competitive privatization pursuant to section 613(a) if privatization occurs earlier.

(b) Notwithstanding subsection (a), INTELSAT shall be prohibited from entering the United States market directly to provide any satellite communications services or space segment capacity to any foreign signatory, or affiliate thereof, and no carrier, other than the United States signatory, nor any end user, shall be permitted to invest directly in INTELSAT.

(c) Pending INTELSAT's privatization, the Commission shall ensure that the United States signatory is compensated by direct access users for the costs it incurs in fulfilling its obligations under this Act.

(d) The provisions of subsections (b) and (c) shall remain in effect only until INTELSAT achieves a pro-competitive privatization pursuant to section 613(a).''

On line 21, page 32, Section 612(b), insert ''subsection'' after the word ''under''.

On line 21, page 32, Section 612(b), replace ''consider'' with ''determine whether''.

On line 23, page 32, Section 612(b), insert ''exist'' after the word ''connections''.

On line 9, page 33, Section 612(b)(4), after ''ownership'', insert ''and whether the affiliate is independent of IGO signatories or former signatories who control telecommunications market access in their home territories.''

On line 19, page 35, section 613(c)(1), after ''taxation'', insert ''and does not unfairly benefit from ownership by former signatories who control telecommunications market access to their home territories.''

On line 13, page 37, Section 613(d), replace ''consider'' with ''determine''.

On line 14, page 37, Section 613(d), insert ''and Immarsat'' after ''Intelsat''.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2000

COVERDELL AND ASHCROFT AMENDMENT NO. 1222

Mr. COVERDELL (for himself and Mr. ASHCROFT) proposed an amendment to the bill (S. 1283) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2000, and for other purposes; as follows:

At the appropriate place, insert the following'

SEC. __. None of the funds contained in this Act may be used for any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug, or for any payment to any individual or entity who carries out any such program.

DASCHLE AMENDMENT NO. 1223

Mr. DASCHLE proposed an amendment to the bill, S. 1283, supra; as follows:

On page 53, between lines 11 and 12, insert the following:

SEC. 1_____.—WIRELESS COMMUNICATIONS.—(a) IN GENERAL.—Notwithstanding any other provision of law, not later than 7 days after the date of enactment of this Act, the Secretary of the Interior, acting through the Director of the National Park Service, shall—

(1) implement the notice of decision approved by the National Capital Regional Director, dated April 7, 1999, including the provisions of the notice of decision concerning the issuance of right-of-way permits at market rates; and

(2) expend such sums as are necessary to carry out paragraph (1).

(b) ANTENNA APPLICATIONS.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, a Federal agency that receives an application to locate a wireless communications antenna on Federal property in the District of Columbia or surrounding area over which the Federal agency exercises control shall take final action on the application, including action on the issuance of right-of-way permits at market rates.

(2) GUIDANCE.—In making a decision concerning wireless service in the District of Columbia or surrounding area, a Federal agency described in paragraph (1) may consider, but shall not be bound by, any decision or recommendation of—

(A) the National Capital Planning Commission; or

(B) any other area commission or authority.

DURBIN AMENDMENT NO. 1224

Mr. DURBIN proposed an amendment to the bill, S. 1283, surpa; as follows:

On page 5, strike beginning with line 17 through page 6, line 4.

On page 11, line 1, after the semicolon insert ''up to''.

On page 11, line 2, after ''resident'' insert ''college''.

CITY OF SISTERS, OREGON, SEWAGE TREATMENT FACILITY LEGISLATION

SMITH (AND WYDEN) AMENDMENT NO. 1225

Mr. GORTON (for Mr. SMITH of Oregon (for himself and Mr. WYDEN)) proposed an amendment to the bill (S. 416) to direct the Secretary of Agriculture to convey the city of Sisters, Oregon, a certain parcel of land for use in connection with a sewage treatment facility; as follows:

On page 3, line 12, strike the quotation marks.

On page 3, line 14, strike ''the following''.

At the end, add the following:

''(e) AUTHORITY TO ACQUIRE LAND IN SUBSTITUTION.—Subject to the availability of appropriations, the Secretary shall acquire land within Oregon, and within or in the vicinity of the Deschutes National Forest, of an acreage equivalent to that of the land conveyed under subsection (a). Any lands acquired shall be added to and administered as part of the Deschutes National Forest.''.

MILITARY AND EXTRATERRITORIAL JURISDICTION ACT OF 1999

SESSIONS (AND OTHERS) AMENDMENT NO. 1226

Mr. GORTON (for Mr. SESSIONS (for himself, Mr. LEAHY, and Mr. DEWINE)) proposed an amendment to the bill (S. 786) to establish court-martial jurisdiction over civilian serving with the Armed Forces during contingency operations, and to establish Federal jurisdiction over crimes committed outside the United States by former members of the Armed Forces and civilians accompanying the Armed Forces outside the United States; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Military and Extraterritorial Jurisdiction Act of 1999''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Civilian employees of the Department of Defense, and civilian employees of Department of Defense contractors, provide critical support to the Armed Forces of the United States that are deployed during a contingency operation.

(2) Misconduct by such persons undermines good order and discipline in the Armed Forces, and jeopardizes the mission of the contingency operation.

(3) Military commanders need the legal tools to address adequately misconduct by civilians serving with Armed Forces during a contingency operation.

(4) In its present state, military law does not permit military commanders to address adequately misconduct by civilians serving with Armed Forces, except in time of a congressionally declared war.

(5) To address this need, the Uniform Code of Military Justice should be amended to provide for court-martial jurisdiction over civilians serving with Armed Forces in places designated by the Secretary of Defense during a ''contingency operation'' expressly designated as such by the Secretary of Defense.

(6) This limited extension of court-martial jurisdiction over civilians is dictated by military necessity, is within the constitutional powers of Congress to make rules for the government of the Armed Forces, and, therefore, is consistent with the Constitution of the United States and United States public policy.

(7) Many thousand civilian employees of the Department of Defense, civilian employees of Department of Defense contractors, and civilian dependents accompany the Armed Forces to installations in foreign countries.

(8) Misconduct among such civilians has been a longstanding problem for military commanders and other United States officials in foreign countries, and threatens United States citizens, United States property, and United States relations with host countries.

(9) Federal criminal law does not apply to many offenses committed outside of the United States by such civilians and, because host countries often do not prosecute such offenses, serious crimes often go unpunished and,to address this jurisdictional gap, Federal law should be amended to punish serious offenses committed by such civilians outside the United States, to the same extent as if those offenses were committed within the special maritime and territorial jurisdiction of the United States.

(10) Federal law does not apply to many crimes committed outside the United States by members of the Armed Forces who separate from the Armed Forces before they can be identified, thus escaping court-martial jurisdiction and, to address this jurisdictional gap, Federal law should be amended to punish serious offenses committed by such persons outside the United States, to the same extent as if those offenses were committed within the special maritime and territorial jurisdiction of the United States.

SEC. 3. COURT-MARTIAL JURISDICTION.

(a) JURISDICTION DURING CONTINGENCY OPERATIONS.—Section 802(a) of title 10, United States Code (article 2(a) of the Uniform Code of Military Justice), is amended by inserting after paragraph (12) the following:

''(13) To the extent not covered by paragraphs (10) and (11), persons not members of the armed forces who, in support of a contingency operation described in section 101(a)(13)(B) of this title, are serving with and accompanying an armed force in a place or places outside the United States specified by the Secretary of Defense, as follows:

''(A) Employees of the Department of Defense.

''(B) Employees of any Department of Defense contractor who are so serving in connection with the performance of a Department of Defense contract.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and apply with respect to acts or omissions occurring on or after that date.

SEC. 4. FEDERAL JURISDICTION.

(a) CRIMINAL OFFENSES COMMITTED OUTSIDE THE UNITED STATES.—Title 18, United States Code, is amended by inserting after chapter 211 the following:

''CHAPTER 212—CRIMINAL OFFENSES COMMITTED OUTSIDE THE UNITED STATES

''Sec.
''3261. Criminal offenses committed by persons formerly serving with, or presently employed by or accompanying, the Armed Forces outside the United States.
''3262. Delivery to authorities of foreign countries.
''3263. Regulations.
''3264. Definitions.

''§ 3261. Criminal offenses committed by persons formerly serving with, or presently employed by or accompanying, the Armed Forces outside the United States

''(a) IN GENERAL.—Whoever, while serving with, employed by, or accompanying the Armed Forces outside of the United States, engages in conduct that would constitute an offense punishable by imprisonment for more than 1 year if the conduct had been engaged in within the special maritime and territorial jurisdiction of the United States, shall be guilty of a like offense and subject to a like punishment.

''(b) CONCURRENT JURISDICTION.—Nothing in this chapter may be construed to deprive a court-martial, military commission, provost court, or other military tribunal of concurrent jurisdiction with respect to offenders or offenses that by statute or by the law of war may be tried by a court-martial, military commission, provost court, or other military tribunal.

''(c) ACTION BY FOREIGN GOVERNMENT.—No prosecution may be commenced against a person under this section if a foreign government, in accordance with jurisdiction recognized by the United States, has prosecuted or is prosecuting such person for the conduct constituting such offense, except upon the approval of the Attorney General or the Deputy Attorney General (or a person acting in either such capacity), which function of approval shall not be delegated.

''(d) ARRESTS.—

''(1) LAW ENFORCEMENT PERSONNEL.—The Secretary of Defense may designate and authorize any person serving in a law enforcement position in the Department of Defense to arrest, in accordance with applicable international agreements, outside of the United States any person described in subsection (a) if there is probable cause to believe that such person engaged in conduct that constitutes a criminal offense under subsection (a).

''(2) RELEASE TO CIVILIAN LAW ENFORCEMENT.—A person arrested under paragraph (1) shall be released to the custody of civilian law enforcement authorities of the United States for removal to the United States for judicial proceedings in relation to conduct referred to in such paragraph unless—

''(A) such person is delivered to authorities of a foreign country under section 3262; or

''(B) such person has had charges brought against him or her under chapter 47 of title 10 for such conduct.

''§ 3262. Delivery to authorities of foreign countries

''(a) IN GENERAL.—Any person designated and authorized under section 3261(d) may deliver a person described in section 3261(a) to the appropriate authorities of a foreign country in which such person is alleged to have engaged in conduct described in section 3261(a) of this section if—

''(1) the appropriate authorities of that country request the delivery of the person to such country for trial for such conduct as an offense under the laws of that country; and

''(2) the delivery of such person to that country is authorized by a treaty or other international agreement to which the United States is a party.

''(b) DETERMINATION BY THE SECRETARY.—The Secretary of Defense, in consultation with the Secretary of State, shall determine which officials of a foreign country constitute appropriate authorities for purposes of this section.

''§ 3263. Regulations

''(a) IN GENERAL.—The Secretary of Defense, after consultation with the Secretary of State and the Attorney General, shall issue regulations governing the apprehension, detention, and removal of persons under this chapter. Such regulations shall be uniform throughout the Department of Defense.

''(b) NOTICE TO THIRD PARTY NATIONALS.—

''(1) IN GENERAL.—The Secretary of Defense, after consultation with the Secretary of State, shall issue regulations requiring that, to the maximum extent practicable, notice shall be provided to any person serving with, employed by, or accompanying the Armed Forces outside the United States who is not a national of the United States that such person is potentially subject to the criminal jurisdiction of the United States under this chapter.

''(2) FAILURE TO PROVIDE NOTICE.—The failure to provide notice as prescribed in the

regulations issued under paragraph (1) shall not defeat the jurisdiction of a court of the United States or provide a defense in any judicial proceeding arising under this chapter.

''§ 3264. Definitions

''In this chapter—

''(1) a person is 'accompanying the Armed Forces outside of the United States' if the person—

''(A) is a dependent of—

''(i) a member of the Armed Forces;

''(ii) a civilian employee of a military department or of the Department of Defense; or

''(iii) a Department of Defense contractor or an employee of a Department of Defense contractor;

''(B) is residing with such member, civilian employee, contractor, or contractor employee outside the United States; and

''(C) is not a national of or ordinarily resident in the host nation;

''(2) the term 'Armed Forces' has the same meaning as in section 101(a)(4) of title 10; and

''(3) a person is 'employed by the Armed Forces outside of the United States' if the person—

''(A) is employed as a civilian employee of the Department of Defense, as a Department of Defense contractor, or as an employee of a Department of Defense contractor;

''(B) is present or residing outside of the United States in connection with such employment; and

''(C) is not a national of or ordinarily resident in the host nation.''.

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of part II of title 18, United States Code, is amended by inserting after the item relating to chapter 211 the following:

''212. Criminal Offenses Committed Outside the United States ..... 3621''.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2000

DURBIN AMENDMENT NO. 1227

Mr. DURBIN proposed an amendment to the bill, S. 1283, supra; as follows:

At the appropriate place, insert the following:

SEC. ___ (a) FINDINGS.—The Senate finds the following:

(1) The District of Columbia has recently witnessed a spate of senseless killings of innocent citizens caught in the crossfire of shootings. A Justice Department crime victimization survey found that while the city saw a decline in the homicide rate between 1996 and 1997, the rate was the highest among a dozen cities and more than double the second highest city.

(2) The District of Columbia has not made adequate funding available to fight drug abuse in recent years, and the city has not deployed its resources as effectively as possible. In fiscal year 1998, $20,900,000 was spent on publicly funded drug treatment in the District compared to $29,000,000 in fiscal year 1993. The District's Addiction and Prevention and Recovery Agency currently has only 2,200 treatment slots, a 50 percent drop from 1994, with more than 1,100 people on waiting lists.

(3) The District of Columbia has seen a rash of inmate escapes from halfway houses. According to Department of Corrections records, between October 21, 1998 and January 19, 1999, 376 of the 1,125 inmates assigned to halfway houses walked away. Nearly 280 of the 376 escapees were awaiting trial including 2 charged with murder.

(4) The District of Columbia public schools system faces serious challenges in correcting chronic problems, particularly long-standing deficiencies in providing special education services to the 1 in 10 District students needing program benefits, including backlogged assessments, and repeated failure to meet a compliance agreement on special education reached with the Department of Education.

(5) Deficiencies in the delivery of basic public services from cleaning streets to waiting time at Department of Motor Vehicles to a rat population estimated earlier this year to exceed the human population have generated considerable public frustration.

(6) Last year, the District of Columbia forfeited millions of dollars in Federal grants after Federal auditors determined that several agencies exceeded grant restrictions and in other instances, failed to spend funds before the grants expired.

(7) Findings of a 1999 report by the Annie E. Casey Foundation that measured the well-being of children reflected that, with 1 exception, the District ranked worst in the United States in every category from infant mortality to the rate of teenage births to statistics chronicling child poverty.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that in considering the District of Columbia's fiscal year 2001 budget, the Senate will take into consideration progress or lack of progress in addressing the following issues:

(1) Crime, including the homicide rate, implementation of community policing, the number of police officers on local beats, and the closing down of open-air drug markets.

(2) Access to drug abuse treatment, including the number of treatment slots, the number of people served, the number of people on waiting lists, and the effectiveness of treatment programs.

(3) Management of parolees and pretrial violent offenders, including the number of halfway house escapes and steps taken to improve monitoring and supervision of halfway house residents to reduce the number of escapes.

(4) Education, including access to special education services and student achievement.

(5) Improvement in basic city services, including rat control and abatement.

(6) Application for and management of Federal grants.

(7) Indicators of child well-being.

HUTCHISON AMENDMENT NO. 1228

Mrs. HUTCHISON proposed an amendment to the bill, S. 1283, supra; as follows:

At the appropriate place, insert the following:

SEC. . The Mayor, prior to using Federal Medicaid payments to Disproportionate Share Hospitals to serve a small number of childless adults, should consider the recommendations of the Health Care Development Commission that has been appointed by the Council of the District of Columbia to review this program, and consult and report to Congress on the use of these funds.

EDWARDS AMENDMENT NO. 1229

Mrs. HUTCHISON (for Mr. EDWARDS) proposed an amendment to the bill, S. 1283, supra; as follows:

On page 13, line 17, insert the following: ''*Provided further*, That the District of Columbia Public Schools may spend $500,000 to engage in a Schools Without Violence program based on a model developed by the University of North Carolina, located in Greensboro, North Carolina''.

DORGAN AMENDMENTS NOS. 1230–1231

Mrs. HUTCHISON (for Mr. DORGAN) proposed two amendments to the bill, S. 1283, supra; as follows:

AMENDMENT NO. 1230

At the appropriate place, insert the following:

SEC. ___. GAO STUDY OF DISTRICT OF COLUMBIA CRIMINAL JUSTICE SYSTEM.

Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall—

(1) conduct a study of the law enforcement, court, prison, probation, parole, and other components of the criminal justice system of the District of Columbia, in order to identify the components most in need of additional resources, including financial, personnel, and management resources; and

(2) submit to Congress a report on the results of the study under paragraph (1).

AMENDMENT NO. 1231

At the appropriate place, insert the following:

SEC. ___. TERMINATION OF PAROLE FOR ILLEGAL DRUG USE.

(a) ARREST FOR VIOLATION OF PAROLE.—Section 205 of title 24 of the District of Columbia Code is amended—

(1) in the first sentence, by striking ''If the'' and inserting the following:

''(a) If the''; and

(2) by adding at the end the following:

''(b) Notwithstanding subsection (a), with respect to a prisoner who is convicted of a crime of violence (as defined in §23–1331) and who is released on parole at any time during the term or terms of the prisoner's sentence for that offense, the Board of Parole shall issue a warrant for the retaking of the prisoner in accordance with this section, if the Board, or any member thereof, has reliable information (including positive drug test results) that the prisoner has illegally used a controlled substance (as defined in §33–501) at any time during the term or terms of the prisoner's sentence.''.

(b) HEARING AFTER ARREST; TERMINATION OF PAROLE.—Section 206 of title 24 of the District of Columbia Code is amended by adding at the end the following:

''(c) Notwithstanding any other provision of this section, with respect to a prisoner with respect to whom a warrant is issued under section 205(b), if, after a hearing under this section, the Board of Parole determines that the prisoner has illegally used a controlled substance (as defined in §33–501) at any time during the term or terms of the prisoner's sentence, the Board shall terminate the parole of that prisoner.''.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a joint oversight hearing has been scheduled before the Committee on Energy and Natural Resources and the Committee on Indian Affairs.

The hearing will take place on Wednesday, July 14, beginning at 9:30 a.m. in Room SH–216 of the Hart Senate Office Building.

The purpose of this hearing is to receive testimony on the Report of the General Accounting Office (GAO) on the Interior Department's Planned Trust Fund Reform.

For further information, please contact the Committee on Indian Affairs at 202–224–2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 9:30 a.m. on Thursday, July 1, 1999, in open session, to receive testimony on military operations regarding Kosovo.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, July 1, 1999 at 10:30 a.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the Senate Committee on Indian Affairs be authorized to meet during the session of the Senate on Thursday, July 1, 1999 at 9:30 a.m. to conduct a hearing on legislation to create an American Indian Education Foundation. The hearing will be held in room 485 of the Russell Senate Office Building

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet for an executive business meeting, during the session of the Senate on Thursday, July 1, 1999, at 10:00 a.m. in Senate Dirksen, Room 628.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, July 1, 1999 at 2:00 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EAST ASIAN AND PACIFIC AFFAIRS

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the Subcommittee on East Asian and Pacific Affairs be authorized to meet during the session of the Senate on Thursday, July 1, 1999 at 2:00 p.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EMPLOYMENT, SAFETY, AND TRAINING

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcommittee on Employment, Safety, and Training be authorized to meet for a hearing on ''The Workforce Investment Act: Job Training'' during the session of the Senate on Thursday, July 1, 1999, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON HOUSING AND TRANSPORTATION

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the Subcommittee on Housing and Transportation of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, July 1, 1999, to conduct a hearing on ''The HUD Section 8 Opt-Outs Crisis.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, RESTRUCTURING AND THE DISTRICT OF COLUMBIA

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the Governmental Affairs Committee Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia be permitted to meet on Thursday, July 1, 1999 at 10:00 a.m. for a hearing on Egg Safety: Are There Cracks in the Federal Food Safety System?

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

DOMESTICALLY MANUFACTURED FIREARMS AND CONSUMER SAFETY

● Mr. LEVIN. Mr. President, in 1972, Congress established the Consumer Product Safety Commission (CPSC), an independent regulatory agency designed to ''protect the public from unreasonable risks of injuries and deaths associated with consumer products.'' Since 1972, CPSC has worked to accomplish that goal by developing uniform safety standards, obtaining the recall of dangerous products, and researching, informing and educating consumers about product related hazards. CPSC has jurisdiction over thousands categories of products, from furniture to sporting equipment, appliances, clothing and toys.

Although almost all categories of consumer products are reviewed for safety, there are millions of dangerous products in the United States that go untested. These products, which are among the leading cause of death in the United States, are exempted from oversight by the Consumer Product Safety Commission. They are not subject to any quality and safety standards, nor are their manufacturers required to provide warnings to consumers about their hazards. These products are firearms, and despite the fact that they kill some 35,000 people each year, they are exempt from oversight by the federal agency that provides Americans with lifesaving information.

The fact that guns are one of the only categories of products not subject to regulation is another example of a loophole in our federal firearms law. In the 1968 Gun Control Act, Congress set quality and safety standards for imported guns, yet failed to impose such criteria on domestically manufactured weapons. As a result, many of the guns manufactured today lack even the most basic kind of safety devices.

Gun manufacturers have the ability to include basic safety mechanisms in their firearms that would substantially reduce firearm related deaths. Yet most gun manufacturers have refused to implement even the most basic technology in their products. It would surprise most Americans to know that firearms manufactured in the United States are not required to pass a ''drop test,'' a series of tests and measurements to ensure that guns will not accidentally fire if dropped. Nor are they required to include simple features on firearms, such as load indicators which tell the user the gun is loaded. Many firearms also lack a magazine disconnect safety, a small safety improvement that costs approximately 50 cents, and could save the lives of hundreds of children who die from unintentional shootings. In addition, there are no requirements that firearms are manufactured with internal locking devices or combination locks. These are simple solutions for safety, but until guns are regulated as a consumer product, they are unlikely to be implemented by domestic manufacturers.

Manufacturers should also pursue technology to develop ''smart'' or ''personalized'' guns. Although there is no such working weapon that uses this technology now, there are plans by some manufacturers to explore the development of smart guns that recognize their owners through fingerprints, radio emissions or skin conductivity. The NRA and other gun manufacturers, such as Berretta U.S.A. Corp, are opposed to the development of smart gun technology, because they believe it would lead to mandatory safety standards. Yet, personalization concepts that allow only the authorized user access to his firearm, are sure to decrease the number of fatal unintentional injuries, homicides and suicides.

The Consumer Product Safety Commission is capable of monitoring firearms, just as they review baby cribs, hair dryers, basketballs, even toy guns, and the thousands of other products manufactured in the United States. But until Congress amends the Consumer Product Safety Act and revokes this special privilege given to firearms manufacturers, guns manufactured in the United States are unlikely to include even basic safety mechanisms.●

SUPPORTING S. 1010—THE MEDICAL INNOVATION TAX CREDIT

● Mr. ABRAHAM. Mr. President, today I would like to give my support to the Medical Innovation Tax Credit Act,

sponsored by my good friend, Senator JEFFORDS.

Our medical schools and teaching hospitals are the backbone for innovation in American medicine. As sites for vital human clinical trials, these medical institutions provide a superior training ground for our nation's health care professionals, functioning as centers for the development of innovative medical technologies, treatments and medicines.

Yet, Mr. President, there has been an alarming decline in the utilization of these superior medical facilities for clinical trials. Due to changes within the health care marketplace, our medical facilities have come under increasing cost pressures, driving up the costs associated with conducting clinical trials at these facilities. Currently, it is more expensive for companies to perform clinical trials at teaching hospitals than at commercial research organizations.

Mr. President, the Medical Innovation Tax Credit Act is integral to the continued success of our nation's status as a world leader in the development of medical advances. This legislation would enhance the flow of private-sector funds into our non-profit medical institutions by providing incentives for companies to perform more clinical trials at these institutions. The 20 percent medical innovation tax credit would help level the current cost differential and the resulting influx of funds would ease some of the financial pressures our medical institutions are experiencing.

I urge all of my colleagues to send a strong message to our nation's medical institutions and health care professionals, that we will continue working to find ways to enhance and strengthen our valuable research program. To this end, it is essential that the Senate support the Medical Innovation Tax Credit Act.●

PIONEER MEMORIAL HOSPITAL

● Mr. JOHNSON. Mr. President, I rise today to express my warmest congratulations to Pioneer Memorial Hospital in Viborg, SD.

Pioneer Memorial Hospital is celebrating 40 years of dedicated service to the residents of Viborg and the surrounding area. It is an outstanding example of continued excellence in the delivery of health care services to rural South Dakota.

In an era when the high cost of medical care has driven a wedge between the patient and the provider, small, rural hospitals like Pioneer Memorial Hospital remind us of the true ethic of medical care; compassion, commitment and dedication to those in need. There is no reward great enough for the hard work and long hours that the staff at Pioneer Memorial Hospital have sacrificed on the behalf of others. They have brought into the world the newborn babies of friends and neighbors and cared for those who have lived long and noble lives. Perhaps most importantly, they should be recognized for the hand that they extended to those whom they did not know but reached out to in times of need.

Therefore, it is with great honor that I recognize Pioneer Memorial Hospital for its dedication to service and excellence in providing quality medical care to Viborg and the surrounding area. I applaud the efforts of every individual involved with the hospital throughout the years and offer my best wishes for another 40 years of service and excellence.●

TRIBUTE TO PHIL PETRIK

● Mr. BURNS. Mr. President, I rise today to bring recognition to a special Montanan, Phil Petrik. Phil is a commercial pilot in Sidney, Montana. One afternoon, Phil overheard another pilot talking to someone at the Williston, North Dakota airport on the radio. Apparently, the pilot was above the clouds and could not find a hole to make it through to land.

The pilot stated that he would fly on to the Watford City airport and see if he could land there. Later in the day, Petrik once again heard the pilot calling the Eilliston airport, requesting information about landing.

Unfortunately, the conditions had not changed. Phil then contacted the Williston airport to inquire if there was someone there who could guide the pilot down. He was informed that there was not. Phil got into his own plane and flew to approximately where the plane in distress should be and he finally found him. The other pilot told Phil he had about 30 minutes of fuel left. Phil had the FAA clear the airspace and they started down through the clouds. The two planes were in the clouds for about 90 seconds. Petrik guided the other plane to the airport and returned home.

Upon his arrival in Sidney, Phil found out that the pilot had actually only one minute and 20 seconds of fuel left when he made it to the ground. Phil has already been recognized by the Federal Aviation Association for his valiant act of selflessness. His peers in Montana have all told me that this is an example of the type of man Mr. Petrik is. It is a great honor for me to share this story of valor and compassion. One man willing to risk his life for another. Please join me in offering congratulations and thanks to Phil Petrik.●

THE NATIONWIDE COMPANIES

● Mr. CLELAND. Mr. President, I rise today to recognize an exceptional company based in Atlanta, Georgia. The Nationwide Companies proudly established its national headquarters in Atlanta just seven years ago, and through the progressive leadership of its founder and president, Bill Case, it has succeeded in the American marketplace.

As you well know, success earns recognition, and Money Maker's Monthly recently awarded this growing company the distinction of ''The Company of the Month'' in the United States. The front-page feature, appropriately titled, ''The Nationwide Miracle,'' describes the progress of Nationwide, and applauds Mr. Case for his leadership and integrity. Perhaps the most telling description of Nationwide as a uniquely American business is the conclusion in the feature that Bill Case and his company are ''revolutionizing the way the American public earns and saves money.''

The Money Maker's Monthly feature is a tribute to a man's vision and the ability to transfer dreams into reality. In order that others may celebrate this wonderful award and perhaps be inspired by its description of Mr. Case's realization of the ''American dream,'' Mr. President, I ask you to join me in saluting the many successes of Bill Case and the Nationwide Companies, and ask that the Money Maker's Monthly article be printed in the RECORD.

The article follows.

[From Money Maker's Monthly, Mar. 1999]

THE NATIONWIDE MIRACLE

Bill Case dreamed for many years of a business where people could enjoy financial freedom. He already knew that network marketing was the wave of the future, but concluded that the industry had complications that disillusioned many able and talented people. He wanted to find the simplest way that a home-based entrepreneur could earn impressively through network marketing without spending hard-earned money on things like inventory and also avoid obstacles like unproductive downlines. In other words, could you build a business where financial freedom was obtainable through good, honest work?

After carefully researching other network marketing companies and interviewing a cross-section of successful networking entrepreneurs throughout the country, Case found the answer. The result became The Nationwide Companies, his seven-year-old business that is viewed by many observers as a miracle in the network marketplace.

''Instead of selling marked-up merchandise, we sell a benefits package which gives the owner the right to purchase popular items like cars, boats, furniture and health insurance with the same group buying power and low prices enjoyed by Fortune 500 Companies.'' Case emphasizes that the Nationwide Benefits Package is ''a hot item because of value in savings.'' Case says his network marketing business, which is headquartered in Atlanta, is revolutionizing the way the American public earns and saves money. Skeptics are few and far between as Case and his company gladly showcase a growing number of success stories from California to Florida who are earning six-figure incomes. Nationwide networkers, called Independent Marketing Directors (IMDs), publicly and rather proudly state that they are enjoying genuine financial freedom as associates of Case's ''Team Nationwide.''

With evangelical drive, Case welcomes everyone to visit under the umbrella of The Nationwide Companies. ''We are truly one of a kind among network marketing companies,'' observes Case. ''We have a quality product that stands on its own in the marketplace because it allows purchasers to obtain items of genuine values.'' He emphasizes that the Nationwide Benefits Package can be

purchased by anyone. It is a retail item in the truest sense of the word. The Benefits Package allows the owner, according to Case, to buy or lease cars, trucks, RVs, boats, along with furniture, eye care, health insurance, and even exotic vacations. ''Our Benefits Package saves consumers substantial amounts of good, hard dollars. The benefits are from recognizable Fortune 500 companies like ''the big three'' automakers, General Electric, United Parcel Service, Hertz and LensCrafters, just to name a few,'' says Case, adding that the Package is ''one of the best bargains in the country!''

WITHOUT BURDENS

Like other network marketing businesses, Nationwide operates through its IMDs from Hawaii to New York. From the company's Atlanta headquarters, Case's fast-growing enterprise provides marketing and sales information, computer support and state-of-the-art, easily accessible training for its IMDs. When asked what makes Nationwide different from other network marketers, Case, breaking into a wide grin, responds, ''Our IMDs don't have to buy or keep any inventory. There's no quota of any kind, no penalties, no competition and no levels of unpaid production.'' Case adds that Nationwide's system ''pays to infinity.'' ''You get paid what you are worth with Nationwide, and you only have to make two sales each year. We believe that our IMDs should earn good money without unnecessary difficulty,'' he says.

Case describes Nationwide's management as ''hands-on.'' ''We have a totally supportive attitude regarding our people. They expect value and great service, and that's what we deliver. It's critical that our IMDs are able to explain the Nationwide miracle and the wonderful savings and earnings opportunities which they can do if we give them the effective tools.'' Support from Case means closeness and intimacy. From company headquarters, every significant development regarding all aspects of Nationwide's operation are updated daily. The information is as available as a telephone call, fax machine or computer will permit. More importantly, Case still believes in the value of the human voice. ''Support training and customer service is at the top of the list. People want to hear answers from a warm human voice when they have a question. It's my job to see that they get this.''

THE NATIONWIDE TEAM

Case sees Nationwide's remarkable success much like an accomplished football coach who is closing in on his lifetime goal of winning the Superbowl. He built his winning team around Jack Hendryx, Nationwide's vice president. ''I recruited Jack because he is one of the country's networking geniuses,'' says Case. Hendryx personable, well dressed and self-confident, reflects Case's trust, ''I came on board because Nationwide eliminated all of the shenanigans that plague the direct marketing business. Hendryx says he and Case implemented a training program that helps the home-based entrepreneur succeed. ''This country needs an honest company where the chance to earn substantial money is real, and Nationwide is that company!''

Hendryx, with unconditional backing from Case, formulated a new millennium training program for IMDs which combines proven sales assistance with intensive and continuing marketing education. He supervises customized and very effective grass-roots seminars throughout the country and is an almost constant presence at regular regional meetings. Importantly, Hendryx has stayed abreast of 21st century training strategies, and the result is high morale and enthusiasm among the rank and file IMD's. ''We want our men and women to earn money now, not later. Our training program is designed to get them into substantial income production immediately.''

Interviews with a sampling of Nationwide's IMDs confirmed positive results from the training program. Many IMDs have worked for five or even more network marketing companies prior to Nationwide only to see them go out of business for myriad reasons, mostly bad ones. They blamed the failures on poor products and Neanderthal to non-existent training. ''Visit any of our workshops,'' says Hendryx, ''and you'll know that we are as different from the failed companies as day is from night. Nationwide works because it's designed and managed by people like Lynda Davis.'' Davis, according to Hendryx, is the National Sales Training Coordinator for Nationwide who has created the lion's share of the effective marketing tools used in the company's training program. ''Lynda is a crown jewel,'' says Hendryx. ''Her training expertise gives our IMDs the head start they need in earning good, solid money as quickly as possible.''

One of the key players on Nationwide's team is Dick Loehr, president of Loehr's Auto Consultants in Ft. Lauderdale, Fla. who operates the benefits company for Nationwide. Loehr, who once owned nine automobile franchises, ranging from Porsche to Chrysler, has vast experience in the national automobile marketplace. A protégé of Lee Iococca (Loehr was an advisor to Iococca at Chrysler and still wears the lapel pin award given for his service to Iococca and Chrysler), Loehr is a virtual encyclopedia of knowledge of the automobile industry, including the complicated areas of financing and leasing. Nationwide recently produced a video interview with Loehr, which is a reservoir of vital information that any consumer would need to know before buying or leasing an automobile.

Loehr's joining Nationwide meant coming out of retirement. ''When I heard about Nationwide, I did my own investigation and knew this company was a winner,'' says Loehr. With Loehr's auto industry skills, Nationwide continues to be able to make popular items like automobiles available to its associates through the same group buying power enjoyed by Fortune 500 companies. Also, Loehr's heralded experience in the car market is invaluable to Nationwide.''I understand pricing of automobiles and trucks, and financing and leasing is almost secondhand to me,'' says Loehr, who is not bragging, but stating fact.

One of the most recent benefits available to Nationwide associates is the availability of Program cars, which became possible through Loehr's esoteric knowledge of the automobile industry. Loehr says this makes the Benefits Package even more valuable. ''A Program car is a recent model, low mileage auto in top shape from a fleet program which we obtain for sale or lease. These are incredible bargains available to anyone owning the Nationwide Benefits Package.''

TRIBUTE FROM THE TRENCHES

Case describes his national network of IMD's as ''my field generals.'' ''I'm proud of the quality and high character of every one,'' he says. Robert and Donna Fason of Mount Vernon, Ark. are Nationwide's National Sales Directors who earned their lofty title through impressive success. ''Every day is a vacation to us,'' says Robert, adding, ''We are making more money than ever and our IMD's are truly excited about even greater earnings as we work together for financial freedom.''

Two key Team Nationwide Associates, says Case are Ruby and Ray Riedel of Yakima, Wash. Both are successful veteran network marketers who left one of the big names in the industry for Nationwide. Their story is a fascinating, personal endorsement of Case's network business dream. ''Unlike our previous company, we now have absolutely no inventory, monthly quotas or penalties,'' stated Ruby Riedel. ''How refreshing to be part of a genuine network company and to be free of all overhead, competition and no levels of unpaid production!'' In place of these obstacles, Ruby says that IMD's now have ''value with rewards.'' ''We and all others are paid what we're worth without limitations, under an amazing income system that pays to infinity.'' She hastens to add that Nationwide's regular trading program deserves accolades. ''The intensive and effective support given to every IMD by people like Jack Hendryx and Lynda Davis keeps all of us going upward with our earnings. This training may be the very best in the network marketing industry.''

NOTED AUTHOR LAUDS NATIONWIDE

Perhaps no higher praise for Nationwide has been given than the observation of internationally respected and widely read author Alfred Huang. A Maui, Hawaii resident and Nationwide IMD, Huang says he became an associate of Case's team not solely because of its proven earnings and savings, but particularly because the system ''helps people to live a better life.'' ''The true spirit and value of Nationwide is caring of people.'' Huang is a best-selling author whose next book, ''The Century of the Dragan—Creating Your Success and Prosperity In The Next Century,'' is due for publication later this year. He is convinced that network marketing will soon be the mainstream solution for financial wellness.

''Nationwide,'' Huang says, ''is the best network marketing [company] I have ever known.'' A native of China, who was imprisoned for 13 years after being wrongly convicted and sentenced as an American spy (his conviction was overturned), plans to write a book about Nationwide. ''I want to tell people how to change their attitude and build their self-confidence by sharing the beauty of Nationwide, its philosophy, its system, its opportunity and its loving and caring of people.''

INCOME TESTIMONIALS

Nationwide, according to Case, is a 100 percent debt-free company that parallels the American Dream of entrepreneurial success. ''Just look at Jack Hendryx,'' says Case. ''No man in America could, I believe, exceed his professional marketing ability and wonderful reputation for honesty.'' As a matter of fact, one of Hendryx's presentations, which he gives live in regional meetings, and is recorded on one of Nationwide's video programs, concludes with Hendryx's advice to everyone, ''The Benefits Package will sell itself. All you have to do is tell the truth, the whole truth, and nothing but the truth. The rest is easy.''

Case's expectations for 1999 and into the next millennium are high. ''We turned the corner sometime back and this year and the next will see us explode with new sales. My projection is to have tens of thousands more IMD's on board, spread evenly throughout the geographical areas of America with resulting growth in sales of the Benefits Package.'' Case revealed that new benefits are schedule to be added to the package soon, and as they are added, they will be placed retroactively into Benefits Packages already owned. ''Remember, we are family and we share,'' says Case, with his engaging smile and twinkling eyes.

Every great American business pioneer has said, in one way or another, that a company is measured by the accomplishments of its people. Perhaps no better measure of

Nationwide's enviable position in America's network marketplace can be found than in the successes of its IMDs. Many companies, for whatever reason, are reluctant to disclose individuals with verifiable earnings, but not Nationwide. ''We want people who are looking for the best earnings opportunity in America today to contact our folks and ask them questions,'' Case says. ''They are going to hear revelations from our people whose lives have been transformed because of the Nationwide miracle. And, I might add, I am talking about genuinely impressive earnings.''

Joyce Ross, along with her husband Marvin, is a Nationwide Regional Director in Malden, Mo. She revealed an upward transformation in income during her first year with Nationwide. ''For 26 years, we owned a combination barber and beauty shop in a lovely small town, but worked ourselves nearly to death with an accumulation of bills and not enough money for the work we were doing. Then came Nationwide,'' says Joyce. ''It would have taken me ten years to earn as a hairdresser what I have earned with Nationwide in less than two years.''

Similarly, Don Garrison of Lampe, Mo. discloses that he earned over $300,000 in the first year. ''This is the only way I want to live and work, as a free American citizen!'' David Hervey mirrors Garrison's success by revealing that he, too, earned beyond $300,000 during the past year as an associate of Team Nationwide. Hervey, it should be added, is a Nationwide Regional Director in Jackson, Miss. Lamar Adams, a Regional Director in Madison, Miss., earned over $100,000, he says ''. . . in just my first six months as a Nationwide IMD!''

Jack Hendryx, speaking from Nationwide's Atlanta headquarters, confirms that there are ''large numbers of similar testimonials that we are delighted to share with anyone, anytime, who has a genuine interest in bettering their lives and the lives of their families.'' Hendryx has an abundance of examples. ''All of our Regional Directors have their own earnings success stories. Jack and Becky Hearrell, Fred and Betty Swindel, and Shelby Langston deserve special recognition, as does Bob and Judi Montgomery. The team is built upon Regional Directors' shoulders.

THE TEAM NATIONWIDE FAMILY

Case is inseparable from his wife, Carol. It is more than symbolic that he includes Carol in as many Nationwide activities as her time and schedule will permit. ''Carol was instrumental in providing me with some of the central ideas that made Nationwide possible,'' Case says. ''She, in an admirable way, has marketing and public relations talents that go well beyond what you might expect to find on Madison Avenue or even here on Peachtree Street in Atlanta. Plus, we believe in husbands and wives, along with their families, being the core of Team Nationwide.''

The IMD Honor Roll of Nationwide bears out Case's ''family'' vision. The Regional Directors are almost invariably in husband and wife pairs. IMD's everywhere, pictured on his large conference room walls, are there with their respective husbands and wives and occasionally, other family members. Dick Loehr and his wife, Mary Lou are mainstays in the Nationwide miracle; likewise, Jack and Heide Hendryx. ''What a wonderful country this will continue to be if we have more businesses like Nationwide,'' says Case, ''where the preservation and betterment of the family unit is not only encouraged, but made possible through the miracle of financial freedom!''

Nationwide's story is the embodiment of the American dream. Case believes that Nationwide is just beginning its revolution in the network marketplace. During 1999 and well beyond, he is committed to making Nationwide the national exemplar of true financial freedom. He and his key team players like Hendryx, Loehr and Davis are driven toward their goal of financial freedom for everyone who is willing to work for it. Every bit of evidence, out in the national field and within their own business data in Atlanta indicates that they must be taken seriously.

Nationwide is on solid ground in the precarious minefield we call the marketplace. Leadership, from Bill Case on down through the chain of command, is top-notch. The determination to grow and expand, based upon time-honored business methods, is evidenced dramatically by its affiliation with Superior Bank. The respected financial institution provides consumer loans and mortgages as one of Nationwide's benefits. Standing on its own, this banking relationship is a network industry original that merits applause.

Case lives his dream everyday, only now it's real for others as well. His IMDs are earning handsomely through the Nationwide miracle because Case has blended the magic business ingredients of planning, managing, and training with honesty and integrity, and combined it with a valuable, unprecedented Benefits Package.

Case and his team are telling America that a dream becomes a reality through hard work. The road to financial freedom took some effort to locate, but they found it and have it available today. It's a very rewarding journey.●

NOEL WIEN—ALASKA AVIATION PIONEER

● Mr. MURKOWSKI. Mr. President, on July 6, 1924, the first non-stop flight between Anchorage and Fairbanks, Alaska occurred. The flight was made in an old water-cooled Hissopowered Standard J–1 open-cock-pit biplane and was flown by Noel Wien and Bill Yunker.

The Wein name is synonymous with Alaska aviation. It is said that Noel Wien's flight between Anchorage and Fairbanks was the start of Wein Air Alaska. I will quote for the RECORD an account of the early days as told by Noel Wein.

The change has been great both in aviation and the city of Fairbanks since that memorable day, July 6, 1924, when, sitting behind an old water-cooled Hisso powered Standard J–1 open-cockpit biplane, Bill Yunker and I landed here after flying non-stop from Anchorage.

We had flown up at night, thus taking advantage of the smoother air. The smoke was very thick for the last 80 miles and kept us guessing all the time. It was even difficult to follow the railroad tracks from Nenana on in.

There was intrigue about the stillness of the air and the frontier atmosphere of Fairbanks, which made me like the north from that first day.

For two weeks we couldn't find our way cross-country due to the forest fire smoke, but when it cleared up we were busy. People her took to the air quickly. They were of the hardy type, willing to take a gamble. Ben Eielson had made a number of flights that spring, before I arrived. He had also started a company the year before, in the summer of 1923, and had brought in an old reliable OX–5 Curtis Jenny JN–4D open cockpit World War I training plane.

Due to the interest created by Eielson's earlier pioneering, we had little trouble getting flying business to the outlying mining camps. Livengood, located 60 miles northwest of here, was one of the best of the gold producing camps. The first season in 1924, we made 34 flights to Livengood, and in the summer of 1925, 43 flights.

All went smoothly until mid-summer of 1925. We had purchased a supposedly major overhauled plane from Lincoln, Nebraska, one of the Hisso Standard build-up headquarters. The engine worked fine on the flight over to Livengood, but on the return trip something happened. All of a sudden the water from the cooling system of the engine gave us a shower bath. I knew that because of the loss of water the engine would get so hot it would stop running. We were about half-way back to Fairbanks, near Wickersham Dome. I spotted a shelf to one side of the dome which seemed like the only possible chance to get down without breaking up or going over on our back. We were cruising lower than the 2,500 foot shelf, so we had to use power to get up to it. The old engine was steaming plenty when we got to a landing approach. It turned out to be a fair landing place and we stayed right side up and landed without breaking anything. It turned out that the water pump had broken in flight, which in turn had thrown the water out.

The two passengers and myself walked in to Olnes, on the Chatanika River, over the tussuk covered trail. One passenger, an old Sourdough, had no trouble walking out. The other passenger, an insurance adjuster, had flown over on both business and pleasure. This passenger, I would say, was my first tourist, and possibly the first flying tourist passenger in Alaska. He had on oxford shoes and was about to give up before we arrived at the Chatanika River.

It is not my intent in these articles to be writing of my experiences, but instead to give some idea of the progress made in aviation and the change of times in the north.

Having had to discontinue flying in the fall of 1924 because of the open cockpit of the old Hisso Standard, a decision was made to try to get a cabin plane with an air cooled motor for use in wintertime. Because I was going ''outside'' for the winter to visit my folks in Minnesota, it worked out well for me to make a tour of the states to see what was being built. I found that about all that was being built was a very small number of open cockpit planes with old XO–5 and Hisso motors. One exception was the Huff Deland company which was building planes with an open front seat for two passengers and a pilot seat in the rear. This plane had an early model Wright air cooled engine of about 200 horsepower, but we had decided not to settle for anything but a cabin plane.

Both the Wright company and the Curtiss company did their best to locate the type of plane we wanted, but their efforts were unsuccessful. We finally had to settle on a Dutch built Fokker F–111 or F–3, a six-place monoplane which K.L.M. and early German airlines had already been using on some kind of schedule service in Europe. This plane had been built in 1921 and it was already the spring of 1925. There still were no cabin planes being built in the United States.

The Atlantic Aircraft Company, a dealer for Fokker, had three ships available. We bought one of them that had been used some, for $9,500. We shipped it all the way to Fairbanks via the Panama Canal. It had a German 6 cylinder engine of 235 horsepower. The cabin was very plush with curtains and all the trimmings. This ship proved conclusively that a cabin airplane was the type to use in Alaska even though we could not use it through the winter of 1925–26 because it had no brakes except for a tail skid which helped to stop it. It had a rather streamlined monoplane wing and took a minimum of 1,000 feet

to stop after the three points were firmly on the ground. We had some close shaves on sand bars and fields 1,000 or under, during the summers of 1925–26. Our flying out of Fairbanks was the only cross-country flying in the Territory at that time. There was one other airline at Ketchikan where Roy Jones was doing some flying with an old two-place navy training flying boat. We were successful with the flying of the Fokker F–111 and made the first commercial flight to Nome, carrying 4 passengers and 500 pounds of baggage, a 1,200 pound load. We flew non-stop back here in 6 hours and 55 minutes. That's all for now. Noel.—Originally published in the ''Wien Alaska Arctic Liner'' August 1956.

On July 6, 1999, the 75th anniversary of the first non-stop flight, the sons of Noel Wien, Richard and Merrill, will pay homage to their late father's legacy. In commemoration, they will retrace the journey in a refurbished Boeing Stearman biplane, which was built in 1943. This type of plane was used to train pilots in World War II. They will leave from the Delaney Park Strip in Anchorage, which is now a public park, and land at Fairbanks International Airport. The original landing site in Fairbanks, Weeks Field, has since been developed and houses the Noel Wien Public Library.

After all his years of flying, Richard gained a whole new respect for his father's flying ability when he and his son, Michael, flew the refurbished biplane from Seattle. They made the trip in early May and encountered winter conditions during the flight. It did not take long to realize that they weren't within the confines of a closed, heated cabin.

Both Richard and Merrill continued in their father's footsteps. They are both commercially rated pilots with thousands of flying hours between them. They were both involved with Wien Air Alaska and then when the family sold it, the brothers opened up a helicopter business. Although Richard and Merrill are no longer involved in the commercial side of aviation, it's in the blood.

Organizing this event was a labor of love for Richard Wien. He also credits his major sponsor the Alaska Airmen's Association for helping to make it happen in addition to other individuals and organizations. He is embarking on this trip to honor his father and also the 75th anniversary of the first airmail run made by Ben Eielson.

My heartiest congratulations to Richard and Merrill Wien for organizing this wonderful tribute to their father and also for keeping the pioneering aviation spirit alive through this commemorative flight.●

HAPPY BIRTHDAY CAPTAIN CURTIS J. ZANE

● Mr. STEVENS. Mr. President, on the occasion of his 80th birthday this coming 4th of July, I would like to join my Alaskan colleague in the other body in extending warm birthday wishes to Captain Curtis J. Zane, United States Navy Retired. ''Casey'' Zane, as he is affectionately known, is one of that generation of American heroes who rose to defend our nation and our freedom during the darkest days of WWII. He saw action over a wide area of the South Pacific during 1942, 1943 and 1944 including service with the fabled ''Black Cat'' PBY squadron 101. To this day he remembers dear friends who died in that conflict. In mid 1944 through the war's end Casey instructed young pilots in B–24s at Hutchinson Kansas.

The balance of his 27 year career in Naval Aviation spanned the early years of the Cold War, the Cuban Missile Crisis, and the transition to the Nuclear Navy. During that time Casey Zane served in the Guam, Tinian and Saipan areas of the post war Pacific. Later he was aboard ships of the fleet including the carrier USS Leyte and then took Command of anti-submarine warfare squadron VP 18. He served at the Command Post CinCLantFleet and as Commanding Officer U.S. Naval Communications Stations, Londonderry Northern Ireland and Thurso Scotland. He did his last tour at the Pentagon in Navy's Bureau of Personnel and retired as a Captain in November 1968.

Among the several types of special schooling and training he received, Casey is a graduate of the Army's Command & General Staff College and the Naval War College. He holds the American Defense Service Medal; American Campaign Medal; Air Medal; Asiatic-Pacific Campaign Medal (3 Stars); World War II Victory Medal; National Defense Service Medal (1 Star).

After the Navy, Casey and his wife Dorothy started their second careers becoming successful real estate brokers and agents in the Northern Virginia area. Despite his tender age of 80, Casey continues to be an active and productive member of our society. He is a model for those who believe in being ''forever young,'' both in spirit and enthusiasm for living. I wish to extend a hearty ''many happy returns'' to a great American Veteran, Captain Curtis J. ''Casey'' Zane on his upcoming 80th birthday, July 4, 1999. Mr. President, as this Century closes it is indeed fitting that the advent of a National World War II Memorial is close at hand. As our numbers fade slowly and inexorably from our midst, perhaps the best birthday present we can give WWII Veterans like Casey Zane is the knowledge that our nation will never forget their sacrifice.●

THE MARRIAGE OF LISA MAXWELL AND GEORGE NEWALL

● Mr. MOYNIHAN. Mr. President, this Saturday, a most blessed event will occur on Shelter Island: the wedding of two of my constituents, Lisa Maxwell and George Newall. Martin Luther remarked, ''There is no more lovely, friendly and charming relationship, communion or company than a good marriage.'' I must say that I agree, having just celebrated my 45th wedding anniversary a few weeks ago. Marriage—as the Book of Common Prayer tells us—is intended by God for ''mutual joy; for the help and comfort given one another in prosperity and adversity.'' A wonderful institution, to be treated reverently.

My hope for Lisa and George is that their love for each other—so obvious to anyone who knows them—is, and will always remain, a seal upon their hearts,

For stern as death is love,
relentless as the nether world is devotion;
its flames are a blazing fire.
Deep waters cannot quench love,
nor floods sweep it away.
Were one to offer all he owns to purchase love,
he would be roundly mocked.—Song of Solomon, 8:6–7

I wish them all the best as they begin their life together.●

IN RECOGNITION OF DR. EUGENE OLIVERI

● Mr. LEVIN. Mr. President, I rise today to recognize a physician from my home state of Michigan, Dr. Eugene Oliveri, who will be named the new President of the American Osteopathic Association (AOA) at the Association's annual meeting in July.

Dr. Oliveri practices at two outstanding medical facilities in Metropolitan Detroit. He is a senior member of the Department of Internal Medicine at Botsford Hospital in Farmington Hills, Michigan, where he also serves as Chairman of the Department of Gastroenterology and as Director of the Gastroenterology Fellowship Program. Dr. Oliveri is also affiliated with Huron Valley Hospital in Milford, Michigan.

Dr. Oliveri has established himself as a national leader in the osteopathic profession. He serves on a number of professional boards, is sought after as a visiting lecturer, and is committed to training and inspiring the next generation of osteopathic physicians. In fact, there are two osteopaths in the Oliveri family, and I know it is a point of pride for Dr. Eugene Oliveri that his daughter, Lisa, chose to pursue the profession to which he has dedicated so much of his life.

The state of Michigan is a leader in the practice of osteopathy. One hundred and two years ago, Michigan was the fourth state in the nation to legalize the practice of osteopathy. Today's osteopathic physicians and surgeons integrate standard medical practices with the body's natural systems for regulating and healing itself, especially with the largest of these systems, the musculoskeletal system. Dr. Oliveri follows in the tradition of the thousands of skilled and dedicated osteopathic doctors who have practiced medicine in Michigan for more than a century.

Mr. President, Dr. Eugene Oliveri has distinguished himself as a physician, as a teacher and as a leader of his profession. It is fitting that Dr. Oliveri, who

practices medicine in a state which has such a longstanding commitment to osteopathic medicine, will be elected President of the American Osteopathic Association. I know my colleagues join me in congratulating Dr. Oliveri on his achievements and in wishing him well during his tenure as President of the AOA.●

TRIBUTE TO HIS HOLINESS KAREKIN I, CATHOLICOS OF ALL ARMENIANS

● Mr. KENNEDY. Mr. President, I would like to pay tribute to an extraordinary man and religious leader, His Holiness Karekin I, Catholicos of All Armenians, who passed away on June 29.

I was proud to call His Holiness my friend. He was an inspiration to all who knew him. He was loved and respected by the Armenian people the world over, and his courage, intelligence, wisdom, and compassion were renowned in international religious circles.

His Holiness dedicated his life to the Armenian people. He worked skillfully for Armenia's freedom, and had the noble distinction of being the first Catholicos of the Armenian people elected in the newly independent Republic of Armenia. In this era, he has worked tirelessly and effectively for the spiritual revival of the Armenian Apostolic Church in Armenia.

He was also a warm and humble man, gifted with wit and humor, who related easily with people from all backgrounds and from all walks of life.

His extraordinary life began in the village of Kessab in Syria in 1932. He studied at a seminary in Lebanon in the late 1940s, and entered the celibate order of the Church in 1952. A gifted student, he went on to study theology at Oxford University. Recognized for his leadership qualities, he quickly rose through the clerical ranks, leading church dioceses in Iran and the United States. In 1977 he was elected Catholicos of the Catholicosate of Cilicia, based in Antelias, Lebanon. In 1995, he was elected Supreme Catholicos of the Armenian people, based in Holy Etchmiadzin, Armenia.

From July 6 to July 8, Armenia will be holding a period of national mourning in honor of this great man of faith. The Armenian people throughout the world are mourning his death and paying tribute to his extraordinary life. His remarkable legacy will endure for generations to come.●

S. 1234, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2000

The text of S. 1234, passed by the Senate on June 30, 1999, follows:

S. 1234

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2000, and for other purposes, namely:

TITLE I—EXPORT AND INVESTMENT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program for the current fiscal year for such corporation: *Provided,* That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country other than a nuclear-weapon State as defined in Article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act that has detonated a nuclear explosive after the date of enactment of this Act.

SUBSIDY APPROPRIATION

For the cost of direct loans, loan guarantees, insurance, and tied-aid grants as authorized by section 10 of the Export-Import Bank Act of 1945, as amended, $785,000,000 to remain available until September 30, 2003: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further,* That such sums shall remain available until 2018 for the disbursement of direct loans, loan guarantees, insurance and tied-aid grants obligated in fiscal years 2000, 2001, 2002 and 2003: *Provided further,* That none of the funds appropriated by this Act or any prior Act appropriating funds for foreign operations, export financing, or related programs for tied-aid credits or grants may be used for any other purpose except through the regular notification procedures of the Committees on Appropriations: *Provided further,* That funds appropriated by this paragraph are made available notwithstanding section 2(b)(2) of the Export Import Bank Act of 1945, in connection with the purchase or lease of any product by any East European country, any Baltic State or any agency or national thereof.

ADMINISTRATIVE EXPENSES

For administrative expenses to carry out the direct and guaranteed loan and insurance programs (to be computed on an accrual basis), including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed $25,000 for official reception and representation expenses for members of the Board of Directors, $55,000,000: *Provided,* That necessary expenses (including special services performed on a contract or fee basis, but not including other personal services) in connection with the collection of moneys owed the Export-Import Bank, repossession or sale of pledged collateral or other assets acquired by the Export-Import Bank in satisfaction of moneys owed the Export-Import Bank, or the investigation or appraisal of any property, or the evaluation of the legal or technical aspects of any transaction for which an application for a loan, guarantee or insurance commitment has been made, shall be considered nonadministrative expenses for the purposes of this heading: *Provided further,* That, notwithstanding subsection (b) of section 117 of the Export Enhancement Act of 1992, subsection (a) thereof shall remain in effect until October 1, 2000.

OVERSEAS PRIVATE INVESTMENT CORPORATION

NONCREDIT ACCOUNT

The Overseas Private Investment Corporation is authorized to make, without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, such expenditures and commitments within the limits of funds available to it and in accordance with law as may be necessary: *Provided,* That the amount available for administrative expenses to carry out the credit and insurance programs (including an amount for official reception and representation expenses which shall not exceed $35,000) shall not exceed $31,500,000: *Provided further,* That project-specific transaction costs, including direct and indirect costs incurred in claims settlements, and other direct costs associated with services provided to specific investors or potential investors pursuant to section 234 of the Foreign Assistance Act of 1961, shall not be considered administrative expenses for the purposes of this heading.

PROGRAM ACCOUNT

For the cost of direct and guaranteed loans, $24,000,000, as authorized by section 234 of the Foreign Assistance Act of 1961 to be derived by transfer from the Overseas Private Investment Corporation noncredit account: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further,* That such sums shall be available for direct loan obligations and loan guaranty commitments incurred or made during fiscal years 2000 and 2001: *Provided further,* That such sums shall remain available through fiscal year 2008 for the disbursement of direct and guaranteed loans obligated in fiscal year 2000, and through fiscal year 2009 for the disbursement of direct and guaranteed loans obligated in fiscal year 2001: *Provided further,* That in addition, such sums as may be necessary for administrative expenses to carry out the credit program may be derived from amounts available for administrative expenses to carry out the credit and insurance programs in the Overseas Private Investment Corporation Noncredit Account and merged with said account.

FUNDS APPROPRIATED TO THE PRESIDENT

TRADE AND DEVELOPMENT AGENCY

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, $43,000,000, to remain available until September 30, 2001: *Provided,* That the Trade and Development Agency may receive reimbursements from corporations and other entities for the costs of grants for feasibility studies and other project planning services, to be deposited as an offsetting collection to this account and to be available for obligation until September 30, 2001, for necessary expenses under this paragraph: *Provided further,* That such reimbursements shall not cover, or be allocated against, direct or indirect administrative costs of the agency.

TITLE II—BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

For expenses necessary to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, to remain available until September 30, 1999, unless otherwise specified herein, as follows:

AGENCY FOR INTERNATIONAL DEVELOPMENT

DEVELOPMENT ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of sections 103 through 106, section 301, and chapter 10 of part I of the Foreign Assistance Act of 1961, title V of the

International Security and Development Cooperation Act of 1980 (Public Law 96–533) and the provisions of section 401 of the Foreign Assistance Act of 1969, $1,928,500,000, to remain available until September 30, 2001: *Provided,* That of the amount appropriated under this heading, funds may be made available for the Inter-American Foundation (IAF): *Provided further,* That funds made available for the IAF shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further,* That of the amount appropriated under this heading, up to $12,500,000 may be made available for the African Development Foundation and shall be apportioned directly to that agency: *Provided further,* That funds made available to grantees may be invested pending expenditure for project purposes when authorized by the President of the Foundation: *Provided further,* That interest earned shall be used only for the purposes for which the grant was made: *Provided further,* That this authority applies to interest earned both prior to and following enactment of this provision: *Provided further,* That notwithstanding section 505(a)(2) of the African Development Foundation Act, in exceptional circumstances the board of directors of the Foundation may waive the $250,000 limitation contained in that section with respect to a project: *Provided further,* That the Foundation shall provide a report to the Committees on Appropriations before each time such waiver authority is exercised: *Provided further,* That of the funds appropriated under this heading, not less than $225,000,000 shall be made available for programs for the prevention, treatment, and control of, and research on, infectious diseases in developing countries, of which amount not less than $150,000,000 shall be made available for such programs for HIV/AIDS including not less than $5,000,000 which shall be made available to support a United States Government strategy to develop microbicides as a means for combating HIV/AIDS and including up to $5,500,000 which may be made available to establish an International Health Center at Morehouse School of Medicine: *Provided further,* That of the funds made available under this heading, not less than $50,000,000 should be made available for activities addressing the health and nutrition needs of pregnant women and mothers: *Provided further,* That of the funds appropriated under this heading, not less than $105,000,000 shall be made available for the United Nations Children's Fund: *Provided further,* That not less than $425,000,000 of the funds appropriated under this heading shall be made available to carry out the provisions of section 104(b) of the Foreign Assistance Act of 1961: *Provided further,* That none of the funds made available in this Act nor any unobligated balances from prior appropriations may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: *Provided further,* That none of the funds made available under this heading may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions; and that in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services: *Provided further,* That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act of 1961 no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: *Provided further,* That for purposes of this or any other Act authorizing or appropriating funds for foreign operations, export financing, and related programs, the term ''motivate'', as it relates to family planning assistance, shall not be construed to prohibit the provision, consistent with local law, of information or counseling about all pregnancy options: *Provided further,* That nothing in this paragraph shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act of 1961: *Provided further,* That, notwithstanding section 109 of the Foreign Assistance Act of 1961, of the funds appropriated under this heading in this Act, and of the unobligated balances of funds previously appropriated under this heading, $2,500,000 shall be transferred to ''International Organizations and Programs'' for a contribution to the International Fund for Agricultural Development (IFAD): *Provided further,* That of the aggregate amount of the funds appropriated by this Act to carry out part I of the Foreign Assistance Act of 1961 and the Support for Eastern European Democracy Act of 1989, $305,000,000 should be made available for agriculture and rural development programs including international agriculture research programs: *Provided further,* That the proportion of funds appropriated under this heading that are made available for biodiversity activities should be at least the same as the proportion of funds that were made available for such activities from funds appropriated by the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1995 (P.L. 103–306) to carry out sections 103 through 106 and chapter 10 of part I of the Foreign Assistance Act of 1961: *Provided further,* That of the funds appropriated under this heading that are made available for assistance programs for displaced and orphaned children and victims of war, not to exceed $25,000, in addition to funds otherwise available for such purposes, may be used to monitor and provide oversight of such programs: *Provided further,* That of the funds appropriated under this heading not less than $250,000 shall be available for the International Law Institute: *Provided further,* That of the funds appropriated under this heading, not less than $15,000,000 shall be made available for the American Schools and Hospitals Abroad Program: *Provided further,* That of the funds appropriated under this heading not less than $500,000 shall be made available for support of the United States Telecommunications Training Institute: *Provided further,* That, of the funds appropriated under this heading and ''New Independent States of the former Soviet Union'', not less than $7,000,000 shall be made available for Carelift International to collect and provide medical supplies, equipment and training: *Provided further,* That, of the funds appropriated by this Act for the Microenterprise Initiative (including any local currencies made available for the purposes of the Initiative), not less than one-half shall be made available for programs providing loans of less than $300 to very poor people, particularly women, or for institutional support of organizations primarily engaged in making such loans.

CYPRUS

Of the funds appropriated under the headings ''Development Assistance'' and ''Economic Support Fund'', not less than $15,000,000 shall be made available for Cyprus to be used only for scholarships, administrative support of the scholarship program, bicommunal projects, and measures aimed at reunification of the island and designed to reduce tensions and promote peace and cooperation between the two communities on Cyprus.

LEBANON

Of the funds appropriated under the headings ''Development Assistance'' and ''Economic Support Fund'', not less than $15,000,000 shall be made available for Lebanon to be used, among other programs, for scholarships and direct support of the American educational institutions in Lebanon.

BURMA

Of the funds appropriated under the heading ''Economic Support Fund'' and ''Development Assistance'', not less than $6,500,000 shall be made available to support democracy activities in Burma, democracy and humanitarian activities along the Burma-Thailand border, and for Burmese student groups and other organizations located outside Burma: *Provided,* That of the funds made available under this heading, not less than $800,000 shall be made available for newspapers, media, publications and related training to promote democracy in and related to Burma: *Provided further,* That the funds made available under this heading shall be provided subject to consultation and guidelines provided by the leadership of the Burmese government elected in 1990: *Provided further,* That funds made available for Burma-related activities under this heading may be made available notwithstanding any other provision of law: *Provided further,* That the provision of such funds shall be made available subject to the regular notification procedures of the Committees on Appropriations.

CAMBODIA

None of the funds appropriated by this Act may be made available for activities or programs for the Central Government of Cambodia until the Secretary of State determines and reports to the Committee on Appropriations and the Committee on Foreign Relations that the Government of Cambodia has established a tribunal consistent with the requirements of international law and justice and including the participation of international jurists and prosecutors for the trial of those who committed genocide or crimes against humanity and that the Government of Cambodia is making significant progress in establishing an independent and accountable judicial system, a professional military subordinate to civilian control, and a neutral and accountable police force: *Provided,* That the restriction on funds made available under this paragraph shall not apply to demining or other humanitarian programs.

INDONESIA

Of the funds appropriated under the headings ''Economic Support Fund'' and ''Development Assistance'', not less than $70,000,000 shall be made available for assistance for Indonesia.

CONSERVATION FUND

Of the funds made available under the headings ''Economic Support Fund'' and ''Development Assistance'', not less than $500,000 shall be made available for the Charles Darwin Research Station and the Charles Darwin Foundation to support research, conservation, training and other activities necessary to protect the Province of the Galapagos Islands, Ecuador.

CONFLICT RESOLUTION

Of the funds appropriated under the headings ''Development Assistance'', ''Economic Support Fund'' and ''Assistance for Eastern Europe and the Baltic States'', $1,000,000 shall be made available to support conflict resolution programs involving teenagers of

different ethnic, religious, and political backgrounds from the Middle East and other regions of conflict.

INTERNATIONAL DISASTER ASSISTANCE

For necessary expenses for international disaster relief, rehabilitation, and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, as amended, $175,000,000, to remain available until expended.

MICRO AND SMALL ENTERPRISE DEVELOPMENT PROGRAM ACCOUNT

For the cost of direct loans and loan guarantees, $1,500,000, as authorized by section 108 of the Foreign Assistance Act of 1961, as amended: *Provided,* That such costs shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further,* That section 108(i)(2)(C) of the Foreign Assistance Act of 1961 is amended to read as follows: ''(C) No guarantee of any loan may guarantee more than 50 percent of the principal amount of any such loan, except guarantees of loans in support of microenterprise activites may guarantee up to 70 percent of the principal amount of any such loan.''. In addition, for administrative expenses to carry out programs under this heading, $500,000, all of which may be transferred to and merged with the appropriation for Operating Expenses of the Agency for International Development: *Provided further,* That funds made available under this heading shall remain available until September 30, 2001.

URBAN AND ENVIRONMENTAL CREDIT PROGRAM ACCOUNT

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of guaranteed loans authorized by sections 221 and 222 of the Foreign Assistance Act of 1961, $1,500,000, to remain available until expended: *Provided,* That these funds are available to subsidize loan principal, 100 per centum of which shall be guaranteed, pursuant to the authority of such sections. In addition, for administrative expenses to carry out guaranteed loan programs, $4,000,000, all of which may be transferred to and merged with the appropriation for Operating Expenses of the Agency for International Development.

PRIVATE AND VOLUNTARY ORGANIZATIONS

None of the funds appropriated or otherwise made available by this Act for development assistance may be made available to any United States private and voluntary organization, except any cooperative development organization, which obtains less than 20 per centum of its total annual funding for international activities from sources other than the United States Government: *Provided,* That the Administrator of the Agency for International Development may, on a case-by-case basis, waive the restriction contained in this paragraph, after taking into account the effectiveness of the overseas development activities of the organization, its level of volunteer support, its financial viability and stability, and the degree of its dependence for its financial support on the agency.

Funds appropriated or otherwise made available under title II of this Act should be made available to private and voluntary organizations at a level which is at least equivalent to the level provided in fiscal year 1995. Such private and voluntary organizations shall include those which operate on a not-for-profit basis, receive contributions from private sources, receive voluntary support from the public and are deemed to be among the most cost-effective and successful providers of development assistance.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the ''Foreign Service Retirement and Disability Fund'', as authorized by the Foreign Service Act of 1980, $43,837,000.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

For necessary expenses to carry out the provisions of section 667, $495,000,000, to remain available until September 30, 2001: *Provided,* That of the amounts appropriated under this heading, $1,500,000 shall be made available to Habitat for Humanity International for the purchase of 14 acres of land on behalf of Tibetan refugees living in northern India, and the construction of a multi-unit development.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667, $25,000,000, to remain available until September 30, 2001, which sum shall be available for the Office of the Inspector General of the Agency for International Development.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For necessary expenses to carry out the provisions of chapter 4 of part II, $2,195,000,000, to remain available until September 30, 2001: *Provided,* That of the funds appropriated under this heading, not less than $960,000,000 shall be available only for Israel, which sum shall be available on a grant basis as a cash transfer and shall be disbursed within thirty days of enactment of this Act or by October 31, 1999, whichever is later: *Provided further,* That not less than $735,000,000 shall be available only for Egypt, which sum shall be provided on a grant basis, and of which sum cash transfer assistance shall be provided with the understanding that Egypt will undertake significant economic reforms which are additional to those which were undertaken in previous fiscal years, and of which not less than $200,000,000 shall be provided as Commodity Import Program assistance: *Provided further,* That in exercising the authority to provide cash transfer assistance for Israel, the President shall ensure that the level of such assistance does not cause an adverse impact on the total level of nonmilitary exports from the United States to such country: *Provided further,* That of the funds appropriated under this heading, not less than $150,000,000 shall be made available for assistance for Jordan: *Provided further,* That notwithstanding any other provision of law, not to exceed $11,000,000 may be used to support victims of and programs related to the Holocaust: *Provided further,* That notwithstanding any other provision of law, of the funds appropriated under this heading, $10,000,000 shall be made available for political, economic, humanitarian, and associated support activities for Iraqi opposition groups designated under the Iraqi Liberation Act (Public Law 105–338): *Provided further,* That not less than 15 days prior to the obligation of these funds, the Secretary shall inform the Committees on Appropriations of the purpose and amount of the proposed obligation of funds under this provision: *Provided further,* That none of the funds made available under this heading may be made available to the Korean Peninsula Energy Development Organization.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

(a) For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989, $535,000,000, to remain available until September 30, 2001, which shall be available, notwithstanding any other provision of law, for assistance and for related programs for Eastern Europe and the Baltic States: *Provided,* That of the funds appropriated under this heading: not less than $150,000,000 shall be made available for assistance for Kosova of which $20,000,000 shall be available for training and equipping a Kosova security force; not less than $85,000,000 shall be made available for assistance for Albania; not less than $60,000,000 shall be made available for assistance for Romania; not less than $55,000,000 shall be made available for assistance for Macedonia; not less than $45,000,000 shall be made available for assistance for Bulgaria; not less than $35,000,000 shall be available for assistance for Montenegro: *Provided further,* That of the funds made available under this heading and the headings ''International Narcotics and Law Enforcement'' and ''Economic Support Fund'', not to exceed $130,000,000 shall be made available for Bosnia and Herzegovina.

(b) Funds appropriated under this heading or in prior appropriations Acts that are or have been made available for an Enterprise Fund may be deposited by such Fund in interest-bearing accounts prior to the Fund's disbursement of such funds for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(c) Funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance.

(d) With regard to funds appropriated or otherwise made available under this heading for the economic revitalization program in Bosnia and Herzegovina, and local currencies generated by such funds (including the conversion of funds appropriated under this heading into currency used by Bosnia and Herzegovina as local currency and local currency returned or repaid under such program)—

(1) the Administrator of the Agency for International Development shall provide written approval for grants and loans prior to the obligation and expenditure of funds for such purposes, and prior to the use of funds that have been returned or repaid to any lending facility or grantee; and

(2) the provisions of section 533 of this Act shall apply.

ASSISTANCE FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

(a) For necessary expenses to carry out the provisions of chapter 11 of part I of the Foreign Assistance Act of 1961 and the FREEDOM Support Act, for assistance for the New Independent States of the former Soviet Union and for related programs, $780,000,000, to remain available until September 30, 2001: *Provided,* That the provisions of such chapter shall apply to funds appropriated by this paragraph: *Provided further,* That such sums as may be necessary may be transferred to the Export-Import Bank of the United States for the cost of any financing under the Export-Import Bank Act of 1945 for activities for the New Independent States: *Provided further,* That of the amount appropriated under this heading, not to exceed $200,000 shall be available only for the REAP International School Linkage Program: *Provided further,* That of the amount appropriated under this

heading, not to exceed $2,000,000 shall be available for grants to nongovernmental organizations that work with orphans who are transitioning out of institutions to teach life skills and job skills: *Provided further,* That of the amount available under the heading ''Assistance for Eastern Europe and the Baltic States'' for Romania, $4,400,000 shall be provided solely to the Romanian Department of Child Protection for activities of such Department to provide emergency aid for the child victims of the present economic crisis in Romania, including activities relating to supplemental food support and maintenance, support for in-home foster care, and supplemental support for special needs residential care.

(b) Of the funds appropriated under this heading, not less than $210,000,000 shall be made available for assistance for Ukraine: *Provided,* That 50 percent of the amount made available in this subsection, exclusive of funds made available for nuclear safety, law enforcement reforms or the business incubator program, shall be withheld from obligation and expenditure until the Secretary of State reports to the Committees on Appropriations that the Government of Ukraine has undertaken significant economic reforms additional to those achieved in fiscal year 1999, including taking effective measures to end corruption by government officials: *Provided further,* That the report in the previous proviso shall be provided 120 days after the date of enactment of this Act: *Provided further,* That of the funds made available for Ukraine, not less than $25,000,000 shall be made available for nuclear reactor safety programs: *Provided further,* That of the funds made available for Ukraine, not less than $5,000,000 shall be made available to support the expansion of the technology business incubator program to include new cities: *Provided further,* That of the funds made available for Ukraine, $3,500,000 shall be made available for the destruction of stockpiles of anti-personnel landmines in Ukraine.

(c) Of the funds appropriated under this heading, not less than $95,000,000 shall be made available for assistance for Georgia: *Provided,* That of the funds made available under this subsection, not less than $8,000,000 shall be made available for judicial reform and law enforcement training.

(d) Of the funds appropriated under this heading, not less than $90,000,000 shall be made available for assistance for Armenia: *Provided,* That of the funds made available for Armenia, $15,000,000 shall be available for earthquake rehabilitation and reconstruction.

(e) Funds made available under this Act or any other Act may not be provided for assistance to the Government of Azerbaijan until the President determines, and so reports to the Congress, that the Government of Azerbaijan is taking demonstrable steps to cease all blockades and other offensive uses of force against Armenia and Nagorno-Karabakh: *Provided,* That the restriction of this subsection and section 907 of the FREEDOM Support Act shall not apply to—

(1) activities to support democracy or assistance under title V of the FREEDOM Support Act and section 1424 of the ''National Defense Authorization Act for Fiscal Year 1997'';

(2) any insurance, reinsurance, guarantee, or other assistance provided by the Overseas Private Investment Corporation under title IV of chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2191 et seq.);

(3) any assistance provided by the Trade and Development Agency under section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421);

(4) any financing provided under the Export-Import Bank Act of 1945 (12 U.S.C. 635 et seq.);

(5) any activity carried out by a member of the Foreign Commercial Service while acting within his or her official capacity; or

(6) humanitarian assistance.

(f) Of the funds made available under this heading for nuclear safety activities, not to exceed 9 percent of the funds provided for any single project may be used to pay for management costs incurred by a United States national lab in administering said project.

(g) Of the funds appropriated under title II of this Act, including funds appropriated under this heading, not less than $12,000,000 shall be made available for assistance for Mongolia: *Provided,* That funds made available for assistance for Mongolia may be made available in accordance with the purposes and utilizing the authorities provided in chapter 11 of part I of the Foreign Assistance Act of 1961.

(h) Of the funds appropriated under this heading that are allocated for assistance for the Central Government of Russia, 50 percent shall be withheld from obligation until the President determines and certifies in writing to the Committees on Appropriations that the Government of Russia has terminated implementation of arrangements to provide Iran with technical expertise, training, technology, or equipment necessary to develop a nuclear reactor, related nuclear research facilities or programs, or ballistic missile capability.

(i) None of the funds appropriated under this heading may be made available for the Government of Russia, until the Secretary of State certifies to the Committees on Appropriations that: (1) Russian armed and peacekeeping forces deployed in Kosova have not established a separate zone of operational control; and (2) any Russian armed and peacekeeping forces deployed in Kosova are fully integrated under NATO unified command and control arrangements.

INDEPENDENT AGENCY

PEACE CORPS

For necessary expenses to carry out the provisions of the Peace Corps Act (75 Stat. 612), $220,000,000, including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States: *Provided,* That none of the funds appropriated under this heading shall be used to pay for abortions: *Provided further,* That funds appropriated under this heading shall remain available until September 30, 2001.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961, $215,000,000: *Provided,* That of this amount not less than $10,000,000 shall be made available for Law Enforcement Training and Demand Reduction: *Provided further,* That of the funds made available under this heading, in addition to any funds previously appropriated for the International Law Enforcement Academy for the Western Hemisphere, not less than $5,000,000 shall be made available to establish and operate the International Law Enforcement Academy for the Western Hemisphere at the deBremmond Training Center in Roswell, New Mexico: *Provided further,* That of the funds made available under this heading, not less than $10,000,000 shall be made available to continue mycoherbicide counter drug research and development.

MIGRATION AND REFUGEE ASSISTANCE

For expenses, not otherwise provided for, necessary to enable the Secretary of State to provide, as authorized by law, a contribution to the International Committee of the Red Cross, assistance to refugees, including contributions to the International Organization for Migration and the United Nations High Commissioner for Refugees, and other activities to meet refugee and migration needs; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980; allowances as authorized by sections 5921 through 5925 of title 5, United States Code; purchase and hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code, $610,000,000: *Provided,* That not more than $13,500,000 shall be available for administrative expenses: *Provided further,* That not less than $60,000,000 shall be made available for refugees from the former Soviet Union and Eastern Europe and other refugees resettling in Israel.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 260(c)), $20,000,000, to remain available until expended: *Provided,* That the funds made available under this heading are appropriated notwithstanding the provisions contained in section 2(c)(2) of the Act which would limit the amount of funds which could be appropriated for this purpose.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For necessary expenses for nonproliferation, anti-terrorism and related programs and activities, $175,000,000, to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 for anti-terrorism assistance, section 504 of the FREEDOM Support Act for the Nonproliferation and Disarmament Fund, section 23 of the Arms Export Control Act or the Foreign Assistance Act of 1961 for demining activities, clearance of unexploded ordnance, and related activities notwithstanding any other provision of law, including activities implemented through nongovernmental and international organizations, section 301 of the Foreign Assistance Act of 1961 for a voluntary contribution to the International Atomic Energy Agency (IAEA) and a voluntary contribution to the Korean Peninsula Energy Development Organization (KEDO): *Provided,* That of this amount not to exceed $15,000,000, to remain available until expended, may be made available for the Nonproliferation and Disarmament Fund, notwithstanding any other provision of law, to promote bilateral and multilateral activities relating to nonproliferation and disarmament: *Provided further,* That such funds may also be used for countries other than the New Independent States of the former Soviet Union and international organizations when it is in the national security interest of the United States to do so: *Provided further,* That such funds shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further,* That of the funds appropriated under this heading, $35,000,000 should be made available for demining, clearance of unexploded ordnance, and related activities: *Provided further,* That of the funds made available for demining and related activities, not to exceed $500,000, in addition to funds otherwise available for such purposes, may be used for administrative expenses related to the operation and management of the demining program: *Provided further,* That of the funds appropriated under this heading up to $40,000,000 may be made available for the International Atomic Energy Agency only if the Secretary of State determines (and so reports to the Congress)

that Israel is not being denied its right to participate in the activities of that Agency: *Provided further,* That notwithstanding any other provision of law, not to exceed $40,000,000 may be made available to the Korean Peninsula Energy Development Organization only for the administrative expenses and heavy fuel oil costs associated with the Agreed Framework: *Provided further,* That such funds may be obligated to KEDO only if, thirty days prior to such obligation of funds, the President certifies and so reports to Congress that: (1)(A) the parties to the Agreed Framework are taking steps to assure that progress is made on the implementation of the January 1, 1992, Joint Declaration on the Denuclearization of the Korean Peninsula and the implementation of the North-South dialogue, and (B) North Korea is complying with all provisions of the Agreed Framework between North Korea and the United States and with the Confidential Minute; (2) North Korea is cooperating fully in the canning and safe storage of all spent fuel from its graphite-moderated nuclear reactors; (3) North Korea has not significantly diverted assistance provided by the United States for purposes for which it was not intended; (4) North Korea is not actively pursuing the acquisition or development of a nuclear capability (other than the light-water reactors provided for by the 1994 Agreed Framework Between the United States and North Korea); and (5) North Korea is not providing ballistic missiles or ballistic missile technology to a country the government of which the Secretary of State has determined is a terrorist government for the purposes of section 40(d) of the Arms Export Control Act or any other comparable provision of law: *Provided further,* That the President may waive the certification requirements of the preceding proviso if the President determines that it is vital to the national security interests of the United States: *Provided further,* That no funds may be obligated for KEDO until 30 days after submission to Congress of the waiver permitted under the preceding proviso: *Provided further,* That the obligation of any funds for KEDO shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further,* That the Secretary of State shall submit to the appropriate congressional committees an annual report (to be submitted with the annual presentation for appropriations) providing a full and detailed accounting of the fiscal year request for the United States contribution to KEDO, the expected operating budget of the Korean Peninsula Energy Development Organization, to include unpaid debt, proposed annual costs associated with heavy fuel oil purchases, and the amount of funds pledged by other donor nations and organizations to support KEDO activities on a per country basis, and other related activities: *Provided further,* That the Director of Central Intelligence will provide for review and consideration by the House Permanent Select Committee on Intelligence, House International Relations Committee, House National Security Committee, Senate Appropriations Committee, Senate Select Committee on Intelligence, Senate Foreign Relations Committee and Senate Armed Services Committee all relevant intelligence bearing on North Korea's compliance with the provisions of this proviso: *Provided further,* That such provision shall occur not less than 45 days prior to the President's certification as provided for under this heading: *Provided further,* That for the purposes of this heading, the term intelligence includes National Intelligence Estimates, Intelligence Memoranda, Findings and other intelligence reports based on multiple sources or including the assessment of more than one member of the Intelligence Community.

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

For necessary expenses to carry out section 129 of the Foreign Assistance Act of 1961, relating to the Department of the Treasury technical assistance program, $1,500,000, to remain available until expended, which shall be available notwithstanding any other provision of law.

DEBT RESTRUCTURING

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying direct or indirect loans and loan guarantees, as the President may determine, for which funds have been appropriated or otherwise made available for programs within the International Affairs Budget Function 150, including the cost of selling, reducing, or canceling amounts owed to the United States as a result of concessional loans made to eligible countries, pursuant to parts IV and V of the Foreign Assistance Act of 1961, including necessary expenses for the administration of activities carried out under these parts, and of modifying concessional credit agreements with least developed countries, as authorized under section 411 of the Agricultural Trade Development and Assistance Act of 1954 as amended and concessional loans, guarantees and credit agreements with any country in sub-Saharan Africa, as authorized under section 572 of the Foreign Operations, Export Financing and Related Programs Act, 1989 (Public Law 100–461); $43,000,000, to remain available until expended: *Provided,* That any limitation of subsection (e) of section 411 of the Agricultural Trade Development and Assistance Act of 1954 to the extent that limitation applies to sub-Saharan African countries shall not apply to funds appropriated hereunder or previously appropriated.

TITLE III—MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, $50,000,000, of which no less than $1,000,000 shall be available for the Defense Institute of International Studies to enhance its mission, functioning and performance by providing for its fixed costs of operation: *Provided,* That the civilian personnel for whom military education and training may be provided under this heading may include civilians who are not members of a government whose participation would contribute to improved civil-military relations, civilian control of the military, or respect for human rights: *Provided further,* That funds appropriated under this heading for grant financed military education and training for Guatemala may only be available for expanded international military education and training.

FOREIGN MILITARY FINANCING PROGRAM

For expenses necessary for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, $3,410,000,000: *Provided,* That of the funds appropriated under this heading, not less than $1,920,000,000 shall be available for grants only for Israel, and not less than $1,300,000,000 shall be made available for grants only for Egypt: *Provided further,* That the funds appropriated by this paragraph for Israel shall be disbursed within thirty days of enactment of this Act or by October 31, 1999, whichever is later: *Provided further,* That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel by this paragraph shall, as agreed by Israel and the United States, be available for advanced weapons systems, of which not less than 26.5 percent shall be available for the procurement in Israel of defense articles and defense services, including research and development: *Provided further,* That of the funds appropriated by this paragraph, not less than $75,000,000 shall be available for assistance for Jordan: *Provided further,* That of the funds appropriated by this paragraph, not less than $10,000,000 shall be made available for assistance for Tunisia: *Provided further,* That during fiscal year 2000, the President is authorized to, and shall, direct the drawdowns of defense articles from the stocks of the Department of Defense, defense services of the Department of Defense, and military education and training of an aggregate value of not less than $6,000,000 under the authority of this proviso for Tunisia for the purposes of part II of the Foreign Assistance Act of 1961: *Provided further,* That funds appropriated by this paragraph shall be nonrepayable notwithstanding any requirement in section 23 of the Arms Export Control Act: *Provided further,* That funds made available under this paragraph shall be obligated upon apportionment in accordance with paragraph (5)(C) of title 31, United States Code, section 1501(a).

None of the funds made available under this heading shall be available to finance the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act unless the foreign country proposing to make such procurements has first signed an agreement with the United States Government specifying the conditions under which such procurements may be financed with such funds: *Provided,* That all country and funding level increases in allocations shall be submitted through the regular notification procedures of section 515 of this Act: *Provided further,* That none of the funds appropriated under this heading shall be available for assistance for Sudan and Liberia: *Provided further,* That funds made available under this heading may be used, notwithstanding any other provision of law, for demining, the clearance of unexploded ordnance, and related activities, and may include activities implemented through nongovernmental and international organizations: *Provided further,* That none of the funds under this heading shall be available for assistance for Guatemala: *Provided further,* That only those countries for which assistance was justified for the ''Foreign Military Sales Financing Program'' in the fiscal year 1989 congressional presentation for security assistance programs may utilize funds made available under this heading for procurement of defense articles, defense services or design and construction services that are not sold by the United States Government under the Arms Export Control Act: *Provided further,* That, subject to the regular notification procedures of the Committees on Appropriations, funds made available under this heading for the cost of direct loans may also be used to supplement the funds available under this heading for grants, and funds made available under this heading for grants may also be used to supplement the funds available under this heading for the cost of direct loans: *Provided further,* That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: *Provided further,* That not more than $30,000,000 of the funds appropriated under this heading may be obligated for necessary expenses, including the purchase of passenger motor vehicles for replacement only for use outside of the United States, for the general costs of administering military

assistance and sales: *Provided further,* That not more than $330,000,000 of funds realized pursuant to section 21(e)(1)(A) of the Arms Export Control Act may be obligated for expenses incurred by the Department of Defense during fiscal year 2000 pursuant to section 43(b) of the Arms Export Control Act, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations: *Provided further,* That of the amount appropriated under this heading, $5,000,000 shall be available only for the Philippines.

PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551 of the Foreign Assistance Act of 1961, $80,000,000: *Provided,* That none of the funds appropriated under this heading shall be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

TITLE IV—MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, $776,600,000, to remain available until expended.

CONTRIBUTION TO THE GLOBAL ENVIRONMENT FACILITY

For payment to the International Bank for Reconstruction and Development by the Secretary of the Treasury, for the United States contribution to the Global Environment Facility, $25,000,000 to remain available until expended, for contributions previously due.

CONTRIBUTION TO THE MULTILATERAL INVESTMENT GUARANTEE AGENCY

For payment to the Multilateral Investment Guarantee Agency by the Secretary of the Treasury, $10,000,000 for the United States paid-in share of the increase in capital stock, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL

The United States Governor of the Multilateral Investment Guarantee Agency may subscribe without fiscal year limitation for the callable capital portion of the United States share of such capital stock in an amount not to exceed $50,000,000.

CONTRIBUTION TO THE INTER-AMERICAN DEVELOPMENT BANK

For payment to the Inter-American Development Bank by the Secretary of the Treasury, for the United States share of the paid-in share portion of the increase in capital stock, $25,610,667.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Inter-American Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $1,503,718,910.

CONTRIBUTION TO THE ASIAN DEVELOPMENT BANK

For payment to the Asian Development Bank by the Secretary of the Treasury for the United States share of the paid-in portion of the increase in capital stock, $13,728,263, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Asian Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $672,745,205.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the Asian Development Fund, as authorized by the Asia Development Bank Act, as amended, $50,000,000, to remain available until expended, for contributions previously due.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

For payment to the African Development Bank by the Secretary of the Treasury, $5,100,000 for the United States paid in share of the increase in capital stock, to remain available until expended.

CONTRIBUTION TO THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the European Bank for Reconstruction and Development by the Secretary of the Treasury, $35,778,717, for the United States share of the paid-in portion of the increase in capital stock, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the European Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $123,237,803.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, and of section 2 of the United Nations Environment Program Participation Act of 1973, $170,000,000: *Provided,* That none of the funds appropriated under this heading shall be made available for the United Nations Fund for Science and Technology: *Provided further,* That of the funds appropriated under this heading, not less than $25,000,000 shall be made available for the United Nations Fund for Population Activities (UNFPA): *Provided further,* That none of the funds appropriated under this heading that are made available to UNFPA shall be made available for activities in the People's Republic of China: *Provided further,* That with respect to any funds appropriated under this heading that are made available to UNFPA, UNFPA shall be required to maintain such funds in a separate account and not commingle them with any other funds: *Provided further,* That not less than $5,000,000 shall be made available to the World Food Program: *Provided further,* That none of the funds appropriated under this heading may be made available to the Korean Peninsula Energy Development Organization (KEDO) or the International Atomic Energy Agency (IAEA).

TITLE V—GENERAL PROVISIONS

OBLIGATIONS OF FUNDS

SEC. 501. Except for the appropriations entitled ''International Disaster Assistance'', and ''United States Emergency Refugee and Migration Assistance Fund'', not more than 15 percent of any appropriation item made available by this Act shall be obligated during the last month of availability.

PROHIBITION OF BILATERAL FUNDING FOR INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 502. Notwithstanding section 614 of the Foreign Assistance Act of 1961, none of the funds contained in title II of this Act may be used to carry out the provisions of section 209(d) of the Foreign Assistance Act of 1961.

LIMITATION ON RESIDENCE EXPENSES

SEC. 503. Of the funds appropriated or made available pursuant to this Act, not to exceed $126,500 shall be for official residence expenses of the Agency for International Development during the current fiscal year: *Provided,* That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

LIMITATION ON EXPENSES

SEC. 504. Of the funds appropriated or made available pursuant to this Act, not to exceed $5,000 shall be for entertainment expenses of the Agency for International Development during the current fiscal year.

LIMITATION ON REPRESENTATIONAL ALLOWANCES

SEC. 505. Of the funds appropriated or made available pursuant to this Act, not to exceed $95,000 shall be available for representation allowances for the Agency for International Development during the current fiscal year: *Provided,* That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars: *Provided further,* That of the funds made available by this Act for general costs of administering military assistance and sales under the heading ''Foreign Military Financing Program'', not to exceed $2,000 shall be available for entertainment expenses and not to exceed $50,000 shall be available for representation allowances: *Provided further,* That of the funds made available by this Act under the heading ''International Military Education and Training'', not to exceed $50,000 shall be available for entertainment allowances: *Provided further,* That of the funds made available by this Act for the Inter-American Foundation, not to exceed $2,000 shall be available for entertainment and representation allowances: *Provided further,* That of the funds made available by this Act for the Peace Corps, not to exceed a total of $4,000 shall be available for entertainment expenses: *Provided further,* That of the funds made available by this Act under the heading ''Trade and Development Agency'', not to exceed $2,000 shall be available for representation and entertainment allowances.

PROHIBITION ON FINANCING NUCLEAR GOODS

SEC. 506. None of the funds appropriated or made available (other than funds for ''Nonproliferation, Antiterrorism, Demining and Related Programs'') pursuant to this Act, for carrying out the Foreign Assistance Act of 1961, may be used, except for purposes of nuclear safety, to finance the export of nuclear equipment, fuel, or technology.

PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

SEC. 507. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance or reparations to Cuba, Iraq, Libya, North Korea, Iran, Sudan, or Syria: *Provided,* That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents.

MILITARY COUPS

SEC. 508. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance to any country whose duly elected Head of Government is deposed by military coup or decree: *Provided,* That assistance may be resumed to such country if the President determines and reports to the Committees on Appropriations that subsequent to the termination of assistance a democratically elected government has taken office.

TRANSFERS BETWEEN ACCOUNTS

SEC. 509. None of the funds made available by this Act may be obligated under an appropriation account to which they were not appropriated, except for transfers specifically provided for in this Act, unless the President, prior to the exercise of any authority contained in the Foreign Assistance Act of 1961 to transfer funds, consults with and provides a written policy justification to the Committees on Appropriations of the House of Representatives and the Senate: *Provided,* That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

DEOBLIGATION/REOBLIGATION AUTHORITY

SEC. 510. (a) Amounts certified pursuant to section 1311 of the Supplemental Appropriations Act, 1955, as having been obligated against appropriations heretofore made under the authority of the Foreign Assistance Act of 1961 for the same general purpose as any of the headings under title II of this Act are, if deobligated, hereby continued available for the same period as the respective appropriations under such headings or until September 30, 2000, whichever is later, and for the same general purpose, and for countries within the same region as originally obligated: *Provided,* That the Appropriations Committees of both Houses of the Congress are notified fifteen days in advance of the reobligation of such funds in accordance with regular notification procedures of the Committees on Appropriations.

(b) Obligated balances of funds appropriated to carry out section 23 of the Arms Export Control Act as of the end of the fiscal year immediately preceding the current fiscal year are, if deobligated, hereby continued available during the current fiscal year for the same purpose under any authority applicable to such appropriations under this Act: *Provided,* That the authority of this subsection may not be used in fiscal year 2000.

AVAILABILITY OF FUNDS

SEC. 511. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided in this Act: *Provided,* That funds appropriated for the purposes of chapters 1, 8, and 11 of part I, section 667, and chapter 4 of part II of the Foreign Assistance Act of 1961, as amended, and funds provided under the heading ''Assistance for Eastern Europe and the Baltic States'', shall remain available until expended if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act: *Provided further,* That, notwithstanding any other provision of this Act, any funds made available for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance of payments or economic policy reform objectives, shall remain available until expended: *Provided further,* That the report required by section 653(a) of the Foreign Assistance Act of 1961 shall designate for each country, to the extent known at the time of submission of such report, those funds allocated for cash disbursement for balance of payment and economic policy reform purposes.

LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

SEC. 512. No part of any appropriation contained in this Act shall be used to furnish assistance to any country which is in default during a period in excess of one calendar year in payment to the United States of principal or interest on any loan made to such country by the United States pursuant to a program for which funds are appropriated under this Act: *Provided,* That this section and section 620(q) of the Foreign Assistance Act of 1961 shall not apply to funds made available for any narcotics-related assistance for Colombia, Bolivia, and Peru authorized by the Foreign Assistance Act of 1961 or the Arms Export Control Act.

COMMERCE AND TRADE

SEC. 513. (a) None of the funds appropriated or made available pursuant to this Act for direct assistance and none of the funds otherwise made available pursuant to this Act to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: *Provided,* That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar or competing commodity, and the Chairman of the Board so notifies the Committees on Appropriations.

(b) None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: *Provided,* That this subsection shall not prohibit—

(1) activities designed to increase food security in developing countries where such activities will not have a significant impact in the export of agricultural commodities of the United States; or

(2) research activities intended primarily to benefit American producers.

SURPLUS COMMODITIES

SEC. 514. The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the North American Development Bank, the European Bank for Reconstruction and Development, the African Development Bank, and the African Development Fund to use the voice and vote of the United States to oppose any assistance by these institutions, using funds appropriated or made available pursuant to this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

NOTIFICATION REQUIREMENTS

SEC. 515. For the purpose of providing the Executive Branch with the necessary administrative flexibility, none of the funds made available under this Act for ''Development Assistance'', ''Debt restructuring'', ''International organizations and programs'', ''Trade and Development Agency'', ''International narcotics control and law enforcement'', ''Assistance for Eastern Europe and the Baltic States'', ''Assistance for the New Independent States of the Former Soviet Union'', ''Economic Support Fund'', ''Peacekeeping operations'', ''Operating expenses of the Agency for International Development'', ''Operating expenses of the Agency for International Development Office of Inspector General'', ''Nonproliferation, anti-terrorism, demining and related programs'', ''Foreign Military Financing Program'', ''International military education and training'', the Inter-American Foundation, the African Development Foundation, ''Peace Corps'', ''Migration and refugee assistance'', shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operations not justified or in excess of the amount justified to the Appropriations Committees for obligation under any of these specific headings unless the Appropriations Committees of both Houses of Congress are previously notified fifteen days in advance: *Provided,* That the President shall not enter into any commitment of funds appropriated for the purposes of section 23 of the Arms Export Control Act for the provision of major defense equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles, not previously justified to Congress or 20 per centum in excess of the quantities justified to Congress unless the Committees on Appropriations are notified fifteen days in advance of such commitment: *Provided further,* That this section shall not apply to any reprogramming for an activity, program, or project under chapter 1 of part I of the Foreign Assistance Act of 1961 of less than 10 per centum of the amount previously justified to the Congress for obligation for such activity, program, or project for the current fiscal year: *Provided further,* That the requirements of this section or any similar provision of this Act or any other Act, including any prior Act requiring notification in accordance with the regular notification procedures of the Committees on Appropriations, may be waived if failure to do so would pose a substantial risk to human health or welfare: *Provided further,* That in case of any such waiver, notification to the Congress, or the appropriate congressional committees, shall be provided as early as practicable, but in no event later than three days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: *Provided further,* That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances.

Drawdowns made pursuant to section 506(a)(2) of the Foreign Assistance Act of 1961 shall be subject to the regular notification procedures of the Committees on Appropriations.

LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 516. Subject to the regular notification procedures of the Committees on Appropriations, funds appropriated under this Act or any previously enacted Act making appropriations for foreign operations, export financing, and related programs, which are returned or not made available for organizations and programs because of the implementation of section 307(a) of the Foreign Assistance Act of 1961, shall remain available for obligation until September 30, 2001.

STINGERS IN THE PERSIAN GULF REGION

SEC. 517. Except as provided in section 581 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, the United States may not sell or otherwise make available any Stingers to any

country bordering the Persian Gulf under the Arms Export Control Act or chapter 2 of Part II of the Foreign Assistance Act of 1961.

PROHIBITION ON FUNDING FOR ABORTIONS AND INVOLUNTARY STERILIZATION

SEC. 518. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations: *Provided*, That none of the funds made available under this Act may be used to lobby for or against abortion.

FUNDING FOR FAMILY PLANNING

SEC. 519. In determining eligibility for assistance from funds appropriated to carry out section 104 of the Foreign Assistance Act of 1961, non-governmental and multilateral organizations shall not be subjected to requirements more restrictive than the requirements applicable to foreign governments for such assistance.

EL SALVADOR REPORT

SEC. 520. Not later than 45 days after the date of enactment of this Act, the Attorney General shall provide a report to the Committees on Appropriations describing in detail the circumstances under which individuals involved in the December 2, 1980 murders or cover-up of the murders of four American churchwomen in El Salvador obtained residence in the United States.

SPECIAL NOTIFICATION REQUIREMENTS

SEC. 521. None of the funds appropriated in this Act shall be obligated or expended for Colombia, India, Haiti, Liberia, Pakistan, Serbia, Sudan, or the Democratic Republic of Congo except as provided through the regular notification procedures of the Committee on Appropriations.

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

SEC. 522. For the purpose of this Act, ''program, project, and activity'' shall be defined at the Appropriations Act account level and shall include all Appropriations and Authorizations Acts earmarks, ceilings, and limitations with the exception that for the following accounts: Economic Support Fund and Foreign Military Financing Program, ''program, project, and activity'' shall also be considered to include country, regional, and central program level funding within each such account; for the development assistance accounts of the Agency for International Development ''program, project, and activity'' shall also be considered to include central program level funding, either as (1) justified to the Congress, or (2) allocated by the executive branch in accordance with a report, to be provided to the Committees on Appropriations within thirty days of enactment of this Act, as required by section 653(a) of the Foreign Assistance Act of 1961.

CHILD SURVIVAL, AIDS, AND OTHER ACTIVITIES

SEC. 523. Up to $10,000,000 of the funds made available by this Act for assistance for family planning, health, child survival, environment, basic education and AIDS, may be used to reimburse United States Government agencies, agencies of State governments, institutions of higher learning, and private and voluntary organizations for the full cost of individuals (including for the personal services of such individuals) detailed or assigned to, or contracted by, as the case may be, the Agency for International Development for the purpose of carrying out family planning activities, child survival, environment, and basic education and health activities, including activities relating to research on, and the prevention, treatment and control of acquired immune deficiency syndrome or other diseases in developing countries: *Provided*, That funds appropriated by this Act that are made available for child survival activities or disease programs including activities relating to research on, and the treatment and control of, acquired immune deficiency syndrome may be made available notwithstanding any provision of law that restricts assistance to foreign countries: *Provided further*, That funds appropriated by this Act that are made available for family planning activities may be made available notwithstanding section 512 of this Act and section 620(q) of the Foreign Assistance Act of 1961.

PROHIBITION AGAINST INDIRECT FUNDING TO CERTAIN COUNTRIES

SEC. 524. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated to finance indirectly any assistance or reparations to Cuba, Iraq, Libya, Iran, Syria, North Korea, or the People's Republic of China, unless the President of the United States certifies that the withholding of these funds is contrary to the national interest of the United States.

DESIGNATION OF SERBIA AS A TERRORIST STATE

SEC. 525. (a) HUMAN RIGHTS VIOLATIONS.—

(1) CONGRESSIONAL DETERMINATION.—Congress determines that the Government of the Federal Republic of Yugoslavia is engaged in a consistent pattern of gross violations of internationally recognized human rights.

(2) FULL ENFORCEMENT OF SANCTIONS.—All provisions of law that impose sanctions against a country whose government is engaged in a consistent pattern of gross violations of internationally recognized human rights shall be fully enforced against the Federal Republic of Yugoslavia (other than Montenegro and Kosova).

(b) SUPPORT FOR TERRORISM.—

(1) IN GENERAL.—

(A) CONGRESSIONAL DETERMINATION.—Congress determines that the Federal Republic of Yugoslavia (other than Montenegro and Kosova) is a country which has repeatedly engaged in acts of terrorism, a country which grants sanctuary from prosecution to individuals or groups which have committed an act of terrorism, and a country which otherwise supports terrorism.

(B) FULL ENFORCEMENT OF SANCTIONS.—The provisions of law specified in paragraph (2) and all other provisions of law that impose sanctions against a country which has repeatedly provided support for acts of terrorists, which grants sanctuary from prosecution to an individual or group which grants sanctuary from prosecution to an individual or group which has committed an act of terrorism, or which otherwise supports terrorism shall be fully enforced against the Federal Republic of Yugoslavia (other than Montenegro and Kosova).

(2) SANCTION LAWS SPECIFIED.—The provisions of law referred to in paragraph (1) are—

(A) section 40 of the Arms Export Control Act (22 U.S.C. 2780);

(B) section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371);

(C) section 528 of this Act (and the corresponding sections of predecessor foreign operations appropriations Acts);

(D) section 555 of the International Security and Development Cooperation Act of 1985; and

(E) section 6(j) of the Export Administration Act of 1979 (50 U.S.C. app. 2405(j)).

(c) MULTILATERAL COOPERATION.—Congress calls on the President to seek multilateral cooperation—

(1) to deny dangerous technologies to the Federal Republic of Yugoslavia (other than Montenegro and Kosova);

(2) to induce the Government of the Federal Republic of Yugoslavia to respect internationally recognized human rights (other than Montenegro and Kosova); and

(3) to induce the Government of the Federal Republic of Yugoslavia to allow appropriate international humanitarian and human rights organizations to have access to the Federal Republic of Yugoslavia (other than Montenegro and Kosova).

(d) FEDERAL REPUBLIC OF YUGOSLAVIA DEFINED.—The term ''Federal Republic of Yugoslavia'' does not include Montenegro and Kosova.

(e) This section would become null and void should the Federal Republic of Yugoslavia (other than Montenegro and Kosova) complete a democratic reform process that brings about a newly elected government that respects the rights of ethnic minorities, is committed to the rule of law and respects the sovereignty of its neighbor states.

NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

SEC. 526. Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act of 1961, the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as are other committees pursuant to subsection (c) of that section: *Provided*, That before issuing a letter of offer to sell excess defense articles under the Arms Export Control Act, the Department of Defense shall notify the Committees on Appropriations in accordance with the regular notification procedures of such Committees: *Provided further*, That such Committees shall also be informed of the original acquisition cost of such defense articles.

AUTHORIZATION REQUIREMENT

SEC. 527. Funds appropriated by this Act may be obligated and expended notwithstanding section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956.

PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST COUNTRIES

SEC. 528. (a) Notwithstanding any other provision of law, funds appropriated for bilateral assistance under any heading of this Act and funds appropriated under any such heading in a provision of law enacted prior to enactment of this Act, shall not be made available to any country which the President determines—

(1) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism, or

(2) otherwise supports international terrorism.

(b) The President may waive the application of subsection (a) to a country if the President determines that national security or humanitarian reasons justify such waiver. The President shall publish each waiver in the Federal Register and, at least fifteen days before the waiver takes effect, shall notify the Committees on Appropriations of the waiver (including the justification for

the waiver) in accordance with the regular notification procedures of the Committees on Appropriations.

COMMERCIAL LEASING OF DEFENSE ARTICLES

SEC. 529. Notwithstanding any other provision of law, and subject to the regular notification procedures of the Committees on Appropriations, the authority of section 23(a) of the Arms Export Control Act may be used to provide financing to Israel, Egypt and NATO and major non-NATO allies for the procurement by leasing (including leasing with an option to purchase) of defense articles from United States commercial suppliers, not including Major Defense Equipment (other than helicopters and other types of aircraft having possible civilian application), if the President determines that there are compelling foreign policy or national security reasons for those defense articles being provided by commercial lease rather than by government-to-government sale under such Act.

COMPETITIVE INSURANCE

SEC. 530. All Agency for International Development contracts and solicitations, and subcontracts entered into under such contracts, shall include a clause requiring that United States insurance companies have a fair opportunity to bid for insurance when such insurance is necessary or appropriate.

DISTINGUISHED DEVELOPMENT SERVICE AWARD

SEC. 531. (a) AUTHORITY TO AWARD.—The Chairman of the Senate Appropriations Subcommittee on Foreign Operations, Export Financing, and Related Programs, in consultation with the Ranking Minority Member of the Subcommittee and the Administrator of the United States Agency for International Development, may authorize the payment of a cash award to, and incur necessary expense for the honorary recognition of, a career or non-career employee of the Agency who through extraordinary efforts makes a significant contribution to assisting developing countries to meet the basic needs of their people.

(b) SELECTION CRITERIA.—The Chairman of the Senate Appropriations Subcommittee on Foreign Operations, Export Financing, and Related Programs, in consultation with the Ranking Minority Member of the Subcommittee and the Administrator, shall prescribe the procedures for identifying and considering persons eligible for the Distinguished Development Service Award, and for selecting the recipient of the award, consistent with the provisions of this section. Individuals who are non-career members of the Senior Executive Service or the Senior Foreign Service, or who are appointed under the authority of section 624 of this Act, are not eligible for the award authorized by this section.

(c) NATURE OF CASH AWARD.—A cash award under this section—

(1) shall be in the amount of $10,000, and

(2) shall be in addition to the pay and allowances of the recipient.

(d) AWARD IN THE EVENT OF DEATH.—If a person selected for an award under this section dies before being presented the award, the award may be made to the person's family or to the person's representative, as designated by the Administrator.

(e) FUNDING.—Awards to, and expenses for the honorary recognition of, employees of the Agency under this section may be paid from funds administered by the Agency that are made available to carry out the provisions of this Act.

DEBT-FOR-DEVELOPMENT

SEC. 532. In order to enhance the continued participation of nongovernmental organizations in economic assistance activities under the Foreign Assistance Act of 1961, including endowments, debt-for-development and debt-for-nature exchanges, a nongovernmental organization which is a grantee or contractor of the Agency for International Development may place in interest bearing accounts funds made available under this Act or prior Acts or local currencies which accrue to that organization as a result of economic assistance provided under title II of this Act and any interest earned on such investment shall be used for the purpose for which the assistance was provided to that organization.

SEPARATE ACCOUNTS

SEC. 533. (a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.—(1) If assistance is furnished to the government of a foreign country under chapters 1 and 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the Agency for International Development shall—

(A) require that local currencies be deposited in a separate account established by that government;

(B) enter into an agreement with that government which sets forth—

(i) the amount of the local currencies to be generated, and

(ii) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

(C) establish by agreement with that government the responsibilities of the Agency for International Development and that government to monitor and account for deposits into and disbursements from the separate account.

(2) USES OF LOCAL CURRENCIES.—As may be agreed upon with the foreign government, local currencies deposited in a separate account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

(A) to carry out chapters 1 or 10 of part I or chapter 4 of part II (as the case may be), for such purposes as—

(i) project and sector assistance activities, or

(ii) debt and deficit financing, or

(B) for the administrative requirements of the United States Government.

(3) PROGRAMMING ACCOUNTABILITY.—The Agency for International Development shall take all necessary steps to ensure that the equivalent of the local currencies disbursed pursuant to subsection (a)(2)(A) from the separate account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

(4) TERMINATION OF ASSISTANCE PROGRAMS.—Upon termination of assistance to a country under chapters 1 or 10 of part I or chapter 4 of part II (as the case may be), any unencumbered balances of funds which remain in a separate account established pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

(5) REPORTING REQUIREMENT.—The Administrator of the Agency for International Development shall report on an annual basis as part of the justification documents submitted to the Committees on Appropriations on the use of local currencies for the administrative requirements of the United States Government as authorized in subsection (a)(2)(B), and such report shall include the amount of local currency (and United States dollar equivalent) used and/or to be used for such purpose in each applicable country.

(b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—(1) If assistance is made available to the government of a foreign country, under chapters 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961, as cash transfer assistance or as nonproject sector assistance, that country shall be required to maintain such funds in a separate account and not commingle them with any other funds.

(2) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (H. Report No. 98–1159).

(3) NOTIFICATION.—At least fifteen days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by the assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

(4) EXEMPTION.—Nonproject sector assistance funds may be exempt from the requirements of subsection (b)(1) only through the notification procedures of the Committees on Appropriations.

COMPENSATION FOR UNITED STATES EXECUTIVE DIRECTORS TO INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 534. (a) No funds appropriated by this Act may be made as payment to any international financial institution while the United States Executive Director to such institution is compensated by the institution at a rate which, together with whatever compensation such Director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States Director to such institution is compensated by the institution at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) For purposes of this section, ''international financial institutions'' are: the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, the Asian Development Fund, the African Development Bank, the African Development Fund, the International Monetary Fund, the North American Development Bank, and the European Bank for Reconstruction and Development.

COMPLIANCE WITH UNITED NATIONS SANCTIONS AGAINST IRAQ

SEC. 535. None of the funds appropriated or otherwise made available pursuant to this Act to carry out the Foreign Assistance Act of 1961 (including title IV of chapter 2 of part I, relating to the Overseas Private Investment Corporation) or the Arms Export Control Act may be used to provide assistance to any country that is not in compliance with the United Nations Security Council sanctions against Iraq unless the President determines and so certifies to the Congress that—

(1) such assistance is in the national interest of the United States;

(2) such assistance will directly benefit the needy people in that country; or

(3) the assistance to be provided will be humanitarian assistance for foreign nationals who have fled Iraq and Kuwait.

COMPETITIVE PRICING FOR SALES OF DEFENSE ARTICLES

SEC. 536. Direct costs associated with meeting a foreign customer's additional or

unique requirements will continue to be allowable under contracts under section 22(d) of the Arms Export Control Act. Loadings applicable to such direct costs shall be permitted at the same rates applicable to procurement of like items purchased by the Department of Defense for its own use.

AUTHORITIES FOR THE PEACE CORPS, INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT, INTER-AMERICAN FOUNDATION AND AFRICAN DEVELOPMENT FOUNDATION

SEC. 537. (a) Unless expressly provided to the contrary, provisions of this or any other Act, including provisions contained in prior Acts authorizing or making appropriations for foreign operations, export financing, and related programs, shall not be construed to prohibit activities authorized by or conducted under the Peace Corps Act, the Inter-American Foundation Act or the African Development Foundation Act. The agency shall promptly report to the Committees on Appropriations whenever it is conducting activities or is proposing to conduct activities in a country for which assistance is prohibited.

(b) Unless expressly provided to the contrary, limitations on the availability of funds for ''International Organizations and Programs'' in this or any other Act, including prior appropriations Acts, shall not be construed to be applicable to the International Fund for Agricultural Development.

IMPACT ON JOBS IN THE UNITED STATES

SEC. 538. None of the funds appropriated by this Act may be obligated or expended to provide—

(a) any financial incentive to a business enterprise currently located in the United States for the purpose of inducing such an enterprise to relocate outside the United States if such incentive or inducement is likely to reduce the number of employees of such business enterprise in the United States because United States production is being replaced by such enterprise outside the United States;

(b) assistance for the purpose of establishing or developing in a foreign country any export processing zone or designated area in which the tax, tariff, labor, environment, and safety laws of that country do not apply, in part or in whole, to activities carried out within that zone or area, unless the President determines and certifies that such assistance is not likely to cause a loss of jobs within the United States; or

(c) assistance for any project or activity that contributes to the violation of internationally recognized workers rights, as defined in section 502(a)(4) of the Trade Act of 1974, of workers in the recipient country, including any designated zone or area in that country: *Provided,* That in recognition that the application of this subsection should be commensurate with the level of development of the recipient country and sector, the provisions of this subsection shall not preclude assistance for the informal sector in such country, micro and small-scale enterprise, and smallholder agriculture.

OPIC MARITIME FUND

SEC. 539. (a) Section 6001 of Public Law 106–31 is repealed.

(b) The Overseas Private Investment Corporation shall establish a $200,000,000 Maritime Fund within six months from the date of enactment of this Act: *Provided,* That the Maritime Fund shall leverage United States commercial maritime expertise to support international maritime projects.

SPECIAL AUTHORITIES

SEC. 540. (a) Funds appropriated in title II of this Act that are made available for Afghanistan, Lebanon, and for victims of war, displaced children, displaced Burmese, humanitarian assistance for Romania, and humanitarian assistance for the peoples of Kosova, may be made available notwithstanding any other provision of law: *Provided,* That any such funds that are made available for Cambodia shall be subject to the provisions of section 531(e) of the Foreign Assistance Act of 1961 and section 906 of the International Security and Development Cooperation Act of 1985.

(b) Funds appropriated by this Act to carry out the provisions of sections 103 through 106 of the Foreign Assistance Act of 1961 may be used, notwithstanding any other provision of law, for the purpose of supporting tropical forestry and biodiversity conservation activities and, subject to the regular notification procedures of the Committees on Appropriations, energy programs aimed at reducing greenhouse gas emissions: *Provided,* That such assistance shall be subject to sections 116, 502B, and 620A of the Foreign Assistance Act of 1961.

(c) The Agency for International Development may employ personal services contractors, notwithstanding any other provision of law, for the purpose of administering programs for the West Bank and Gaza.

POLICY ON TERMINATING THE ARAB LEAGUE BOYCOTT OF ISRAEL

SEC. 541. It is the sense of the Congress that—

(1) the Arab League countries should immediately and publicly renounce the primary boycott of Israel and the secondary and tertiary boycott of American firms that have commercial ties with Israel; and

(2) the President should—

(A) take more concrete steps to encourage vigorously Arab League countries to renounce publicly the primary boycotts of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel as a confidence-building measure;

(B) take into consideration the participation of any recipient country in the primary boycott of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel when determining whether to sell weapons to said county;

(C) report to Congress on the specific steps being taken by the President to bring about a public renunciation of the Arab primary boycott of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel; and

(D) encourage the allies and trading partners of the United States to enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

ANTI-NARCOTICS ACTIVITIES

SEC. 542. Of the funds appropriated or otherwise made available by this Act for ''Economic Support Fund'', assistance may be provided to strengthen the administration of justice in countries in Latin America and the Caribbean and in other regions consistent with the provisions of section 534(b) of the Foreign Assistance Act of 1961, except that programs to enhance protection of participants in judicial cases may be conducted notwithstanding section 660 of that Act. Funds made available pursuant to this section may be made available notwithstanding section 534(c) and the second and third sentences of section 534(e) of the Foreign Assistance Act of 1961.

ELIGIBILITY FOR ASSISTANCE

SEC. 543. (a) ASSISTANCE THROUGH NONGOVERNMENTAL ORGANIZATIONS.—Restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance in support of programs of nongovernmental organizations from funds appropriated by this Act to carry out the provisions of chapters 1, 10, and 11 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, and from funds appropriated under the heading ''Assistance for Eastern Europe and the Baltic States'': *Provided,* That the President shall take into consideration, in any case in which a restriction on assistance would be applicable but for this subsection, whether assistance in support of programs of nongovernmental organizations is in the national interest of the United States: *Provided further,* That before using the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations, the President shall notify the Committees on Appropriations under the regular notification procedures of those committees, including a description of the program to be assisted, the assistance to be provided, and the reasons for furnishing such assistance: *Provided further,* That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion or involuntary sterilizations contained in this or any other Act.

(b) PUBLIC LAW 480.—During fiscal year 2000, restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance under the Agricultural Trade Development and Assistance Act of 1954: *Provided,* That none of the funds appropriated to carry out title I of such Act and made available pursuant to this subsection may be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

(c) EXCEPTION.—This section shall not apply—

(1) with respect to section 620A of the Foreign Assistance Act or any comparable provision of law prohibiting assistance to countries that support international terrorism; or

(2) with respect to section 116 of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to the government of a country that violate internationally recognized human rights.

EARMARKS

SEC. 544. (a) Funds appropriated by this Act which are earmarked may be reprogrammed for other programs within the same account notwithstanding the earmark if compliance with the earmark is made impossible by operation of any provision of this or any other Act or, with respect to a country with which the United States has an agreement providing the United States with base rights or base access in that country, if the President determines that the recipient for which funds are earmarked has significantly reduced its military or economic cooperation with the United States since enactment of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991; however, before exercising the authority of this subsection with regard to a base rights or base access country which has significantly reduced its military or economic cooperation with the United States, the President shall consult with, and shall provide a written policy justification to the Committees on Appropriations: *Provided,* That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further,* That assistance that is reprogrammed pursuant to this subsection shall be made available under the same terms and conditions as originally provided.

(b) In addition to the authority contained in subsection (a), the original period of availability of funds appropriated by this Act and

administered by the Agency for International Development that are earmarked for particular programs or activities by this or any other Act shall be extended for an additional fiscal year if the Administrator of such agency determines and reports promptly to the Committees on Appropriations that the termination of assistance to a country or a significant change in circumstances makes it unlikely that such earmarked funds can be obligated during the original period of availability: *Provided,* That such earmarked funds that are continued available for an additional fiscal year shall be obligated only for the purpose of such earmark.

CEILINGS AND EARMARKS

SEC. 545. Ceilings and earmarks contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs. Earmarks or minimum funding requirements contained in any other Act shall not be applicable to funds appropriated by this Act.

PROHIBITION ON PUBLICITY OR PROPAGANDA

SEC. 546. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before the date of enactment of this Act by the Congress: *Provided,* That not to exceed $750,000 may be made available to carry out the provisions of section 316 of Public Law 96–533.

PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS

SEC. 547. (a) To the maximum extent possible, assistance provided under this Act should make full use of American resources, including commodities, products, and services.

(b) It is the sense of the Congress that, to the greatest extent practicable, all agriculture commodities, equipment and products purchased with funds made available in this Act should be American-made.

(c) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (b) by the Congress.

(d) The Secretary of the Treasury shall report to Congress annually on the efforts of the heads of each Federal agency and the United States directors of international financial institutions (as referenced in section 514) in complying with this sense of Congress.

PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS

SEC. 548. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations.

CONSULTING SERVICES

SEC. 549. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order pursuant to existing law.

PRIVATE VOLUNTARY ORGANIZATIONS—DOCUMENTATION

SEC. 550. None of the funds appropriated or made available pursuant to this Act shall be available to a private voluntary organization which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the Agency for International Development.

PROHIBITION ON ASSISTANCE TO FOREIGN GOVERNMENTS THAT EXPORT LETHAL MILITARY EQUIPMENT TO COUNTRIES SUPPORTING INTERNATIONAL TERRORISM

SEC. 551. (a) None of the funds appropriated or otherwise made available by this Act may be available to any foreign government which provides lethal military equipment to a country the government of which the Secretary of State has determined is a terrorist government for purposes of section 40(d) of the Arms Export Control Act. The prohibition under this section with respect to a foreign government shall terminate 12 months after that government ceases to provide such military equipment. This section applies with respect to lethal military equipment provided under a contract entered into after October 1, 1997.

(b) Assistance restricted by subsection (a) or any other similar provision of law, may be furnished if the President determines that furnishing such assistance is important to the national interests of the United States.

(c) Whenever the waiver of subsection (b) is exercised, the President shall submit to the appropriate congressional committees a report with respect to the furnishing of such assistance. Any such report shall include a detailed explanation of the assistance to be provided, including the estimated dollar amount of such assistance, and an explanation of how the assistance furthers United States national interests.

WITHHOLDING OF ASSISTANCE FOR PARKING FINES OWED BY FOREIGN COUNTRIES

SEC. 552. (a) IN GENERAL.—Of the funds made available for a foreign country under part I of the Foreign Assistance Act of 1961, an amount equivalent to 110 per centum of the total unpaid fully adjudicated parking fines and penalties owed to the District of Columbia by such country as of the date of enactment of this Act shall be withheld from obligation for such country until the Secretary of State certifies and reports in writing to the appropriate congressional committees that such fines and penalties are fully paid to the government of the District of Columbia.

(b) DEFINITION.—For purposes of this section, the term ''appropriate congressional committees'' means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

LIMITATION ON ASSISTANCE FOR THE PLO FOR THE WEST BANK AND GAZA

SEC. 553. None of the funds appropriated by this Act may be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza unless the President has exercised the authority under section 604(a) of the Middle East Peace Facilitation Act of 1995 (title VI of Public Law 104–107) or any other legislation to suspend or make inapplicable section 307 of the Foreign Assistance Act of 1961 and that suspension is still in effect: *Provided,* That if the President fails to make the certification under section 604(b)(2) of the Middle East Peace Facilitation Act of 1995 or to suspend the prohibition under other legislation, funds appropriated by this Act may not be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza.

WAR CRIMES TRIBUNALS DRAWDOWN

SEC. 554. If the President determines that doing so will contribute to a just resolution of charges regarding genocide or other violations of international humanitarian law, the President may direct a drawdown pursuant to section 552(c) of the Foreign Assistance Act of 1961, as amended, of up to $30,000,000 of commodities and services for the United Nations War Crimes Tribunal established with regard to the former Yugoslavia by the United Nations Security Council or such other tribunals or commissions as the Council may establish to deal with such violations, without regard to the ceiling limitation contained in paragraph (2) thereof: *Provided,* That the determination required under this section shall be in lieu of any determinations otherwise required under section 552(c): *Provided further,* That sixty days after the date of enactment of this Act, and every one hundred eighty days thereafter, the Secretary of State shall submit a report to the Committees on Appropriations describing the steps the United States Government is taking to collect information regarding allegations of genocide or other violations of international law in the former Yugoslavia and to furnish that information to the United Nations War Crimes Tribunal for the former Yugoslavia: *Provided further,* That the drawdown made under this section for any tribunal shall not be construed as an endorsement or precedent for the establishment of any standing or permanent international criminal tribunal or court: *Provided further,* That funds made available for tribunals other than Yugoslavia or Rwanda shall be made available subject to the regular notification procedures of the Committees on Appropriations.

LANDMINES

SEC. 555. DEMINING EQUIPMENT.—Notwithstanding any other provision of law, demining equipment available to the Agency for International Development and the Department of State and used in support of the clearance of landmines and unexploded ordnance for humanitarian purposes may be disposed of on a grant basis in foreign countries, subject to such terms and conditions as the President may prescribe.

RESTRICTIONS CONCERNING THE PALESTINIAN AUTHORITY

SEC. 556. None of the funds appropriated by this Act may be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States Government for the purpose of conducting official United States Government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles: *Provided,* That this restriction shall not apply to the acquisition of additional space for the existing Consulate General in Jerusalem: *Provided further,* That meetings between officers and employees of the United States and officials of the Palestinian Authority, or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles, for the purpose of conducting official United States Government business with such authority should continue to take place in locations other than Jerusalem. As has been true in the past, officers and employees of the United States Government may continue to meet in Jerusalem on other subjects with Palestinians (including those who now occupy positions in the Palestinian Authority), have social contacts, and have incidental discussions.

PROHIBITION OF PAYMENT OF CERTAIN EXPENSES

SEC. 557. None of the funds appropriated or otherwise made available by this Act under the heading ''International Military Education and Training'' or ''Foreign Military Financing Program'' for Informational Program activities may be obligated or expended to pay for—

(1) alcoholic beverages;

(2) food (other than food provided at a military installation) not provided in conjunction with Informational Program trips where students do not stay at a military installation; or

(3) entertainment expenses for activities that are substantially of a recreational character, including entrance fees at sporting events and amusement parks.

SPECIAL DEBT RELIEF FOR THE POOREST

SEC. 558. (a) AUTHORITY TO REDUCE DEBT.—The President may reduce amounts owed to the United States (or any agency of the United States) by an eligible country as a result of—

(1) guarantees issued under sections 221 and 222 of the Foreign Assistance Act of 1961;

(2) credits extended or guarantees issued under the Arms Export Control Act; or

(3) any obligation or portion of such obligation for a Latin American country, to pay for purchases of United States agricultural commodities guaranteed by the Commodity Credit Corporation under export credit guarantee programs authorized pursuant to section 5(f) of the Commodity Credit Corporation Charter Act of June 29, 1948, as amended, section 4(b) of the Food for Peace Act of 1966, as amended (Public Law 89–808), or section 202 of the Agricultural Trade Act of 1978, as amended (Public Law 95–501).

(b) LIMITATIONS.—

(1) The authority provided by subsection (a) may be exercised only to implement multilateral official debt relief ad referendum agreements, commonly referred to as ''Paris Club Agreed Minutes''.

(2) The authority provided by subsection (a) may be exercised only in such amounts or to such extent as is provided in advance by appropriations Acts.

(3) The authority provided by subsection (a) may be exercised only with respect to countries with heavy debt burdens that are eligible to borrow from the International Development Association, but not from the International Bank for Reconstruction and Development, commonly referred to as ''IDA-only'' countries.

(c) CONDITIONS.—The authority provided by subsection (a) may be exercised only with respect to a country whose government—

(1) does not have an excessive level of military expenditures;

(2) has not repeatedly provided support for acts of international terrorism;

(3) is not failing to cooperate on international narcotics control matters;

(4) (including its military or other security forces) does not engage in a consistent pattern of gross violations of internationally recognized human rights; and

(5) is not ineligible for assistance because of the application of section 527 of the Foreign Relations Authorization Act, fiscal years 1994 and 1995.

(d) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading ''Debt restructuring''.

(e) CERTAIN PROHIBITIONS INAPPLICABLE.—A reduction of debt pursuant to subsection (a) shall not be considered assistance for purposes of any provision of law limiting assistance to a country. The authority provided by subsection (a) may be exercised notwithstanding section 620(r) of the Foreign Assistance Act of 1961.

AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES

SEC. 559. (a) LOANS ELIGIBLE FOR SALE, REDUCTION, OR CANCELLATION.—

(1) AUTHORITY TO SELL, REDUCE, OR CANCEL CERTAIN LOANS.—Notwithstanding any other provision of law, the President may, in accordance with this section, sell to any eligible purchaser any concessional loan or portion thereof made before January 1, 1995, pursuant to the Foreign Assistance Act of 1961, to the government of any eligible country as defined in section 702(6) of that Act or on receipt of payment from an eligible purchaser, reduce or cancel such loan or portion thereof, only for the purpose of facilitating—

(A) debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps; or

(B) a debt buyback by an eligible country of its own qualified debt, only if the eligible country uses an additional amount of the local currency of the eligible country, equal to not less than 40 per centum of the price paid for such debt by such eligible country, or the difference between the price paid for such debt and the face value of such debt, to support activities that link conservation and sustainable use of natural resources with local community development, and child survival and other child development, in a manner consistent with sections 707 through 710 of the Foreign Assistance Act of 1961, if the sale, reduction, or cancellation would not contravene any term or condition of any prior agreement relating to such loan.

(2) TERMS AND CONDITIONS.—Notwithstanding any other provision of law, the President shall, in accordance with this section, establish the terms and conditions under which loans may be sold, reduced, or canceled pursuant to this section.

(3) ADMINISTRATION.—The Facility, as defined in section 702(8) of the Foreign Assistance Act of 1961, shall notify the administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 of purchasers that the President has determined to be eligible, and shall direct such agency to carry out the sale, reduction, or cancellation of a loan pursuant to this section. Such agency shall make an adjustment in its accounts to reflect the sale, reduction, or cancellation.

(4) LIMITATION.—The authorities of this subsection shall be available only to the extent that appropriations for the cost of the modification, as defined in section 502 of the Congressional Budget Act of 1974, are made in advance.

(b) DEPOSIT OF PROCEEDS.—The proceeds from the sale, reduction, or cancellation of any loan sold, reduced, or canceled pursuant to this section shall be deposited in the United States Government account or accounts established for the repayment of such loan.

(c) ELIGIBLE PURCHASERS.—A loan may be sold pursuant to subsection (a)(1)(A) only to a purchaser who presents plans satisfactory to the President for using the loan for the purpose of engaging in debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(d) DEBTOR CONSULTATIONS.—Before the sale to any eligible purchaser, or any reduction or cancellation pursuant to this section, of any loan made to an eligible country, the President should consult with the country concerning the amount of loans to be sold, reduced, or canceled and their uses for debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(e) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading ''Debt restructuring''.

ASSISTANCE FOR HAITI

SEC. 560. (a) SENSE OF CONGRESS.—It is the sense of Congress that, in providing assistance to Haiti, the President should place a priority on the following areas:

(1) aggressive action to support the institution of the Haitian National Police, including support for efforts by the leadership and the Inspector General to purge corrupt and politicized elements from the Haitian National Police;

(2) steps to ensure that any elections undertaken in Haiti with United States assistance are full, free, fair, transparent, and democratic;

(3) a program designed to develop the indigenous human rights monitoring capacity;

(4) steps to facilitate the continued privatization of state-owned enterprises; and

(5) a sustained agricultural development program.

(b) REPORT.—Beginning six months after the date of enactment of this Act, and six months thereafter, the President shall submit a report to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives with regard to—

(1) the status of each of the governmental institutions envisioned in the 1987 Haitian Constitution, including an assessment of whether or not these institutions and officials hold positions on the basis of a regular, constitutional process;

(2) the status of the privatization (or placement under long-term private management or concession) of the major public entities, including a detailed assessment of whether or not the Government of Haiti has completed all required incorporating documents, the transfer of assets, and the eviction of unauthorized occupants of the land or facility;

(3) the status of efforts to re-sign and implement the lapsed bilateral Repatriation Agreement and an assessment of whether or not the Government of Haiti has been cooperating with the United States in halting illegal emigration from Haiti;

(4) the status of the Government of Haiti's efforts to conduct thorough investigations of extrajudicial and political killings and—

(A) an assessment of whether or not substantial progress has been made in bringing to justice the persons responsible for these extrajudicial or political killings in Haiti, and

(B) an assessment of whether or not the Government of Haiti is cooperating with United States authorities and with United States-funded technical advisors to the Haitian National Police in such investigations;

(5) an assessment of whether or not the Government of Haiti has taken action to remove and maintain the separation from the Haitian National Police, national palace and residential guard, ministerial guard, and any other public security entity or unit of Haiti those individuals who are credibly alleged to have engaged in or conspired to conceal gross violations of internationally recognized human rights;

(6) the status of steps being taken to secure the ratification of the maritime counter-narcotics agreements signed in October 1997;

(7) an assessment of the degree to which domestic capacity to conduct free, fair, democratic, and administratively sound elections has been developed in Haiti; and

(8) an assessment of whether or not Haiti's Minister of Justice has demonstrated a commitment to the professionalism of judicial personnel by consistently placing students graduated by the Judicial School in appropriate judicial positions and has made a commitment to share program costs associated with the Judicial School, and is achieving progress in making the judicial branch in Haiti independent from the executive branch.

REQUIREMENT FOR DISCLOSURE OF FOREIGN AID IN REPORT OF SECRETARY OF STATE

SEC. 561. (a) FOREIGN AID REPORTING REQUIREMENT.—In addition to the voting practices of a foreign country, the report required to be submitted to Congress under section 406(a) of the Foreign Relations Authorization Act fiscal years 1990 and 1991 (22 U.S.C. 2414a), shall include a side-by-side comparison of individual countries' overall support for the United States at the United Nations and the amount of United States assistance provided to such country in fiscal year 1998.

(b) UNITED STATES ASSISTANCE.—For purposes of this section, the term ''United States assistance'' has the meaning given the term in section 481(e)(4) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(e)(4)).

HAITI

SEC. 562. The Government of Haiti shall be eligible to purchase defense articles and services under the Arms Export Control Act (22 U.S.C. 2751 et seq.), for the civilian-led Haitian National Police and Coast Guard: *Provided*, That the authority provided by this section shall be subject to the regular notification procedures of the Committees on Appropriations.

LIMITATION ON ASSISTANCE TO SECURITY FORCES

SEC. 563. None of the funds made available by this Act may be provided to any unit of the security forces of a foreign country if the Secretary of State has credible evidence to believe such unit has committed gross violations of human rights, unless the Secretary determines and reports to the Committees on Appropriations that the government of such country is taking effective measures to bring the responsible members of the security forces unit to justice: *Provided*, That nothing in this section shall be construed to withhold funds made available by this Act from any unit of the security forces of a foreign country not credibly alleged to be involved in gross violations of human rights: *Provided further*, That in the event that funds are withheld from any unit pursuant to this section, the Secretary of State shall promptly inform the foreign government of the basis for such action and shall, to the maximum extent practicable, assist the foreign government in taking effective measures to bring the responsible members of the security forces to justice.

CAMBODIA

SEC. 564. The Secretary of the Treasury shall instruct the United States Executive Directors of the international financial institutions to use the voice and vote of the United States to oppose loans to the Government of Cambodia, except loans to support basic human needs, unless the Secretary of State has determined and reported to the Committees on Appropriations, the Committee on Foreign Relations of the Senate, and the Committee on International Relations of the House, that Cambodia has held free and fair elections in which all political candidates were permitted freedom of speech, assembly and equal access to the media and the Central Election Commission was comprised of representatives from all parties; and the Government has established a panel and begun the prosecution of Khmer Rouge leaders including Ta Mok, Khieu Sampan, Nuon Chea, Ieng Sary, Ke Pauk, and Duch.

LIMITATIONS ON TRANSFER OF MILITARY EQUIPMENT TO EAST TIMOR

SEC. 565. In any agreement for the sale, transfer, or licensing of any lethal equipment or helicopter for Indonesia entered into by the United States pursuant to the authority of this Act or any other Act, the agreement shall state that the items will not be used in East Timor.

RESTRICTIONS ON VOLUNTARY CONTRIBUTIONS TO UNITED NATIONS AGENCIES

SEC. 566. (a) PROHIBITION ON VOLUNTARY CONTRIBUTIONS FOR THE UNITED NATIONS.—None of the funds appropriated or otherwise made available by this Act may be made available to pay any voluntary contribution of the United States to the United Nations (including the United Nations Development Program) if the United Nations implements or imposes any taxation on any United States persons.

(b) CERTIFICATION REQUIRED FOR DISBURSEMENT OF FUNDS.—None of the funds appropriated or otherwise made available under this Act may be made available to pay any voluntary contribution of the United States to the United Nations (including the United Nations Development Program) unless the President certifies to the Congress 15 days in advance of such payment that the United Nations is not engaged in any effort to implement or impose any taxation on United States persons in order to raise revenue for the United Nations or any of its specialized agencies.

(c) DEFINITIONS.—As used in this section the term ''United States person'' refers to—

(1) a natural person who is a citizen or national of the United States; or

(2) a corporation, partnership, or other legal entity organized under the United States or any State, territory, possession, or district of the United States.

RESTRICTIONS ON ASSISTANCE TO COUNTRIES, ENTITIES, AND COMMUNITIES IN THE FORMER YUGOSLAVIA PROVIDING SANCTUARY TO PUBLICLY INDICTED WAR CRIMINALS

SEC. 567. (a) POLICY.—It shall be the policy of the United States to use bilateral and multilateral assistance to promote peace and respect for internationally recognized human rights by encouraging countries, entities, and communities in the territory of the former Yugoslavia to cooperate fully with the International Criminal Tribunal for the Former Yugoslavia—

(1) by apprehending publicly indicted war criminals and transferring custody of those individuals to the Tribunal to stand trial; and

(2) by assisting the Tribunal in the investigation and prosecution of crimes subject to its jurisdiction.

(b) SANCTIONED COUNTRY, ENTITY, OR COMMUNITY.—

(1) IN GENERAL.—A sanctioned country, entity, or community described in this section is one in which there is present a publicly indicted war criminal or in which the Tribunal has been hindered in efforts to investigate crimes subject to its jurisdiction.

(2) SPECIAL RULE.—Subject to subsection (f), subsections (c) and (d) shall not apply to the provision of assistance to an entity that is not a sanctioned entity within a sanctioned country, or to a community that is not a sanctioned community within a sanctioned country or sanctioned entity, if the Secretary of State determines and so reports to the appropriate congressional committees that providing such assistance would further the policy of subsection (a).

(c) BILATERAL ASSISTANCE.—

(1) PROHIBITION.—None of the funds made available by this or any prior Act making appropriations for foreign operations, export financing and related programs may be provided for any country, entity, or community described in subsection (b).

(2) NOTIFICATION.—Not less than 15 days before any assistance described in this subsection is disbursed to any country, entity, or community described in subsection (b), the Secretary of State, in consultation with the Administrator of the Agency for International Development, shall publish in the Federal Register a written justification for the proposed assistance, including a description of the location of the proposed assistance program or project by municipality, its purpose, and the intended recipient of the assistance, including the names of individuals, companies and their boards of directors, and shareholders with controlling or substantial financial interest in the program or project.

(d) MULTILATERAL ASSISTANCE.—

(1) PROHIBITION.—The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to work in opposition to, and vote against, any extension by such institutions of any financial or technical assistance or grants of any kind to any country or entity described in subsection (b).

(2) NOTIFICATION.—Not less than 15 days before any vote in an international financial institution regarding the extension of financial or technical assistance or grants to any country or community described in subsection (b), the Secretary of the Treasury, in consultation with the Secretary of State, shall provide to the appropriate Congressional committees a written justification for the proposed assistance, including an explanation of the United States position regarding any such vote, as well as a description of the location of the proposed assistance by municipality, its purpose, and its intended beneficiaries, including the names of individuals with a controlling or substantial financial interest in the project.

(e) EXCEPTIONS.—Subject to subsection (f), subsections (c) and (d) shall not apply to the provision of—

(1) humanitarian assistance;

(2) assistance to nongovernmental organizations that promote democracy and respect for human rights; and

(3) assistance for cross border physical infrastructure projects involving activities in both a sanctioned country, entity, or community and a nonsanctioned contiguous country, entity, or community, if the project is primarily located in and primarily benefits the nonsanctioned country, entity, or community and if the portion of the project located in the sanctioned country, entity, or community is necessary only to complete the project.

(f) FURTHER LIMITATIONS.—

(1) PROHIBITION ON DIRECT ASSISTANCE TO PUBLICLY INDICTED WAR CRIMINALS AND OTHER PERSONS.—Notwithstanding subsection (e) or subsection (g), no assistance may be made available by this Act, or any prior Act making appropriations for foreign operations, export financing and related programs, in any country, entity, or community described in subsection (b), for any financial or technical assistance, grant, or loan that would directly benefit a publicly indicted war criminal, any person who aids or abets a publicly indicted war criminal to evade apprehension, or any person who otherwise obstructs the work of the Tribunal.

(2) CERTIFICATION.—At the end of each fiscal year, the President shall certify to the appropriate congressional committees that no assistance described in paragraph (1) directly benefited any person described in that paragraph during the preceding 12-month period.

(g) WAIVER.—The Secretary of State may waive the application of subsection (c) with respect to specified United States projects, or subsection (d) with respect to specified international financial institution programs or projects, in a sanctioned country or entity upon providing a written determination to the appropriate congressional committees that the government of the country or entity

is doing everything within its power and authority to apprehend or aid in the apprehension of publicly indicted war criminals and is fully cooperating in the investigation and prosecution of war crimes.

(h) CURRENT RECORD OF WAR CRIMINALS AND SANCTIONED COUNTRIES, ENTITIES, AND COMMUNITIES.—

(1) IN GENERAL.—The Secretary of State, acting through the Ambassador at Large for War Crimes Issues, and after consultation with the Director of Central Intelligence and the Secretary of Defense, shall establish and maintain a current record of the location, including the community, if known, of publicly indicted war criminals and of sanctioned countries, entities, and communities.

(2) REPORT.—Beginning 30 days after the date of enactment of this Act, and not later than September 1 each year thereafter, the Secretary of State shall submit a report in classified and unclassified form to the appropriate congressional committees on the location, including the community, if known, of publicly indicted war criminals and the identity of countries, entities, and communities that are failing to cooperate fully with the Tribunal.

(3) INFORMATION TO CONGRESS.—Upon the request of the chairman or ranking minority member of any of the appropriate congressional committees, the Secretary of State shall make available to that committee the information recorded under paragraph (1) in a report submitted to the committee in classified and unclassified form.

(j) DEFINITIONS.—As used in this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives.

(2) CANTON.—The term ''canton'' means the administrative units in Bosnia and Herzegovina.

(3) COMMUNITY.—The term ''community'' means any canton, district, opstina, city, town, or village.

(4) COUNTRY.—The term ''country'' means Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia (Serbia-Montenegro), the Former Yugoslav Republic of Macedonia, and Slovenia.

(5) DAYTON AGREEMENT.—The term ''Dayton Agreement'' means the General Framework Agreement for Peace in Bosnia and Herzegovina, together with annexes relating thereto, done at Dayton, November 10 through 16, 1995.

(6) ENTITY.—The term ''entity'' refers to the Federation of Bosnia and Herzegovina, the Republika Srpska, Brcko in Bosnia, Serbia, Montenegro, and Kosova.

(7) INTERNATIONAL FINANCIAL INSTITUTION.—The term ''international financial institution'' includes the International Monetary Fund, the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Multilateral Investment Guaranty Agency, and the European Bank for Reconstruction and Development.

(8) PUBLICLY INDICTED WAR CRIMINALS.—The term ''publicly indicted war criminals'' means persons indicted by the Tribunal for crimes subject to the jurisdiction of the Tribunal.

(9) TRIBUNAL OR INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA.—The term ''Tribunal'' or the term ''International Criminal Tribunal for the Former Yugoslavia'' means the International Tribunal for the prosecution of persons responsible for serious violations of international humanitarian law committed in the Territory of the Former Yugoslavia since 1991, as established by United Nations Security Council Resolution 827 of May 25, 1993.

EXCESS DEFENSE ARTICLES FOR CERTAIN EUROPEAN COUNTRIES

SEC. 568. Section 105 of Public Law 104–164 (110 Stat. 1427) is amended by striking ''1996 and 1997'' and inserting ''1999 and 2000''.

ADDITIONAL REQUIREMENTS RELATING TO STOCKPILING OF DEFENSE ARTICLES FOR FOREIGN COUNTRIES

SEC. 569. (a) VALUE OF ADDITIONS TO STOCKPILES.—Section 514(b)(2)(A) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h(b)(2)(A)) is amended by striking the following: ''$50,000,000 for each of the fiscal years 1996 and 1997, $60,000,000 for fiscal year 1998, and'' and inserting in lieu thereof before the period at the end, the following: ''and $60,000,000 for fiscal year 2000''.

(b) REQUIREMENTS RELATING TO THE REPUBLIC OF KOREA AND THAILAND.—Section 514(b)(2)(B) of such Act (22 U.S.C. 2321h(b)(2)(B)) is amended by striking the following: ''Of the amount specified in subparagraph (A) for each of the fiscal years 1996 and 1997, not more than $40,000,000 may be made available for stockpiles in the Republic of Korea and not more than $10,000,000 may be made available for stockpiles in Thailand. Of the amount specified in subparagraph (A) for fiscal year 1998, not more than $40,000,000 may be made available for stockpiles in the Republic of Korea and not more than $20,000,000 may be made available for stockpiles in Thailand.''; and at the end inserting the following sentence: ''Of the amount specified in subparagraph (A) for fiscal year 2000, not more than $40,000,000 may be made available for stockpiles in the Republic of Korea and not more than $20,000,000 may be made available for stockpiles in Thailand.''.

TO PROHIBIT FOREIGN ASSISTANCE TO THE GOVERNMENT OF RUSSIA SHOULD IT ENACT LAWS WHICH WOULD DISCRIMINATE AGAINST MINORITY RELIGIOUS FAITHS IN THE RUSSIAN FEDERATION

SEC. 570. (a) None of the funds appropriated under this Act may be made available for the Government of Russian Federation, after 180 days from the date of enactment of this Act, unless the President determines and certifies in writing to the Committee on Appropriations and the Committee on Foreign Relations of the Senate that the Government of the Russian Federation has implemented no statute, executive order, regulation or similar government action that would discriminate, or would have as its principal effect discrimination, against religious groups or religious communities in the Russian Federation in violation of accepted international agreements on human rights and religious freedoms to which the Russian Federation is a party.

GREENHOUSE GAS EMISSIONS

SEC. 571. (a) Funds made available in this Act to support programs or activities promoting or assisting country participation in the Kyoto Protocol to the Framework Convention on Climate Change (FCCC) shall only be made available subject to the regular notification procedures of the Committees on Appropriations.

(b) The President shall provide a detailed account of all Federal agency obligations and expenditures for climate change programs and activities, domestic and international obligations for such activities in fiscal year 2000, and any plan for programs thereafter related to the implementation or the furtherance of protocols pursuant to, or related to negotiations to amend the FCCC in conjunction with the President's submission of the Budget of the United States Government for Fiscal Year 2001: *Provided*, That such report shall include an accounting of expenditures by agency with each agency identifying climate change activities and associated costs by line item as presented in the President's Budget Appendix.

AID TO THE GOVERNMENT OF THE DEMOCRATIC REPUBLIC OF CONGO

SEC. 572. None of the funds appropriated or otherwise made available by this Act may be provided to the Central Government of the Democratic Republic of Congo.

EXPORT FINANCING TRANSFER AUTHORITIES

SEC. 573. Not to exceed 5 per centum of any appropriation other than for administrative expenses made available for fiscal year 2000 for programs under title I of this Act may be transferred between such appropriations for use for any of the purposes, programs and activities for which the funds in such receiving account may be used, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 25 per centum by any such transfer: *Provided*, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

SEC. 574. (a) None of the funds appropriated under the heading ''Assistance for the New Independent States of the Former Soviet Union'' shall be made available for assistance for a Government of the New Independent States of the former Soviet Union—

(1) unless that Government is making progress in implementing comprehensive economic reforms based on market principles, private ownership, respect for commercial contracts, and equitable treatment of foreign private investment; and

(2) if that Government applies or transfers United States assistance to any entity for the purpose of expropriating or seizing ownership or control of assets, investments, or ventures.

Assistance may be furnished without regard to this subsection if the President determines that to do so is in the national interest.

(b) None of the funds appropriated under the heading ''Assistance for the New Independent States of the Former Soviet Union'' shall be made available for assistance for a Government of the New Independent States of the former Soviet Union if that government directs any action in violation of the territorial integrity or national sovereignty of any other new independent state, such as those violations included in the Helsinki Final Act: *Provided*, That such funds may be made available without regard to the restriction in this subsection if the President determines that to do so is in the national security interest of the United States.

(c) None of the funds appropriated under the heading ''Assistance for the New Independent States of the Former Soviet Union'' shall be made available for any state to enhance its military capability: *Provided*, That this restriction does not apply to demilitarization, demining or nonproliferation programs.

(d) Funds appropriated under the heading ''Assistance for the New Independent States of the Former Soviet Union'' shall be subject to the regular notification procedures of the Committees on Appropriations.

(e) Funds made available in this Act for assistance to the New Independent States of the former Soviet Union shall be subject to the provisions of section 117 (relating to environment and natural resources) of the Foreign Assistance Act of 1961.

(f) Funds appropriated in this or prior appropriations Acts that are or have been made

available for an Enterprise Fund in the New Independent States of the Former Soviet Union may be deposited by such Fund in interest-bearing accounts prior to the disbursement of such funds by the Fund for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(g) In issuing new task orders, entering into contracts, or making grants, with funds appropriated in this Act or prior appropriations Acts under the heading ''Assistance for the New Independent States of the Former Soviet Union'' for projects or activities that have as one of their primary purposes the fostering of private sector development, the Coordinator for United States Assistance to the New Independent States and the implementing agency shall encourage the participation of and give significant weight to contractors and grantees who propose investing a significant amount of their own resources (including volunteer services and in-kind contributions) in such projects and activities.

CUSTOMS ASSISTANCE

SEC. 575. Section 660(b) of the Foreign Assistance Act of 1961 is amended by—

(1) striking the period at the end of paragraph (6) and in lieu thereof inserting a semicolon; and

(2) adding the following new paragraph:

''(7) with respect to assistance provided to customs authorities and personnel, including training, technical assistance and equipment, for customs law enforcement and the improvement of customs laws, systems and procedures.''.

VOLUNTARY SEPARATION INCENTIVES FOR EMPLOYEES OF THE U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT

SEC. 576. (a) DEFINITIONS.—For the purposes of this section—

(1) the term ''agency'' means the United States Agency for International Development;

(2) the term ''Administrator'' means the Administrator, United States Agency for International Development; and

(3) the term ''employee'' means an employee (as defined by section 2105 of title 5, United States Code) who is employed by the agency, is serving under an appointment without time limitation, and has been currently employed for a continuous period of at least 3 years, but does not include—

(A) a reemployed annuitant under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, or another retirement system for employees of the agency;

(B) an employee having a disability on the basis of which such employee is or would be eligible for disability retirement under the applicable retirement system referred to in subparagraph (A);

(C) an employee who is to be separated involuntarily for misconduct or unacceptable performance, and to whom specific notice has been given with respect to that separation;

(D) an employee who has previously received any voluntary separation incentive payment by the Government of the United States under this section or any other authority and has not repaid such payment;

(E) an employee covered by statutory reemployment rights who is on transfer to another organization; or

(F) any employee who, during the 24-month period preceding the date of separation, received a recruitment or relocation bonus under section 5753 of title 5, United States Code, or who, within the 12-month period preceding the date of separation, received a retention allowance under section 5754 of such title 5.

(b) AGENCY STRATEGIC PLAN.—

(1) IN GENERAL.—The Administrator, before obligating any resources for voluntary separation incentive payments under this section, shall submit to the Office of Management and Budget a strategic plan outlining the intended use of such incentive payments and a proposed organizational chart for the agency once such incentive payments have been completed.

(2) CONTENTS.—The agency's plan shall include—

(A) the positions and functions to be reduced or eliminated, identified by organizational unit, geographic location, occupational category and grade level;

(B) the number and amounts of voluntary separation incentive payments to be offered;

(C) a description of how the agency will operate without the eliminated positions and functions; and

(D) the time period during which incentives may be paid.

(3) APPROVAL.—The Director of the Office of Management and Budget shall review the agency's plan and approve or disapprove the plan and may make appropriate modifications in the plan with respect to the coverage of incentives as described under paragraph (2)(A), and with respect to the matters described in paragraphs (2) (B) through (D).

(c) AUTHORITY TO PROVIDE VOLUNTARY SEPARATION INCENTIVE PAYMENTS.—

(1) IN GENERAL.—A voluntary separation incentive payment under this section may be paid by the agency to employees of such agency and only to the extent necessary to eliminate the positions and functions identified by the strategic plan.

(2) AMOUNT AND TREATMENT OF PAYMENTS.—A voluntary separation incentive payment under this section—

(A) shall be paid in a lump sum after the employee's separation;

(B) shall be paid from appropriations or funds available for the payment of the basic pay of the employees;

(C) shall be equal to the lesser of—

(i) an amount equal to the amount the employee would be entitled to receive under section 5595(c) of title 5, United States Code, if the employee were entitled to payment under such section; or

(ii) an amount determined by the agency head not to exceed $25,000;

(D) may not be made except in the case of any employee who voluntarily separates (whether by retirement or resignation) on or before December 31, 2000;

(E) shall not be a basis for payment, and shall not be included in the computation, of any other type of Government benefit; and

(F) shall not be taken into account in determining the amount of any severance pay to which the employee may be entitled under section 5595 of title 5, United States Code, based on any other separation.

(d) ADDITIONAL AGENCY CONTRIBUTIONS TO THE RETIREMENT FUND.—

(1) IN GENERAL.—In addition to any other payments which it is required to make under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, the agency shall remit to the Office of Personnel Management for deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund an amount equal to 15 percent of the final basic pay of each employee of the agency who is covered under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, to whom a voluntary separation incentive has been paid under this section.

(2) DEFINITION.—For the purpose of paragraph (1), the term ''final basic pay'', with respect to an employee, means the total amount of basic pay which would be payable for a year of service by such employee, computed using the employee's final rate of basic pay, and, if last serving on other than a full-time basis, with appropriate adjustment therefor.

(e) EFFECT OF SUBSEQUENT EMPLOYMENT WITH THE GOVERNMENT.—

(1) An individual who has received a voluntary separation incentive payment under this section and accepts any employment for compensation with the Government of the United States, or who works for any agency of the Government of the United States through a personal services contract, within 5 years after the date of the separation on which the payment is based shall be required to pay, prior to the individual's first day of employment, the entire amount of the incentive payment to the agency that paid the incentive payment.

(2) If the employment under paragraph (1) is with an Executive agency (as defined by section 105 of title 5, United States Code), the United States Postal Service, or the Postal Rate Commission, the Director of the Office of Personnel Management may, at the request of the head of the agency, waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

(3) If the employment under paragraph (1) is with an entity in the legislative branch, the head of the entity or the appointing official may waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

(4) If the employment under paragraph (1) is with the judicial branch, the Director of the Administrative Office of the United States Courts may waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant for the position.

(f) REDUCTION OF AGENCY EMPLOYMENT LEVELS.—

(1) IN GENERAL.—The total number of funded employee positions in the agency shall be reduced by one position for each vacancy created by the separation of any employee who has received, or is due to receive, a voluntary separation incentive payment under this section. For the purposes of this subsection, positions shall be counted on a full-time-equivalent basis.

(2) ENFORCEMENT.—The President, through the Office of Management and Budget, shall monitor the agency and take any action necessary to ensure that the requirements of this subsection are met.

(g) REGULATIONS.—The Office of Personnel Management may prescribe such regulations as may be necessary to implement this section.

UNITED STATES ASSISTANCE TO THE PALESTINIAN AUTHORITY

SEC. 577. (a) GAO CERTIFICATION.—Not more than 30 days prior to the obligation of funds made available by this Act for assistance for the Palestinian Authority, the Comptroller General of the United States shall certify that the Palestinian Authority—

(1) has adopted an acceptable accounting system to ensure that such funds will be used for their intended assistance purposes; and

(2) has cooperated with the Comptroller General in the certification process under this paragraph.

(b) GAO AUDITS.—Six months after the date of enactment of this Act, the Comptroller General of the United States shall conduct an audit to determine the extent to

which the Palestinian Authority is implementing an acceptable accounting system in tracking the use of funds made available by this Act for assistance for the Palestinian Authority.

SANCTIONS AGAINST SERBIA

SEC. 578. (a) CONTINUATION OF EXECUTIVE BRANCH SANCTIONS.—The sanctions listed in subsection (b) shall remain in effect until January 1, 2001, unless the President submits to the Committees on Appropriations and Foreign Relations in the Senate and the Committees on Appropriations and International Relations of the House of Representatives a certification described in subsection (c).

(b) APPLICABLE SANCTIONS.—

(1) The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to work in opposition to, and vote against, any extension by such institutions of any financial or technical assistance or grants of any kind to the government of Serbia-Montenegro.

(2) The Secretary of State should instruct the United States Ambassador to the Organization for Security and Cooperation in Europe (OSCE) to block any consensus to allow the participation of Serbia-Montenegro in the OSCE or any organization affiliated with the OSCE.

(3) The Secretary of State should instruct the United States Representative to the United Nations to vote against any resolution in the United Nations Security Council to admit Serbia-Montenegro to the United Nations or any organization affiliated with the United Nations, to veto any resolution to allow Serbia-Montenegro to assume the United Nations' membership of the former Socialist Federal Republic of Yugoslavia, and to take action to prevent Serbia-Montenegro from assuming the seat formerly occupied by the Socialist Federal Republic of Yugoslavia.

(4) The Secretary of State should instruct the United States Permanent Representative on the Council of the North Atlantic Treaty Organization to oppose the extension of the Partnership for Peace program or any other organization affiliated with NATO to Serbia-Montenegro.

(5) The Secretary of State should instruct the United States Representatives to the Southeast European Cooperative Initiative (SECI) to oppose and to work to prevent the extension of SECI membership to Serbia-Montenegro.

(c) CERTIFICATION.—A certification described in this subsection is a certification that—

(1) the representatives of the successor states to the Socialist Federal Republic of Yugoslavia have successfully negotiated the division of assets and liabilities and all other succession issues following the dissolution of the Socialist Federal Republic of Yugoslavia;

(2) the government of Serbia-Montenegro is fully complying with its obligations as a signatory to the General Framework Agreement for Peace in Bosnia and Herzegovina;

(3) the government of Serbia-Montenegro is fully cooperating with and providing unrestricted access to the International Criminal Tribunal for the former Yugoslavia, including surrendering persons indicted for war crimes who are within the jurisdiction of the territory of Serbia-Montenegro, and with the investigations concerning the commission of war crimes and crimes against humanity in Kosova;

(4) the government of Serbia-Montenegro is implementing internal democratic reforms; and

(5) Serbian, Serbian-Montenegrin federal governmental officials, and representatives of the ethnic Albanian community in Kosova have agreed on, signed, and begun implementation of a negotiated settlement on the future status of Kosova.

(d) STATEMENT OF POLICY.—It is the sense of the Congress that the United States should not restore full diplomatic relations with Serbia-Montenegro until the President submits to the Committees on Appropriations and Foreign Relations in the Senate and the Committees on Appropriations and International Relations in the House of Representatives the certification described in subsection (c).

(e) EXEMPTION OF MONTENEGRO.—The sanctions described in subsection (b)(1) should not apply to the government of Montenegro or Kosova.

(f) DEFINITION.—The term ''international financial institution'' includes the International Monetary Fund, the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Multilateral Investment Guaranty Agency, and the European Bank for Reconstruction and Development.

(g) WAIVER AUTHORITY.—

(1) The President may waive the application in whole or in part, of any sanction described in subsection (b) if the President certifies to the Congress that the President has determined that the waiver is necessary to meet emergency humanitarian needs or to achieve a negotiated settlement of the conflict in Kosova that is acceptable to the parties.

(2) Such a wavier may only be effective upon certification by the President to Congress that the United States has transferred and will continue to transfer (subject to adequate protection of intelligence sources and methods) to the International Criminal Tribunal for the former Yugoslavia all information it has collected in support of an indictment and trial of President Slobodan Milosevic for war crimes, crimes against humanity, or genocide.

(3) In the event of a waiver, within seven days the President must report the basis upon which the waiver was made to the Select Committee on Intelligence and the Committee on Foreign Relations in the Senate, and the Permanent Select Committee on Intelligence and the Committee on International Relations in the House of Representatives.

CLEAN COAL TECHNOLOGY

SEC. 579. (a) FINDINGS.—The Congress finds as follows:

(1) The United States is the world leader in the development of environmental technologies, particularly clean coal technology.

(2) Severe pollution problems affecting people in developing countries, and the serious health problems that result from such pollution, can be effectively addressed through the application of United States technology.

(3) During the next century, developing countries, particularly countries in Asia such as China and India, will dramatically increase their consumption of electricity, and low quality coal will be a major source of fuel for power generation.

(4) Without the use of modern clean coal technology, the resultant pollution will cause enormous health and environmental problems leading to diminished economic growth in developing countries and, thus, diminished United States exports to those growing markets.

(b) STATEMENT OF POLICY.—It is the policy of the United States to promote the export of United States clean coal technology. In furtherance of that policy, the Secretary of State, the Secretary of the Treasury (acting through the United States executive directors to international financial institutions), the Secretary of Energy, and the Administrator of the United States Agency for International Development (USAID) should, as appropriate, vigorously promote the use of United States clean coal technology in environmental and energy infrastructure programs, projects and activities. Programs, projects and activities for which the use of such technology should be considered include reconstruction assistance for the Balkans, activities carried out by the Global Environmental Facility, and activities funded from USAID's Development Credit Authority.

SENSE OF CONGRESS ON MANAGEMENT OF UNITED STATES INTERESTS IN UKRAINE

SEC. 580. (a) FINDINGS.—Congress makes the following findings:

(1) Ukraine is a major European nation as it has the second largest territory and sixth largest population of all the States of Europe.

(2) Ukraine has important geopolitical and economic roles to play within Central and Eastern Europe.

(3) A strong, stable, and secure Ukraine serves the interests of peace and stability in all of Europe, which are important national security interests of the United States.

(4) Ukraine is a member State of the Council of Europe, the Organization on Security and Cooperation in Europe, the Central European Initiative, and the Euro-Atlantic Partnership Conference, is a participant in the Partnership for Peace program of the North Atlantic Treaty Organization, and has entered into a Partnership and Cooperation Agreement with the European Union.

(5) The Government of Ukraine has clearly articulated its country's aspirations to become fully integrated into European and transatlantic institutions, and, in pursuit of the attainment of that aspiration, the government of Ukraine has requested associate membership in the European Union with the intent of eventually becoming a full member of the European Union.

(6) It is the policy of the United States to support the aspiration of Ukraine to assume its rightful place among the European and transatlantic community of democratic States and in European and transatlantic institutions.

(7) In the United States Government, the responsibility for management of United States interests in Ukraine would be most effectively performed by the officials who perform the responsibility for management of United States interests in Europe, and a designation of those officials to do so would strongly underscore and most effectively support attainment of the United States objective to build a Europe whole and free.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of State should designate the Assistant Secretary of State for European Affairs to perform, through the Bureau of European Affairs of the Department of State, the responsibilities of the Department of State for the management of United States interests in Ukraine.

CONGRESSIONAL NOTIFICATION WITH RESPECT TO ACQUISITION OF USAID FACILITIES

SEC. 581. (a) Funds appropriated under the heading ''OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT'' may be made available for acquisition of office space exceeding $5,000,000 of the United States Agency for International Development only if the appropriate congressional committees are notified at least 15 days in advance in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1).

(b) As used in this section, the term ''acquisition'' shall have the same meaning as in the Foreign Service Building Act of 1926.

RESTRICTION ON UNITED STATES ASSISTANCE FOR CERTAIN RECONSTRUCTION EFFORTS IN THE BALKANS REGION.

SEC. 582. (a) PROHIBITION.—Except as provided in subsection (b), none of the funds appropriated or otherwise made available by this Act for United States assistance for reconstruction efforts in the Federal Republic of Yugoslavia or any contiguous country may be used for the procurement of, any article produced outside the United States, the recipient country, or least developed countries, or any service provided by a foreign person.

(b) EXCEPTION.—Subsection (a) shall not apply if—

(1) the provision of such assistance requires articles of a type that are produced in and services that are available for purchase in the United States, the recipient country, or least developed countries, or if the cost of articles and services produced in or available from the United States and such other countries is significantly more expensive, including the cost of transportation, than the cost from other sources; or

(2) the President determines that the application of subsection (a) will impair the ability of the United States to maximize the use of United States articles and services in such reconstruction efforts of other donor countries, or if the President otherwise determines that subsection (a) will impair United States foreign assistance objectives.

(c) DEFINITIONS.—In this section:

(1) ARTICLE.—The term ''article'' means any agricultural commodity, steel, communications equipment, farm machinery, or petrochemical refinery equipment.

(2) FEDERAL REPUBLIC OF YUGOSLAVIA.—The term ''Federal Republic of Yugoslavia'' means the Federal Republic of Yugoslavia (Serbia and Montenegro) and includes Kosova.

(3) FOREIGN PERSON.—The term ''foreign person'' means any foreign national, exclusive of any national of the recipient country or least developed countries, including any foreign corporation, partnership, other legal entity, organization, or association that is beneficially owned by foreign persons or controlled in fact by foreign persons.

(4) PRODUCED.—The term ''produced'', with respect to an item, includes any item mined, manufactured, made, assembled, grown, or extracted.

(5) SERVICE.—The term ''service'' means any engineering, construction or telecommunications.

(6) STEEL.—The term ''steel'' includes the following categories of steel products: semi-finished, plates, sheets and strips, wire rods, wire and wire products, rail type products, bars, structural shapes and units, pipes and tubes, iron ore, and coke products.

ALLOCATION OF FUNDS FOR THE IRAQ FOUNDATION.

SEC. 583. Of the funds made available by this Act for activities of Iraqi opposition groups designated under the Iraqi Liberation Act (Public Law 105–338), $250,000 shall be made available for the Iraq Foundation.

SELF-DETERMINATION IN EAST TIMOR

SEC. 584. (a) The President, the Secretary of State, the Secretary of Defense, and the Secretary of the Treasury (acting through United States executive directors to international financial institutions) should immediately intensify their efforts to prevail upon the Indonesian Government and military to—

(1) disarm and disband anti-independence militias in East Timor;

(2) grant full access to East Timor by international human rights monitors, humanitarian organizations, and the press;

(3) allow Timorese who have been living in exile to return to East Timor to campaign for and participate in the ballot; and

(4) release all political prisoners.

(b) The President shall submit a report to Congress not later than 15 days after passage of this Act, containing a description of the Administration's efforts and his assessment of efforts made by the Indonesian Government and military to fulfill the steps described in paragraph (a).

(c) The Secretary of the Treasury shall direct the United States executive directors to international financial institutions to take into account the extent of efforts made by the Indonesian Government and military to fulfill the steps described in paragraph (a), in determining their vote on any loan or financial assistance to Indonesia.

SENSE OF THE SENATE ON THE CITIZENS DEMOCRACY CORPS

SEC. 585. It is the sense of the Senate that with regard to promoting economic development and open, democratic countries in the former Soviet Union and Central Eastern Europe, the Committee commends the work of the Citizens Democracy Corps (CDC), which utilizes senior-level United States business volunteers to assist enterprises, institutions, and local governments abroad. Their work demonstrates the significant impact that United States Agency for International Development (USAID) support of a United States nongovernmental organization (NGO) program can have on the key United States foreign policy priorities of promoting broad-based, stable economic growth and open, market-oriented economies in transitioning economies. By drawing upon the skills and voluntary spirit of United States businessmen and women to introduce companies, CDC furthers the goals of the Freedom of Support Act (NIS) and Support for Eastern European Democracy (SEED), forging positive, lasting connections between the United States and these countries. The Committee endorses CDC's very cost-effective programs and believes they should be supported and expanded not only in the former Soviet Union and Eastern Europe, but in transitioning and developing economies throughout the world.

ASSISTANCE TO PROMOTE DEMOCRACY AND CIVIL SOCIETY IN YUGOSLAVIA

SEC. 586. (a) ASSISTANCE.—

(1) PURPOSE OF ASSISTANCE.—The purpose of assistance under this subsection is to promote and strengthen institutions of democratic government and the growth of an independent civil society in Yugoslavia, including ethnic tolerance and respect for internationally recognized human rights.

(2) AUTHORIZATION FOR ASSISTANCE.—The President is authorized to furnish assistance and other support for individuals and independent nongovernmental organizations to carry out the purpose of paragraph (1) through support for the activities described in paragraph (3).

(3) ACTIVITIES SUPPORTED.—Activities that may be supported by assistance under paragraph (2) include the following:

(A) Democracy building.

(B) The development of nongovernmental organizations.

(C) The development of independent media.

(D) The development of the rule of law, a strong, independent judiciary, and transparency in political practices.

(E) International exchanges and advanced professional training programs in skill areas central to the development of civil society and a market economy.

(F) The development of all elements of the democratic process, including political parties and the ability to administer free and fair elections.

(G) The development of local governance.

(H) The development of a free-market economy.

(4) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There is authorized to be appropriated to the President $100,000,000 for the period beginning October 1, 1999, and ending September 30, 2001, to carry out this subsection.

(B) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to subparagraph (a) are authorized to remain available until expended.

(b) PROHIBITION ON ASSISTANCE TO GOVERNMENT OF SERBIA.—In carrying out subsection (a), the President shall take all necessary steps to ensure that no funds or other assistance is provided to the Government of Yugoslavia or to the Government of Serbia.

(c) ASSISTANCE TO GOVERNMENT OF MONTENEGRO.—In carrying out subsection (a), the President is authorized to provide assistance to the Government of Montenegro, if the President determines, and so reports to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate, that the Government of Montenegro is committed to, and is taking steps to promote, democratic principles, the rule of law, and respect for internationally recognized human rights.

FOREIGN MILITARY TRAINING REPORT

SEC. 587. (a) The Secretary of Defense and the Secretary of State shall jointly provide to the Congress by January 31, 2000 a report on all military training provided to foreign military personnel (excluding sales) administered by the Department of Defense and the Department of State during fiscal years 1999 and 2000, including those proposed for fiscal year 2000. This report shall include, for each such military training activity, the foreign policy justification and purpose for the training activity, the cost of the training activity, the number of foreign students trained and their units of operation, and the location of the training. In addition, this report shall also include, with respect to United States personnel, the operational benefits to United States forces derived from each such training activity and the United States military units involved in each such training activity. This report may include a classified annex if deemed necessary and appropriate.

(b) For purposes of this section a report to Congress shall be deemed to mean a report to the Appropriations and Foreign Relations Committees of the Senate and the Appropriations and International Relations Committees of the House of Representatives.

CONTROL AND ELIMINATE THE INTERNATIONAL PROBLEM OF TUBERCULOSIS

SEC. 588. (a) FINDINGS.—The Congress finds that:

(1) Since the development of antibiotics in the 1950's, tuberculosis has been largely controlled in the United States and the Western World.

(2) Due to societal factors, including growing urban decay, inadequate health care systems, persistent poverty, overcrowding, and malnutrition, as well as medical factors, including the HIV/AIDS epidemic and the emergence of multi-drug resistant strains of tuberculosis, tuberculosis has again become a leading and growing cause of adult deaths in the developing world.

(3) According to the World Health Organization—

(A) in 1998, about 1,860,000 people worldwide died of tuberculosis-related illnesses;

(B) one-third of the world's total population is infected with tuberculosis; and

(C) tuberculosis is the world's leading killer of women between 15 and 44 years old and

is a leading cause of children becoming orphans.

(4) Because of the ease of transmission of tuberculosis, its international persistence and growth pose a direct public health threat to those nations that had previously largely controlled the disease. This is complicated in the United States by the growth of the homeless population, the rate of incarceration, international travel, immigration, and HIV/AIDS.

(5) With nearly 40 percent of the tuberculosis cases in the United States attributable to foreign-born persons, tuberculosis will never be eliminated in the United States until it is controlled abroad.

(6) The means exist to control tuberculosis through screening, diagnosis, treatment, patient compliance, monitoring, and ongoing review of outcomes.

(7) Efforts to control tuberculosis are complicated by several barriers, including—

(A) the labor intensive and lengthy process involved in screening, detecting, and treating the disease;

(B) a lack of funding, trained personnel, and medicine in virtually every nation with a high rate of the disease; and

(C) the unique circumstances in each country, which requires the development and implementation of country-specific programs.

(8) Eliminating the barriers to the international control of tuberculosis through a well-structured, comprehensive, and coordinated worldwide effort would be a significant step in dealing with the increasing public health problem posed by the disease.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that if the total allocation for this Act is higher than the level passed by the Senate, a top priority for the additional funds should be to increase the funding to combat infectious diseases, especially tuberculosis.

TO PROMOTE AN INTERNATIONAL ARMS TRANSFERS REGIME

SEC. 589. (a) EFFORTS.—The President shall continue and expand efforts through the United Nations and other international fora, including the Wassenaar Arrangement, to limit arms transfers worldwide. The President shall take the necessary steps to begin multilateral negotiations within 180 days after the date of the enactment of this Act, for the purpose of establishing a permanent multilateral regime to govern the transfer of conventional arms, particularly transfers to countries—

(1) that engage in persistent violations of human rights, engage in acts of armed aggression in violation of international law, and do not fully participate in the United Nations Register of Conventional Arms; and

(2) in regions in which arms transfers would exacerbate regional arms races or international tensions that present a danger to international peace and stability.

(b) REPORT TO CONGRESS.—Not later than 6 months after the commencement of the negotiations under subsection (a), and not later than the end of every 6-month period thereafter until an agreement described in subsection (a) is concluded, the President shall report to the appropriate committees of the Congress on the progress made during these negotiations.

EXPANDED THREAT REDUCTION INITIATIVE

SEC. 590. It is the sense of the Senate that the programs contained in the Expanded Threat Reduction Initiative are vital to the national security of the United States and that funding for those programs should be restored in conference to the levels requested in the President's budget.

SENSE OF THE SENATE REGARDING UNITED STATES COMMITMENTS UNDER THE UNITED STATES-NORTH KOREAN AGREED FRAMEWORK

SEC. 591. It is the sense of the Senate that, as long as North Korea meets its obligations under the United States-North Korean Nuclear Agreed Framework of 1994, the United States should meet its commitments under the Agreed Framework, including required deliveries of heavy fuel oil to North Korea and support of the Korean Peninsula Energy Development Organization (KEDO).

EXPANDED THREAT REDUCTION INITIATIVE

SEC. 592. The Senate finds that:

(1) The proposed programs under the Expanded Threat Reduction Initiative (ETRI) are critical and essential to preserving United States national security.

(2) The Department of State programs under the ETRI be funded at or near the full request of $250,000,000 in the Foreign Operations Appropriations Act for Fiscal Year 2000 prior to final passage.

SENSE OF THE SENATE REGARDING AN INTERNATIONAL CONFERENCE ON THE BALKANS.

SEC. 593. (a) FINDINGS.—The Senate makes the following findings:

(1) The United States and its allies in the North Atlantic Treaty Organization (NATO) conducted large-scale military operations against the Federal Republic of Yugoslavia.

(2) At the conclusion of 78 days of these hostilities, the United States and its NATO allies suspended military operations against the Federal Republic of Yugoslavia based upon credible assurances by the latter that it would fulfill the following conditions as laid down by the so called Group of Eight (G–8):

(A) An immediate and verifiable end of violence and repression in Kosova.

(B) Staged withdrawal of all Yugoslav military, police, and paramilitary forces from Kosova.

(C) Deployment in Kosova of effective international and security presences, endorsed and adopted by the United Nations Security Council, and capable of guaranteeing the achievement of the agreed objectives.

(D) Establishment of an interim administration for Kosova, to be decided by the United Nations Security Council which will seek to ensure conditions for a peaceful and normal life for all inhabitants in Kosova.

(E) Provision for the safe and free return of all refugees and displaced persons from Kosova and an unimpeded access to Kosova by humanitarian aid organizations.

(3) These objectives appear to have been fulfilled, or to be in the process of being fulfilled, which has led the United States and its NATO allies to terminate military operations against the Federal Republic of Yugoslavia.

(4) The G–8 also called for a comprehensive approach to the economic development and stabilization of the crisis region, and the European Union has announced plans for $1,500,000,000 over the next 3 years for the reconstruction of Kosova, for the convening in July of an international donors' conference for Kosova aid, and for subsequent provision of reconstruction aid to the other countries in the region affected by the recent hostilities followed by reconstruction aid directed at the Balkans region as a whole.

(5) The United States and some of its NATO allies oppose the provision of any aid, other than limited humanitarian assistance, to Serbia until Yugoslav President Slobodan Milosevic is out of office.

(6) The policy of providing reconstruction aid to Kosova and other countries in the region affected by the recent hostilities while withholding such aid for Serbia presents a number of practical problems, including the absence in Kosova of financial and other institutions independent of Yugoslavia, the difficulty in drawing clear and enforceable distinctions between humanitarian and reconstruction assistance, and the difficulty in reconstructing Montenegro in the absence of similar efforts in Serbia.

(7) In any case, the achievement of effective and durable economic reconstruction and revitalization in the countries of the Balkans is unlikely until a political settlement is reached as to the final status of Kosova and Yugoslavia.

(8) The G–8 proposed a political process towards the establishment of an interim political framework agreement for a substantial self-government for Kosova, taking into full account the final Interim Agreement for Peace and Self-Government in Kosova, also known as the Rambouillet Accords, and the principles of sovereignty and territorial integrity of the Federal Republic of Yugoslavia and the other countries of the region, and the demilitarization of the UCK (Kosova Liberation Army).

(9) The G–8 proposal contains no guidance as to a final political settlement for Kosova and Yugoslavia, while the original position of the United States and the other participants in the so-called Contact Group on this matter, as reflected in the Rambouillet Accords, called for the convening of an international conference, after 3 years, to determine a mechanism for a final settlement of Kosova status based on the will of the people, opinions of relevant authorities, each Party's efforts regarding the implementation of the agreement and the provisions of the Helsinki Final Act.

(10) The current position of the United States and its NATO allies as to the final status of Kosova and Yugoslavia calls for an autonomous, multiethnic, democratic Kosova which would remain as part of Serbia, and such an outcome is not supported by any of the Parties directly involved, including the governments of Yugoslavia and Serbia, representatives of the Kosovar Albanians, and the people of Yugoslavia, Serbia and Kosova.

(11) There has been no final political settlement in Bosnia-Herzegovina, where the Armed Forces of the United States, its NATO allies, and other non-Balkan nations have been enforcing an uneasy peace since 1996, at a cost to the United States alone of over $10,000,000,000, with no clear end in sight to such enforcement.

(12) The trend throughout the Balkans since 1990 has been in the direction of ethnically based particularism, as exemplified by the 1991 declarations of independence from Yugoslavia by Slovenia and Croatia, and the country in the Balkans which currently comes the closest to the goal of a democratic government which respects the human rights of its citizens is the nation of Slovenia, which was the first portion of the former Federal Republic of Yugoslavia to secede and is also the nation in the region with the greatest ethnic homogeneity, with a population which is 91 percent Slovene.

(13) The boundaries of the various national and sub-national divisions in the Balkans have been altered repeatedly throughout history, and international conferences have frequently played the decisive role in fixing such boundaries in the modern era, including the Berlin Congress of 1878, the London Conference of 1913, and the Paris Peace Conference of 1919.

(14) The development of an effective exit strategy for the withdrawal from the Balkans of foreign military forces, including the armed forces of the United States, its NATO allies, Russia, and any other nation from outside the Balkans which has such forces in

the Balkans is in the best interests of all such nations.

(15) The ultimate withdrawal of foreign military forces, accompanied by the establishment of durable and peaceful relations among all of the nations and peoples of the Balkans is in the best interests of those nations and peoples.

(16) An effective exit strategy for the withdrawal from the Balkans of foreign military forces is contingent upon the achievement of a lasting political settlement for the region, and that only such a settlement, acceptable to all parties involved, can ensure the fundamental goals of the United States of peace, stability, and human rights in the Balkans;

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the United States should call immediately for the convening of an international conference on the Balkans, under the auspices of the United Nations, and based upon the principles of the Rambouillet Accords for a final settlement of Kosova status, namely that such a settlement should be based on the will of the people, opinions of relevant authorities, each Party's efforts regarding the implementation of the agreement and the provisions of the Helsinki Final Act;

(2) the international conference on the Balkans should also be empowered to seek a final settlement for Bosnia-Herzegovina based on the same principles as specified for Kosova in the Rambouillet Accords; and

(3) in order to produce a lasting political settlement in the Balkans acceptable to all parties, which can lead to the departure from the Balkans in timely fashion of all foreign military forces, including those of the United States, the international conference should have the authority to consider any and all of the following: political boundaries; humanitarian and reconstruction assistance for all nations in the Balkans; stationing of United Nations peacekeeping forces along international boundaries; security arrangements and guarantees for all of the nations of the Balkans; and tangible, enforceable and verifiable human rights guarantees for the individuals and peoples of the Balkans.

INTERNATIONAL DISASTER ASSISTANCE FOR OPPOSITION-CONTROLLED AREAS OF SUDAN

SEC. 594. Notwithstanding any other provision of law, of the funds made available under chapter 9 of part I of the Foreign Assistance Act of 1961 (relating to international disaster assistance) for fiscal year 2000, up to $4,000,000 should be made available for rehabilitation and economic recovery in opposition-controlled areas of Sudan. Such funds are to be used to improve economic governance, primary education, agriculture, and other locally-determined priorities. Such funds are to be programmed and implemented jointly by the United States Agency for International Development and the Department of Agriculture, and may be utilized for activities which can be implemented for a period of up to two years.

HUMANITARIAN ASSISTANCE FOR SUDANESE INDIGENOUS GROUPS

SEC. 595. The President, acting through the appropriate Federal agencies, is authorized to provide humanitarian assistance, including food, directly to the National Democratic Alliance participants and the Sudanese People's Liberation Movement operating outside of the Operation Lifeline Sudan structure.

DEVELOPMENT ASSISTANCE FOR OPPOSITION-CONTROLLED AREAS OF SUDAN

SEC. 596. (a) INCREASE IN DEVELOPMENT ASSISTANCE.—The President, acting through the United States Agency for International Development, is authorized to increase substantially the amount of development assistance for capacity building, democracy promotion, civil administration, judiciary, and infrastructure support in opposition-controlled areas of Sudan.

(b) QUARTERLY REPORT.—The President shall submit a report on a quarterly basis to the Congress on progress made in carrying out subsection (a).

SENSE OF THE SENATE REGARDING COLOMBIA

SEC. 597. (a) FINDINGS.—Congress makes the following findings:

(1) Colombia is a democratic country fighting multiple wars—

(A) a war against the Colombian Revolutionary Armed Forces (FARC);

(B) a war against the National Liberation Army (ELN);

(C) a war against paramilitary organizations; and

(D) a war against drug lords who traffic in deadly cocaine and heroin.

(2) Colombia is the world's third most dangerous country in terms of political violence with 34 percent of world terrorist acts committed there.

(3) Colombia is the world's kidnaping capital of the world with 2,609 kidnapings reported in 1998 and 513 reported in the first three months of 1999.

(4) In 1998 alone, 308,000 Colombians were internally displaced in Colombia. Over the last decade, 35,000 Colombians have been killed.

(5) The FARC and ELN are the two main guerrilla groups which have waged the longest-running antigovernment insurgency in Latin America.

(6) The Colombian rebels have a combined strength of 10,000 to 20,000 full-time guerrillas; they have initiated armed action in nearly 700 of the country's 1073 municipalities, and control or influence roughly 60 percent of rural Colombia including a demilitarized zone using their armed stranglehold to abuse Colombian citizens.

(7) Although the Colombian Army has 122,000 soldiers, there are roughly only 20,000 soldiers available for offensive combat operations.

(8) Colombia faces the threat of the armed paramilitaries, 5,000 strong, who are constantly driving a wedge in the peace process by their insistence in participating in the peace talks.

(9) More than 75 percent of the world's cocaine HCL and 75 percent of the heroin seized in the northeast United States is of Colombian origin.

(10) The conflicts in Colombia are creating spillovers to the border countries of Venezuela, Panama and Ecuador: Venezuela has sent 30,000 troops to its border and Ecuador is sending 10,000 troops to its border.

(11) Venezuela is our number one supplier of oil.

(12) By the end of 1999, all United States military troops will have departed from Panama, leaving the Panama Canal unprotected.

(13) In 1998, two-way trade between the United States and Colombia was more than $11,000,000,000, making the United States Colombia's number one trading partner and Colombia the fifth largest market for United States exports in the region.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the United States should recognize the crisis in Colombia and play a more proactive role in its resolution;

(2) the United States should mobilize the international community to proactively engage in resolving Colombian wars; and

(3) the United States should pledge our political support to help Colombia with the peace process.

ACCOUNTABILITY OF SADDAM HUSSEIN

SEC. 598. It is the sense of the Senate that the President and the Secretary of State should—

(1) raise the need for accountability of Saddam Hussein and several key members of his regime at the International Criminal Court Preparatory Commission, which will meet in New York on July 26, 1999, through August 13, 1999;

(2) continue to push for the creation of a commission under the auspices of the United Nations to establish an international record of the criminal culpability of Saddam Hussein and other Iraqi officials;

(3) continue to push for the United Nations to form an international criminal tribunal for the purpose of indicting, prosecuting, and imprisoning Saddam Hussein and any other Iraqi officials who may be found responsible for crimes against humanity, genocide, and other violations of international humanitarian law; and

(4) upon the creation of a commission and international criminal tribunal, take steps necessary, including the reprogramming of funds, to ensure United States support for efforts to bring Saddam Hussein and other Iraqi officials to justice.

SENSE OF THE SENATE REGARDING ASSISTANCE PROVIDED TO LITHUANIA, LATVIA, AND ESTONIA

SEC. 599. It is the sense of the Senate that nothing in this Act, or Senate Report Number 106–81, relating to assistance provided to Lithuania, Latvia, and Estonia under the Foreign Military Financing Program, should be interpreted as expressing the will of the Senate to accelerate membership of those nations into the North Atlantic Treaty Organization (NATO).

CONSULTATIONS ON ARMS SALES TO TAIWAN

SEC. 599A. Consistent with the intent of Congress expressed in the enactment of section 3(b) of the Taiwan Relations Act, the Secretary of State shall consult with the appropriate committees and leadership of Congress to devise a mechanism to provide for congressional input prior to making any determination on the nature or quantity of defense articles and services to be made available to Taiwan.

SENSE OF THE SENATE REGARDING ASSISTANCE UNDER THE CAMP DAVID ACCORDS.

SEC. 599B. (a) FINDINGS.—The Senate makes the following findings:

(1) Egypt and Israel together negotiated the Camp David Accords, an historic breakthrough in beginning the process of bringing peace to the Middle East.

(2) As part of the Camp David Accords, a concept was reached regarding the ratio of United States foreign assistance between Egypt and Israel, a formula which has been followed since the signing of the Accords.

(3) The United States is reducing economic assistance to Egypt and Israel, with the agreement of those nations.

(4) The United States is committed to maintaining proportionality between Egypt and Israel in United States foreign assistance programs.

(5) Egypt has consistently fulfilled an historic role of peacemaker in the context of the Arab-Israeli disputes.

(6) The recent elections in Israel offer fresh hope of resolving the remaining issues of dispute in the region.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the United States should provide Egypt access to an interest bearing account as part of the United States foreign assistance program pursuant to the principles of proportionality which underlie the Camp David Accords.

AUTHORIZATIONS

SEC. 599C. The Secretary of the Treasury may, to fulfill commitments of the United

States, (1) effect the United States participation in the fifth general capital increase of the African Development Bank, the first general capital increase of the Multilateral Investment Guarantee Agency, and the first general capital increase of the Inter-American Investment Corporation; (2) contribute on behalf of the United States to the eighth replenishment of the resources of the African Development Fund and the twelfth replenishment of the International Development Association. The following amounts are authorized to be appropriated without fiscal year limitation for payment by the Secretary of the Treasury: $40,847,011 for paid-in capital, and $639,932,485 for callable capital, of the African Development Bank; $29,870,087 for paid-in capital, and $139,365,533 for callable capital, of the Multilateral Investment Guarantee Agency; $125,180,000 for paid-in capital of the Inter-American Investment Corporation; $300,000,000 for the African Development Fund; and $2,410,000,000 for the International Development Association.

WORKING CAPITAL FUND

SEC. 599D. Section 635 of the Foreign Assistance Act of 1961 (22 U.S.C. 2395) is amended by adding a new subsection (l) as follows:

''(l)(1) There is hereby established a working capital fund for the United States Agency for International Development which shall be available without fiscal year limitation for the expenses of personal and nonpersonal services, equipment and supplies for: (A) International Cooperative Administrative Support Services; (B) central information technology, library, audiovisual and administrative support services; (C) medical and health care of participants and others; and (D) such other functions which the Administrator of such agency, with the approval of the Office of Management and Budget, determines may be provided more advantageously and economically as central services.

''(2) The Capital of the fund shall consist of the fair and reasonable value of such supplies, equipment and other assets pertaining to the functions of the fund as the Administrator determines and any appropriations made available for the purpose of providing capital, less related liabilities.

''(3) The fund shall be reimbursed or credited with advance payments for services, equipment or supplies provided from the fund from applicable appropriations and funds of the agency, other Federal agencies and other sources authorized by section 607 of this Act at rates that will recover total expenses of operation, including accrual of annual leave and depreciation. Receipts from the disposal of, or payments for the loss or damage to, property held in the fund, rebates, reimbursements, refunds and other credits applicable to the operation of the fund may be deposited in the fund.

''(4) The agency shall transfer to the Treasury as miscellaneous receipts as of the close of the fiscal year such amounts which the Administrator determines to be in excess of the needs of the fund.

''(5) The fund may be charged with the current value of supplies and equipment returned to the working capital of the fund by a post, activity or agency and the proceeds shall be credited to current applicable appropriations.''.

DEVELOPMENT CREDIT AUTHORITY PROGRAM ACCOUNT

SEC. 599E. For the cost of direct loans and loan guarantees, up to $7,500,000 to be derived by transfer from funds appropriated by this Act to carry out part I of the Foreign Assistance Act of 1961, as amended, and funds appropriated by this Act under the heading, ''ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES'', to remain available until expended, as authorized by section 635 of the Foreign Assistance Act of 1961: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further,* That for administrative expenses to carry out the direct and guaranteed loan programs, up to $500,000 of this amount may be transferred to and merged with the appropriation for ''Operating Expenses of the Agency for International Development'': *Provided further,* That the provisions of section 107A(d) (relating to general provisions applicable to the Development Credit Authority) of the Foreign Assistance Act of 1961, as contained in section 306 of H.R. 1486 as reported by the House Committee on International Relations on May 9, 1997, shall be applicable to direct loans and loan guarantees provided under this heading.

SILK ROAD STRATEGY ACT OF 1999.

SEC. 599F. (a) SHORT TITLE.—This section may be cited as the ''Silk Road Strategy Act of 1999''.

(b) AMENDMENT OF THE FOREIGN ASSISTANCE OF 1961.—Part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended by adding at the end the following new chapter:

''CHAPTER 12—SUPPORT FOR THE ECONOMIC AND POLITICAL INDEPENDENCE OF THE COUNTRIES OF THE SOUTH CAUCASUS AND CENTRAL ASIA

''SEC. 499. UNITED STATES ASSISTANCE TO PROMOTE RECONCILIATION AND RECOVERY FROM REGIONAL CONFLICTS.

''(a) PURPOSE OF ASSISTANCE.—The purposes of assistance under this section include—

''(1) the creation of the basis for reconciliation between belligerents;

''(2) the promotion of economic development in areas of the countries of the South Caucasus and Central Asia impacted by civil conflict and war; and

''(3) the encouragement of broad regional cooperation among countries of the South Caucasus and Central Asia that have been destabilized by internal conflicts.

''(b) AUTHORIZATION FOR ASSISTANCE.—

''(1) IN GENERAL.—To carry out the purposes of subsection (a), the President is authorized to provide humanitarian assistance and economic reconstruction assistance for the countries of the South Caucasus and Central Asia to support the activities described in subsection (c).

''(2) DEFINITION OF HUMANITARIAN ASSISTANCE.—In this subsection, the term 'humanitarian assistance' means assistance to meet humanitarian needs, including needs for food, medicine, medical supplies and equipment, education, and clothing.

''(c) ACTIVITIES SUPPORTED.—Activities that may be supported by assistance under subsection (b) include—

''(1) providing for the humanitarian needs of victims of the conflicts;

''(2) facilitating the return of refugees and internally displaced persons to their homes; and

''(3) assisting in the reconstruction of residential and economic infrastructure destroyed by war.

''SEC. 499A. ECONOMIC ASSISTANCE.

''(a) PURPOSE OF ASSISTANCE.—The purpose of assistance under this section is to foster economic growth and development, including the conditions necessary for regional economic cooperation, in the South Caucasus and Central Asia.

''(b) AUTHORIZATION FOR ASSISTANCE.—To carry out the purpose of subsection (a), the President is authorized to provide assistance for the countries of the South Caucasus and Central Asia to support the activities described in subsection (c).

''(c) ACTIVITIES SUPPORTED.—In addition to the activities described in section 498, activities supported by assistance under subsection (b) should support the development of the structures and means necessary for the growth of private sector economies based upon market principles.

''SEC. 499B. DEVELOPMENT OF INFRASTRUCTURE.

''(a) PURPOSE OF PROGRAMS.—The purposes of programs under this section include—

''(1) to develop the physical infrastructure necessary for regional cooperation among the countries of the South Caucasus and Central Asia; and

''(2) to encourage closer economic relations and to facilitate the removal of impediments to cross-border commerce among those countries and the United States and other developed nations.

''(b) AUTHORIZATION FOR PROGRAMS.—To carry out the purposes of subsection (a), the following types of programs for the countries of the South Caucasus and Central Asia may be used to support the activities described in subsection (c):

''(1) Activities by the Export-Import Bank to complete the review process for eligibility for financing under the Export-Import Bank Act of 1945.

''(2) The provision of insurance, reinsurance, financing, or other assistance by the Overseas Private Investment Corporation.

''(3) Assistance under section 661 of this Act (relating to the Trade and Development Agency).

''(c) ACTIVITIES SUPPORTED.—Activities that may be supported by programs under subsection (b) include promoting actively the participation of United States companies and investors in the planning, financing, and construction of infrastructure for communications, transportation, including air transportation, and energy and trade including highways, railroads, port facilities, shipping, banking, insurance, telecommunications networks, and gas and oil pipelines.

''SEC. 499C. BORDER CONTROL ASSISTANCE.

''(a) PURPOSE OF ASSISTANCE.—The purpose of assistance under this section includes the assistance of the countries of the South Caucasus and Central Asia to secure their borders and implement effective controls necessary to prevent the trafficking of illegal narcotics and the proliferation of technology and materials related to weapons of mass destruction (as defined in section 2332a(c)(2) of title 18, United States Code), and to contain and inhibit transnational organized criminal activities.

''(b) AUTHORIZATION FOR ASSISTANCE.—To carry out the purpose of subsection (a), the President is authorized to provide assistance to the countries of the South Caucasus and Central Asia to support the activities described in subsection (c).

''(c) ACTIVITIES SUPPORTED.—Activities that may be supported by assistance under subsection (b) include assisting those countries of the South Caucasus and Central Asia in developing capabilities to maintain national border guards, coast guard, and customs controls.

''SEC. 499D. STRENGTHENING DEMOCRACY, TOLERANCE, AND THE DEVELOPMENT OF CIVIL SOCIETY.

''(a) PURPOSE OF ASSISTANCE.—The purpose of assistance under this section is to promote institutions of democratic government and to create the conditions for the growth of pluralistic societies, including religious tolerance and respect for internationally recognized human rights.

''(b) AUTHORIZATION FOR ASSISTANCE.—To carry out the purpose of subsection (a), the President is authorized to provide the following types of assistance to the countries of the South Caucasus and Central Asia:

''(1) Assistance for democracy building, including programs to strengthen parliamentary institutions and practices.

''(2) Assistance for the development of nongovernmental organizations.

''(3) Assistance for development of independent media.

''(4) Assistance for the development of the rule of law, a strong independent judiciary, and transparency in political practice and commercial transactions.

''(5) International exchanges and advanced professional training programs in skill areas central to the development of civil society.

''(6) Assistance to promote increased adherence to civil and political rights under section 116(e) of this Act.

''(c) ACTIVITIES SUPPORTED.—Activities that may be supported by assistance under subsection (b) include activities that are designed to advance progress toward the development of democracy.

''SEC. 499E. ADMINISTRATIVE AUTHORITIES.

''(a) ASSISTANCE THROUGH GOVERNMENTS AND NONGOVERNMENTAL ORGANIZATIONS.—Assistance under this chapter may be provided to governments or through nongovernmental organizations.

''(b) USE OF ECONOMIC SUPPORT FUNDS.—Except as otherwise provided, any funds that have been allocated under chapter 4 of part II for assistance for the independent states of the former Soviet Union may be used in accordance with the provisions of this chapter.

''(c) TERMS AND CONDITIONS.—Assistance under this chapter shall be provided on such terms and conditions as the President may determine.

''(d) AVAILABLE AUTHORITIES.—The authority in this chapter to provide assistance for the countries of the South Caucasus and Central Asia is in addition to the authority to provide such assistance under the FREEDOM Support Act (22 U.S.C. 5801 et seq.) or any other Act, and the authorities applicable to the provision of assistance under chapter 11 may be used to provide assistance under this chapter.

''SEC. 499F. DEFINITIONS.

''In this chapter:

''(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

''(2) COUNTRIES OF THE SOUTH CAUCASUS AND CENTRAL ASIA.—The term 'countries of the South Caucasus and Central Asia' means Armenia, Azerbaijan, Georgia, Kazakstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan.''.

(c) CONFORMING AMENDMENTS.—Section 102(a) of the FREEDOM Support Act (Public Law 102–511) is amended in paragraphs (2) and (4) by striking each place it appears ''this Act)'' and inserting ''this Act and chapter 12 of part I of the Foreign Assistance Act of 1961)''.

(d) ANNUAL REPORT.—Section 104 of the FREEDOM Support Act (22 U.S.C. 5814) is amended—

(1) by striking ''and'' at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(5) with respect to the countries of the South Caucasus and Central Asia—

''(A) an identification of the progress made by the United States in accomplishing the policy described in section 3 of the Silk Road Strategy Act of 1999;

''(B) an evaluation of the degree to which the assistance authorized by chapter 12 of part I of the Foreign Assistance Act of 1961 has accomplished the purposes identified in that chapter;

''(C) a description of the progress being made by the United States to negotiate a bilateral agreement relating to the protection of United States direct investment in, and other business interests with, each country; and

''(D) recommendations of any additional initiatives that should be undertaken by the United States to implement the policy and purposes contained in the Silk Road Strategy Act of 1999.''.

TITLE VI—INTERNATIONAL TRAFFICKING OF WOMEN AND CHILDREN VICTIM PROTECTION

SHORT TITLE

SEC. 601. This title may be cited as the ''International Trafficking of Women and Children Victim Reporting Act of 1999''.

PURPOSES

SEC. 602. The purposes of this title are to condemn and combat the international crime of trafficking in women and children and to assist the victims of this crime by requiring an annual report including the identification of foreign governments that tolerate or participate in trafficking and fail to cooperate with international efforts to prosecute perpetrators.

DEFINITIONS

SEC. 603. In this title:

(1) TRAFFICKING.—The term ''trafficking'' means the use of deception, coercion, debt bondage, the threat of force, or the abuse of authority to recruit, transport within or across borders, purchase, sell, transfer, receive, or harbor a person for the purpose of placing or holding such person, whether for pay or not, in involuntary servitude, or slavery or slavery-like conditions, or in forced, bonded, or coerced labor.

(2) VICTIM OF TRAFFICKING.—The term ''victim of trafficking'' means any person subjected to the treatment described in paragraph (2).

ANNUAL REPORT TO CONGRESS

SEC. 604. (a) REPORT.—Not later than March 1, 2000, the Secretary of State shall submit a report to Congress describing the status of international trafficking, including—

(1) a list of foreign states where trafficking originates, passes through, or is a destination; and

(2) an assessment of the efforts by the governments described in paragraph (1) to combat trafficking. Such an assessment shall address—

(A) whether governmental authorities tolerate or are involved in trafficking activities;

(B) which governmental authorities are involved in anti-trafficking activities;

(C) what steps the government has taken toward ending the participation of its officials in trafficking;

(D) what steps the government has taken to prosecute and investigate those officials found to be involved in trafficking;

(E) what steps the government has taken to prohibit other individuals from participating in trafficking, including the investigation, prosecution, and conviction of individuals involved in trafficking, the criminal and civil penalties for trafficking, and the efficacy of those penalties on reducing or ending trafficking;

(F) what steps the government has taken to assist trafficking victims, including efforts to prevent victims from being further victimized by police, traffickers, or others, grants of stays of deportation, and provision of humanitarian relief, including provision of mental and physical health care and shelter;

(G) whether the government is cooperating with governments of other countries to extradite traffickers when requested;

(H) whether the government is assisting in international investigations of transnational trafficking networks; and

(I) whether the government—

(i) refrains from prosecuting trafficking victims or refrains from other discriminatory treatment towards trafficking victims due to such victims having been trafficked, or the nature of their work, or their having left the country illegally; and

(ii) recognizes the rights of victims and ensures their access to justice.

(b) CONTACTS WITH NONGOVERNMENTAL ORGANIZATIONS.—In compiling data and assessing trafficking for the State Department's Annual Human Rights Report and the report referred to in subsection (a), United States mission personnel shall consult with human rights and other appropriate nongovernmental organizations, including receiving reports and updates from such organizations, and, when appropriate, investigating such reports.

This Act may be cited as the ''Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000''.

AUTHORITY FOR COMMITTEES TO FILE LEGISLATIVE MATTERS

Mr. GORTON. Mr. President, I ask unanimous consent that notwithstanding the adjournment of the Senate, committees have from 11 a.m. until 1 p.m. on Thursday, July 8, in order to file legislative matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE READ THE FIRST TIME—H.R. 1218

Mr. GORTON. Mr. President, I understand that H.R. 1218 is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1218) to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

Mr. GORTON. I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, who consulted with the Speaker of the House of Representatives and the minority leaders of the Senate and the House, and pursuant to Public Law 105–277, announces the designation of Allan H. Meltzer, of Pennsylvania, as the Chairman of the International Financial Institution Advisory Commission.

S. 416, S. 700, S. 776, S. 323 AND S. 1027, EN BLOC

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate

now proceed to the consideration en bloc of the following bills reported by the Energy Committee: S. 416, calendar No. 130; S. 700, calendar No. 135; S. 776, calendar No. 136; S. 323, calendar No. 140; and S. 1027, calendar No. 178.

I ask unanimous consent that an amendment No. 1225 to S. 416 be agreed to, any committee amendments where applicable be agreed to, the bills then be considered read a third time and passed, as amended, if amended, any title amendments be agreed to, the motions to reconsider be laid upon the table, and that any statements relating to any of these bills be printed in the RECORD, with the above occurring en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

SEWAGE TREATMENT FACILITY IN SISTERS, OREGON

The Senate proceeded to consider the bill (S. 416) to direct the Secretary of Agriculture to convey to the city of Sisters, Oregon, a certain parcel of land for use in connection with a sewage treatment facility, which had been reported from the Committee on Energy and Natural Resources, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 416

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

SECTION 1. FINDINGS.

Congress finds that—

(1) the city of Sisters, Oregon, faces a public health threat from a major outbreak of infectious diseases due to the lack of a sewer system;

(2) the lack of a sewer system also threatens groundwater and surface water resources in the area;

(3) the city is surrounded by Forest Service land and has no reasonable access to non-Federal parcels of land large enough, and with the proper soil conditions, for the development of a sewage treatment facility;

(4) the Forest Service currently must operate, maintain, and replace 11 separate septic systems to serve existing Forest Service facilities in the city of Sisters; and

(5) the Forest Service currently administers 77 acres of land within the city limits that would increase in value as a result of construction of a sewer system.

SEC. 2. CONVEYANCE.

(a) IN GENERAL.—**[**Not later than 1 year**]** *As soon as practicable and upon completion of any documents or analysis required by any environmental law, but not later than 180 days* after the date of enactment of this Act, the Secretary of Agriculture shall convey to the city of Sisters, Oregon, at no cost to the city except the cost of preparation of any documents required by any environmental law in connection with the **[**conveyance, the parcel of land described in subsection (b).

[(b) LAND DESCRIPTION.—The land described in this subsection is the parcel of land located in—**]**

conveyance, an amount of land that is not more than is reasonably necessary for a sewage treatment facility and for the disposal of treated effluent consistent with subsection (c).

''(b) LAND DESCRIPTION.—The amount of land conveyed under subsection (a) shall be not less than 160 acres and not more than 240 acres from within the following—

(1) the SE quarter of section 09, township 15 south, range 10 west, W.M., Deschutes, Oregon, and the portion of the SW quarter of section 09, township 15 south, range 10 west, W.M., Deschutes, Oregon, that lies east of Three Creeks Lake Road, but not including the westernmost 500 feet of that portion; and

(2) the portion of the SW quarter of section 09, township 15 south, range 10 west, W.M., Deschutes County, Oregon, lying easterly of Three Creeks Lake Road.

(c) CONDITION.—The conveyance under subsection (a) shall be made on the condition that the city agree to conduct a public process before the final determination is made regarding land use for the disposition of treated effluent.

[(d) SPECIAL USE PERMIT.—Not later than 120 days after the date of enactment of this Act, in compliance with applicable environmental laws (including regulations), the Secretary shall issue a special use permit for the land conveyed under subsection (a) that allows the city access to the land for the purpose of commencing construction of the sewage treatment plant.

[(e)**]** *(d)* USE OF LAND.—

(1) IN GENERAL.—The land conveyed under subsection (a) shall be used by the city for a sewage treatment facility and for the disposal of treated effluent.

(2) OPTIONAL REVERTER.—If at any time the land conveyed under subsection (a) ceases to be used for a purpose described in paragraph (1), at the option of the United States, title to the land shall revert to the United States.

[SEC. 3. SALE OF ADMINISTRATIVE LAND.

[(a) IN GENERAL.—Not later than 3 years after the date of enactment of the Act, and notwithstanding any other provision of law, the Secretary shall sell, at fair market value, not less than a total of 6 acres of unimproved land in the city that is currently designated for administrative use. There are authorized to be appropriated such sums as are necessary to prepare the sale.

[(b) DEPOSIT OF PROCEEDS.—The Secretary shall deposit the proceeds of a sale under subsection (a) in the fund established by Public Law 90–171 (commonly known as the ''Sisk Act'') (16 U.S.C. 484a).

[(c) USE OF PROCEEDS.—

[(1) IN GENERAL.—Funds deposited under subsection (b) shall be available for expenditure, without further Act of appropriation, as follows:

[(A) Not more than 25 percent shall be available for administrative improvements at the Sisters Ranger District.

[(B) The remainder shall be available for purposes that are directly related to improving the long-term condition of the watershed of Squaw Creek, a tributary of the Deschutes River, Oregon.

[(2) METHOD OF EXPENDITURE.—The supervisor of the Deschutes National Forest may expend funds deposited under subsection (b) directly or may provide the funds in the form of grants to local watershed councils, including the Working Group (as defined in section 1025(a) of division I of the Omnibus Parks and Public Lands Management Act of 1996 (110 Stat. 4226)).**]**

The committee amendments were agreed to.

AMENDMENT NO. 1225

(Purpose: To authorize the acquisition of replacement lands)

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. SMITH of Oregon, for himself and Mr. WYDEN, proposes an amendment numbered 1225.

The amendment (No. 1225) was agreed to, as follows:

On page 3, line 12, strike the quotation marks.

On page 3, line 14, strike ''the following''.

At the end, add the following:

''(e) AUTHORITY TO ACQUIRE LAND IN SUBSTITUTION.—Subject to the availability of appropriations, the Secretary shall acquire land within Oregon, and within or in the vicinity of the Deschutes National Forest of an acreage equivalent to that of the land conveyed under subsection (a). Any lands acquired shall be added to and administered as part of the Deschutes National Forest.''.

The bill (S. 426), as amended, was considered read the third time and passed, as follows:

S. 416

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

SECTION 1. FINDINGS.

Congress finds that—

(1) the city of Sisters, Oregon, faces a public health threat from a major outbreak of infectious diseases due to the lack of a sewer system;

(2) the lack of a sewer system also threatens groundwater and surface water resources in the area;

(3) the city is surrounded by Forest Service land and has no reasonable access to non-Federal parcels of land large enough, and with the proper soil conditions, for the development of a sewage treatment facility;

(4) the Forest Service currently must operate, maintain, and replace 11 separate septic systems to serve existing Forest Service facilities in the city of Sisters; and

(5) the Forest Service currently administers 77 acres of land within the city limits that would increase in value as a result of construction of a sewer system.

SEC. 2. CONVEYANCE.

(a) IN GENERAL.—As soon as practicable and upon completion of any documents or analysis required by any environmental law, but not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall convey to the city of Sisters, Oregon, at no cost to the city except the cost of preparation of any documents required by any environmental law in connection with the conveyance, an amount of land that is not more than is reasonably necessary for a sewage treatment facility and for the disposal of treated effluent consistent with subsection (c).

(b) LAND DESCRIPTION.—The amount of land conveyed under subsection (a) shall be not less than 160 acres and not more than 240 acres from within—

(1) the SE quarter of section 09, township 15 south, range 10 west, W.M., Deschutes, Oregon, and the portion of the SW quarter of section 09, township 15 south, range 10 west, W.M., Deschutes, Oregon, that lies east of Three Creeks Lake Road, but not including the westernmost 500 feet of that portion; and

(2) the portion of the SW quarter of section 09, township 15 south, range 10 west, W.M., Deschutes County, Oregon, lying easterly of Three Creeks Lake Road.

(c) CONDITION.—The conveyance under subsection (a) shall be made on the condition that the city agree to conduct a public process before the final determination is made regarding land use for the disposition of treated effluent.

(d) USE OF LAND.—

(1) IN GENERAL.—The land conveyed under subsection (a) shall be used by the city for a sewage treatment facility and for the disposal of treated effluent.

(2) OPTIONAL REVERTER.—If at any time the land conveyed under subsection (a) ceases to be used for a purpose described in paragraph (1), at the option of the United States, title to the land shall revert to the United States.

(e) AUTHORITY TO ACQUIRE LAND IN SUBSTITUTION.—Subject to the availability of appropriations, the Secretary shall acquire land within Oregon, and within or in the vicinity of the Deschutes National Forest, of an acreage equivalent to that of the land conveyed under subsection (a). Any lands acquired shall be added to and administered as part of the Deschutes National Forest.

ALA KAHAKAI NATIONAL HISTORIC TRAIL ACT

The Senate proceeded to consider the bill (S. 700) to amend the National Trails System Act to designate the Ala Kahakai Trail as a National Historic Trail, which had been reported from the Committee on Energy and Natural Resources, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill or joint resolution intended to be inserted are shown in italic)

S. 700

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 ''Ala Kahakai National Historic Trail Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the Ala Kahakai (Trail by the Sea) is an important part of the ancient trail known as the ''Ala Loa'' (the long trail), which circumscribes the island of Hawaii;

(2) the Ala Loa was the major land route connecting 600 or more communities of the island kingdom of Hawaii from 1400 to 1700;

(3) the trail is associated with many prehistoric and historic housing areas of the island of Hawaii, nearly all the royal centers, and most of the major temples of the island;

(4) the use of the Ala Loa is also associated with many rulers of the kingdom of Hawaii, with battlefields and the movement of armies during their reigns, and with annual taxation;

(5) the use of the trail played a significant part in events that affected Hawaiian history and culture, including—

(A) Captain Cook's landing and subsequent death in 1779;

(B) Kamehameha I's rise to power and consolidation of the Hawaiian Islands under monarchical rule; and

(C) the death of Kamehameha in 1819, followed by the overthrow of the ancient religious system, the Kapu, and the arrival of the first western missionaries in 1820; and

(6) the trail—

(A) was used throughout the 19th and 20th centuries and continues in use today; and

(B) contains a variety of significant cultural and natural resources.

SEC. 3. AUTHORIZATION AND ADMINISTRATION.

Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is amended—

(1) by designating the paragraphs relating to the California National Historic Trail, the Pony Express National Historic Trail, and the Selma to Montgomery National Historic Trail as paragraphs (18), (19), and (20), respectively; and

(2) by adding at the end the following:

''(21) ALA KAHAKAI NATIONAL HISTORIC TRAIL.—

''(A) IN GENERAL.—The Ala Kahakai National Historic Trail (the Trail by the Sea), a 175 mile long trail extending from **[**Upolu**]** *'Upolu* Point on the north tip of Hawaii Island down the west coast of the Island around Ka Lae to the east boundary of Hawaii Volcanoes National Park at the ancient shoreline temple known as **[**'Wahaulu'**]** *'Waha'ula'*, as generally depicted on the map entitled 'Ala Kahakai Trail', contained in the report prepared pursuant to subsection (b) entitled 'Ala Kahakai National Trail Study and Environmental Impact Statement', dated January 1998.

''(B) MAP.—A map generally depicting the trail shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior.

''(C) ADMINISTRATION.—The trail shall be administered by the Secretary of the Interior.

''(D) LAND ACQUISITION.—No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the United States for the trail except with the consent of the owner of the land or interest in land.

''(E) PUBLIC PARTICIPATION; CONSULTATION.—The Secretary of the Interior shall—

''(i) encourage communities and owners of land along the trail, native Hawaiians, and volunteer trail groups to participate in the planning, development, and maintenance of the trail; and

''(ii) consult with affected Federal, State, and local agencies, native Hawaiian groups, and landowners in the administration of the trail.''.

The committee amendments were agreed to.

The bill (S. 700), as amended, was considered read the third time and passed, as follows:

S. 700

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 ''Ala Kahakai National Historic Trail Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the Ala Kahakai (Trail by the Sea) is an important part of the ancient trail known as the ''Ala Loa'' (the long trail), which circumscribes the island of Hawaii;

(2) the Ala Loa was the major land route connecting 600 or more communities of the island kingdom of Hawaii from 1400 to 1700;

(3) the trail is associated with many prehistoric and historic housing areas of the island of Hawaii, nearly all the royal centers, and most of the major temples of the island;

(4) the use of the Ala Loa is also associated with many rulers of the kingdom of Hawaii, with battlefields and the movement of armies during their reigns, and with annual taxation;

(5) the use of the trail played a significant part in events that affected Hawaiian history and culture, including—

(A) Captain Cook's landing and subsequent death in 1779;

(B) Kamehameha I's rise to power and consolidation of the Hawaiian Islands under monarchical rule; and

(C) the death of Kamehameha in 1819, followed by the overthrow of the ancient religious system, the Kapu, and the arrival of the first western missionaries in 1820; and

(6) the trail—

(A) was used throughout the 19th and 20th centuries and continues in use today; and

(B) contains a variety of significant cultural and natural resources.

SEC. 3. AUTHORIZATION AND ADMINISTRATION.

Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is amended—

(1) by designating the paragraphs relating to the California National Historic Trail, the Pony Express National Historic Trail, and the Selma to Montgomery National Historic Trail as paragraphs (18), (19), and (20), respectively; and

(2) by adding at the end the following:

''(21) ALA KAHAKAI NATIONAL HISTORIC TRAIL.—

''(A) IN GENERAL.—The Ala Kahakai National Historic Trail (the Trail by the Sea), a 175 mile long trail extending from 'Upolu Point on the north tip of Hawaii Island down the west coast of the Island around Ka Lae to the east boundary of Hawaii Volcanoes National Park at the ancient shoreline temple known as 'Waha'ula', as generally depicted on the map entitled 'Ala Kahakai Trail', contained in the report prepared pursuant to subsection (b) entitled 'Ala Kahakai National Trail Study and Environmental Impact Statement', dated January 1998.

''(B) MAP.—A map generally depicting the trail shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior.

''(C) ADMINISTRATION.—The trail shall be administered by the Secretary of the Interior.

''(D) LAND ACQUISITION.—No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the United States for the trail except with the consent of the owner of the land or interest in land.

''(E) PUBLIC PARTICIPATION; CONSULTATION.—The Secretary of the Interior shall—

''(i) encourage communities and owners of land along the trail, native Hawaiians, and volunteer trail groups to participate in the planning, development, and maintenance of the trail; and

''(ii) consult with affected Federal, State, and local agencies, native Hawaiian groups, and landowners in the administration of the trail.''.

LOESS HILLS PRESERVATION STUDY ACT OF 1999

The Senate proceeded to consider the bill (S. 776) to authorize the National Park Service to conduct a feasibility study for the preservation of the Loess Hills in western Iowa, which had been reported from the Committee on Energy and Natural Resources, with amendments as follows:

(The parts of the bill intended to be inserted are shown in italic.)

S. 776

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 ''Loess Hills Preservation Study Act of 1999''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the Loess Hills encompasses 600,000 acres in western Iowa, having been formed by ancient glaciers and hundreds of centuries of westerly winds blowing soil across the Missouri River, which were then deposited in Iowa;

(2) this area is the largest Loess formation in the United States, and one of the two largest in the world, supporting several species of rare native prairie grasses;

(3) portions of the Loess Hills remain undeveloped and provide an important opportunity to protect and preserve an historic, rare and unique natural resource;

(4) a program to study the Loess Hills can only be successfully implemented with the cooperation and participation of affected local governments and landowners;

(5) in 1986, the Loess Hills area was designated as a National Natural Landmark in recognition of the area's nationally significant natural resources;

(6) although significant natural resources remain in the area, increasing development in the area has threatened the future stability and integrity of the Loess Hills area; and

(7) the Loess Hills area merits further study by the National Park Service, in cooperation with the State of Iowa, local governments, and affected landowners, to determine appropriate means to better protect, preserve, and interpret the significant resources in the area.

(b) PURPOSE.—The purpose of this Act is to authorize the Secretary of the Interior to conduct a *suitability and* feasibility study to determine what measures should be taken to preserve the Loess Hills in western Iowa.

SEC. 3. DEFINITIONS.

As used in this Act—

(1) the term ''Loess Hills'' means the natural geological formation of soils in the State of Iowa located between Waubansie State Park and Stone Park, and which includes Plymouth, Woodbury, Monona, Harrison, Pottawattamie, Mills, and Fremont counties;

(2) the term ''Secretary'' means the Secretary of the Interior; and

(3) the term ''State'' means the State of Iowa.

SEC. 4. LOESS HILLS STUDY.

(a) The Secretary shall undertake a study of the Loess Hills area to review options for the protection and interpretation of the area's natural, cultural, and historical resources. The study shall include, but need not be limited to, an analysis of the suitability and feasibility of designating the area as—

(1) a unit of the National Park System;

(2) a National Heritage Area or Heritage Corridor; or

(3) such other designation as may be appropriate.

(b) The study shall examine the appropriateness and feasibility of cooperative protection and interpretive efforts between the United States, the State, its political subdivisions, and non-profit groups or other interested parties.

(c) The Secretary shall consult in the preparation of the study with State and local governmental entities, affected landowners, and other interested public and private organizations and individuals.

(d) The study shall be completed within one year after the date funds are made available. No later than 30 days after its completion, the Secretary shall transmit a report of the study, along with any recommendations, to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act *not to exceed* $275,000.

The committee amendments were agreed to.

The bill (S. 776), as amended, was considered read the third time and passed, as follows:

S. 776

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 ''Loess Hills Preservation Study Act of 1999''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the Loess Hills encompasses 600,000 acres in western Iowa, having been formed by ancient glaciers and hundreds of centuries of westerly winds blowing soil across the Missouri River, which were then deposited in Iowa;

(2) this area is the largest Loess formation in the United States, and one of the two largest in the world, supporting several species of rare native prairie grasses;

(3) portions of the Loess Hills remain undeveloped and provide an important opportunity to protect and preserve an historic, rare and unique natural resource;

(4) a program to study the Loess Hills can only be successfully implemented with the cooperation and participation of affected local governments and landowners;

(5) in 1986, the Loess Hills area was designated as a National Natural Landmark in recognition of the area's nationally significant natural resources;

(6) although significant natural resources remain in the area, increasing development in the area has threatened the future stability and integrity of the Loess Hills area; and

(7) the Loess Hills area merits further study by the National Park Service, in cooperation with the State of Iowa, local governments, and affected landowners, to determine appropriate means to better protect, preserve, and interpret the significant resources in the area.

(b) PURPOSE.—The purpose of this Act is to authorize the Secretary of the Interior to conduct a suitability and feasibility study to determine what measures should be taken to preserve the Loess Hills in western Iowa.

SEC. 3. DEFINITIONS.

As used in this Act—

(1) the term ''Loess Hills'' means the natural geological formation of soils in the State of Iowa located between Waubansie State Park and Stone Park, and which includes Plymouth, Woodbury, Monona, Harrison, Pottawattamie, Mills, and Fremont counties;

(2) the term ''Secretary'' means the Secretary of the Interior; and

(3) the term ''State'' means the State of Iowa.

SEC. 4. LOESS HILLS STUDY.

(a) The Secretary shall undertake a study of the Loess Hills area to review options for the protection and interpretation of the area's natural, cultural, and historical resources. The study shall include, but need not be limited to, an analysis of the suitability and feasibility of designating the area as—

(1) a unit of the National Park System;

(2) a National Heritage Area or Heritage Corridor; or

(3) such other designation as may be appropriate.

(b) The study shall examine the appropriateness and feasibility of cooperative protection and interpretive efforts between the United States, the State, its political subdivisions, and non-profit groups or other interested parties.

(c) The Secretary shall consult in the preparation of the study with State and local governmental entities, affected landowners, and other interested public and private organizations and individuals.

(d) The study shall be completed within one year after the date funds are made available. No later than 30 days after its completion, the Secretary shall transmit a report of the study, along with any recommendations, to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act not to exceed $275,000.

BLACK CANYON NATIONAL PARK AND GUNNISON GORGE NATIONAL CONSERVATION AREA ACT OF 1999

The Senate proceeded to consider the bill (S. 323) to redesignate the Black Canyon of the Gunnison National Monument as a national park and establish the Gunnison Gorge National Conservation Area, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Act of 1999''.

SEC. 2. FINDINGS.

Congress finds that—

(1) Black Canyon of the Gunnison National Monument was established for the preservation of its spectacular gorges and additional features of scenic, scientific, and educational interest;

(2) the Black Canyon of the Gunnison and adjacent upland include a variety of unique ecological, geological, scenic, historical, and wildlife components enhanced by the serenity and rural western setting of the area;

(3) the Black Canyon of the Gunnison and adjacent land provide extensive opportunities for educational and recreational activities, and are publicly used for hiking, camping, and fishing, and for wilderness value, including solitude;

(4) adjacent public land downstream of the Black Canyon of the Gunnison National Monument has wilderness value and offers unique geological, paleontological, scientific, educational, and recreational resources;

(5) public land adjacent to the Black Canyon of the Gunnison National Monument contributes to the protection of the wildlife, viewshed, and scenic qualities of the Black Canyon;

(6) some private land adjacent to the Black Canyon of the Gunnison National Monument has exceptional natural and scenic value that would be threatened by future development pressures;

(7) the benefits of designating public and private land surrounding the national monument as a national park include greater long-term protection of the resources and expanded visitor use opportunities; and

(8) land in and adjacent to the Black Canyon of the Gunnison Gorge is—

(A) recognized for offering exceptional multiple use opportunities;

(B) recognized for offering natural, cultural, scenic, wilderness, and recreational resources; and

(C) worthy of additional protection as a national conservation area, and with respect to the Gunnison Gorge itself, as a component of the national wilderness system.

SEC. 3. DEFINITIONS.

In this Act:

(1) CONSERVATION AREA.—The term ''Conservation Area'' means the Gunnison Gorge National Conservation Area, consisting of approximately 57,725 acres surrounding the Gunnison Gorge as depicted on the Map.

(2) MAP.—The term ''Map'' means the map entitled ''Black Canyon of the Gunnison National Park and Gunnison Gorge NCA—1/22/99''. The map shall be on file and available for public inspection in the offices of the Department of the Interior.

(3) PARK.—The term ''Park'' means the Black Canyon of the Gunnison National Park established under section 4 and depicted on the Map.

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

SEC. 4. ESTABLISHMENT OF BLACK CANYON OF THE GUNNISON NATIONAL PARK.

(a) ESTABLISHMENT.—There is hereby established the Black Canyon of the Gunnison National Park in the State of Colorado as generally depicted on the map identified in section 3. The Black Canyon of the Gunnison National Monument is hereby abolished as such, the lands and interests therein are incorporated within and made part of the new Black Canyon of the Gunnison National Park, and any funds available for purposes of the monument shall be available for purposes of the park.

(b) ADMINISTRATION.—Upon enactment of this title, the Secretary shall transfer the lands under the jurisdiction of the Bureau of Land Management which are identified on the map for inclusion in the park to the administrative jurisdiction of the National Park Service. The Secretary shall administer the park in accordance with this Act and laws generally applicable to units of the National Park System, including the Act entitled ''An Act to establish a National Park Service, and for other purposes'', approved August 25, 1916 (16 U.S.C. 1, 2–4), and the Act entitled ''An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes, approved August 21, 1935 (16 U.S.C. 461 et seq.).

(c) MAPS AND LEGAL DESCRIPTION.—As soon as practicable after the date of enactment of this Act, the Secretary shall file maps and a legal description of the park with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives. Such maps and legal description shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in such legals description and maps. The maps and legal description shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(d) WITHDRAWAL.—Subject to valid existing rights, all Federal lands within the park are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws; from location, entry, and patent under the mining laws; and from disposition under all laws relating to mineral and geothermal leasing, and all amendments thereto.

(e) GRAZING.—(1)(A) Consistent with the requirements of this subsection, including the limitation in paragraph (3), the Secretary shall allow the grazing of livestock within the park to continue where authorized under permits or leases in existence as of the date of enactment of this Act. Grazing shall be at no more than the current level, and subject to applicable laws and National Park Service regulations.

(B) Nothing in this subsection shall be construed as extending grazing privileges for any party or their assignee in any area of the park where, prior to the date of enactment of this Act, such use was scheduled to expire according to the terms of a settlement by the U.S. Claims Court affecting property incorporated into the boundary of the Black Canyon of the Gunnison National Monument.

(C) Nothing in this subsection shall prohibit the Secretary from accepting the voluntary termination of leases or permits for grazing within the park.

(2) Within areas of the park designated as wilderness, the grazing of livestock, where authorized under permits in existence as of the date of enactment of this Act, shall be permitted to continue subject to such reasonable regulations, policies, and practices as the Secretary deems necessary, consistent with this Act, the Wilderness Act, and other applicable laws and National Park Service regulations.

(3) With respect to the grazing permits and leases referenced in this subsection, the Secretary shall allow grazing to continue, subject to periodic renewal, for a period equal to the lifetime of the holder of the grazing permit or lease as of the date of enactment of this Act.

SEC. 5. ACQUISITION OF PROPERTY AND MINOR BOUNDARY ADJUSTMENTS.

(a) ADDITIONAL ACQUISITIONS.—

(1) IN GENERAL.—The Secretary may acquire land or interests in land depicted on the Map as proposed additions.

(2) METHOD OF ACQUISITION.—

(A) IN GENERAL.—Land or interests in land may be acquired by—

(i) donation;

(ii) transfer;

(iii) purchase with donated or appropriated funds; or

(iv) exchange.

(B) CONSENT.—No land or interest in land may be acquired without the consent of the owner of the land.

(b) BOUNDARY REVISION.—After acquiring land for the Park, the Secretary shall—

(1) revise the boundary of the Park to include newly-acquired land within the boundary; and

(2) administer newly-acquired land subject to applicable laws (including regulations).

(c) BOUNDARY SURVEY.—As soon as practicable and subject to the availability of funds the Secretary shall complete an official boundary survey of the Park.

(d) HUNTING ON PRIVATELY OWNED LANDS.—

(1) IN GENERAL.—The Secretary may permit hunting on privately owned land added to the Park under this Act, subject to limitations, conditions, or regulations that may be prescribed by the Secretary.

(2) TERMINATION OF AUTHORITY.—On the date that the Secretary acquires fee ownership of any privately owned land added to the Park under this Act, the authority under paragraph (1) shall terminate with respect to the privately owned land acquired.

SEC. 6. EXPANSION OF THE BLACK CANYON OF THE GUNNISON WILDERNESS.

(a) EXPANSION OF BLACK CANYON OF THE GUNNISON WILDERNESS.—The Black Canyon of the Gunnison Wilderness, as established by subsection (b) of the first section of Public Law 94–567 (90 Stat. 2692), is expanded to include the parcel of land depicted on the Map as ''Tract A'' and consisting of approximately 4,419 acres.

(b) ADMINISTRATION.—The Black Canyon of the Gunnison Wilderness shall be administered as a component of the Park.

SEC. 7. ESTABLISHMENT OF THE GUNNISON GORGE NATIONAL CONSERVATION AREA.

(a) IN GENERAL.—There is established the Gunnison Gorge National Conservation Area, consisting of approximately 57,725 acres as generally depicted on the Map.

(b) MANAGEMENT OF CONSERVATION AREA.—The Secretary, acting through the Director of the Bureau of Land Management, shall manage the Conservation Area to protect the resources of the Conservation Area in accordance with—

(1) this Act;

(2) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(3) other applicable provisions of law.

(c) WITHDRAWAL.—Subject to valid existing rights, all Federal lands within the Conservation Area are hereby withdrawn from all forms of entry, appropriation or disposal under the public land laws; from location, entry, and patent under the mining laws; and from disposition under all laws relating to mineral and geothermal leasing, and all amendments thereto.

(d) HUNTING, TRAPPING AND FISHING.—

(1) IN GENERAL.—The Secretary shall permit hunting, trapping, and fishing within the Conservation Area in accordance with applicable laws (including regulations) of the United States and the State of Colorado.

(2) EXCEPTION.—The Secretary, after consultation with the Colorado Division of Wildlife, may issue regulations designating zones where and establishing periods when no hunting or trapping shall be permitted for reasons concerning—

(A) public safety;

(B) administration; or

(C) public use and enjoyment.

(e) USE OF MOTORIZED VEHICLES.—In addition to the use of motorized vehicles on established roadways, the use of motorized vehicles in the Conservation Area shall be allowed—

(1) to the extent the use is compatible with off-highway vehicle designations as described in the management plan in effect on the date of enactment of this Act; or

(2) to the extent the use is practicable under a management plan prepared under this Act.

(f) CONSERVATION AREA MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 4 years after the date of enactment of this Act, the Secretary shall—

(A) develop a comprehensive plan for the long-range protection and management of the Conservation Area; and

(B) transmit the plan to—

(i) the Committee on Energy and Natural Resources of the Senate; and

(ii) the Committee on Resources of the House of Representatives.

(2) CONTENTS OF PLAN.—The plan—

(A) shall describe the appropriate uses and management of the Conservation Area in accordance with this Act;

(B) may incorporate appropriate decisions contained in any management or activity plan for the area completed prior to the date of enactment of this Act;

(C) may incorporate appropriate wildlife habitat management plans or other plans prepared for the land within or adjacent to the Conservation Area prior to the date of enactment of this Act;

(D) shall be prepared in close consultation with appropriate Federal, State, county, and local agencies; and

(E) may use information developed prior to the date of enactment of this Act in studies of the land within or adjacent to the Conservation Area.

(g) BOUNDARY REVISIONS.—The Secretary may make revisions to the boundary of the Conservation Area following acquisition of land necessary to accomplish the purposes for which the Conservation Area was designated.

SEC. 8. DESIGNATION OF WILDERNESS WITHIN THE CONSERVATION AREA.

(a) GUNNISON GORGE WILDERNESS.—

(1) IN GENERAL.—Within the Conservation Area, there is designated as wilderness, and as a component of the National Wilderness Preservation System, the Gunnison Gorge Wilderness, consisting of approximately 17,700 acres, as generally depicted on the Map.

(2) ADMINISTRATION.—

(A) WILDERNESS STUDY AREA EXEMPTION.—The approximately 300-acre portion of the wilderness study area depicted on the Map for release from section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782) shall not be subject to section 603(c) of that Act.

(B) INCORPORATION INTO NATIONAL CONSERVATION AREA.—The portion of the wilderness study area described in subparagraph (A) shall be incorporated into the Conservation Area.

(b) ADMINISTRATION.—Subject to valid rights in existence on the date of enactment of this Act, the wilderness areas designated under this Act shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act and any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary of the Interior.

(c) STATE RESPONSIBILITY.—As provided in section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this Act or in the Wilderness Act shall affect the jurisdiction or responsibilities of the State of Colorado with respect to

wildlife and fish on the public land located in that State.

(d) MAPS AND LEGAL DESCRIPTIONS.—As soon as practicable after the date of enactment of this section, the Secretary of the Interior shall file a map and a legal description of the Gunnison Gorge Wilderness with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives. This map and description shall have the same force and effect as if included in this Act. The Secretary of the Interior may correct clerical and typographical errors in the map and legal description. The map and legal description shall be on file and available in the office of the Director of the BLM.

SEC. 9. WITHDRAWAL.

Subject to valid existing rights, the Federal lands identified on the Map as ''BLM Withdrawal (Tract B)'' (comprising approximately 1,154 acres) are hereby withdrawn from all forms of entry, appropriation or disposal under the public land laws; from location, entry, and patent under the mining laws; and from disposition under all laws relating to mineral and geothermal leasing, and all amendments thereto.

SEC. 10. WATER RIGHTS.

(a) EFFECT ON WATER RIGHTS.—Nothing in this Act shall—

(1) constitute an express or implied reservation of water for any purpose; or

(2) affect any water rights in existence prior to the date of enactment of this Act, including any water rights held by the United States.

(b) ADDITIONAL WATER RIGHTS.—Any new water right that the Secretary determines is necessary for the purposes of this Act shall be established in accordance with the procedural and substantive requirements of the laws of the State of Colorado.

SEC. 11. STUDY OF LANDS WITHIN AND ADJACENT TO CURECANTI NATIONAL RECREATION AREA.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary, acting through the Director of the National Park Service, shall conduct a study concerning land protection and open space within and adjacent to the area administered as the Curecanti National Recreation Area.

(b) PURPOSE OF STUDY.—The study required to be completed under subsection (a) shall—

(1) assess the natural, cultural, recreational and scenic resource value and character of the land within and surrounding the Curecanti National Recreation Area (including open vistas, wildlife habitat, and other public benefits);

(2) identify practicable alternatives that protect the resource value and character of the land within and surrounding the Curecanti National Recreation Area;

(3) recommend a variety of economically feasible and viable tools to achieve the purposes described in paragraphs (1) and (2); and

(4) estimate the costs of implementing the approaches recommended by the study.

(c) SUBMISSION OF REPORT.—Not later than 3 years from the date of enactment of this Act, the Secretary shall submit a report to Congress that—

(1) contains the findings of the study required by subsection (a);

(2) makes recommendations to Congress with respect to the findings of the study required by subsection (a); and

(3) makes recommendations to Congress regarding action that may be taken with respect to the land described in the report.

(d) ACQUISITION OF ADDITIONAL LAND AND INTERESTS IN LAND.—

(1) IN GENERAL.—Prior to the completion of the study required by subsection (a), the Secretary may acquire certain private land or interests in land as depicted on the Map entitled 'Proposed Additions to the Curecanti National Recreation Area,' dated 01/25/99, totaling approximately 1,065 acres and entitled 'Hall and Fitti properties'.

(2) METHOD OF ACQUISITION.—

(A) IN GENERAL.—Land or an interest in land under paragraph (1) may be acquired by—

(i) donation;

(ii) purchase with donated or appropriated funds; or

(iii) exchange.

(B) CONSENT.—No land or interest in land may be acquired without the consent of the owner of the land.

(C) BOUNDARY REVISIONS FOLLOWING ACQUISITION.—Following the acquisition of land under paragraph (1), the Secretary shall—

(i) revise the boundary of the Curecanti National Recreation Area to include newly-acquired land; and

(ii) administer newly-acquired land according to applicable laws (including regulations).

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

The committee amendment was agreed to.

The bill (S. 323), as amended, was considered; read the third time and passed.

DESCHUTES RESOURCES CONSERVANCY REAUTHORIZATION ACT OF 1999

A bill (S. 1027) to reauthorize the participation of the Bureau of Reclamation in the Deschutes Resources Conservancy, and for other purposes.

The bill (S. 1027) was considered; read the third time and passed, as follows:

S. 1027

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 ''Deschutes Resources Conservancy Reauthorization Act of 1999''.

SEC. 2. EXTENSION OF PARTICIPATION OF BUREAU OF RECLAMATION IN DESCHUTES RESOURCES CONSERVANCY.

Section 301 of the Oregon Resource Conservation Act of 1996 (division B of Public Law 104–208; 110 Stat. 3009–534) is amended—

(1) in subsection (b)(3), by inserting before the period at the end the following: '', and up to a total amount of $2,000,000 during each of fiscal years 2002 through 2006''; and

(2) in subsection (h), by inserting before the period at the end the following: ''and $2,000,000 for each of fiscal years 2002 through 2006''.

NATIONAL ISLAMIC FRONT GOVERNMENT IN SUDAN

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of calendar No. 184, S. Res. 109.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 109) relating to the activities of the National Islamic Front government in Sudan.

There being no objection, the Senate proceeded to consider the resolution.

Mr. GORTON. I ask unanimous consent that the committee amendments be agreed to, the resolution, as amended, be agreed to, the committee amendment to the preamble be agreed to, and the preamble, as amended, be agreed to, the motion to reconsider be laid upon the table, and any statements relating to this resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

The resolution (S. Res. 109), as amended, was agreed to.

The committee amendment to the preamble was agreed to.

The preamble, as amended, was agreed to.

(The resolution will be printed in a future edition of the RECORD.)

EXPRESSING THE SENSE OF THE SENATE WITH RESPECT TO UNITED NATIONS GENERAL ASSEMBLY RESOLUTION ES–10/6

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of calendar No. 185, S. Res. 119.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 119) expressing the sense of the Senate with respect to United Nations General Assembly Resolution ES–10/6.

There being no objection, the Senate proceeded to consider the resolution.

Mr. GORTON. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to this resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection,it is so ordered.

The resolution (S. Res. 119) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 119

Whereas in an Emergency Special Session, the United Nations General Assembly voted on February 9, 1999, to pass Resolution ES–10/6, ''Illegal Israeli Actions In Occupied East Jerusalem And The Rest Of The Occupied Palestinian Territory'', to convene for the first time in 50 years the parties of the Fourth Geneva Conference for the Protection of Civilians in Time of War;

Whereas such resolution unfairly places full blame for the deterioration of the Middle East Peace Process on Israel and dangerously politicizes the Geneva Convention, which was established to deal with critical humanitarian crises; and

Whereas such vote is intended to prejudge direct negotiations, put additional and undue pressure on Israel to influence the results of those negotiations, and single out Israel for unprecedented enforcement proceedings which have never been invoked against governments with records of massive violations of the Geneva Convention: Now, therefore, be it

Resolved, That the Senate—

(1) commends the Department of State for the vote of the United States against United Nations General Assembly Resolution ES–10/6 affirming that the text of such resolution politicizes the Fourth Geneva Convention

which was primarily humanitarian in nature;

(2) urges the Department of State to continue its efforts against convening the conference; and

(3) urges the Swiss government, as the depositary of the Geneva Convention, not to convene a meeting of the Fourth Geneva Convention.

CONDEMNING PALESTINIAN EFFORTS TO REVIVE THE ORIGINAL PALESTINE PARTITION PLAN

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of calendar No. 186, S. Con. Res. 36.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 36) condemning Palestinian efforts to revive the original Palestine partition plan of November 29, 1947, and condemning the United Nations Commission on Human Rights for its April 27, 1999, resolution endorsing Palestinian self-determination on the basis of the original Palestine partition plan.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. GORTON. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to this resolution be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Con. Res. 36) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. CON. RES. 36

Whereas United Nations General Assembly Resolution 181, which called for the partition of the British-ruled Palestine Mandate into a Jewish state and an Arab state, was declared null and void on November 29, 1947, by the Arab states and the Palestinians, who included the rejection of Resolution 181 as a formal justification for the May, 1948, invasion of the newly declared State of Israel by the armies of five Arab states;

Whereas the armistice agreements between Israel and Egypt, Lebanon, Syria, and Transjordan in 1949 made no mention of United Nations General Assembly Resolution 181, and the United Nations Security Council made no reference to United Nations General Assembly Resolution 181 in its Resolution 73 of August 11, 1949, which endorsed the armistice;

Whereas in 1967 and 1973 the United Nations adopted Security Council Resolutions 242 and 338, respectively, which call for the withdrawal of Israel from territory occupied in 1967 and 1973 in exchange for the creation of secure and recognized boundaries for Israel and for political recognition of Israel's sovereignty;

Whereas Security Council Resolutions 242 and 338 have served as the framework for all negotiations between Israel, Palestinian representatives, and Arab states for 30 years, including the 1991 Madrid Peace Conference and the ongoing Oslo peace process, and serve as the agreed basis for impending Final Status Negotiations;

Whereas senior Palestinian officials have recently resurrected United Nations General Assembly Resolution 181 through official statements and a March 25, 1999, letter from the Palestine Liberation Organization Permanent Observer to the United Nations Secretary-General contending that the State of Israel must withdraw to the borders outlined in United Nations General Assembly Resolution 181, and accept Jerusalem as a ''corpus separatum'' to be placed under United Nations control as outlined in United Nations General Assembly Resolution 181; and

Whereas in its April 27, 1999, resolution, the United Nations Commission on Human Rights asserted that Israeli-Palestinian peace negotiations be based on United Nations General Assembly Resolution 181: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) condemns Palestinian efforts to circumvent United Nations Security Council Resolutions 242 and 338, as well as violate the Oslo peace process, by attempting to revive United Nations General Assembly Resolution 181, thereby placing the entire Israeli-Palestinian peace process at risk;

(2) condemns the United Nations Commission on Human Rights for voting to formally endorse United Nations General Assembly Resolution 181 as the basis for the future of Palestinian self-determination;

(3) reiterates that any just and final peace agreement regarding the final status of the territory controlled by the Palestinians can only be determined through direct negotiations and agreement between the State of Israel and the Palestinian Liberation Organization;

(4) reiterates its continued unequivocal support for the security and well-being of the State of Israel, and of the Oslo peace process based on United Nations Security Council Resolutions 242 and 338; and

(5) calls for the President of the United States to declare that—

(A) it is the policy of the United States that United Nations General Assembly Resolution 181 of 1947 is null and void;

(B) all negotiations between Israel and the Palestinians must be based on United Nations Security Council Resolutions 242 and 338; and

(C) the United States regards any attempt by the Palestinians, the United Nations, or any entity to resurrect United Nations General Assembly Resolution 181 as a basis for negotiations, or for any international decision, as an attempt to sabotage the prospects for a successful peace agreement in the Middle East.

CONGRATULATING THE STATE OF QATAR

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of Calendar No. 188, H. Con. Res. 35.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 35) congratulating the State of Qatar and its citizens for their commitment to democratic ideals and women's suffrage on the occasion of Qatar's historic elections of a central municipal council on March 8, 1999.

There being no objection, the Senate proceeded to consider the resolution.

Mr. GORTON. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to this resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (H. Con. Res. 35) was agreed to.

The preamble was agreed to.

DIGITAL THEFT DETERRENCE AND COPYRIGHT DAMAGES IMPROVEMENT ACT OF 1999

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 193, S. 1257.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1257) to amend statutory damages provisions of title 17, United States Code.

There being no objection, the Senate proceeded to consider the bill.

Mr. HATCH. Mr. President, today the Senate is considering four very important intellectual property related ''high-tech'' bills that Senator LEAHY and I have introduced to promote the continued growth of vital sectors of the American economy and to protect the interests and investment of the entrepreneurs, authors, and innovators who fuel their growth. These bills were reported by unanimous consent earlier today by the Judiciary Committee.

Technology is the driving force in the American economy today, and American technology is setting new standards for the global economy, from semiconductor chip technology, to computer software, Internet and telecommunications technology, to leading pharmaceutical and genetic research. In my own state of Utah, these information technology industries contribute in excess of $7 billion each year to the State's economy and pay wages that average 66 percent higher than the state average. Their performance has placed Utah among the world's top ten technology centers according to Newsweek Magazine. Similar success is seen in areas across the country, with the U.S. being home to seven of the world's top ten technology centers and with American creative industries now surpassing all other export sectors in foreign sales and exports.

Underlying all of these technologies are the intellectual property rights that serve to promote creativity and innovation by safeguarding the investment, effort, and goodwill of those who venture into these fast-placed and volatile fields. Strong intellectual property protections are particularly critical in the global high-tech environment where electronic piracy is so easy, so cheap, and yet so potentially devastating to intellectual property owners—many of which are small entrepreneurial enterprises. In Utah, 65 percent of these companies have fewer than 25 employees, and a majority have annual revenues of less than $1 million. Intellectual property is the lifeblood of

these companies, and even a single instance of piracy could drive them out of business. What's more, without adequate international protection, these companies would simply be unable to compete in the global marketplace.

That is why we enacted a number of measures last year to provide enhanced protection for intellectual property in the new global, high-tech environment. For example, the Digital Millennium Copyright Act (DMCA) implemented two new World Intellectual Property Organization Treaties setting new global standards for copyright protection in the digital environment. We also paved the way for new growth in online commerce by providing a copyright framework in which the Internet and other new technologies can flourish.

This year, Senator LEAHY and I are continuing to focus our attention on important high-tech and intellectual property legislation. The bills we are considering today will build upon existing protections, including last year's measures to deter digital piracy, by raising the Copyright Act's limit on statutory damages to make it more costly to engage in cyber-piracy and copyright theft. They will also make technical ''clean-up'' amendments to the DMCA and other Copyright Act provisions to make them clearer and more user-friendly. On the trademark side, these bills will make the protection of famous marks easier and more efficient and provide recourse for trademark owners against the federal government for trademark infringement. Finally, these bills will allow the Patent and Trademark Office to better serve its customers—America's innovators and trademark owners—through the collection and retention of fees.

Each of these bills is noncontroversial and enjoys widespread support. I want to thank Senator LEAHY for his assistance, cooperation, and leadership in this process, and I look forward to the Senate swiftly passing these bills today.

Mr. GORTON. I ask unanimous consent that the bill be considered read a third time and passed and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1257) was considered read the third time and passed, as follows:

S. 1257

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 ''Digital Theft Deterrence and Copyright Damages Improvement Act of 1999''.

SEC. 2. STATUTORY DAMAGES ENHANCEMENT.

Section 504(c) of title 17, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking ''$500'' and inserting ''$750''; and

(B) by striking ''$20,000'' and inserting ''$30,000''; and

(2) in paragraph (2)—

(A) by inserting ''(A)'' after ''(2)'';

(B) by striking ''$100,000'' and inserting ''$150,000'';

(C) by inserting after the second sentence the following:

''(B) In a case where the copyright owner demonstrates that the infringement was part of a repeated pattern or practice of willful infringement, the court may increase the award of statutory damages to a sum of not more than $250,000 per work.''; and

(D) by striking ''The court shall remit statutory damages'' and inserting the following:

''(C) The court shall remit statutory damages''.

PATENT FEE INTEGRITY AND INNOVATION PROTECTION ACT OF 1999

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 193, S. 1258.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1258) to authorize funds for the payment of salaries and expenses of the Patent and Trademark Office, and for other purposes.

There being no objection, Senate proceeded to consider the bill.

Mr. GORTON. I ask unanimous consent that the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1258) was considered read the third time and passed, as follows:

S. 1258

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 ''Patent Fee Integrity and Innovation Protection Act of 1999''.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be made available for the payment of salaries and necessary expenses of the Patent and Trademark Office in fiscal year 2000, $116,000,000 from fees collected in fiscal year 1999 and such fees as are collected in fiscal year 2000 pursuant to title 35, United States Code, and the Trademark Act of 1946 (15 U.S.C. 1051 et seq.), except that the Commissioner is not authorized to charge and collect fees to cover the accrued indirect personnel costs associated with post-retirement health and life insurance of officers and employees of the Patent and Trademark Office other than those charged and collected pursuant to title 35, United States Code, and the Trademark Act of 1946.

SEC. 3. EFFECTIVE DATE.

This Act shall take effect on October 1, 1999.

TRADEMARK AMENDMENTS ACT OF 1999

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 195, S. 1259.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1259) to amend the Trademark Act of 1946 relating to the dilution of famous marks, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. GORTON. I ask unanimous consent that the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1259) was considered read the third time and passed, as follows:

S. 1259

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 ''Trademark Amendments Act of 1999''.

SEC. 2. DILUTION AS A GROUNDS FOR OPPOSITION AND CANCELLATION.

(a) REGISTRABLE MARKS.—Section 2 of the Act entitled ''An Act to provide for the registration and protection of trade-marks used in commerce, to carry out the provisions of certain international conventions, and for other purposes'' (in this Act referred to as the ''Trademark Act of 1946'') (15 U.S.C. 1052) is amended by adding at the end the following flush sentences: ''A mark which when used would cause dilution under section 43(c) may be refused registration only pursuant to a proceeding brought under section 13. A registration for a mark which when used would cause dilution under section 43(c) may be canceled pursuant to a proceeding brought under either section 14 or section 24.''.

(b) OPPOSITION.—Section 13(a) of the Trademark Act of 1946 (15 U.S.C. 1063(a)) is amended in the first sentence by inserting '', including as a result of dilution under section 43(c),'' after ''principal register''.

(c) PETITIONS TO CANCEL REGISTRATIONS.—Section 14 of the Trademark Act of 1946 (15 U.S.C. 1064) is amended in the matter preceding paragraph (1) by inserting '', including as a result of dilution under section 43(c),'' after ''damaged''.

(d) CANCELLATION.—Section 24 of the Trademark Act of 1946 (15 U.S.C. 1092) is amended in the second sentence by inserting '', including as a result of dilution under section 43(c),'' after ''register''.

(e) EFFECTIVE DATE AND APPLICATION.—The amendments made by this section shall take effect on the date of enactment of this Act and shall apply only to any application for registration filed on or after January 16, 1996.

SEC. 3. REMEDIES IN CASES OF DILUTION OF FAMOUS MARKS.

(a) INJUNCTIONS.—(1) Section 34(a) of the Trademark Act of 1946 (15 U.S.C. 1116(a)) is amended in the first sentence by striking ''section 43(a)'' and inserting ''subsection (a) or (c) of section 43''.

(2) Section 43(c)(2) of the Trademark Act of 1946 (15 U.S.C. 1125(c)(2)) is amended in the first sentence by inserting ''as set forth in section 34'' after ''relief''.

(b) DAMAGES.—Section 35(a) of the Trademark Act of 1946 (15 U.S.C. 1117(a)) is amended in the first sentence by striking ''or a violation under section 43(a),'' and inserting ''a violation under section 43(a), or a willful violation under section 43(c),''.

(c) DESTRUCTION OF ARTICLES.—Section 36 of the Trademark Act of 1946 (15 U.S.C. 1118) is amended in the first sentence—

(1) by striking ''or a violation under section 43(a),'' and inserting ''a violation under

section 43(a), or a willful violation under section 43(c),''; and

(2) by inserting after ''in the case of a violation of section 43(a)'' the following: ''or a willful violation under section 43(c)''.

(d) EFFECTIVE DATE AND APPLICATION.—The amendments made by this section shall take effect on the date of enactment of this Act and shall not apply to any civil action pending on such date of enactment.

SEC. 4. LIABILITY OF GOVERNMENTS FOR TRADEMARK INFRINGEMENT AND DILUTION.

(a) CIVIL ACTIONS.—Section 32 of the Trademark Act of 1946 (15 U.S.C. 1114) is amended in the last undesignated paragraph in paragraph (1)—

(1) in the first sentence by inserting after ''includes'' the following: ''the United States, all agencies and instrumentalities thereof, and all individuals, firms, corporations, or other persons acting for the United States and with the authorization and consent of the United States, and''; and

(2) in the second sentence by striking ''Any'' and inserting ''The United States, all agencies and instrumentalities thereof, and all individuals, firms, corporations, other persons acting for the United States and with the authorization and consent of the United States, and any''.

(b) WAIVER OF SOVEREIGN IMMUNITY.—Section 40 of the Trademark Act of 1946 (15 U.S.C. 1122) is amended—

(1) by redesignating subsection (b) as subsection (c);

(2) by striking ''SEC. 40. (a) Any State'' and inserting the following:

''SEC. 40. (a) WAIVER OF SOVEREIGN IMMUNITY BY THE UNITED STATES.—The United States, all agencies and instrumentalities thereof, and all individuals, firms, corporations, other persons acting for the United States and with the authorization and consent of the United States, shall not be immune from suit in Federal or State court by any person, including any governmental or nongovernmental entity, for any violation under this Act.

''(b) WAIVER OF SOVEREIGN IMMUNITY BY STATES.—Any State''; and

(3) in the first sentence of subsection (c), as so redesignated—

(A) by striking ''subsection (a) for a violation described in that subsection'' and inserting ''subsection (a) or (b) for a violation described therein''; and

(B) by inserting after ''other than'' the following: ''the United States or any agency or instrumentality thereof, or any individual, firm, corporation, or other person acting for the United States and with authorization and consent of the United States, or''.

(c) DEFINITION.—Section 45 of the Trademark Act of 1946 (15 U.S.C. 1127) is amended by inserting between the 2 paragraphs relating to the definition of ''person'' the following:

''The term 'person' also includes the United States, any agency or instrumentality thereof, or any individual, firm, or corporation acting for the United States and with the authorization and consent of the United States. The United States, any agency or instrumentality thereof, and any individual, firm, or corporation acting for the United States and with the authorization and consent of the United States, shall be subject to the provisions of this Act in the same manner and to the same extent as any nongovernmental entity.''.

SEC. 5. CIVIL ACTIONS FOR TRADE DRESS INFRINGEMENT.

Section 43(a) of the Trademark Act of 1946 (15 U.S.C. 1125(a)) is amended by adding at the end the following:

''(3) In a civil action for trade dress infringement under this Act for trade dress not registered on the principal register, the person who asserts trade dress protection has the burden of proving that the matter sought to be protected is not functional.''.

SEC. 6. TECHNICAL AMENDMENTS.

(a) ASSIGNMENT OF MARKS.—Section 10 of the Trademark Act of 1946 (15 U.S.C. 1060) is amended—

(1) by striking ''subsequent purchase'' in the second to last sentence and inserting ''assignment'';

(2) in the first sentence by striking ''mark,'' and inserting ''mark.''; and

(3) in the third sentence by striking the second period at the end.

(b) ADDITIONAL CLERICAL AMENDMENTS.—The text and title of the Trademark Act of 1946 are amended by striking ''trade-marks'' each place it appears and inserting ''trademarks''.

TECHNICAL CORRECTIONS IN TITLE 17, UNITED STATES CODE

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 196, (S. 1260).

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1260) to make technical corrections in title 17, United States Code, and other laws.

There being no objection, the Senate proceeded to consider the bill.

Mr. GORTON. I ask unanimous consent that the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1260) was considered read the third time and passed, as follows:

S. 1260

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

SECTION 1. TECHNICAL CORRECTIONS TO TITLE 17, UNITED STATES CODE.

(a) EXEMPTION OF CERTAIN PERFORMANCES AND DISPLAYS ON EXCLUSIVE RIGHTS.—Section 110(5) of title 17, United States Code, is amended—

(1) by striking ''(A) a direct charge'' and inserting ''(i) a direct charge''; and

(2) by striking ''(B) the transmission'' and inserting ''(ii) the transmission''.

(b) EPHEMERAL RECORDINGS.—Section 112(e) of title 17, United States Code, is amended—

(1) by redesignating paragraphs (3) through (10) as paragraphs (2) through (9), respectively;

(2) in paragraph (3), as so redesignated, by striking ''(2)'' and inserting ''(1)'';

(3) in paragraph (4), as so redesignated—

(A) by striking ''(3)'' and inserting ''(2)'';

(B) by striking ''(4)'' and inserting ''(3)'';

(C) by striking ''(6)'' and inserting ''(5)''; and

(D) by striking ''(3) and (4)'' and inserting ''(2) and (3)''; and

(4) in paragraph (6), as so redesignated—

(A) by striking ''(4)'' each place it appears and inserting ''(3)''; and

(B) by striking ''(5)'' each place it appears and inserting ''(4)''.

(c) DETERMINATION OF REASONABLE LICENSE FEES FOR INDIVIDUAL PROPRIETORS.—Chapter 5 of title 17, United States Code, is amended—

(1) by redesignating the section 512 entitled ''**Determination of reasonable license fees for individual proprietors**'' as section 513 and placing such section after the section 512 entitled ''**Limitations on liability relating to material online**''; and

(2) in the table of sections at the beginning of that chapter by striking

''512. Determination of reasonable license fees for individual proprietors.''

and inserting

''513. Determination of reasonable license fees for individual proprietors.''

and placing that item after the item entitled

''512. Limitations on liability relating to material online.''.

(d) ONLINE COPYRIGHT INFRINGEMENT LIABILITY.—Section 512 of title 17, United States Code, is amended—

(1) in subsection (e)—

(A) by amending the caption to read as follows:

''(e) LIMITATION ON LIABILITY OF NONPROFIT EDUCATIONAL INSTITUTIONS.—''; and

(B) in paragraph (2), by striking ''INJUNCTIONS.—''; and

(2) in paragraph (3) of subsection (j), by amending the caption to read as follows:

''(3) NOTICE AND EX PARTE ORDERS.—''.

(e) INTEGRITY OF COPYRIGHT MANAGEMENT INFORMATION.—Section 1202(e)(2)(B) of title 17, United States Code, is amended by striking ''category or works'' and inserting ''category of works''.

(f) PROTECTION OF DESIGNS.—(1) Section 1302(5) of title 17, United States Code, is amended by striking ''1 year'' and inserting ''2 years''.

(2) Section 1320(c) of title 17, United States Code, is amended in the subsection caption by striking ''ACKNOWLEDGEMENT'' and inserting ''ACKNOWLEDGMENT''.

(g) MISCELLANEOUS CLERICAL AMENDMENTS.—

(1) Section 101 of title 17, United States Code, is amended—

(A) by transferring and inserting the definition of ''United States work'' after the definition of ''United States''; and

(B) in the definition of ''proprietor'', by striking ''A 'proprietor' '' and inserting ''For purposes of section 513, a 'proprietor' ''.

(2) Section 106 of title 17, United States Code, is amended by striking ''120'' and inserting ''121''.

(3) Section 118(e) of title 17, United States Code, is amended—

(A) by striking ''subsection (b).'' and all that follows through ''Owners'' and inserting ''subsection (b). Owners''; and

(B) by striking paragraph (2).

(4) Section 119(a)(8)(C)(ii) of title 17, United States Code, is amended by striking ''network's station'' and inserting ''network station's''.

(5) Section 501(a) of title 17, United States Code, is amended by striking ''118'' and inserting ''121''.

(6) Section 511(a) of title 17, United States Code, is amended by striking ''119'' and inserting ''121''.

SEC. 2. OTHER TECHNICAL CORRECTIONS.

(a) CLERICAL AMENDMENT TO TITLE 28, U.S.C.—The section heading for section 1400 of title 28, United States Code, is amended to read as follows:

''§ 1400. Patents and copyrights, mask works, and designs''.

(b) ELIMINATION OF CONFLICTING PROVISION.—Section 5316 of title 5, United States Code, is amended by striking ''Commissioner of Patents, Department of Commerce.''.

(c) CLERICAL CORRECTION TO TITLE 35, U.S.C.—Section 3(d) of title 35, United States Code, is amended by striking '', United States Code''.

DESIGNATING JULY 2, 1999 AND JULY 2, 2000, AS ''NATIONAL LITERACY DAY''

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 197, S. Res. 59.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 59) designating both July 2, 1999, and July 2, 2000, as ''National Literacy Day''.

There being no objection, the Senate proceeded to consider the resolution.

Mr. GORTON. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to, en bloc, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 59) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES 59

Whereas 44,000,000 people living in the United States read at a level lower than is required to fully function in society and to earn a living wage;

Whereas approximately 22 percent of adults in the United States cannot read, leaving valuable resources untapped, and depriving those adults of the opportunity to make a meaningful contribution to society;

Whereas people who have the lowest literacy skills are closely connected to social problems such as poverty, crime, welfare, and unemployment.

Whereas 43 percent of all adults functioning at the lowest literacy levels live in poverty;

Whereas prisons hold the highest concentration of illiterate adults, with 7 of 10 prisoners functioning at the lowest literacy levels;

Whereas the likelihood of receiving welfare assistance increases as the level of literacy decreases;

Whereas 3 of 4 food stamp recipients function at the lowest literacy levels;

Whereas millions of Americans are unable to hold a job or fully function in the workplace because they cannot read well enough to perform routine uncomplicated tasks;

Whereas almost 38 percent of African Americans and approximately 56 percent of Hispanics are illiterate, compared to only 14 percent of the Caucasian population, with such a disparity resulting in increased social and economic discrimination against those minorities;

Whereas 35 percent of older Americans operate at the lowest literacy levels, making it difficult to read basic medical instructions, thus prolonging illnesses and risking the occurrence of emergency medical conditions;

Whereas the cycle of illiteracy continues because children of illiterate parents are often illiterate themselves because of the lack of support they receive from their home environment;

Whereas Federal, State, municipal, and private literacy programs have been able to reach fewer than 10 percent of the total illiterate population;

Whereas it is vital to call attention to the problem of illiteracy, to understand the severity of the illiteracy problem and the detrimental effects of illiteracy on our society, and to reach those who are illiterate and unaware of the free services and help available to them; and

Whereas it is necessary to recognize and thank the thousands of volunteers and organizations, like Focus on Literacy, Inc., that work to promote literacy and provide support to the millions of illiterate persons needing assistance: Now, therefore, be it

Resolved, That the Senate—

(1) designates both July 2, 1999, and July 2, 2000, as ''National Literacy Day''; and

(2) requests that the President issue a proclamation calling on the people of the United States to observe ''National Literacy Day'' with appropriate ceremonies and activities.

RELIEF FOR GLOBAL EXPLORATION AND DEVELOPMENT CORPORATION, KERR-MCGEE CORPORATION, AND KERR-MCGEE CHEMICAL, LLC

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of calendar No. 144, S. 606.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 606) for the relief of Global Exploration and Development Corporation, Kerr-McGee Corporation, and Kerr-McGee Chemical, LLC (successor to Kerr-McGee Chemical Corporation), and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment as follows:

(The part of the bill intended to be inserted is shown in italic.)

S. 606

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

SECTION 1. SATISFACTION OF CLAIMS AGAINST THE UNITED STATES.

(a) PAYMENT OF CLAIMS.—The Secretary of the Treasury shall pay, out of money not otherwise appropriated—

(1) to the Global Exploration and Development Corporation, a Florida corporation incorporated in Delaware, $9,500,000;

(2) to Kerr-McGee Corporation, an Oklahoma corporation incorporated in Delaware, $10,000,000; and

(3) to Kerr-McGee Chemical, LLC, a limited liability company organized under the laws of Delaware, $0.

(b) CONDITION OF PAYMENT.—

(1) GLOBAL EXPLORATION AND DEVELOPMENT CORPORATION.—The payment authorized by subsection (a)(1) is in settlement and compromise of all claims of Global Exploration and Development Corporation, as described in the recommendations of the United States Court of Federal Claims set forth in 36 Fed. Cl. 776.

(2) KERR-MCGEE CORPORATION AND KERR-MCGEE CHEMICAL, LLC.—The payment authorized by subsections (a)(2) and (a)(3) are in settlement and compromise of all claims of Kerr-McGee Corporation and Kerr-McGee Chemical, LLC, as described in the recommendations of the United States Court of Federal Claims set forth in 36 Fed. Cl. 776.

SEC. 2. CRIMINAL PROHIBITION ON THE DISTRIBUTION OF CERTAIN INFORMATION RELATING TO EXPLOSIVES, DESTRUCTIVE DEVICES, AND WEAPONS OF MASS DESTRUCTION.

(a) UNLAWFUL CONDUCT.—Section 842 of title 18, United States Code, is amended by adding at the end the following:

''(p) DISTRIBUTION OF INFORMATION RELATING TO EXPLOSIVES, DESTRUCTIVE DEVICES, AND WEAPONS OF MASS DESTRUCTION.—

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'destructive device' has the same meaning as in section 921(a)(4);

''(B) the term 'explosive' has the same meaning as in section 844(j); and

''(C) the term 'weapon of mass destruction' has the same meaning as in section 2332a(c)(2).

''(2) PROHIBITION.—It shall be unlawful for any person—

''(A) to teach or demonstrate the making or use of an explosive, a destructive device, or a weapon of mass destruction, or to distribute by any means information pertaining to, in whole or in part, the manufacture or use of an explosive, destructive device, or weapon of mass destruction, with the intent that the teaching, demonstration, or information be used for, or in furtherance of, an activity that constitutes a Federal crime of violence; or

''(B) to teach or demonstrate to any person the making or use of an explosive, a destructive device, or a weapon of mass destruction, or to distribute to any person, by any means, information pertaining to, in whole or in part, the manufacture or use of an explosive, destructive device, or weapon of mass destruction, knowing that such person intends to use the teaching, demonstration, or information for, or in furtherance of, an activity that constitutes a Federal crime of violence.''.

(b) PENALTIES.—Section 844 of title 18, United States Code, is amended—

(1) in subsection (a), by striking ''person who violates any of subsections'' and inserting the following: ''person who—

''(1) violates any of subsections'';

(2) by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(2) violates subsection (p)(2) of section 842, shall be fined under this title, imprisoned not more than 20 years, or both.''; and

(4) in subsection (j), by striking ''and (i)'' and inserting ''(i), and (p)''.

SEC.___. SETTLEMENT OF CLAIMS OF MENOMINEE INDIAN TRIBE OF WISCONSIN.

(a) PAYMENT.—The Secretary of the Treasury shall pay to the Menominee Indian Tribe of Wisconsin, out of any funds in the Treasury of the United States not otherwise appropriated, $32,052,547 for damages sustained by the Menominee Indian Tribe of Wisconsin by reason of—

(1) the enactment and implementation of the Act entitled ''An Act to provide for a per capita distribution of Menominee tribal funds and authorize the withdrawal of the Menominee Tribe from Federal jurisdiction'', approved June 17, 1954 (68 Stat. 250 et seq., chapter 303); and

(2) the mismanagement by the United States of assets of the Menominee Indian Tribe held in trust by the United States before April 30, 1961, the effective date of termination of Federal supervision of the Menominee Indian Tribe of Wisconsin.

(b) EFFECT OF PAYMENT.—Payment of the amount referred to in subsection (a) shall be in full satisfaction of any claims that the Menominee Indian Tribe of Wisconsin may have against the United States with respect to the damages referred to in that subsection.

(c) REQUIREMENTS FOR PAYMENT.—The payment to the Menominee Indian Tribe of Wisconsin under subsection (a) shall—

(1) have the status of a judgment of the United States Court of Federal Claims for the purposes of the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1401 et seq.); and

(2) be made in accordance with the requirements of that Act on the condition that, of the amounts remaining after payment of attorney fees and litigation expenses—

(A) at least 30 percent shall be distributed on a per capita basis; and

(B) the balance shall be set aside and programmed to serve tribal needs, including funding for—

(i) educational, economic development, and health care programs; and

(ii) such other programs as the circumstances of the Menominee Indian Tribe of Wisconsin may justify.

Mr. FEINGOLD. Mr. President, I rise in support of the amendment to S. 606, a bill for the Relief of Global Exploration and Development Corporation, Kerr-McGee and Kerr-McGee Chemical, offered by my colleague from Wisconsin, Senator KOHL. In 1954, Congress enacted ''termination'' legislation eliminating the Menominee Indian Tribe of Wisconsin's federal trust status. At that time, the Menominee Tribe was ill-prepared to function outside of the federal trust system. The Tribe's lack of readiness became quickly apparent when, upon termination, the Tribe was plunged into years of severe impoverishment and community turmoil. Today, with this amendment, we seek to provide redress for some of that severe turmoil, and the mismanagement of tribal resources in the period following the enactment of termination legislation.

I am pleased that this issue is finally being resolved, in part. This Menominee Settlement claim has been an active issue throughout my tenure in the Senate. In the five years since the original legislative reference was referred by the Senate to the Court of Claims, the tribe and the federal government have engaged in extensive litigation and negotiation. Following documentation and negotiations by both sides, the United States, represented by the Department of Justice, and the Menominee Indian Tribe of Wisconsin agreed upon a settlement of the claims of the Tribe for a sum of $32,052,547, subject to passage of the necessary legislation by Congress. This amendment will legislatively complete that settlement.

This settlement cannot undo the suffering of the Menominee people. The reservation, the boundaries of which are entirely co-terminous with the boundaries of Menominee County, is acknowledged to be still experiencing some of the most significant levels of poverty and economic dislocation in my entire state. The compensation for the lack of management of forestry and other reservation resources provided in this settlement, though it cannot undo the past, can help the Menominee Nation to seek a bright future. I know the Menominee Nation looks forward to assisting its people and the surrounding communities through the use of these funds.

In conclusion, I also want to acknowledge the leadership of my colleague from Wisconsin on this issue. He has taken on significant responsibility in seeking to right this wrong and I commend him for it. Thank you.

Mr. GORTON. Mr. President, I ask unanimous consent that the committee substitute be agreed to, the bill be considered read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment was agreed to.

The bill (S. 606), as amended, was considered read the third time, and passed.

S. 606

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

SECTION 1. SATISFACTION OF CLAIMS AGAINST THE UNITED STATES.

(a) PAYMENT OF CLAIMS.—The Secretary of the Treasury shall pay, out of money not otherwise appropriated—

(1) to the Global Exploration and Development Corporation, a Florida corporation incorporated in Delaware, $9,500,000;

(2) to Kerr-McGee Corporation, an Oklahoma corporation incorporated in Delaware, $10,000,000; and

(3) to Kerr-McGee Chemical, LLC, a limited liability company organized under the laws of Delaware, $0.

(b) CONDITION OF PAYMENT.—

(1) GLOBAL EXPLORATION AND DEVELOPMENT CORPORATION.—The payment authorized by subsection (a)(1) is in settlement and compromise of all claims of Global Exploration and Development Corporation, as described in the recommendations of the United States Court of Federal Claims set forth in 36 Fed. Cl. 776.

(2) KERR-MCGEE CORPORATION AND KERR-MCGEE CHEMICAL, LLC.—The payment authorized by subsections (a)(2) and (a)(3) are in settlement and compromise of all claims of Kerr-McGee Corporation and Kerr-McGee Chemical, LLC, as described in the recommendations of the United States Court of Federal Claims set forth in 36 Fed. Cl. 776.

SEC. 2. CRIMINAL PROHIBITION ON THE DISTRIBUTION OF CERTAIN INFORMATION RELATING TO EXPLOSIVES, DESTRUCTIVE DEVICES, AND WEAPONS OF MASS DESTRUCTION.

(a) UNLAWFUL CONDUCT.—Section 842 of title 18, United States Code, is amended by adding at the end the following:

''(p) DISTRIBUTION OF INFORMATION RELATING TO EXPLOSIVES, DESTRUCTIVE DEVICES, AND WEAPONS OF MASS DESTRUCTION.—

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'destructive device' has the same meaning as in section 921(a)(4);

''(B) the term 'explosive' has the same meaning as in section 844(j); and

''(C) the term 'weapon of mass destruction' has the same meaning as in section 2332a(c)(2).

''(2) PROHIBITION.—It shall be unlawful for any person—

''(A) to teach or demonstrate the making or use of an explosive, a destructive device, or a weapon of mass destruction, or to distribute by any means information pertaining to, in whole or in part, the manufacture or use of an explosive, destructive device, or weapon of mass destruction, with the intent that the teaching, demonstration, or information be used for, or in furtherance of, an activity that constitutes a Federal crime of violence; or

''(B) to teach or demonstrate to any person the making or use of an explosive, a destructive device, or a weapon of mass destruction, or to distribute to any person, by any means, information pertaining to, in whole or in part, the manufacture or use of an explosive, destructive device, or weapon of mass destruction, knowing that such person intends to use the teaching, demonstration, or information for, or in furtherance of, an activity that constitutes a Federal crime of violence.''.

(b) PENALTIES.—Section 844 of title 18, United States Code, is amended—

(1) in subsection (a), by striking ''person who violates any of subsections'' and inserting the following: ''person who—

''(1) violates any of subsections'';

(2) by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(2) violates subsection (p)(2) of section 842, shall be fined under this title, imprisoned not more than 20 years, or both.''; and

(4) in subsection (j), by striking ''and (i)'' and inserting ''(i), and (p)''.

SEC. 3. SETTLEMENT OF CLAIMS OF MENOMINEE INDIAN TRIBE OF WISCONSIN.

(a) PAYMENT.—The Secretary of the Treasury shall pay to the Menominee Indian Tribe of Wisconsin, out of any funds in the Treasury of the United States not otherwise appropriated, $32,052,547 for damages sustained by the Menominee Indian Tribe of Wisconsin by reason of—

(1) the enactment and implementation of the Act entitled ''An Act to provide for a per capita distribution of Menominee tribal funds and authorize the withdrawal of the Menominee Tribe from Federal jurisdiction'', approved June 17, 1954 (68 Stat. 250 et seq., chapter 303); and

(2) the mismanagement by the United States of assets of the Menominee Indian Tribe held in trust by the United States before April 30, 1961, the effective date of termination of Federal supervision of the Menominee Indian Tribe of Wisconsin.

(b) EFFECT OF PAYMENT.—Payment of the amount referred to in subsection (a) shall be in full satisfaction of any claims that the Menominee Indian Tribe of Wisconsin may have against the United States with respect to the damages referred to in that subsection.

(c) REQUIREMENTS FOR PAYMENT.—The payment to the Menominee Indian Tribe of Wisconsin under subsection (a) shall—

(1) have the status of a judgment of the United States Court of Federal Claims for the purposes of the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1401 et seq.); and

(2) be made in accordance with the requirements of that Act on the condition that, of the amounts remaining after payment of attorney fees and litigation expenses—

(A) at least 30 percent shall be distributed on a per capita basis; and

(B) the balance shall be set aside and programmed to serve tribal needs, including funding for—

(i) educational, economic development, and health care programs; and

(ii) such other programs as the circumstances of the Menominee Indian Tribe of Wisconsin may justify.

MILITARY AND EXTRATERRITORIAL JURISDICTION ACT OF 1999

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of calendar No. 167, S. 768.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 768) to establish court-martial jurisdiction over civilians serving in the Armed Forces during contingency operations, and to establish Federal jurisdiction over crimes committed outside of the United

States by former members of the Armed Forces and civilians accompanying the Armed Forces outside the United States.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Military and Extraterritorial Jurisdiction Act of 1999''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Civilian employees of the Department of Defense, and civilian employees of Department of Defense contractors, provide critical support to the Armed Forces of the United States that are deployed during a contingency operation.

(2) Misconduct by such persons undermines good order and discipline in the Armed Forces, and jeopardizes the mission of the contingency operation.

(3) Military commanders need the legal tools to address adequately misconduct by civilians serving with Armed Forces during a contingency operation.

(4) In its present state, military law does not permit military commanders to address adequately misconduct by civilians serving with Armed Forces, except in time of a congressionally declared war.

(5) To address this need, the Uniform Code of Military Justice should be amended to provide for court-martial jurisdiction over civilians serving with Armed Forces in places designated by the Secretary of Defense during a ''contingency operation'' expressly designated as such by the Secretary of Defense.

(6) This limited extension of court-martial jurisdiction over civilians is dictated by military necessity, is within the constitutional powers of Congress to make rules for the government of the Armed Forces, and, therefore, is consistent with the Constitution of the United States and United States public policy.

(7) Many thousand civilian employees of the Department of Defense, civilian employees of Department of Defense contractors, and civilian dependents accompany the Armed Forces to installations in foreign countries.

(8) Misconduct among such civilians has been a longstanding problem for military commanders and other United States officials in foreign countries, and threatens United States citizens, United States property, and United States relations with host countries.

(9) Federal criminal law does not apply to many offenses committed outside of the United States by such civilians and, because host countries often do not prosecute such offenses, serious crimes often go unpunished and, to address this jurisdictional gap, Federal law should be amended to punish serious offenses committed by such civilians outside the United States, to the same extent as if those offenses were committed within the special maritime and territorial jurisdiction of the United States.

(10) Federal law does not apply to many crimes committed outside the United States by members of the Armed Forces who separate from the Armed Forces before they can be identified, thus escaping court-martial jurisdiction and, to address this jurisdictional gap, Federal law should be amended to punish serious offenses committed by such persons outside the United States, to the same extent as if those offenses were committed within the special maritime and territorial jurisdiction of the United States.

SEC. 3. COURT-MARTIAL JURISDICTION.

(a) JURISDICTION DURING CONTINGENCY OPERATIONS.—Section 802(a) of title 10, United States Code (article 2(a) of the Uniform Code of Military Justice), is amended by inserting after paragraph (12) the following:

''(13) To the extent not covered by paragraphs (10) and (11), persons not members of the armed forces who, in support of a contingency operation described in section 101(a)(13)(B) of this title, are serving with and accompanying an armed force in a place or places outside the United States specified by the Secretary of Defense, as follows:

''(A) Employees of the Department of Defense.

''(B) Employees of any Department of Defense contractor who are so serving in connection with the performance of a Department of Defense contract.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and apply with respect to acts or omissions occurring on or after that date.

SEC. 4. FEDERAL JURISDICTION.

(a) CRIMINAL OFFENSES COMMITTED OUTSIDE THE UNITED STATES.—Title 18, United States Code, is amended by inserting after chapter 211 the following:

''CHAPTER 212—CRIMINAL OFFENSES COMMITTED OUTSIDE THE UNITED STATES

''Sec.

''3261. Criminal offenses committed by persons formerly serving with, or presently employed by or accompanying, the Armed Forces outside the United States.

''3262. Delivery to authorities of foreign countries.

''3263. Regulations.

''3264. Definitions.

''§ 3261. Criminal offenses committed by persons formerly serving with, or presently employed by or accompanying, the Armed Forces outside the United States

''(a) IN GENERAL.—Whoever, while serving with, employed by, or accompanying the Armed Forces outside of the United States, engages in conduct that would constitute an offense punishable by imprisonment for more than 1 year if the conduct had been engaged in within the special maritime and territorial jurisdiction of the United States, shall be guilty of a like offense and subject to a like punishment.

''(b) CONCURRENT JURISDICTION.—Nothing in this chapter may be construed to deprive a court-martial, military commission, provost court, or other military tribunal of concurrent jurisdiction with respect to offenders or offenses that by statute or by the law of war may be tried by a court-martial, military commission, provost court, or other military tribunal.

''(c) ACTION BY FOREIGN GOVERNMENT.—No prosecution may be commenced against a person under this section if a foreign government, in accordance with jurisdiction recognized by the United States, has prosecuted or is prosecuting such person for the conduct constituting such offense, except upon the approval of the Attorney General or the Deputy Attorney General (or a person acting in either such capacity), which function of approval shall not be delegated.

''(d) ARRESTS.—

''(1) LAW ENFORCEMENT PERSONNEL.—The Secretary of Defense may designate and authorize any person serving in a law enforcement position in the Department of Defense to arrest outside of the United States any person described in subsection (a) if there is probable cause to believe that such person engaged in conduct that constitutes a criminal offense under subsection (a).

''(2) RELEASE TO CIVILIAN LAW ENFORCEMENT.—A person arrested under paragraph (1) shall be released to the custody of civilian law enforcement authorities of the United States for removal to the United States for judicial proceedings in relation to conduct referred to in such paragraph unless—

''(A) such person is delivered to authorities of a foreign country under section 3262; or

''(B) such person has had charges brought against him or her under chapter 47 of title 10 for such conduct.

''§ 3262. Delivery to authorities of foreign countries

''(a) IN GENERAL.—Any person designated and authorized under section 3261(d) may deliver a person described in section 3261(a) to the appropriate authorities of a foreign country in which such person is alleged to have engaged in conduct described in section 3261(a) of this section if—

''(1) the appropriate authorities of that country request the delivery of the person to such country for trial for such conduct as an offense under the laws of that country; and

''(2) the delivery of such person to that country is authorized by a treaty or other international agreement to which the United States is a party.

''(b) DETERMINATION BY THE SECRETARY.—The Secretary of Defense, in consultation with the Secretary of State, shall determine which officials of a foreign country constitute appropriate authorities for purposes of this section.

''§ 3263. Regulations

''The Secretary of Defense shall issue regulations governing the apprehension, detention, and removal of persons under this chapter. Such regulations shall be uniform throughout the Department of Defense.

''§ 3264. Definitions

''In this chapter—

''(1) a person is 'accompanying the Armed Forces outside of the United States' if the person—

''(A) is a dependent of—

''(i) a member of the Armed Forces;

''(ii) a civilian employee of a military department or of the Department of Defense; or

''(iii) a Department of Defense contractor or an employee of a Department of Defense contractor;

''(B) is residing with such member, civilian employee, contractor, or contractor employee outside the United States; and

''(C) is not a national of or ordinarily resident in the host nation;

''(2) the term 'Armed Forces' has the same meaning as in section 101(a)(4) of title 10; and

''(3) a person is 'employed by the Armed Forces outside of the United States' if the person—

''(A) is employed as a civilian employee of the Department of Defense, as a Department of Defense contractor, or as an employee of a Department of Defense contractor;

''(B) is present or residing outside of the United States in connection with such employment; and

''(C) is not a national of or ordinarily resident in the host nation.''.

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of part II of title 18, United States Code, is amended by inserting after the item relating to chapter 211 the following:

''212. Criminal Offenses Committed Outside the United States ..... 3621''.

AMENDMENT NO. 1226

(Purpose: To provide a complete substitute)

Mr. GORTON. Mr. President, I send an amendment to the desk on behalf of Mr. DEWINE and Mr. LEAHY and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. SESSIONS, for himself, Mr. LEAHY, and Mr. DEWINE, proposes an amendment numbered 1226.

Mr. GORTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Military and Extraterritorial Jurisdiction Act of 1999''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Civilian employees of the Department of Defense, and civilian employees of Department of Defense contractors, provide critical support to the Armed Forces of the United States that are deployed during a contingency operation.

(2) Misconduct by such persons undermines good order and discipline in the Armed Forces, and jeopardizes the mission of the contingency operation.

(3) Military commanders need the legal tools to address adequately misconduct by civilians serving with Armed Forces during a contingency operation.

(4) In its present state, military law does not permit military commanders to address adequately misconduct by civilians serving with Armed Forces, except in time of a congressionally declared war.

(5) To address this need, the Uniform Code of Military Justice should be amended to provide for court-martial jurisdiction over civilians serving with Armed Forces in places designated by the Secretary of Defense during a ''contingency operation'' expressly designated as such by the Secretary of Defense.

(6) This limited extension of court-martial jurisdiction over civilians is dictated by military necessity, is within the constitutional powers of Congress to make rules for the government of the Armed Forces, and, therefore, is consistent with the Constitution of the United States and United States public policy.

(7) Many thousand civilian employees of the Department of Defense, civilian employees of Department of Defense contractors, and civilian dependents accompany the Armed Forces to installations in foreign countries.

(8) Misconduct among such civilians has been a longstanding problem for military commanders and other United States officials in foreign countries, and threatens United States citizens, United States property, and United States relations with host countries.

(9) Federal criminal law does not apply to many offenses committed outside of the United States by such civilians and, because host countries often do not prosecute such offenses, serious crimes often go unpunished and,to address this jurisdictional gap, Federal law should be amended to punish serious offenses committed by such civilians outside the United States, to the same extent as if those offenses were committed within the special maritime and territorial jurisdiction of the United States.

(10) Federal law does not apply to many crimes committed outside the United States by members of the Armed Forces who separate from the Armed Forces before they can be identified, thus escaping court-martial jurisdiction and, to address this jurisdictional gap, Federal law should be amended to punish serious offenses committed by such persons outside the United States, to the same extent as if those offenses were committed within the special maritime and territorial jurisdiction of the United States.

SEC. 3. COURT-MARTIAL JURISDICTION.

(a) JURISDICTION DURING CONTINGENCY OPERATIONS.—Section 802(a) of title 10, United States Code (article 2(a) of the Uniform Code of Military Justice), is amended by inserting after paragraph (12) the following:

''(13) To the extent not covered by paragraphs (10) and (11), persons not members of the armed forces who, in support of a contingency operation described in section 101(a)(13)(B) of this title, are serving with and accompanying an armed force in a place or places outside the United States specified by the Secretary of Defense, as follows:

''(A) Employees of the Department of Defense.

''(B) Employees of any Department of Defense contractor who are so serving in connection with the performance of a Department of Defense contract.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and apply with respect to acts or omissions occurring on or after that date.

SEC. 4. FEDERAL JURISDICTION.

(a) CRIMINAL OFFENSES COMMITTED OUTSIDE THE UNITED STATES.—Title 18, United States Code, is amended by inserting after chapter 211 the following:

''CHAPTER 212—CRIMINAL OFFENSES COMMITTED OUTSIDE THE UNITED STATES

''Sec.
''3261. Criminal offenses committed by persons formerly serving with, or presently employed by or accompanying, the Armed Forces outside the United States.
''3262. Delivery to authorities of foreign countries.
''3263. Regulations.
''3264. Definitions.

''§ 3261. Criminal offenses committed by persons formerly serving with, or presently employed by or accompanying, the Armed Forces outside the United States

''(a) IN GENERAL.—Whoever, while serving with, employed by, or accompanying the Armed Forces outside of the United States, engages in conduct that would constitute an offense punishable by imprisonment for more than 1 year if the conduct had been engaged in within the special maritime and territorial jurisdiction of the United States, shall be guilty of a like offense and subject to a like punishment.

''(b) CONCURRENT JURISDICTION.—Nothing in this chapter may be construed to deprive a court-martial, military commission, provost court, or other military tribunal of concurrent jurisdiction with respect to offenders or offenses that by statute or by the law of war may be tried by a court-martial, military commission, provost court, or other military tribunal.

''(c) ACTION BY FOREIGN GOVERNMENT.—No prosecution may be commenced against a person under this section if a foreign government, in accordance with jurisdiction recognized by the United States, has prosecuted or is prosecuting such person for the conduct constituting such offense, except upon the approval of the Attorney General or the Deputy Attorney General (or a person acting in either such capacity), which function of approval shall not be delegated.

''(d) ARRESTS.—

''(1) LAW ENFORCEMENT PERSONNEL.—The Secretary of Defense may designate and authorize any person serving in a law enforcement position in the Department of Defense to arrest, in accordance with applicable international agreements, outside of the United States any person described in subsection (a) if there is probable cause to believe that such person engaged in conduct that constitutes a criminal offense under subsection (a).

''(2) RELEASE TO CIVILIAN LAW ENFORCEMENT.—A person arrested under paragraph (1) shall be released to the custody of civilian law enforcement authorities of the United States for removal to the United States for judicial proceedings in relation to conduct referred to in such paragraph unless—

''(A) such person is delivered to authorities of a foreign country under section 3262; or

''(B) such person has had charges brought against him or her under chapter 47 of title 10 for such conduct.

''§ 3262. Delivery to authorities of foreign countries

''(a) IN GENERAL.—Any person designated and authorized under section 3261(d) may deliver a person described in section 3261(a) to the appropriate authorities of a foreign country in which such person is alleged to have engaged in conduct described in section 3261(a) of this section if—

''(1) the appropriate authorities of that country request the delivery of the person to such country for trial for such conduct as an offense under the laws of that country; and

''(2) the delivery of such person to that country is authorized by a treaty or other international agreement to which the United States is a party.

''(b) DETERMINATION BY THE SECRETARY.—The Secretary of Defense, in consultation with the Secretary of State, shall determine which officials of a foreign country constitute appropriate authorities for purposes of this section.

''§ 3263. Regulations

''(a) IN GENERAL.—The Secretary of Defense, after consultation with the Secretary of State and the Attorney General, shall issue regulations governing the apprehension, detention, and removal of persons under this chapter. Such regulations shall be uniform throughout the Department of Defense.

''(b) NOTICE TO THIRD PARTY NATIONALS.—

''(1) IN GENERAL.—The Secretary of Defense, after consultation with the Secretary of State, shall issue regulations requiring that, to the maximum extent practicable, notice shall be provided to any person serving with, employed by, or accompanying the Armed Forces outside the United States who is not a national of the United States that such person is potentially subject to the criminal jurisdiction of the United States under this chapter.

''(2) FAILURE TO PROVIDE NOTICE.—The failure to provide notice as prescribed in the regulations issued under paragraph (1) shall not defeat the jurisdiction of a court of the United States or provide a defense in any judicial proceeding arising under this chapter.

''§ 3264. Definitions

''In this chapter—

''(1) a person is 'accompanying the Armed Forces outside of the United States' if the person—

''(A) is a dependent of—

''(i) a member of the Armed Forces;

''(ii) a civilian employee of a military department or of the Department of Defense; or

''(iii) a Department of Defense contractor or an employee of a Department of Defense contractor;

''(B) is residing with such member, civilian employee, contractor, or contractor employee outside the United States; and

''(C) is not a national of or ordinarily resident in the host nation;

''(2) the term 'Armed Forces' has the same meaning as in section 101(a)(4) of title 10; and

''(3) a person is 'employed by the Armed Forces outside of the United States' if the person—

''(A) is employed as a civilian employee of the Department of Defense, as a Department of Defense contractor, or as an employee of a Department of Defense contractor;

''(B) is present or residing outside of the United States in connection with such employment; and

''(C) is not a national of or ordinarily resident in the host nation.''.

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of part II of title 18, United States Code, is amended by inserting after the item relating to chapter 211 the following:

''212. Criminal Offenses Committed Outside the United States ..... 3621''.

Mr. LEAHY. Mr. President, I support S. 768, which was significantly improved during the Judiciary Committee mark up with a substitute amendment that I cosponsored with Senators SESSIONS and DEWINE. This important legislation will close a gap in Federal law that has existed for many years. S. 768 establishes authority for Federal jurisdiction over crimes committed by individuals accompanying our military overseas and court-marital jurisdiction over Department of Defense employees and contractors accompanying the Armed Forces on contingency missions outside the United States during times of war or national emergency declared by the President or the Congress.

Civilians accompanying the Armed Forces have been subject to court-martial jurisdiction when ''accompanying or serving with the armies of the United States in the field'' since the Revolutionary War. See *McCune* v. *Kilpatrick,* 53 F. Supp. 80, 84 (E.D. Va. 1943) It is only since the start of the cold war that American troops, accompanied by civilian dependents and employees, have been stationed overseas in peace time. Provisions of the Uniform Code of Military Justice provide for the court-martial of civilians accused of crimes while accompanying the armed forces in times of peace or war. The provisions allowing for peace time court-martial of civilians were found unconstitutional by a series of Supreme Court cases beginning with *Reid* v. *Covert,* 354 U.S. 1 (1957). With foreign nations often not interested in prosecuting crimes against Americans, particularly when committed by an American, the result is a jurisdictional ''gap'' that allows some civilians to literally get away with murder.

A report by the Overseas Jurisdiction Advisory Committee submitted to Congress in 1997, cited cases in which host countries declined to prosecute serious crimes committed by civilians accompanying our Armed Forces. These cases involved the sexual molestation of dependent girls, the stabbing of a serviceman and drug trafficking to soldiers. The individuals who committed these crimes against service men and women or their dependents were not prosecuted in the host country and were free to return to the United States and continue their lives as if the incidents had never occurred. The victims of these awful crimes are left with no redress for the suffering they endured.

This inability to exercise Federal jurisdiction over individuals accompanying our armed forces overseas has caused problems. During the Vietnam War, Federal jurisdiction over civilians was not permissible since war was never declared by the Congress. Maj. Gen. George S. Prugh said, in his text on legal issues arising during the Vietnam war, that the inability to discipline civilians ''became a cause for major concern to the U.S. command.''

More recently, Operation Desert Storm involved the deployment of 4,500 Department of Defense civilians and at least 3,000 contractor employees. Similarly large deployments of civilians have been repeated in contingency operations in Somalia, Haiti, Kuwait, and Rwanda. Although crime by civilians accompanying our armed forces in Operation Desert Storm was rare, the Department of Defense did report that four of its civilian employees were involved insignificant criminal misconduct ranging from transportation of illegal firearms to larceny and receiving stolen property. One of these civilians was suspended without pay for 30 days while no action was taken on the remaining three.

Due to the lack of Federal jurisdiction over civilians in a foreign country, administrative remedies such as dismissal from the job, banishment from the base, suspension without pay, or returning the person to the United States are often the only remedies available to military authorities to deal with civilian offenders. The inadequacy of these remedies to address the criminal activity of civilians accompanying our Armed Forces overseas results in a lack of deterrence and an inequity due to the harsher sanctions imposed upon military personnel who committed the same crimes as civilians.

I expect the deployment of civilians in Kosovo and elsewhere will be relatively crime free, but regardless of the frequency of its use, the gap that allows individuals accompanying our military personnel overseas to go unpunished for heinous crimes must be closed. Our service men and women and those accompanying them deserve justice when they are victims of crime. That is why I introduced this provision as part of the Safe Schools, Safe Streets and Secure Borders Act with other Democratic Members, both last year as S. 2484 and again on January 19 of this year, as S. 9.

I had some concerns with certain aspects of S. 768 that were not included in my version of this legislation, and I am pleased that we were able to address those concerns in the Sessions-Leahy-DeWine substitute. For example, the original bill would have extended court-martial jurisdiction over DOD employees and contractors accompanying our Armed Forces overseas. The Supreme Court in *Reid* v. *Covert,* 354 U.S. 1 (1957), *Kinsella* v. *Singleton,* 361 U.S. 234 (1960) and *Toth* v. *Quarles,* 350 U.S. 11 (1955), has made clear that court-martial jurisdiction may not be constitutionally applied to crimes committed in peacetime by persons accompanying the armed forces overseas, or to crimes committed by a former member of the armed services.

The substitute makes clear that this extension of court-martial jurisdiction applies only in times when the armed forces are engaged in a ''contingency operation'' involving a war or national emergency declared by the Congress or the President. I believe this comports with the Supreme Court rulings on this issue and cures any constitutional infirmity with the original language.

In addition, the original bill would have deemed any delay in bringing a person before a magistrate due to transporting the person back to the United States from overseas as ''justifiable.'' I was concerned that this provision could end up excusing lengthy and unreasonable delays in getting a civilian, who was arrested overseas, before a U.S. Magistrate, and thereby raise yet other constitutional concerns.

The Sessions-Leahy-DeWine substitute cures that potential problem by removing the problematic provision and relying instead on rule 5 of the Federal Rules of Criminal Procedure. This rule requires that an arrested person be brought before a magistrate to answer charges without unnecessary delays, and will apply to the removal of a civilian from overseas to answer charges in the United States.

Finally, S. 768 as introduced authorized the Department of Defense to determine which foreign officials constitute the appropriate authorities to whom an arrested civilian should be delivered. In my proposal for this legislation I required that DOD make this determination in consultation with the Department of State. I felt this would help avoid international faux pax. I am pleased that the Sessions-Leahy substitute adopted my approach to this issue and requires consultation with the Department of State.

I am glad the legislation which I and other Democratic Members of the Judiciary Committee originally introduced both last year and again on January 19 of this year, is finally being considered, and I urge its prompt passage.

Mr. GORTON. Mr. President, I ask unanimous consent that the amendment be agreed to, the committee amendment be agreed to, as amended, the bill be read the third time, and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1226) was agreed to.

The committee amendment, as amended, was agreed to.

The bill (S. 768), as amended, was read the third time, and passed.

S. 768

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 ''Military and Extraterritorial Jurisdiction Act of 1999''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Civilian employees of the Department of Defense, and civilian employees of Department of Defense contractors, provide critical support to the Armed Forces of the United States that are deployed during a contingency operation.

(2) Misconduct by such persons undermines good order and discipline in the Armed Forces, and jeopardizes the mission of the contingency operation.

(3) Military commanders need the legal tools to address adequately misconduct by civilians serving with Armed Forces during a contingency operation.

(4) In its present state, military law does not permit military commanders to address adequately misconduct by civilians serving with Armed Forces, except in time of a congressionally declared war.

(5) To address this need, the Uniform Code of Military Justice should be amended to provide for court-martial jurisdiction over civilians serving with Armed Forces in places designated by the Secretary of Defense during a ''contingency operation'' expressly designated as such by the Secretary of Defense.

(6) This limited extension of court-martial jurisdiction over civilians is dictated by military necessity, is within the constitutional powers of Congress to make rules for the government of the Armed Forces, and, therefore, is consistent with the Constitution of the United States and United States public policy.

(7) Many thousand civilian employees of the Department of Defense, civilian employees of Department of Defense contractors, and civilian dependents accompany the Armed Forces to installations in foreign countries.

(8) Misconduct among such civilians has been a longstanding problem for military commanders and other United States officials in foreign countries, and threatens United States citizens, United States property, and United States relations with host countries.

(9) Federal criminal law does not apply to many offenses committed outside of the United States by such civilians and, because host countries often do not prosecute such offenses, serious crimes often go unpunished and,to address this jurisdictional gap, Federal law should be amended to punish serious offenses committed by such civilians outside the United States, to the same extent as if those offenses were committed within the special maritime and territorial jurisdiction of the United States.

(10) Federal law does not apply to many crimes committed outside the United States by members of the Armed Forces who separate from the Armed Forces before they can be identified, thus escaping court-martial jurisdiction and, to address this jurisdictional gap, Federal law should be amended to punish serious offenses committed by such persons outside the United States, to the same extent as if those offenses were committed within the special maritime and territorial jurisdiction of the United States.

SEC. 3. COURT-MARTIAL JURISDICTION.

(a) JURISDICTION DURING CONTINGENCY OPERATIONS.—Section 802(a) of title 10, United States Code (article 2(a) of the Uniform Code of Military Justice), is amended by inserting after paragraph (12) the following:

''(13) To the extent not covered by paragraphs (10) and (11), persons not members of the armed forces who, in support of a contingency operation described in section 101(a)(13)(B) of this title, are serving with and accompanying an armed force in a place or places outside the United States specified by the Secretary of Defense, as follows:

''(A) Employees of the Department of Defense.

''(B) Employees of any Department of Defense contractor who are so serving in connection with the performance of a Department of Defense contract.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and apply with respect to acts or omissions occurring on or after that date.

SEC. 4. FEDERAL JURISDICTION.

(a) CRIMINAL OFFENSES COMMITTED OUTSIDE THE UNITED STATES.—Title 18, United States Code, is amended by inserting after chapter 211 the following:

''CHAPTER 212—CRIMINAL OFFENSES COMMITTED OUTSIDE THE UNITED STATES

''Sec.

''3261. Criminal offenses committed by persons formerly serving with, or presently employed by or accompanying, the Armed Forces outside the United States.

''3262. Delivery to authorities of foreign countries.

''3263. Regulations.

''3264. Definitions.

''§ 3261. Criminal offenses committed by persons formerly serving with, or presently employed by or accompanying, the Armed Forces outside the United States

''(a) IN GENERAL.—Whoever, while serving with, employed by, or accompanying the Armed Forces outside of the United States, engages in conduct that would constitute an offense punishable by imprisonment for more than 1 year if the conduct had been engaged in within the special maritime and territorial jurisdiction of the United States, shall be guilty of a like offense and subject to a like punishment.

''(b) CONCURRENT JURISDICTION.—Nothing in this chapter may be construed to deprive a court-martial, military commission, provost court, or other military tribunal of concurrent jurisdiction with respect to offenders or offenses that by statute or by the law of war may be tried by a court-martial, military commission, provost court, or other military tribunal.

''(c) ACTION BY FOREIGN GOVERNMENT.—No prosecution may be commenced against a person under this section if a foreign government, in accordance with jurisdiction recognized by the United States, has prosecuted or is prosecuting such person for the conduct constituting such offense, except upon the approval of the Attorney General or the Deputy Attorney General (or a person acting in either such capacity), which function of approval shall not be delegated.

''(d) ARRESTS.—

''(1) LAW ENFORCEMENT PERSONNEL.—The Secretary of Defense may designate and authorize any person serving in a law enforcement position in the Department of Defense to arrest, in accordance with applicable international agreements, outside of the United States any person described in subsection (a) if there is probable cause to believe that such person engaged in conduct that constitutes a criminal offense under subsection (a).

''(2) RELEASE TO CIVILIAN LAW ENFORCEMENT.—A person arrested under paragraph (1) shall be released to the custody of civilian law enforcement authorities of the United States for removal to the United States for judicial proceedings in relation to conduct referred to in such paragraph unless—

''(A) such person is delivered to authorities of a foreign country under section 3262; or

''(B) such person has had charges brought against him or her under chapter 47 of title 10 for such conduct.

''§ 3262. Delivery to authorities of foreign countries

''(a) IN GENERAL.—Any person designated and authorized under section 3261(d) may deliver a person described in section 3261(a) to the appropriate authorities of a foreign country in which such person is alleged to have engaged in conduct described in section 3261(a) of this section if—

''(1) the appropriate authorities of that country request the delivery of the person to such country for trial for such conduct as an offense under the laws of that country; and

''(2) the delivery of such person to that country is authorized by a treaty or other international agreement to which the United States is a party.

''(b) DETERMINATION BY THE SECRETARY.—The Secretary of Defense, in consultation with the Secretary of State, shall determine which officials of a foreign country constitute appropriate authorities for purposes of this section.

''§ 3263. Regulations

''(a) IN GENERAL.—The Secretary of Defense, after consultation with the Secretary of State and the Attorney General, shall issue regulations governing the apprehension, detention, and removal of persons under this chapter. Such regulations shall be uniform throughout the Department of Defense.

''(b) NOTICE TO THIRD PARTY NATIONALS.—

''(1) IN GENERAL.—The Secretary of Defense, after consultation with the Secretary of State, shall issue regulations requiring that, to the maximum extent practicable, notice shall be provided to any person serving with, employed by, or accompanying the Armed Forces outside the United States who is not a national of the United States that such person is potentially subject to the criminal jurisdiction of the United States under this chapter.

''(2) FAILURE TO PROVIDE NOTICE.—The failure to provide notice as prescribed in the regulations issued under paragraph (1) shall not defeat the jurisdiction of a court of the United States or provide a defense in any judicial proceeding arising under this chapter.

''§ 3264. Definitions

''In this chapter—

''(1) a person is 'accompanying the Armed Forces outside of the United States' if the person—

''(A) is a dependent of—

''(i) a member of the Armed Forces;

''(ii) a civilian employee of a military department or of the Department of Defense; or

''(iii) a Department of Defense contractor or an employee of a Department of Defense contractor;

''(B) is residing with such member, civilian employee, contractor, or contractor employee outside the United States; and

''(C) is not a national of or ordinarily resident in the host nation;

''(2) the term 'Armed Forces' has the same meaning as in section 101(a)(4) of title 10; and

''(3) a person is 'employed by the Armed Forces outside of the United States' if the person—

''(A) is employed as a civilian employee of the Department of Defense, as a Department of Defense contractor, or as an employee of a Department of Defense contractor;

''(B) is present or residing outside of the United States in connection with such employment; and

''(C) is not a national of or ordinarily resident in the host nation.''.

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of part II of title 18, United States Code, is amended by inserting after the item relating to chapter 211 the following:

"212. Criminal Offenses Committed Outside the United States ..... 3621".

CONDEMNING ACTS OF ARSON AT SACRAMENTO, CA, SYNAGOGUES

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 136, introduced earlier today by Senators BOXER and FEINSTEIN.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 136) condemning the acts of arson at three Sacramento, CA, synagogues on June 18, 1999, and calling on all Americans to categorically reject crimes of hate and intolerance.

There being no objection, the Senate proceeded to consider the resolution.

Mrs. FEINSTEIN. Mr. President, I rise today to join my friend and colleague, Senator BARBARA BOXER, to introduce a Sense of the Senate Resolution condemning the acts of arson at three Sacramento, California synagogues on June 18, 1999. The resolution also calls on all Americans to categorically reject crimes of hate and intolerance.

I believe this measure is important not only to the Sacramento community but also to all Americans who abhor intolerance.

I was shocked and saddened when I first heard the news that three synagogues in Sacramento had been targeted by arsonists. Committed just a few hours before dawn, this heinous attack was carried out over a 45 minute time span signaling to us that this was deliberate and premeditated act.

In that time, $1.2 million in damage was done to the Congregation B'nai Israel, Congregation Beth Shalom and the Kenessett Israel Torah Center. While the damage to the property was severe, no dollar amount can reflect the true damage done when hateful crimes such as these strike at the heart of a community.

Mr. President, I believe it is tragic that even though we have made significant progress to increase tolerance in this nation that such vicious hate crimes continue to be committed.

This resolution expresses our resolve to ensure that such acts of ignorance and bigotry will not be tolerated in this nation and those who commit them will face swift justice. While the resolution condemns these specific acts of arson in the Sacramento area, it also declares our collective abhorrence to all crimes of intolerance.

The resolution also says that the Senate is committed to using Federal law enforcement personnel and resources to identify the persons who committed these heinous acts and brings them to justice in a swift and deliberate manner. It also recognizes and applauds the residents of Sacramento area who have so quickly joined together to lend support and assistance to the victims of these despicable crimes, and remains committed to preserving the freedom of religion of all members of the community.

I believe that one of the most sacred rights we have as Americans is the freedom of religion. This country came to be because people wanted to be able to choose how they worshiped. I hope that in the wake of this sorrowful event, we are all reminded of the importance of this freedom.

Whatever the motive in these arsons, all people of faith in the Sacramento community and this nation must stand together to fight such hatred. The bottom line is that hatred, bigotry and racism all come from the same place—ignorance.

California's modern heritage is one in which diversity is to be respected, not scorned. As long as hate crimes continue to counter that heritage, we must work together to denounce intolerance and the protect the rights of all.

Mr. President, while we have made progress to increase tolerance in this nation, tragic events like these in Sacramento prove that we still need to do more. Together, we must send the strongest possible message that hate crimes will not be tolerated.

Mr. ABRAHAM. Mr. President, I join today with my colleagues, Senators BOXER and FEINSTEIN to introduce a resolution condemning the acts of arson against the three Jewish synagogues in Sacramento, California.

Our history is blessed with courageous acts of men and women who have refused to accept, and united against, ignorance, oppression and discrimination. It was their selflessness which, in large part, secured and protected the same freedoms and liberties so many Americans take for granted today.

On June 18th, 1999, in Sacramento, California, the Congregation B'nai Israel, Congregation Beth Shalom and Knesset Israel Torah Center were victims of malicious and cowardly acts of arson. Mr. President, these acts of intolerance and malice are a direct attack against all Americans and the ideals which are integral to a free and democratic society. The very liberties that allow America to prosper are directly undermined by such acts of blatant hatred and intolerance.

Mr. President, the United States owes much of its strength and greatness to the special uniqueness and diversity of its people. It is imperative that we unite, upholding our responsibility to honor and protect the basic, inalienable right to live without fear and violence. We must send a message to those individuals who would undermine our free and democratic society, that their acts, and any similar actions, will not be tolerated.

Mr. President, I would also like to take this time to commend the residents of Sacramento, and the larger California community, who have joined in solidarity with the Jewish congregations, demonstrating their continued commitment to preserving the freedom of all members of the community.

Mr. GORTON. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to, en bloc, the motion to reconsider be laid upon the table and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 136) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 136

Whereas on the evening of June 18, 1999, in Sacramento, California, the Congregation B'nai Israel, Congregation Beth Shalom, and Kenesset Israel Torah Center were victims of malicious and cowardly acts of arson;

Whereas such crimes against our institutions of faith are crimes against us all;

Whereas we have celebrated since our Nation's birth the rich and colorful diversity of its people, and the sanctity of a free and democratic society;

Whereas the liberties Americans enjoy are attributed in large part to the courage and determination of visionaries who made great strides in overcoming the barriers of oppression, intolerance, and discrimination in order to ensure fair and equal treatment for every American by every American;

Whereas this type of unacceptable behavior is a direct assault upon the fundamental rights of all Americans who cherish their freedom of religion; and

Whereas every Member of Congress serves in part as a role model and bears a responsibility to protect and honor the multitude of cultural institutions and traditions we enjoy in the United States of America: Now, therefore, be it *Resolved*, That the Senate—

(1) condemns the crimes that occurred in Sacramento, California, at Congregation B'nai Israel, Congregation Beth Shalom, and Kenesset Israel Torah Center on the evening of June 18, 1999;

(2) rejects such acts of intolerance and malice in our society and interprets such attacks on cultural and religious institutions as an attack on all Americans;

(3) in the strongest terms possible, is committed to using Federal law enforcement personnel and resources pursuant to existing federal authority to identify the persons who committed these heinous acts and bring them to justice in a swift and deliberate manner;

(4) recognizes and applauds the residents of the Sacramento, California, area who have so quickly joined together to lend support and assistance to the victims of these despicable crimes, and remain committed to preserving the freedom of religion of all members of the community; and

(5) calls upon all Americans to categorically reject similar acts of hate and intolerance.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations en bloc on the Executive Calendar: Nos. 15, 35, 70, 75, 97, 100 through 103, 131, 132, 134, 138, 139, 141 through 156, and all nominations on the Secretary's desk in the Foreign Service.

I finally ask unanimous consent that the nominations be confirmed, en bloc,

the motion to reconsider be laid upon the table, any statements relating to the nominations be printed in the RECORD, that the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

ENVIRONMENTAL PROTECTION AGENCY

Gary S. Guzy, of the District of Columbia, to be an Assistant Administrator of the Environmental Protection Agency.

DEPARTMENT OF STATE

Diane Edith Watson, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal States of Micronesia.

DEPARTMENT OF ENERGY

Carolyn L. Huntoon, of Virginia, to be an Assistant Secretary of Energy (Environmental Management).

EXECUTIVE OFFICE OF THE PRESIDENT

John T. Spotila, of New Jersey, to be Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

Albert S. Jacquez, of California, to be Administrator of the Saint Lawrence Seaway Development Corporation for a term of seven years.

CONSUMER PROTECTION SAFETY COMMISSION

Mary Sheila Gall, of Virginia, to be a Commissioner of the Consumer Product Safety Commission for a term of seven years from October 27, 1998.

Ann Brown, of Florida, to be a Commissioner of the Consumer Product Safety Commission for a term of seven years from October 27, 1999.

Ann Brown, of Florida, to be Chairman of the Consumer Product Safety Commission.

DEPARTMENT OF VETERANS AFFAIRS

John T. Hanson, of Virginia, to be an Assistant Secretary of Veterans Affairs (Public and Intergovernmental Affairs).

ENVIRONMENTAL PROTECTION AGENCY

Timothy Fields, Jr., of Virginia, to be Assistant Administrator, Office of Solid Waste, Environmental Protection Agency.

UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Melvin E. Clark, Jr., of the District of Columbia, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 1999.

UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Donald Lee Pressley, of Virginia, to be an assistant Administrator of the Agency for International Development.

DEPARTMENT OF STATE

Donald W. Keyser, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, for Rank of Ambassador during tenure of service as Special Representative of the Secretary of State for Nagorno-Karabakh and New Independent States Regional Conflicts.

Larry C. Napper, of Texas, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, for Rank of Ambassador during tenure of service as Coordinator of the Support for East European Democracy (SEED) Program.

Frank Almaguer, of Virginia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Honduras.

John R. Hamilton, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Peru.

Gwen C. Clare, of South Carolina, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Ecuador.

Oliver P. Garza, of Texas, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Nicaragua.

Joyce E. Leader, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Guinea.

David B. Dunn, of California, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Zambia.

M. Michael Einik, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to The Former Yugoslav Republic of Macedonia.

Mark Wylea Erwin, of North Carolina, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Mauritius, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Islamic Republic of the Comoros and as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Seychelles.

Christopher E. Goldthwait, of Florida, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Chad.

Joseph Limprecht, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Albania.

Prudence Bushnell, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Guatemala.

Donald Keith Bandler, of Pennsylvania, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cyprus.

Johnnie Carson, of Illinois, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kenya.

Thomas J. Miller, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Bosnia and Herzegovina.

Bismarck Myrick, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Liberia.

Michael D. Metelits, of California, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cape Verde.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE FOREIGN SERVICE

Foreign Service nomination of Peter S. Wood, which was received by the Senate and appeared in the Congressional Record of January 19, 1999.

Foreign Service nominations beginning Constance A. Carrino, and ending Ruth H. Vanheuven, which nominations were received by the Senate and appeared in the Congressional Record of February 23, 1999.

Foreign Service nominations beginning Brian E. Carlson, and ending Leonardo M. Williams, which nominations were received by the Senate and appeared in the Congressional Record of March 24, 1999.

Foreign Service nominations beginning Dale V. Slaght, and ending Eric R. Weaver, which nominations were received by the Senate and appeared in the Congressional Record of March 24, 1999.

Foreign Service nominations beginning Johnny E. Brown, and ending Mee Ja Yu, which nominations were received by the Senate and appeared in the Congressional Record of April 12, 1999.

Foreign Service nominations beginning Jay M. Bergman, and ending Robin Lane White, which nominations were received by the Senate and appeared in the Congressional Record of May 11, 1999.

Foreign Service nomination of Stephen A. Dodson, which was received by the Senate and appeared in the Congressional Record of May 18, 1999.

Foreign Service nominations beginning Karen Aguilar, and ending Lauri M. Kassman, which nominations were received by the Senate and appeared in the Congressional Record of May 26, 1999.

NOMINATION OF TIMOTHY FIELDS, JR.

Mr,. WARNER. Mr. President, I am pleased to support the nomination of a fellow Virginian, Timothy Fields, Jr., to be the Assistant Administrator of the Environmental Protection Agency (EPA). When I look back over Mr. Fields' dedication to public service including 28 years at the EPA as well as the strong educational background he received at one of our nation's most selective colleges and a great source of pride for my home state of Virginia, Virginia Tech University, I say to myself, the President and the EPA Administrator selected wisely.

We are fortunate that a man of this caliber and distinction is willing to devote himself to public service. Rarely have we had a nominee come before the Environment and Public Works Committee, on which I am privileged to serve, with so much direct experience to qualify himself for the job. Mr. Fields comes before us not from a political background but from the field of engineering.

Here are some highlights: upon graduating from Virginia Tech, Mr. Fields received a masters degree from George Washington University and has studied

at Ohio State University. His lifetime of service at EPA began in 1971. Most recently, on February 17, 1997, Mr. Fields was appointed Acting Assistant Administrator for the Office of Solid Waste and Emergency Response (OSWER). Prior to this, Mr. Fields served for three years as Principal Deputy Administrator for OSWER where he was responsible for Superfund and solid waste under RCRA, Director of EPA's Superfund office for over two years and serving in that office for five years, and Director of EPA's Emergency Response Division for four and a half years and Deputy Director of the Hazardous Site Control Division for a year and a half.

Even more remarkable is his list of achievements. He received the highest award for civil servants, the Presidential Rank Award for Distinguished Executive Service—not once but four times. He was recommended twice under President George Bush and twice under President Bill Clinton. He is the only EPA employee to be so honored.

According to a report issued by the General Accounting Office, by the end of this fiscal year, all cleanup remedies will have been selected for over 1,100 sites. About 31,000 sites have been removed from the Superfund inventory of potential waste sites to help promote the economic redevelopment of these priorities. I think it is fair to say that Mr. Fields deserves part of the credit.

Mr. Fields' career at EPA is one of great distinction and is a model for Virginians interested in a life in public service. I am very proud to offer my support for Mr. Fields.

THANKS TO THE MAJORITY LEADER

Mr. BYRD. Mr. President, I thank the distinguished Republican leader for his willingness to have a session on tomorrow in order that I and other Senators might make speeches which we have not had an opportunity to give during the previous busy days of this week. But I thought it better, if it could be done, that we complete our speeches today and not cause the Senate to have to be in session on tomorrow.

I did want to thank the majority leader for his willingness to have the Senate come in.

Mr. President, I thank those who have stayed to listen, and may God bless all the Members of this body and all the staff people who work to help us to serve our constituents. May he continue to bless this great country, and may we as Americans never forget that this country has been a favorite in God's masterful design. God bless America.

I yield the floor.

ACCESS TO NETWORK STATIONS VIA SATELLITE TELEVISION

Mr. BYRD. Mr. President, I rise to urge a speedy resolution to the conference the House- and Senate-passed versions of H.R. 1554, the Satellite Home Viewer Improvement Act. I hope that the conferees will meet soon, and that the Congress can take final action on this matter.

This is a much needed measure to enhance the satellite television industry's ability to compete with cable television. Currently, cable has a commanding 85 percent share of the multichannel video programming distribution market. Satellite serves only 12.1 percent of the market. The 1988 Satellite Home Viewer Act enacted in 1988 put in place certain impediments to satellite carriers being truly competitive with cable. This measure alleviates those roadblocks and will promote real competition. This is good news for consumers. Prices should come down, and the diversity of programming offered should increase.

The Senate version of H.R. 1554 would remove the 90-day waiting period for receipt of broadcast network signals that consumers currently face when switching from cable to satellite television reception. It would authorize satellite carriers to offer local television station broadcasts to their customers. This provision would go a long way toward leveling the playing field between cable and satellite television. One of the major deterrents to purchasing satellite television has been the inability to watch local broadcast programming. The bill also contains a ''must carry'' provision, meaning that all local stations must be carried by the satellite carriers by January 1, 2002.

But, Mr. President, the aspect of this legislation that my constituents are most immediately concerned about is their current access to distant network signals through their satellite television systems. As I drive through the mountains of West Virginia, I am awed by their beauty and majesty. West Virginia truly is an amazing state in which to live, sometimes described as ''all ups and downs.'' Flattened out as you would a crumpled piece of paper, a topographic map of West Virginia would move up the ranks from one of the smaller states in the Union to one of the largest. This awe-inspiring geography presents unique challenges to my constituents. One of those challenges is the ability to receive over-the-air broadcast signals. Many of my constituents, through no fault of their own, are having those signals terminated. While they may live in an area that is supposed to get a signal from the local broadcast station, many times geography and other factors result in a picture that is not acceptable. Under current law, if a household should be able to receive broadcast network signals with an antenna, that household is ineligible to receive distant network signals from their satellite provider. This leaves many West Virginians with little recourse. Their street address or zip code indicates that they should be able to receive local stations with a rooftop antenna, but the steep hillsides that form their backyards make that impossible.

In an effort to address this issue, under the Senate-passed version of H.R. 1554, customers who were receiving a distant network signal before July 11, 1998, would receive those signals until December 31, 1999. After that date, the affiliate network signals of customers residing within the Grade A contours, the areas closest to the broadcast station, would be cut off. This bill will allow satellite subscribers outside of the grade A contour, but within the grade B contour, to continue to receive their distant network signals after December 31, 1999, subject to an FCC rulemaking. I believe this is a fair way to deal with subscribers who, through no fault of their own, would otherwise have distant network signals terminated.

I am a strong supporter of local broadcasters, and I believe that they perform an important function for local communities. The local news and emergency services broadcasters provide are invaluable and should be protected. While I understand the concerns expressed by local broadcasters, I am not convinced that the grandfathering provision included in the Senate bill will constitute significant harm to their livelihoods.

I urge the conferees to complete action so that Congress can quickly enact this legislation to provide relief to the many people throughout West Virginia and the Nation.

I apologize to all officers, Senators's aides and Members of the staff for the late hour, but I think that is perhaps better than being in session tomorrow.

INDEPENDENCE DAY

Mr. BYRD. Mr. President, I take this time to call the attention of our colleagues and our viewing audience to the forthcoming Independence Day, July 4.

What is July 4 all about? The Declaration of Independence in U.S. history was a document that proclaimed the freedom of the Thirteen Colonies from British rule. It was the first formal pronouncement by an organized body of people of the right to govern by choice.

On July 2, 1776, the Second Continental Congress, meeting in Philadelphia, approved Richard Henry Lee's motion for independence, and on July 4—which later came to be celebrated as Independence Day—it approved the declaration. Signing of the declaration took place over the course of several months, beginning August 2. Ultimately, the signatories numbered 56.

The Declaration of Independence, written primarily by Thomas Jefferson, and modeled largely on the theories of John Locke, have affirmed the national rights of man and the doctrine of government by contract, which Congress insisted had been repeatedly violated by King George III.

Specific grievances were listed in support of the contention that the Colonies had the right and the duty to revoke. The declaration was paid little attention to at the time, but it proved influential in the 19th century, and in the United States has enjoyed an esteem second only to the Federal Constitution.

Mr. President, all across the United States and in U.S. embassies around the world, lawns are being mowed and outdoor furniture is being hosed off as Americans prepare to celebrate our biggest open air holiday, Independence Day. The fireworks stands have been doing brisk business selling everything from smoky uncoiling snakes to dazzling sparklers to rockets and fountains that shriek and pop as they dispense multicolored bursts of flame and sparks.

The one great constant in our national lexicon, it seems, is the Fourth of July. With some variations in the side dishes, the core menu reliably consists of juicy hamburgers and crispskinned hotdogs slathered in ketchup and mustard, served with creamy potato and macaroni salads, potato chips, onions, sweet corn on the cob dripping with butter, and icy, icy, icy, icy watermelon wedges that provide the ammunition for seed spitting contests. How great it is.

Whether eating with friends or family at a picnic site, in one's backyard, or tailgate style, the feasts are followed by games to fill the endless wait until the skies darken and become a fitting backdrop for the big show of the day—the fireworks displays.

The sight of fireworks, those great blossoming stars of sparks that burst and then fall like rain from the sky, never fails to remind me of the words of the Star Spangled Banner, written by Francis Scott Key after witnessing the artillery bombardment of Fort McHenry during the War of 1812: ''. . . and the rockets red glare, the bombs bursting in air, gave proof through the night that our flag was still there. . . .'' Francis Scott Key was being held by the British, having sailed out to their fleet, staged off Baltimore, in an attempt to free a local doctor taken hostage earlier. The British officers did finally agree to free the doctor, but decided that Key and his companions had seen too much to be released before the attack began.

The beauty and excitement of the fireworks that many of us will see this weekend, therefore, evoke for me the great battles that were fought to make our Nation free and to defend her from harm in those dangerous early years of the republic. It is when I see fireworks that I most fully appreciate the great risks hazarded by our forefathers when they declared independence from the Crown. They risked everything—their lives, their fortunes, their lands, their families, their sacred honor.

I recall Nathan Hale, who responded to the call of George Washington, the commander of the armies at Valley Forge. George Washington wanted someone to volunteer to go behind the British lines and draw pictures of the breastworks and bring them back to him, George Washington. It was a dangerous undertaking. It meant risking one's life. And so Nathan Hale, who was a schoolteacher, volunteered. He went behind the British lines. He succeeded in what he had gone there to do, but the night before he planned to return to the American lines he was discovered and the papers were discovered on him, and the next morning he was brought before the scaffold. The British officer, whose name was Cunningham, and who denied Nathan Hale's last wish, his wish for a Bible, said to him: Have you anything to say?

Well, there at the foot of the scaffold, Nathan Hale could see the rough-hewn wooden coffin in which his body would soon lie. He said, ''I only regret that I have but one life to lose for my country.'' Think of that. ''I only regret that I have but one life to lose for my country.''

That is the kind of patriot who gave this country its independence, and many of us can't even give our country one vote on election day. What a pitiful example we sometimes set as a people on election day when we don't bother to go to the polls. Whether we are Democrats or Republicans or Independents, we should owe that much, that much to our country and to the memory of Nathan Hale.

I talk to our young pages here and sometimes I borrow a history book from those who are here when they are attending school. I want to see what kind of history books they are reading in this day and time. When I was talking with these young pages a few days ago, I said, Who was Nathan Hale? Who here knows, who can tell me about Nathan Hale?

Well, sorrowfully, many of the history books today don't even mention Nathan Hale's name. Those are not history books. They are social science textbooks. Nathan Hale; and so he said, ''I only regret that I have but one life to lose for my country.''

Those men and women risked everything, as I say—their lives, their fortunes, their lands, their families, their sacred honor, even the populations in the States they represented—when they boldly inked their names on the Declaration of Independence.

In the percussive thuds and whistling screams of today's fireworks I can hear—Can you hear?—the distant thunder of cannons and the crack of flintlocks as the first major land battle of the Revolutionary War was pitched at Point Pleasant, West Virginia. When I see the great fireworks displays put on here in the Nation's capital, I see the shadows of the Capitol dome consumed in flames, as it was in August 1814. If I look out on the wide Potomac dotted with pleasure craft bobbing gently at anchor as still more people enjoy the fireworks, I can easily imagine General George Washington and his ragged Army struggling to cross the Delaware River for their daring Christmas day raid in the bitter cold of December 1776. And when I catch the scent of black powder drifting by as the night sky grows cloudy with the smoke from the explosions, I get the tingling sensation of fear and nerves that must have accompanied every soldier awaiting advancing Redcoats at Lexington and Concord.

What courage and what bravery were displayed by the people of this fledgling Nation, when first they undertook to break away from Great Britain. What great good fortune I, and everyone else who is listening, have, to be able to enjoy the fruits of their boldness, their courage, their willingness to give their lives. From coast to coast this weekend, we are able to freely gather, to celebrate, to rejoice, and, yes, to watch fireworks in a peaceful imitation of those perilous days over twenty decades ago. In this great land and its marvelously balanced Constitution, we have inherited a treasure beyond price. It is a treasure that we honor with our service and which we defend with our blood if need be.

So, while I enjoy the parades and picnics and fireworks of this happy holiday, I will also be offering my thanks to all those through the years who are responsible for struggling and winning the battles to secure our more perfect union, that we might be free to pursue health, happiness, and the blessings of liberty. My thanks also go to those men and women who today guard our freedom and who offer hope to others who fear the loss of their liberty, their lives, and their families.

I thank Nathan Hale who died on September 22, 1776, and who willingly would have died many times for his country.

We are a great and prosperous nation. We ought to thank God for his watchfulness over us, for the blessings he has showered upon our great country from its beginning, even before the Republic was instituted.

Just this week we have learned anew how prosperous we are, as the administration heralded new long-term estimates that paint a very bright economic picture of rising surpluses and falling debt. I must confess I am pretty wary of economic estimates. That is a science even far less exact than weather forecasting or even, it seems, astrology. It does seem clear that for the near term, at least, we may expect a small on-budget surplus that was not previously anticipated. I urge that we Senators support an effort to designate a substantial portion of these newly found resources to the Department of Veterans Affairs in order to support veterans health care. I have talked to my good friend and colleague, Mr. STEVENS, the chairman of the Appropriations Committee, and we are in agreement. But the fact that we are in agreement does not mean that the matter is settled. We have a tough uphill battle before us.

Veterans health care, a promise of lifetime care made to everyone who serves faithfully and well in the defense of our Nation, faces a funding crisis that threatens the quality and continuity of the health care that these men and women have come to depend upon. Veterans service organizations and others knowledgeable about the needs of America's veterans have pointed out that the fiscal year 2000 budget request for veterans health care is far below what is needed to meet demand and to allow the Veterans Administration to respond to new requirements levied by Congress. The budget resolution conference report adopted by the Congress earlier this year made a commitment to provide additional funds for veterans health care, but a budget resolution is a nonbinding document. Platitudes, good intentions, and fireworks do not pay doctor's bills. The funding caps passed by Congress have left the Appropriations Committee hamstrung, unable to provide more funding for this and other worthy causes. But now, if additional surpluses not associated with Social Security become available, I believe that we should try hard to honor our commitment made in the budget resolution, and honor our debt to the veterans who, in the spirit of those patriots of the Revolution, dared much, risked much, and sacrificed much that we might enjoy the blessings of freedom. They treasure our country and honor it with their service and their blood. I feel certain that my colleagues share with me a commitment to our Nation's veterans that is stronger and deeper than any allegiance to an arbitrary budget figure or cap that is based on a very different set of economic assumptions.

Mr. President, I have been fortunate to have traveled across the globe. I have seen many other lovely and ancient places, from Rome to Cairo to London to Tokyo to Moscow to that great crossroads of east and west that is Istanbul. I met warm and charming people in all these places and more. But, like Americans who will gather in far flung outposts around the globe next Monday to toast their homeland, and on Sunday to fly that flag in front of our homes, I am always glad to come home. No spot on earth calls to me like the mountains of my home, West Virginia, where the ground rises to meet my feet and the trees spread dappled umbrellas to shade me from the Sun; where glittering rivulets of clear, cold water flash like gems set in a verdant tapestry of ferns; and where birdsongs chime the hours away. In a gentle eternal symphony, raindrops hitting leaves provide the timpani and wind through the tossing branches serves as strings. The woodwind notes of mourning doves gently welcome the Sun each morning and whippoorwills pipe its setting in the evening. It is music for the heart as well as for the ears.

Nowhere are the people more dear to me than in West Virginia, where church doors are always ready to welcome the traveler and where in grocery stores there are clerks who still greet me by name and ask about my family. West Virginians are a proud people, proud of their heritage, proud of their home State. Wherever you may find them around the world—and I have found them in Afghanistan, in India, all across the globe—they are always proud to proclaim themselves Mountaineers.

I close with a favorite poem of mine by Henry van Dyke, ''America for Me'':

'Tis fine to see the Old World, and travel up and down
Among the famous palaces and cities of renown,
To admire the crumbly castles and the statues of the kings,—
But now I think I've had enough of antiquated things.

So it's home again, and home again, America for me!
My heart is turning home again, and there I long to be,
In the land of youth and freedom beyond the ocean bars,
Where the air is full of sunlight and the flag is full of stars.

Oh, London is a man's town, there's power in the air;
And Paris is a woman's town, with flowers in her hair;
And it's sweet to dream in Venice, and it's great to study in Rome
But when it comes to living there is just no place like home.

I like the German fir-woods, in green battalions drilled;
I like the gardens of Versailles with flashing fountains filled;
But, oh, to take your hand, my dear, and ramble for a day
In the friendly western woodland where Nature has her way!

I know that Europe's wonderful, yet something seems to lack:
The Past is too much with her, and the people looking back.
But the glory of the Present is to make the Future free,—
We love our land for what she is and what she is to be.

Oh, it's home again, and home again, America for me!
I want a ship that's westward bound to plough the rolling sea,
To the blessed Land of Room Enough beyond the ocean bars,
Where the air is full of sunlight and the flag is full of stars.