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REVISED NOTICE—NOVEMBER 17, 1999

If the 106th Congress, 1st Session, adjourns sine die on or before November 18, 1999, a final issue of the Congressional Record for the 106th Congress, 1st Session, will be published on December 3, 1999, in order to permit Members to revise and extend their remarks.

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If the 106th Congress does not adjourn until a later date in 1999, the final issue will be printed at a date to be announced.

None of the material printed in the final issue of the Congressional Record may contain subject matter, or relate to any event that occurred after the sine die date.

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By order of the Joint Committee on Printing.

WILLIAM M. THOMAS, *Chairman.*

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MICHAEL F. DiMARIO, *Public Printer.*

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

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CHEYENNE RIVER SIOUX TRIBE EQUITABLE COMPENSATION ACT

Ms. COLLINS. I ask unanimous consent the Senate now proceed to the immediate consideration of Calendar No. 407, S. 964.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 964) to provide for equitable compensation for the Cheyenne River Sioux Tribe, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Indian Affairs, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

TITLE I—CHEYENNE RIVER SIOUX TRIBE EQUITABLE COMPENSATION

SEC. 101. SHORT TITLE.

This title may be cited as the ''Cheyenne River Sioux Tribe Equitable Compensation Act''.

SEC. 102. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) by enacting the Act of December 22, 1944, (58 Stat. 887, chapter 665; 33 U.S.C. 701–1 et seq.), commonly known as the ''Flood Control Act of 1944'', Congress approved the Pick-Sloan Missouri River Basin program (referred to in this section as the ''Pick-Sloan program'')—

(A) to promote the general economic development of the United States;

(B) to provide for irrigation above Sioux City, Iowa;

(C) to protect urban and rural areas from devastating floods of the Missouri River; and

(D) for other purposes;

(2) the Oahe Dam and Reservoir project—

(A) is a major component of the Pick-Sloan program, and contributes to the economy of the United States by generating a substantial amount of hydropower and impounding a substantial quantity of water;

(B) overlies the eastern boundary of the Cheyenne River Sioux Indian Reservation; and

(C) has not only contributed little to the economy of the Tribe, but has severely damaged the economy of the Tribe and members of the Tribe by inundating the fertile, wooded bottom lands of the Tribe along the Missouri River that constituted the most productive agricultural and pastoral lands of the Tribe and the homeland of the members of the Tribe;

(3) the Secretary of the Interior appointed a Joint Tribal Advisory Committee that examined the Oahe Dam and Reservoir project and concluded that—

(A) the Federal Government did not justify, or fairly compensate the Tribe for, the Oahe Dam and Reservoir project when the Federal Government acquired 104,492 acres of land of the Tribe for that project; and

(B) the Tribe should be adequately compensated for the land acquisition described in subparagraph (A);

(4) after applying the same method of analysis as is used for the compensation of similarly situated Indian tribes, the Comptroller General of the United States (referred to in this title as the ''Comptroller General'') determined that the appropriate amount of compensation to pay the Tribe for the land acquisition described in paragraph (3)(A) would be $290,723,000;

(5) the Tribe is entitled to receive additional financial compensation for the land acquisition described in paragraph (3)(A) in a manner consistent with the determination of the Comptroller General described in paragraph (4); and

(6) the establishment of a trust fund to make amounts available to the Tribe under this title is consistent with the principles of self-governance and self-determination.

(b) PURPOSES.—The purposes of this title are as follows:

(1) To provide for additional financial compensation to the Tribe for the acquisition by the Federal Government of 104,492 acres of land of the Tribe for the Oahe Dam and Reservoir project in a manner consistent with the determinations of the Comptroller General described in subsection (a)(4).

(2) To provide for the establishment of the Cheyenne River Sioux Tribal Recovery Trust Fund, to be managed by the Secretary of the Treasury in order to make payments to the Tribe to carry out projects under a plan prepared by the Tribe.

SEC. 103. DEFINITIONS.

In this title:

(1) TRIBE.—The term ''Tribe'' means the Cheyenne River Sioux Tribe, which is comprised of the Itazipco, Siha Sapa, Minniconjou, and Oohenumpa bands of the Great Sioux Nation that reside on the Cheyenne River Reservation, located in central South Dakota.

(2) TRIBAL COUNCIL.—The term ''Tribal Council'' means the governing body of the Tribe.

SEC. 104. CHEYENNE RIVER SIOUX TRIBAL RECOVERY TRUST FUND.

(a) CHEYENNE RIVER SIOUX TRIBAL RECOVERY TRUST FUND.—There is established in the Treasury of the United States a fund to be known as the ''Cheyenne River Sioux Tribal Recovery Trust Fund'' (referred to in this title as the ''Fund''). The Fund shall consist of any amounts deposited into the Fund under this title.

(b) FUNDING.—On the first day of the 11th fiscal year that begins after the date of enactment of this Act, the Secretary of the Treasury shall, from the General Fund of the Treasury, deposit into the Fund established under subsection (a)—

(1) $290,722,958; and

(2) an additional amount that equals the amount of interest that would have accrued on the amount described in paragraph (1) if such amount had been invested in interest-bearing obligations of the United States, or in obligations guaranteed as to both principal and interest by the United States, on the first day of the first fiscal year that begins after the date of enactment of this Act and compounded annually thereafter.

(c) INVESTMENT OF TRUST FUND.—It shall be the duty of the Secretary of the Treasury to invest such portion of the Fund as is not, in the Secretary of Treasury's judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. The Secretary of the Treasury shall deposit interest resulting from such investments into the Fund.

(d) PAYMENT OF INTEREST TO TRIBE.—

(1) WITHDRAWAL OF INTEREST.—Beginning on the first day of the 11th fiscal year after the date of enactment of this Act and, on the first day of each fiscal year thereafter, the Secretary of the Treasury shall withdraw the aggregate amount of interest deposited into the Fund for that fiscal year and transfer that amount to the Secretary of the Interior for use in accordance with paragraph (2). Each amount so transferred shall be available without fiscal year limitation.

(2) PAYMENTS TO TRIBE.—

(A) IN GENERAL.—The Secretary of the Interior shall use the amounts transferred under paragraph (1) only for the purpose of making payments to the Tribe, as such payments are requested by the Tribe pursuant to tribal resolution.

(B) LIMITATION.—Payments may be made by the Secretary of the Interior under subparagraph (A) only after the Tribe has adopted a plan under subsection (f).

(C) USE OF PAYMENTS BY TRIBE.—The Tribe shall use the payments made under subparagraph (B) only for carrying out projects and programs under the plan prepared under subsection (f).

(e) TRANSFERS AND WITHDRAWALS.—Except as provided in subsections (c) and (d)(1), the Secretary of the Treasury may not transfer or withdraw any amount deposited under subsection (b).

(f) PLAN.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the governing body of the Tribe shall prepare a plan for the use of the payments to the Tribe under subsection (d) (referred to in this subsection as the ''plan'').

(2) CONTENTS OF PLAN.—The plan shall provide for the manner in which the Tribe shall expend payments to the Tribe under subsection (d) to promote—

(A) economic development;

(B) infrastructure development;

(C) the educational, health, recreational, and social welfare objectives of the Tribe and its members; or

(D) any combination of the activities described in subparagraphs (A) through (C).

(3) PLAN REVIEW AND REVISION.—

(A) IN GENERAL.—The Tribal Council shall make available for review and comment by the members of the Tribe a copy of the plan before the plan becomes final, in accordance with procedures established by the Tribal Council.

(B) UPDATING OF PLAN.—The Tribal Council may, on an annual basis, revise the plan to update the plan. In revising the plan under this subparagraph, the Tribal Council shall provide the members of the Tribe opportunity to review and comment on any proposed revision to the plan.

(C) CONSULTATION.—In preparing the plan and any revisions to update the plan, the Tribal Council shall consult with the Secretary of the Interior and the Secretary of Health and Human Services.

(4) AUDIT.—

(A) IN GENERAL.—The activities of the Tribe in carrying out the plan shall be audited as part of the annual single-agency audit that the Tribe is required to prepare pursuant to the Office of Management and Budget circular numbered A–133.

(B) DETERMINATION BY AUDITORS.—The auditors that conduct the audit described in subparagraph (A) shall—

(i) determine whether funds received by the Tribe under this section for the period covered by the audit were expended to carry out the plan in a manner consistent with this section; and

(ii) include in the written findings of the audit the determination made under clause (i).

(C) INCLUSION OF FINDINGS WITH PUBLICATION OF PROCEEDINGS OF TRIBAL COUNCIL.—A copy of the written findings of the audit described in subparagraph (A) shall be inserted in the published minutes of the Tribal Council proceedings for the session at which the audit is presented to the Tribal Council.

(g) PROHIBITION ON PER CAPITA PAYMENTS.—No portion of any payment made under this title may be distributed to any member of the Tribe on a per capita basis.

SEC. 105. ELIGIBILITY OF TRIBE FOR CERTAIN PROGRAMS AND SERVICES.

No payment made to the Tribe under this title shall result in the reduction or denial of any service or program with respect to which, under Federal law—

(1) the Tribe is otherwise entitled because of the status of the Tribe as a federally recognized Indian tribe; or

(2) any individual who is a member of the Tribe is entitled because of the status of the individual as a member of the Tribe.

SEC. 106. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such funds as may be necessary to cover the administrative expenses of the Fund.

SEC. 107. EXTINGUISHMENT OF CLAIMS.

Upon the deposit of funds (together with interest) into the Fund under section 104(b), all monetary claims that the Tribe has or may have against the United States for the taking, by the United States, of the land and property of the Tribe for the Oahe Dam and Reservoir Project of the Pick-Sloan Missouri River Basin program shall be extinguished.

TITLE II—BOSQUE REDONDO MEMORIAL

SEC. 201. SHORT TITLE.

This title may be cited as the ''Bosque Redondo Memorial Act''.

SEC. 202. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) in 1863, the United States detained nearly 9,000 Navajo and forced their migration across nearly 350 miles of land to Bosque Redondo, a journey known as the ''Long Walk'';

(2) Mescalero Apache people were also incarcerated at Bosque Redondo;

(3) the Navajo and Mescalero Apache people labored to plant crops, dig irrigation ditches and build housing, but drought, cutworms, hail, and alkaline Pecos River water created severe living conditions for nearly 9,000 captives;

(4) suffering and hardships endured by the Navajo and Mescalero Apache people forged a new understanding of their strengths as Americans;

(5) the Treaty of 1868 was signed by the United States and the Navajo tribes, recognizing the Navajo Nation as it exists today;

(6) the State of New Mexico has appropriated a total of $123,000 for a planning study and for the design of the Bosque Redondo Memorial;

(7) individuals and businesses in DeBaca County donated $6,000 toward the production of a brochure relating to the Bosque Redondo Memorial;

(8) the Village of Fort Sumner donated 70 acres of land to the State of New Mexico contiguous to the existing 50 acres comprising Fort Sumner State Monument, contingent on the funding of the Bosque Redondo Memorial;

(9) full architectural plans and the exhibit design for the Bosque Redondo Memorial have been completed;

(10) the Bosque Redondo Memorial project has the encouragement of the President of the Navajo Nation and the President of the Mescalero Apache Tribe, who have each appointed tribal members to serve as project advisors;

(11) the Navajo Nation, the Mescalero Tribe and the National Park Service are collaborating to develop a symposium on the Bosque Redondo Long Walk and a curriculum for inclusion in the New Mexico school curricula;

(12) an interpretive center would provide important educational and enrichment opportunities for all Americans; and

(13) Federal financial assistance is needed for the construction of a Bosque Redondo Memorial.

(b) PURPOSES.—The purposes of this title are as follows:

(1) To commemorate the people who were interned at Bosque Redondo.

(2) To pay tribute to the native populations' ability to rebound from suffering, and establish the strong, living communities that have long been a major influence in the State of New Mexico and in the United States.

(3) To provide Americans of all ages a place to learn about the Bosque Redondo experience and how it resulted in the establishment of strong American Indian Nations from once divergent bands.

(4) To support the construction of the Bosque Redondo Memorial commemorating the detention of the Navajo and Mescalero Apache people at Bosque Redondo from 1863 to 1868.

SEC. 203. DEFINITIONS.

In this title:

(1) MEMORIAL.—The term ''Memorial'' means the building and grounds known as the Bosque Redondo Memorial.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Defense.

SEC. 204. BOSQUE REDONDO MEMORIAL

(a) ESTABLISHMENT.— Upon the request of the State of New Mexico, the Secretary is authorized to establish a Bosque Redondo Memorial within the boundaries of Fort Sumner State Monument in New Mexico. No memorial shall be established without the consent of the Navajo Nation and the Mescalero Tribe.

(b) COMPONENTS OF THE MEMORIAL.—The memorial shall include—

(1) exhibit space, a lobby area that represents design elements from traditional Mescalero and Navajo dwellings, administrative areas that include a resource room, library, workrooms and offices, restrooms, parking areas, sidewalks, utilities, and other visitor facilities;

(2) a venue for public education programs; and

(3) a location to commemorate the Long Walk of the Navajo people and the healing that has taken place since that event

SEC. 205. CONSTRUCTION OF MEMORIAL.

(a) GRANT.—

(1) IN GENERAL.—The Secretary may award a grant to the State of New Mexico to provide up to 50 percent of the total cost of construction of the Memorial.

(2) NON-FEDERAL SHARE.—The non-Federal share of construction costs for the Memorial shall include funds previously expended by the State for the planning and design of the Memorial, and funds previously expended by non-Federal entities for the production of a brochure relating to the Memorial.

(b) REQUIREMENTS.—To be eligible to receive a grant under this section, the State shall—

(1) submit to the Secretary a proposal that—

(A) provides assurances that the Memorial will comply with all applicable laws, including building codes and regulations; and

(B) includes such other information and assurances as the Secretary may require; and

(2) enter into a Memorandum of Understanding with the Secretary that shall include—

(A) a timetable for the completion of construction and the opening of the Memorial;

(B) assurances that construction contracts will be competitively awarded;

(C) assurances that the State or Village of Fort Sumner will make sufficient land available for the Memorial;

(D) the specifications of the Memorial which shall comply with all applicable Federal, State, and local building codes and laws;

(E) arrangements for the operation and maintenance of the Memorial upon completion of construction;

(F) a description of Memorial collections and educational programming;

(G) a plan for the design of exhibits including the collections to be exhibited, security, preservation, protection, environmental controls, and presentations in accordance with professional standards;

(H) an agreement with the Navajo Nation and the Mescalero Tribe relative to the design and location of the Memorial; and

(I) a financing plan developed by the State that outlines the long-term management of the Memorial, including—

(i) the acceptance and use of funds derived from public and private sources to minimize the use of appropriated or borrowed funds;

(ii) the payment of the operating costs of the Memorial through the assessment of fees or other income generated by the Memorial;

(iii) a strategy for achieving financial self-sufficiency with respect to the Memorial by not later than 5 years after the date of enactment of this Act; and

(iv) a description of the business activities that would be permitted at the Memorial and appropriate vendor standards that would apply.

SEC. 206. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this title—

(1) $1,000,000 for fiscal year 2000; and

(2) $500,000 for each of fiscal years 2001 and 2002.

(b) CARRYOVER.—Any funds made available under this section that are unexpended at the end of the fiscal year for which those funds are appropriated, shall remain available for use by the Secretary through September 30, 2002 for the purposes for which those funds were made available.

Ms. COLLINS. Mr. President, I ask unanimous consent that the committee amendment be agreed to, the bill, as amended, be read three times, passed, and the motion to reconsider be laid upon the table, and that any statements be printed in the RECORD.

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

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 964), as amended, was read the third time and passed, as follows:

S. 964

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

TITLE I—CHEYENNE RIVER SIOUX TRIBE EQUITABLE COMPENSATION

SEC. 101. SHORT TITLE.

This title may be cited as the ''Cheyenne River Sioux Tribe Equitable Compensation Act''.

SEC. 102. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) by enacting the Act of December 22, 1944, (58 Stat. 887, chapter 665; 33 U.S.C. 701–1 et seq.), commonly known as the ''Flood Control Act of 1944'', Congress approved the Pick-Sloan Missouri River Basin program (referred to in this section as the ''Pick-Sloan program'')—

(A) to promote the general economic development of the United States;

(B) to provide for irrigation above Sioux City, Iowa;

(C) to protect urban and rural areas from devastating floods of the Missouri River; and

(D) for other purposes;

(2) the Oahe Dam and Reservoir project—

(A) is a major component of the Pick-Sloan program, and contributes to the economy of the United States by generating a substantial amount of hydropower and impounding a substantial quantity of water;

(B) overlies the eastern boundary of the Cheyenne River Sioux Indian Reservation; and

(C) has not only contributed little to the economy of the Tribe, but has severely damaged the economy of the Tribe and members of the Tribe by inundating the fertile, wooded bottom lands of the Tribe along the Missouri River that constituted the most productive agricultural and pastoral lands of the Tribe and the homeland of the members of the Tribe;

(3) the Secretary of the Interior appointed a Joint Tribal Advisory Committee that examined the Oahe Dam and Reservoir project and concluded that—

(A) the Federal Government did not justify, or fairly compensate the Tribe for, the Oahe Dam and Reservoir project when the Federal Government acquired 104,492 acres of land of the Tribe for that project; and

(B) the Tribe should be adequately compensated for the land acquisition described in subparagraph (A);

(4) after applying the same method of analysis as is used for the compensation of similarly situated Indian tribes, the Comptroller General of the United States (referred to in this title as the ''Comptroller General'') determined that the appropriate amount of

compensation to pay the Tribe for the land acquisition described in paragraph (3)(A) would be $290,723,000;

(5) the Tribe is entitled to receive additional financial compensation for the land acquisition described in paragraph (3)(A) in a manner consistent with the determination of the Comptroller General described in paragraph (4); and

(6) the establishment of a trust fund to make amounts available to the Tribe under this title is consistent with the principles of self-governance and self-determination.

(b) PURPOSES.—The purposes of this title are as follows:

(1) To provide for additional financial compensation to the Tribe for the acquisition by the Federal Government of 104,492 acres of land of the Tribe for the Oahe Dam and Reservoir project in a manner consistent with the determinations of the Comptroller General described in subsection (a)(4).

(2) To provide for the establishment of the Cheyenne River Sioux Tribal Recovery Trust Fund, to be managed by the Secretary of the Treasury in order to make payments to the Tribe to carry out projects under a plan prepared by the Tribe.

SEC. 103. DEFINITIONS.

In this title:

(1) TRIBE.—The term ''Tribe'' means the Cheyenne River Sioux Tribe, which is comprised of the Itazipco, Siha Sapa, Minniconjou, and Oohenumpa bands of the Great Sioux Nation that reside on the Cheyenne River Reservation, located in central South Dakota.

(2) TRIBAL COUNCIL.—The term ''Tribal Council'' means the governing body of the Tribe.

SEC. 104. CHEYENNE RIVER SIOUX TRIBAL RECOVERY TRUST FUND.

(a) CHEYENNE RIVER SIOUX TRIBAL RECOVERY TRUST FUND.—There is established in the Treasury of the United States a fund to be known as the ''Cheyenne River Sioux Tribal Recovery Trust Fund'' (referred to in this title as the ''Fund''). The Fund shall consist of any amounts deposited into the Fund under this title.

(b) FUNDING.—On the first day of the 11th fiscal year that begins after the date of enactment of this Act, the Secretary of the Treasury shall, from the General Fund of the Treasury, deposit into the Fund established under subsection (a)—

(1) $290,722,958; and

(2) an additional amount that equals the amount of interest that would have accrued on the amount described in paragraph (1) if such amount had been invested in interest-bearing obligations of the United States, or in obligations guaranteed as to both principal and interest by the United States, on the first day of the first fiscal year that begins after the date of enactment of this Act and compounded annually thereafter.

(c) INVESTMENT OF TRUST FUND.—It shall be the duty of the Secretary of the Treasury to invest such portion of the Fund as is not, in the Secretary of Treasury's judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. The Secretary of the Treasury shall deposit interest resulting from such investments into the Fund.

(d) PAYMENT OF INTEREST TO TRIBE.—

(1) WITHDRAWAL OF INTEREST.—Beginning on the first day of the 11th fiscal year after the date of enactment of this Act and, on the first day of each fiscal year thereafter, the Secretary of the Treasury shall withdraw the aggregate amount of interest deposited into the Fund for that fiscal year and transfer that amount to the Secretary of the Interior for use in accordance with paragraph (2). Each amount so transferred shall be available without fiscal year limitation.

(2) PAYMENTS TO TRIBE.—

(A) IN GENERAL.—The Secretary of the Interior shall use the amounts transferred under paragraph (1) only for the purpose of making payments to the Tribe, as such payments are requested by the Tribe pursuant to tribal resolution.

(B) LIMITATION.—Payments may be made by the Secretary of the Interior under subparagraph (A) only after the Tribe has adopted a plan under subsection (f).

(C) USE OF PAYMENTS BY TRIBE.—The Tribe shall use the payments made under subparagraph (B) only for carrying out projects and programs under the plan prepared under subsection (f).

(e) TRANSFERS AND WITHDRAWALS.—Except as provided in subsections (c) and (d)(1), the Secretary of the Treasury may not transfer or withdraw any amount deposited under subsection (b).

(f) PLAN.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the governing body of the Tribe shall prepare a plan for the use of the payments to the Tribe under subsection (d) (referred to in this subsection as the ''plan'').

(2) CONTENTS OF PLAN.—The plan shall provide for the manner in which the Tribe shall expend payments to the Tribe under subsection (d) to promote—

(A) economic development;

(B) infrastructure development;

(C) the educational, health, recreational, and social welfare objectives of the Tribe and its members; or

(D) any combination of the activities described in subparagraphs (A) through (C).

(3) PLAN REVIEW AND REVISION.—

(A) IN GENERAL.—The Tribal Council shall make available for review and comment by the members of the Tribe a copy of the plan before the plan becomes final, in accordance with procedures established by the Tribal Council.

(B) UPDATING OF PLAN.—The Tribal Council may, on an annual basis, revise the plan to update the plan. In revising the plan under this subparagraph, the Tribal Council shall provide the members of the Tribe opportunity to review and comment on any proposed revision to the plan.

(C) CONSULTATION.—In preparing the plan and any revisions to update the plan, the Tribal Council shall consult with the Secretary of the Interior and the Secretary of Health and Human Services.

(4) AUDIT.—

(A) IN GENERAL.—The activities of the Tribe in carrying out the plan shall be audited as part of the annual single-agency audit that the Tribe is required to prepare pursuant to the Office of Management and Budget circular numbered A–133.

(B) DETERMINATION BY AUDITORS.—The auditors that conduct the audit described in subparagraph (A) shall—

(i) determine whether funds received by the Tribe under this section for the period covered by the audit were expended to carry out the plan in a manner consistent with this section; and

(ii) include in the written findings of the audit the determination made under clause (i).

(C) INCLUSION OF FINDINGS WITH PUBLICATION OF PROCEEDINGS OF TRIBAL COUNCIL.—A copy of the written findings of the audit described in subparagraph (A) shall be inserted in the published minutes of the Tribal Council proceedings for the session at which the audit is presented to the Tribal Council.

(g) PROHIBITION ON PER CAPITA PAYMENTS.—No portion of any payment made under this title may be distributed to any member of the Tribe on a per capita basis.

SEC. 105. ELIGIBILITY OF TRIBE FOR CERTAIN PROGRAMS AND SERVICES.

No payment made to the Tribe under this title shall result in the reduction or denial of any service or program with respect to which, under Federal law—

(1) the Tribe is otherwise entitled because of the status of the Tribe as a federally recognized Indian tribe; or

(2) any individual who is a member of the Tribe is entitled because of the status of the individual as a member of the Tribe.

SEC. 106. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such funds as may be necessary to cover the administrative expenses of the Fund.

SEC. 107. EXTINGUISHMENT OF CLAIMS.

Upon the deposit of funds (together with interest) into the Fund under section 104(b), all monetary claims that the Tribe has or may have against the United States for the taking, by the United States, of the land and property of the Tribe for the Oahe Dam and Reservoir Project of the Pick-Sloan Missouri River Basin program shall be extinguished.

TITLE II—BOSQUE REDONDO MEMORIAL

SEC. 201. SHORT TITLE.

This title may be cited as the ''Bosque Redondo Memorial Act''.

SEC. 202. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) in 1863, the United States detained nearly 9,000 Navajo and forced their migration across nearly 350 miles of land to Bosque Redondo, a journey known as the ''Long Walk'';

(2) Mescalero Apache people were also incarcerated at Bosque Redondo;

(3) the Navajo and Mescalero Apache people labored to plant crops, dig irrigation ditches and build housing, but drought, cutworms, hail, and alkaline Pecos River water created severe living conditions for nearly 9,000 captives;

(4) suffering and hardships endured by the Navajo and Mescalero Apache people forged a new understanding of their strengths as Americans;

(5) the Treaty of 1868 was signed by the United States and the Navajo tribes, recognizing the Navajo Nation as it exists today;

(6) the State of New Mexico has appropriated a total of $123,000 for a planning study and for the design of the Bosque Redondo Memorial;

(7) individuals and businesses in DeBaca County donated $6,000 toward the production of a brochure relating to the Bosque Redondo Memorial;

(8) the Village of Fort Sumner donated 70 acres of land to the State of New Mexico contiguous to the existing 50 acres comprising Fort Sumner State Monument, contingent on the funding of the Bosque Redondo Memorial;

(9) full architectural plans and the exhibit design for the Bosque Redondo Memorial have been completed;

(10) the Bosque Redondo Memorial project has the encouragement of the President of the Navajo Nation and the President of the Mescalero Apache Tribe, who have each appointed tribal members to serve as project advisors;

(11) the Navajo Nation, the Mescalero Tribe and the National Park Service are collaborating to develop a symposium on the Bosque Redondo Long Walk and a curriculum for inclusion in the New Mexico school curricula;

(12) an interpretive center would provide important educational and enrichment opportunities for all Americans; and

(13) Federal financial assistance is needed for the construction of a Bosque Redondo Memorial.

(b) PURPOSES.—The purposes of this title are as follows:

(1) To commemorate the people who were interned at Bosque Redondo.

(2) To pay tribute to the native populations' ability to rebound from suffering, and establish the strong, living communities that have long been a major influence in the State of New Mexico and in the United States.

(3) To provide Americans of all ages a place to learn about the Bosque Redondo experience and how it resulted in the establishment of strong American Indian Nations from once divergent bands.

(4) To support the construction of the Bosque Redondo Memorial commemorating the detention of the Navajo and Mescalero Apache people at Bosque Redondo from 1863 to 1868.

SEC. 203. DEFINITIONS.

In this title:

(1) MEMORIAL.—The term ''Memorial'' means the building and grounds known as the Bosque Redondo Memorial.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Defense.

SEC. 204. BOSQUE REDONDO MEMORIAL.

(a) ESTABLISHMENT.— Upon the request of the State of New Mexico, the Secretary is authorized to establish a Bosque Redondo Memorial within the boundaries of Fort Sumner State Monument in New Mexico. No memorial shall be established without the consent of the Navajo Nation and the Mescalero Tribe.

(b) COMPONENTS OF THE MEMORIAL.—The memorial shall include—

(1) exhibit space, a lobby area that represents design elements from traditional Mescalero and Navajo dwellings, administrative areas that include a resource room, library, workrooms and offices, restrooms, parking areas, sidewalks, utilities, and other visitor facilities;

(2) a venue for public education programs; and

(3) a location to commemorate the Long Walk of the Navajo people and the healing that has taken place since that event

SEC. 205. CONSTRUCTION OF MEMORIAL.

(a) GRANT.—

(1) IN GENERAL.—The Secretary may award a grant to the State of New Mexico to provide up to 50 percent of the total cost of construction of the Memorial.

(2) NON-FEDERAL SHARE.—The non-Federal share of construction costs for the Memorial shall include funds previously expended by the State for the planning and design of the Memorial, and funds previously expended by non-Federal entities for the production of a brochure relating to the Memorial.

(b) REQUIREMENTS.—To be eligible to receive a grant under this section, the State shall—

(1) submit to the Secretary a proposal that—

(A) provides assurances that the Memorial will comply with all applicable laws, including building codes and regulations; and

(B) includes such other information and assurances as the Secretary may require; and

(2) enter into a Memorandum of Understanding with the Secretary that shall include—

(A) a timetable for the completion of construction and the opening of the Memorial;

(B) assurances that construction contracts will be competitively awarded;

(C) assurances that the State or Village of Fort Sumner will make sufficient land available for the Memorial;

(D) the specifications of the Memorial which shall comply with all applicable Federal, State, and local building codes and laws;

(E) arrangements for the operation and maintenance of the Memorial upon completion of construction;

(F) a description of Memorial collections and educational programming;

(G) a plan for the design of exhibits including the collections to be exhibited, security, preservation, protection, environmental controls, and presentations in accordance with professional standards;

(H) an agreement with the Navajo Nation and the Mescalero Tribe relative to the design and location of the Memorial; and

(I) a financing plan developed by the State that outlines the long-term management of the Memorial, including—

(i) the acceptance and use of funds derived from public and private sources to minimize the use of appropriated or borrowed funds;

(ii) the payment of the operating costs of the Memorial through the assessment of fees or other income generated by the Memorial;

(iii) a strategy for achieving financial self-sufficiency with respect to the Memorial by not later than 5 years after the date of enactment of this Act; and

(iv) a description of the business activities that would be permitted at the Memorial and appropriate vendor standards that would apply.

SEC. 206. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this title—

(1) $1,000,000 for fiscal year 2000; and

(2) $500,000 for each of fiscal years 2001 and 2002.

(b) CARRYOVER.—Any funds made available under this section that are unexpended at the end of the fiscal year for which those funds are appropriated, shall remain available for use by the Secretary through September 30, 2002 for the purposes for which those funds were made available.

INDIAN TRIBAL JUSTICE TECHNICAL AND LEGAL ASSISTANCE ACT OF 1999

Ms. COLLINS. I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 409, S. 1508.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1508) to provide technical and legal assistance to tribal justice systems and members of Indian tribes, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Indian Affairs, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

S. 1508

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 ''Indian Tribal Justice Technical and Legal Assistance Act of 1999''.

SEC. 2. FINDINGS.

The Congress finds and declares that—

(1) there is a government-to-government relationship between the United States and Indian tribes;

(2) Indian tribes are sovereign entities and are responsible for exercising governmental authority over Indian lands;

(3) the rate of violent crime committed in Indian country is approximately twice the rate of violent crime committed in the United States as a whole;

(4) in any community, a high rate of violent crime is a major obstacle to investment, job creation and economic growth;

(5) tribal justice systems are an essential part of tribal governments and serve as important forums for ensuring the health and safety and the political integrity of tribal governments;

(6) Congress and the Federal courts have repeatedly recognized tribal justice systems as the most appropriate forums for the adjudication of disputes affecting personal and property rights on Native lands;

(7) enhancing tribal court systems and improving access to those systems serves the dual Federal goals of tribal political self-determination and economic self-sufficiency;

(8) there is both inadequate funding and an inadequate coordinating mechanism to meet the technical and legal assistance needs of tribal justice systems and this lack of adequate technical and legal assistance funding impairs their operation;

(9) tribal court membership organizations have served a critical role in providing training and technical assistance for development and enhancement of tribal justice systems;

(10) Indian legal services programs, as funded partially through the Legal Services Corporation, have an established record of providing cost effective legal assistance to Indian people in tribal court forums, and also contribute significantly to the development of tribal courts and tribal jurisprudence; and

(11) the provision of adequate technical assistance to tribal courts and legal assistance to both individuals and tribal courts is an essential element in the development of strong tribal court systems.

SEC. 3. PURPOSES.

The purposes of this Act are as follows:

(1) to carry out the responsibility of the United States to Indian tribes and members of Indian tribes by ensuring access to quality technical and legal assistance.

(2) To strengthen and improve the capacity of tribal court systems that address civil and criminal causes of action under the jurisdiction of Indian tribes.

(3) To strengthen tribal governments and the economies of Indian tribes through the enhancement and, where appropriate, development of tribal court systems for the administration of justice in Indian country by providing technical and legal assistance services.

(4) To encourage collaborative efforts between national or regional membership organizations and associations whose membership consists of judicial system personnel within tribal justice systems; non-profit entities which provide legal assistance services for Indian tribes, members of Indian tribes, and/or tribal justice systems.

(5) To assist in the development of tribal judicial systems by supplementing prior Congressional efforts such as the Indian Tribal Justice Act (Public Law 103–176).

SEC. 4. DEFINITIONS.

For purposes of this Act:

(1) ATTORNEY GENERAL.—The term ''Attorney General'' means the Attorney General of the United States.

(2) INDIAN LANDS.—The term ''Indian lands'' shall include lands within the definition of ''Indian country'', as defined in 18 U.S.C. 1151; or ''Indian reservations'', as defined in section 3(d) of the Indian Financing Act of 1974, 25 U.S.C. 1452(d), or section 4(10) of the Indian Child Welfare Act, 25 U.S.C. 1903(10). For purposes of the preceding sentence, such section 3(d) of the Indian Financing Act shall be applied by treating the term ''former Indian reservations in Oklahoma'' as including only lands which are within the jurisdictional area of an Oklahoma Indian Tribe (as determined by the Secretary of

Interior) and are recognized by such Secretary as eligible for trust land status under 25 CFR part 151 (as in effect on the date of enactment of this sentence).

(3) INDIAN TRIBE.—The term ''Indian tribe'' means any Indian tribe, band, nation, pueblo, or other organized group or community, including any Alaska Native entity, which administers justice or plans to administer justice under its inherent authority or the authority of the United States and which is recognized as eligible for the special programs and services provided by the United States to Indian tribes because of their status as Indians.

(4) JUDICIAL PERSONNEL.—The term ''judicial personnel'' means any judge, magistrate, court counselor, court clerk, court administrator, bailiff, probation officer, officer of the court, dispute resolution facilitator, or other official, employee, or volunteer within the tribal judicial system.

(5) NON-PROFIT ENTITIES.—The term ''non-profit entity'' or ''non-profit entities'' has the meaning given that term in section 501(c)(3) of the Internal Revenue Code.

(6) OFFICE OF TRIBAL JUSTICE.—The term ''Office of Tribal Justice'' means the Office of Tribal Justice in the United States Department of Justice.

(7) TRIBAL JUSTICE SYSTEM.—The term ''tribal court'', ''tribal court system'', or ''tribal justice system'' means the entire judicial branch, and employees thereof, of an Indian tribe, including, but not limited to, traditional methods and fora for dispute resolution, trial courts, appellate courts, including inter-tribal appellate courts, alternative dispute resolution systems, and circuit rider systems, established by inherent tribunal authority whether or not they constitute a court of record.

TITLE I—TRAINING AND TECHNICAL ASSISTANCE, CIVIL AND CRIMINAL LEGAL ASSISTANCE GRANTS

SEC. 101. TRIBAL JUSTICE TRAINING AND TECHNICAL ASSISTANCE GRANTS.

Subject to the availability of appropriations, the Attorney General, in consultation with the Office of Tribal Justice, shall award grants to national or regional membership organizations and associations whose membership consists of judicial system personnel within tribal justice systems which submit an application to the Attorney General in such form and manner as the Attorney General may prescribe to provide training and technical assistance for the development, enrichment, enhancement of tribal justice systems, or other purposes consistent with this Act.

SEC. 102. TRIBAL CIVIL LEGAL ASSISTANCE GRANTS.

Subject to the availability of appropriations, the Attorney General, in consultation with the Office of Tribal Justice, shall award grants to non-profit entities, as defined under section 501(c)(3) of the Internal Revenue Code, which provide legal assistance services for Indian tribes, members of Indian tribes, or tribal justice systems pursuant to federal poverty guidelines that submit an application to the Attorney General in such form and manner as the Attorney General may prescribe for the provision of civil legal assistance to members of Indian tribes and tribal justice systems, and/or other purposes consistent with this Act.

SEC. 103. TRIBAL CRIMINAL ASSISTANCE GRANTS.

Subject to the availability of appropriations, the Attorney General, in consultation with the Office of Tribal Justice, shall award grants to non-profit entities, as defined by section 501(c)(3) of the Internal Revenue Code, which provide legal assistance services for Indian tribes, members of Indian tribes, or tribal justice systems pursuant to federal poverty guidelines that submit an application to the Attorney General in such form and manner as the Attorney General may prescribe for the provision of criminal legal assistance to members of Indian tribes and tribal justice systems, and/or other purposes consistent with this Act. Funding under this title may apply to programs, procedures, or proceedings involving adult criminal actions, juvenile delinquency actions, and/or guardian-ad-litem appointments arising out of criminal or delinquency acts.

SEC. 104. NO OFFSET.

No Federal agency shall offset funds made available pursuant to this Act for Indian tribal court membership organizations or Indian legal services organizations against other funds otherwise available for use in connection with technical or legal assistance to tribal justice systems or members of Indian tribes.

SEC. 105. TRIBAL AUTHORITY.

Nothing in this Act shall be construed to—

(1) encroach upon or diminish in any way the inherent sovereign authority of each tribal government to determine the role of the tribal justice system within the tribal government or to enact and enforce tribal laws;

(2) diminish in any way the authority of tribal governments to appoint personnel;

(3) impair the rights of each tribal government to determine the nature of its own legal system or the appointment of authority within the tribal government;

(4) alter in any way any tribal traditional dispute resolution fora;

(5) imply that any tribal justice system is an instrumentality of the United States; or

(6) diminish the trust responsibility of the United States to Indian tribal governments and tribal justice systems of such governments.

SEC. 106. AUTHORIZATION OF APPROPRIATIONS.

For purposes of carrying out the activities under this title, there are authorized to be appropriated such sums as are necessary for fiscal years 2000 through 2004.

TITLE II—INDIAN TRIBAL COURTS

SEC. 201. GRANTS.

(a) IN GENERAL.—The Attorney General may award grants and provide technical assistance to Indian tribes to enable such tribes to carry out programs to support—

(1) the development, enhancement, and continuing operation of tribal justice systems; and

(2) the development and implementation of—

(A) tribal codes and sentencing guidelines;

(B) inter-tribal courts and appellate systems;

(C) tribal probation services, diversion programs, and alternative sentencing provisions;

(D) tribal juvenile services and multi-disciplinary protocols for child physical and sexual abuse; and

(E) traditional tribal judicial practices, traditional tribal justice systems, and traditional methods of dispute resolution.

(b) CONSULTATION.—In carrying out this section, the Attorney General may consult with the Office of Tribal Justice and any other appropriate tribal or Federal officials.

(c) REGULATIONS.—The Attorney General may promulgate such regulations and guidelines as may be necessary to carry out this title.

(d) AUTHORIZATION OF APPROPRIATIONS.—For purposes of carrying out the activities under this section, there are authorized to be appropriated such sums as are necessary for fiscal years 2000 through 2004.

SEC. 202. TRIBAL JUSTICE SYSTEMS.

Section 201 of the Indian Tribal Justice Act (25 U.S.C. 3621) is amended—

(1) in subsection (a), by striking ''1994, 1995, 1996, 1997, 1998, 1999, and 2000'' and inserting ''2000 through 2007'';

(2) in subsection (b), by striking ''1994, 1995, 1996, 1997, 1998, 1999, and 2000'' and inserting ''2000 through 2007'';

(3) in subsection (c), by striking ''1994, 1995, 1996, 1997, 1998, 1999, and 2000'' and inserting ''2000 through 2007''; and

(4) in subsection (d), by striking ''1994, 1995, 1996, 1997, 1998, 1999, and 2000'' and inserting ''2000 through 2007''.

Ms. COLLINS. I ask unanimous consent that the committee amendment be agreed to, the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements related to the bill be printed in the RECORD.

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

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1508), as amended, was read the third time and passed, as follows:

S. 1508

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 ''Indian Tribal Justice Technical and Legal Assistance Act of 1999''.

SEC. 2. FINDINGS.

The Congress finds and declares that—

(1) there is a government-to-government relationship between the United States and Indian tribes;

(2) Indian tribes are sovereign entities and are responsible for exercising governmental authority over Indian lands;

(3) the rate of violent crime committed in Indian country is approximately twice the rate of violent crime committed in the United States as a whole;

(4) in any community, a high rate of violent crime is a major obstacle to investment, job creation and economic growth;

(5) tribal justice systems are an essential part of tribal governments and serve as important forums for ensuring the health and safety and the political integrity of tribal governments;

(6) Congress and the Federal courts have repeatedly recognized tribal justice systems as the most appropriate forums for the adjudication of disputes affecting personal and property rights on Native lands;

(7) enhancing tribal court systems and improving access to those systems serves the dual Federal goals of tribal political self-determination and economic self-sufficiency;

(8) there is both inadequate funding and an inadequate coordinating mechanism to meet the technical and legal assistance needs of tribal justice systems and this lack of adequate technical and legal assistance funding impairs their operation;

(9) tribal court membership organizations have served a critical role in providing training and technical assistance for development and enhancement of tribal justice systems;

(10) Indian legal services programs, as funded partially through the Legal Services Corporation, have an established record of providing cost effective legal assistance to Indian people in tribal court forums, and also contribute significantly to the development of tribal courts and tribal jurisprudence; and

(11) the provision of adequate technical assistance to tribal courts and legal assistance to both individuals and tribal courts is an essential element in the development of strong tribal court systems.

SEC. 3. PURPOSES.

The purposes of this Act are as follows:

(1) to carry out the responsibility of the United States to Indian tribes and members of Indian tribes by ensuring access to quality technical and legal assistance.

(2) To strengthen and improve the capacity of tribal court systems that address civil and criminal causes of action under the jurisdiction of Indian tribes.

(3) To strengthen tribal governments and the economies of Indian tribes through the

enhancement and, where appropriate, development of tribal court systems for the administration of justice in Indian country by providing technical and legal assistance services.

(4) To encourage collaborative efforts between national or regional membership organizations and associations whose membership consists of judicial system personnel within tribal justice systems; non-profit entities which provide legal assistance services for Indian tribes, members of Indian tribes, and/or tribal justice systems.

(5) To assist in the development of tribal judicial systems by supplementing prior Congressional efforts such as the Indian Tribal Justice Act (Public Law 103–176).

SEC. 4. DEFINITIONS.

For purposes of this Act:

(1) ATTORNEY GENERAL.—The term ''Attorney General'' means the Attorney General of the United States.

(2) INDIAN LANDS.—The term ''Indian lands'' shall include lands within the definition of ''Indian country'', as defined in 18 U.S.C. 1151; or ''Indian reservations'', as defined in section 3(d) of the Indian Financing Act of 1974, 25 U.S.C. 1452(d), or section 4(10) of the Indian Child Welfare Act, 25 U.S.C. 1903(10). For purposes of the preceding sentence, such section 3(d) of the Indian Financing Act shall be applied by treating the term ''former Indian reservations in Oklahoma'' as including only lands which are within the jurisdictional area of an Oklahoma Indian Tribe (as determined by the Secretary of Interior) and are recognized by such Secretary as eligible for trust land status under 25 CFR part 151 (as in effect on the date of enactment of this sentence).

(3) INDIAN TRIBE.—The term ''Indian tribe'' means any Indian tribe, band, nation, pueblo, or other organized group or community, including any Alaska Native entity, which administers justice or plans to administer justice under its inherent authority or the authority of the United States and which is recognized as eligible for the special programs and services provided by the United States to Indian tribes because of their status as Indians.

(4) JUDICIAL PERSONNEL.—The term ''judicial personnel'' means any judge, magistrate, court counselor, court clerk, court administrator, bailiff, probation officer, officer of the court, dispute resolution facilitator, or other official, employee, or volunteer within the tribal judicial system.

(5) NON-PROFIT ENTITIES.—The term ''non-profit entity'' or ''non-profit entities'' has the meaning given that term in section 501(c)(3) of the Internal Revenue Code.

(6) OFFICE OF TRIBAL JUSTICE.—The term ''Office of Tribal Justice'' means the Office of Tribal Justice in the United States Department of Justice.

(7) TRIBAL JUSTICE SYSTEM.—The term ''tribal court'', ''tribal court system'', or ''tribal justice system'' means the entire judicial branch, and employees thereof, of an Indian tribe, including, but not limited to, traditional methods and fora for dispute resolution, trial courts, appellate courts, including inter-tribal appellate courts, alternative dispute resolution systems, and circuit rider systems, established by inherent tribunal authority whether or not they constitute a court of record.

TITLE I—TRAINING AND TECHNICAL ASSISTANCE, CIVIL AND CRIMINAL LEGAL ASSISTANCE GRANTS

SEC. 101. TRIBAL JUSTICE TRAINING AND TECHNICAL ASSISTANCE GRANTS.

Subject to the availability of appropriations, the Attorney General, in consultation with the Office of Tribal Justice, shall award grants to national or regional membership organizations and associations whose membership consists of judicial system personnel within tribal justice systems which submit an application to the Attorney General in such form and manner as the Attorney General may prescribe to provide training and technical assistance for the development, enrichment, enhancement of tribal justice systems, or other purposes consistent with this Act.

SEC. 102. TRIBAL CIVIL LEGAL ASSISTANCE GRANTS.

Subject to the availability of appropriations, the Attorney General, in consultation with the Office of Tribal Justice, shall award grants to non-profit entities, as defined under section 501(c)(3) of the Internal Revenue Code, which provide legal assistance services for Indian tribes, members of Indian tribes, or tribal justice systems pursuant to federal poverty guidelines that submit an application to the Attorney General in such form and manner as the Attorney General may prescribe for the provision of civil legal assistance to members of Indian tribes and tribal justice systems, and/or other purposes consistent with this Act.

SEC. 103. TRIBAL CRIMINAL ASSISTANCE GRANTS.

Subject to the availability of appropriations, the Attorney General, in consultation with the Office of Tribal Justice, shall award grants to non-profit entities, as defined by section 501(c)(3) of the Internal Revenue Code, which provide legal assistance services for Indian tribes, members of Indian tribes, or tribal justice systems pursuant to federal poverty guidelines that submit an application to the Attorney General in such form and manner as the Attorney General may prescribe for the provision of criminal legal assistance to members of Indian tribes and tribal justice systems, and/or other purposes consistent with this Act. Funding under this title may apply to programs, procedures, or proceedings involving adult criminal actions, juvenile delinquency actions, and/or guardian-ad-litem appointments arising out of criminal or delinquency acts.

SEC. 104. NO OFFSET.

No Federal agency shall offset funds made available pursuant to this Act for Indian tribal court membership organizations or Indian legal services organizations against other funds otherwise available for use in connection with technical or legal assistance to tribal justice systems or members of Indian tribes.

SEC. 105. TRIBAL AUTHORITY.

Nothing in this Act shall be construed to—

(1) encroach upon or diminish in any way the inherent sovereign authority of each tribal government to determine the role of the tribal justice system within the tribal government or to enact and enforce tribal laws;

(2) diminish in any way the authority of tribal governments to appoint personnel;

(3) impair the rights of each tribal government to determine the nature of its own legal system or the appointment of authority within the tribal government;

(4) alter in any way any tribal traditional dispute resolution fora;

(5) imply that any tribal justice system is an instrumentality of the United States; or

(6) diminish the trust responsibility of the United States to Indian tribal governments and tribal justice systems of such governments.

SEC. 106. AUTHORIZATION OF APPROPRIATIONS.

For purposes of carrying out the activities under this title, there are authorized to be appropriated such sums as are necessary for fiscal years 2000 through 2004.

TITLE II—INDIAN TRIBAL COURTS

SEC. 201. GRANTS.

(a) IN GENERAL.—The Attorney General may award grants and provide technical assistance to Indian tribes to enable such tribes to carry out programs to support—

(1) the development, enhancement, and continuing operation of tribal justice systems; and

(2) the development and implementation of—

(A) tribal codes and sentencing guidelines;

(B) inter-tribal courts and appellate systems;

(C) tribal probation services, diversion programs, and alternative sentencing provisions;

(D) tribal juvenile services and multi-disciplinary protocols for child physical and sexual abuse; and

(E) traditional tribal judicial practices, traditional tribal justice systems, and traditional methods of dispute resolution.

(b) CONSULTATION.—In carrying out this section, the Attorney General may consult with the Office of Tribal Justice and any other appropriate tribal or Federal officials.

(c) REGULATIONS.—The Attorney General may promulgate such regulations and guidelines as may be necessary to carry out this title.

(d) AUTHORIZATION OF APPROPRIATIONS.—For purposes of carrying out the activities under this section, there are authorized to be appropriated such sums as are necessary for fiscal years 2000 through 2004.

SEC. 202. TRIBAL JUSTICE SYSTEMS.

Section 201 of the Indian Tribal Justice Act (25 U.S.C. 3621) is amended—

(1) in subsection (a), by striking ''1994, 1995, 1996, 1997, 1998, 1999, and 2000'' and inserting ''2000 through 2007'';

(2) in subsection (b), by striking ''1994, 1995, 1996, 1997, 1998, 1999, and 2000'' and inserting ''2000 through 2007'';

(3) in subsection (c), by striking ''1994, 1995, 1996, 1997, 1998, 1999, and 2000'' and inserting ''2000 through 2007''; and

(4) in subsection (d), by striking ''1994, 1995, 1996, 1997, 1998, 1999, and 2000'' and inserting ''2000 through 2007''.

REAUTHORIZATION OF THE FEDERAL EMERGENCY MANAGEMENT FOOD AND SHELTER PROGRAM

Ms. COLLINS. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of Calendar No. 406, S. 1516.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1516) to amend title III of the Stewart B. McKinney Homeless Assistance Act and so forth and Shelter Program, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Ms. COLLINS. Mr. President, I note I am proud to be a cosponsor of this important legislation. I am pleased to see the Senate take final action on it today.

I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements related to the bill be printed in the RECORD.

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

The bill (S. 1516) was read the third time and passed, as follows:

S. 1516

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

SECTION 1. AUTHORIZATION OF APPROPRIATIONS.

Section 322 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11352) is amended to read as follows:

"SEC. 322. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this title $125,000,000 for fiscal year 2000, $130,000,000 for fiscal year 2001, and $135,000,000 for fiscal year 2002.''.

SEC. 2. NAME CHANGE TO NOMINATING ORGANIZATION.

Section 301(b) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11331(b)) is amended by striking paragraph (5) and inserting the following:

''(5) United Jewish Communities.''.

SEC. 3. PARTICIPATION OF HOMELESS INDIVIDUALS ON LOCAL BOARDS.

Section 316(a) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11346(a)) is amended by striking paragraph (6) and inserting the following:

''(6) guidelines requiring each local board to include in their membership not less than 1 homeless individual, former homeless individual, homeless advocate, or recipient of food or shelter services, except that such guidelines may waive such requirement for any board unable to meet such requirement if the board otherwise consults with homeless individuals, former homeless individuals, homeless advocates, or recipients of food or shelter services.''.

FEDERAL REPORTS ELIMINATION AND SUNSET ACT AMENDMENTS OF 1999

Ms. COLLINS. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of Calendar No. 405, S. 1877.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1877) to amend the Federal Report Elimination and Sunset Act of 1995.

There being no objection, the Senate proceeded to consider the bill.

Ms. COLLINS. I ask unanimous consent the bill be read the third time and passed, 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 bill (S. 1877) was read the third time and passed, as follows:

S. 1877

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 Reports Elimination and Sunset Act Amendments of 1999''.

SEC. 2. CLARIFICATION OF SCOPE OF SUNSET.

Section 3003(a)(1) of the Federal Report Elimination and Sunset Act of 1995 (Public Law 104–66; 109 Stat. 734) is amended by—

(1) striking ''regular''; and

(2) inserting ''at predetermined and regular time intervals,'' after ''report''.

SEC. 3. EXEMPTIONS OF CERTAIN REPORTS FROM SUNSET.

Section 3003(d) of the Federal Reports Elimination and Sunset Act of 1995 (Public Law 104–66; 109 Stat. 734–36) is amended—

(1) in paragraph (31) by striking ''or'' after the semicolon;

(2) in paragraph (32) by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

''(33)(A) sections 1105(a), 1106(a) and (b), and 1109(a) of title 31, United States;

''(B) section 446 of the District of Columbia Self-Government and Governmental Reorganization Act (Public Law 93–198; 87 Stat. 801); and

''(C) any other law relating to the budget of the United States Government;

''(34) the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.);

''(35) section 22(a) of the Act entitled 'An Act to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress', approved June 28, 1929 (2 U.S.C. 2a(a));

''(36) section 3514(a)(1)(B) of title 44, United States Code;

''(37) section 202(e) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483(e));

''(38) section 203(o) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(o));

''(39) section 202(e)(1) and (3) of Congressional Budget Act of 1974 (2 U.S.C. 602(e)(1) and (3));

''(40) section 1014(e) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 685(e)); and

''(41) section 6 of title 3, United States Code.''.

SEC. 4. EXTENSION OF REPORTS CONSOLIDATION AUTHORITY.

Section 404(b) of the Government Management Reform Act of 1994 (31 U.S.C. 501 note) is amended by striking ''December 31, 1999'' and inserting ''April 30, 2000''.

OFFICE OF GOVERNMENT ETHICS AUTHORIZATION ACT OF 1999

Ms. COLLINS. Mr. President, I ask unanimous consent the Senate proceed to the consideration of Calendar No. 403, S. 1503.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1503) a bill to amend the Ethics in Government Act of 1978 (U.S.C. App.) to extend the authorization of appropriations for the Office of Government Ethics through fiscal year 2003.

There being no objection, the Senate proceeded to consider the bill.

Ms. COLLINS. I ask unanimous consent the bill be 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 bill (S. 1503) was read the third time and passed, as follows:

S. 1503

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 ''Office of Government Ethics Authorization Act of 1999''.

SEC. 2. EXTENSION OF AUTHORIZATION OF APPROPRIATIONS.

Section 405 of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended by striking ''1997 through 1999'' and inserting ''2000 through 2003''.

SEC. 3. EFFECTIVE DATE:

This Act shall take effect on October 1, 1999.

VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 1999

Ms. COLLINS. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (H.R. 2280) to amend title 38, United States Code, to provide a cost-of-living adjustment in rates of compensation paid for service-connected disabilities, to enhance the compensation, memorial affairs, and housing programs of the Department of Veterans Affairs, to improve retirement authorities applicable to judges of the United States Court of Appeals for Veterans Claims, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 2280) entitled ''An Act to amend title 38, United States Code, to provide a cost-of-living adjustment in rates of compensation paid for service-connected disabilities, to enhance the compensation, memorial affairs, and housing programs of the Department of Veterans Affairs, to improve retirement authorities applicable to judges of the United States Court of Appeals for Veterans Claims, and for other purposes'', with the following amendments:

In lieu of the matter proposed to be inserted by the amendment of the Senate, insert the following:

SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE.

(a) SHORT TITLE.—This Act may be cited as the ''Veterans' Compensation Cost-of-Living Adjustment Act of 1999''.

(b) REFERENCES TO TITLE 38, UNITED STATES CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 2. DISABILITY COMPENSATION.

(a) INCREASE IN RATES.—Section 1114 is amended—

(1) by striking ''$95'' in subsection (a) and inserting ''$98'';

(2) by striking ''$182'' in subsection (b) and inserting ''$188'';

(3) by striking ''$279'' in subsection (c) and inserting ''$288'';

(4) by striking ''$399'' in subsection (d) and inserting ''$413'';

(5) by striking ''$569'' in subsection (e) and inserting ''$589'';

(6) by striking ''$717'' in subsection (f) and inserting ''$743'';

(7) by striking ''$905'' in subsection (g) and inserting ''$937'';

(8) by striking ''$1,049'' in subsection (h) and inserting ''$1,087'';

(9) by striking ''$1,181'' in subsection (i) and inserting ''$1,224'';

(10) by striking ''$1,964'' in subsection (j) and inserting ''$2,036'';

(11) in subsection (k)—

(A) by striking ''$75'' both places it appears and inserting ''$76''; and

(B) by striking ''$2,443'' and ''$3,426'' and inserting ''$2,533'' and ''$3,553'', respectively;

(12) by striking ''$2,443'' in subsection (l) and inserting ''$2,533'';

(13) by striking ''$2,694'' in subsection (m) and inserting ''$2,794'';

(14) by striking ''$3,066'' in subsection (n) and inserting ''$3,179'';

(15) by striking ''$3,426'' each place it appears in subsections (o) and (p) and inserting ''$3,553'';

(16) by striking ''$1,471'' and ''$2,190'' in subsection (r) and inserting ''$1,525'' and ''$2,271'', respectively; and

(17) by striking ''$2,199'' in subsection (s) and inserting ''$2,280''.

(b) SPECIAL RULE.—The Secretary of Veterans Affairs may authorize administratively, consistent with the increases authorized by this section, the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85–857 who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

SEC. 3. ADDITIONAL COMPENSATION FOR DEPENDENTS.

Section 1115(1) is amended—

(1) by striking ''$114'' in clause (A) and inserting ''$117'';

(2) by striking ''$195'' and ''$60'' in clause (B) and inserting ''$201'' and ''$61'', respectively;

(3) by striking ''$78'' and ''$60'' in clause (C) and inserting ''$80'' and ''$61'', respectively;

(4) by striking ''$92'' in clause (D) and inserting ''$95'';

(5) by striking ''$215'' in clause (E) and inserting ''$222''; and

(6) by striking ''$180'' in clause (F) and inserting ''$186''.

SEC. 4. CLOTHING ALLOWANCE FOR CERTAIN DISABLED VETERANS.

Section 1162 is amended by striking ''$528'' and inserting ''$546''.

SEC. 5. DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES.

(a) NEW LAW RATES.—Section 1311(a) is amended—

(1) by striking ''$850'' in paragraph (1) and inserting ''$881''; and

(2) by striking ''$185'' in paragraph (2) and inserting ''$191''.

(b) OLD LAW RATES.—The table in section 1311(a)(3) is amended to read as follows:

''Pay grade	Monthly rate	Pay grade	Monthly rate
E–1	$881	W–4	$1,054
E–2	881	O–1	930
E–3	881	O–2	962
E–4	881	O–3	1,028
E–5	881	O–4	1,087
E–6	881	O–5	1,198
E–7	911	O–6	1,349
E–8	962	O–7	1,458
E–9	[1] 1,003	O–8	1,598
W–1 ...	930	O–9	1,712
W–2 ...	968	O–10	[2] 1,878
W–3 ...	997		

''[1] If the veteran served as sergeant major of the Army, senior enlisted advisor of the Navy, chief master sergeant of the Air Force, sergeant major of the Marine Corps, or master chief petty officer of the Coast Guard, at the applicable time designated by section 1302 of this title, the surviving spouse's rate shall be $1,082.

''[2] If the veteran served as Chairman or Vice-Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, at the applicable time designated by section 1302 of this title, the surviving spouse's rate shall be $2,013.''.

(c) ADDITIONAL DIC FOR CHILDREN.—Section 1311(b) is amended by striking ''$215'' and inserting ''$222''.

(d) AID AND ATTENDANCE ALLOWANCE.—Section 1311(c) is amended by striking ''$215'' and inserting ''$222''.

(e) HOUSEBOUND RATE.—Section 1311(d) is amended by striking ''$104'' and inserting ''$107''.

SEC. 6. DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN.

(a) DIC FOR ORPHAN CHILDREN.—Section 1313(a) is amended—

(1) by striking ''$361'' in paragraph (1) and inserting ''$373'';

(2) by striking ''$520'' in paragraph (2) and inserting ''$538'';

(3) by striking ''$675'' in paragraph (3) and inserting ''$699''; and

(4) by striking ''$675'' and ''$132'' in paragraph (4) and inserting ''$699'' and ''$136'', respectively.

(b) SUPPLEMENTAL DIC FOR DISABLED ADULT CHILDREN.—Section 1314 is amended—

(1) by striking ''$215'' in subsection (a) and inserting ''$222'';

(2) by striking ''$361'' in subsection (b) and inserting ''$373''; and

(3) by striking ''$182'' in subsection (c) and inserting ''$188''.

SEC. 7. EFFECTIVE DATE.

The amendments made by this Act shall take effect on December 1, 1999.

Amend the title so as to read ''An Act to amend title 38, United States Code, to provide a cost-of-living adjustment in the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans.''.

Ms. COLLINS. I ask unanimous consent the Senate agree to the amendments of the House.

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

U.S. HOLOCAUST ASSETS COMMISSION EXTENSION ACT OF 1999

Ms. COLLINS. Mr. President, I ask unanimous consent the Banking Committee be discharged from further consideration of H.R. 2401, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2401) to amend the U.S. Holocaust Assets Commission Act of 1998 to extend the period by which the final report is due and to authorize additional funding.

There being no objection, the Senate proceeded to consider the bill.

Ms. COLLINS. I ask unanimous consent the bill be 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 bill (H.R. 2401) was read the third time and passed.

AMENDING THE FEDERAL RESERVE ACT

Ms. COLLINS. Mr. President, I ask unanimous consent the Banking Committee be discharged from further consideration of H.R. 1094, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1094) to amend the Federal Reserve Act to broaden the range of discount window loans which may be used as collateral for Federal reserve notes.

There being no objection, the Senate proceeded to consider the bill.

Mr. GRAMM. Mr. President, today the Senate is taking up for its consideration H.R. 1094, a bill to amend the Federal Reserve Act to broaden the range of discount window loans which may be used as collateral for Federal Reserve notes. This legislation will expand the field of assets that the Federal Reserve may use to collateralize Federal Reserve notes. All currency in circulation must be backed by specific assets, but much of the collateral that the Federal Reserve accepts for discount window loans is ineligible under current law for use to back the currency. The changes put in place by this legislation will allow the Federal Reserve to apply all eligible discount loan assets to collateralize the currency.

This legislation poses some risks unless adequate safeguards are in place. The Federal Reserve applies a discount to each type of asset used as collateral. Broadening the scope of eligible assets makes it even more imperative that strict and aggressive discounting be applied to any assets used to back U.S. currency. The Federal Reserve should discount aggressively these assets through an objective and clearly defined process that leaves no room for doubt that our currency is fully backed by reliable assets. At the most basic level, when valuing these assets this should be our general rule: when in doubt, discount.

Failure to discount collateral assets aggressively would do more than threaten the safety and soundness of the Federal Reserve's balance sheet; it would threaten the U.S. economy and all economies that rely on a stable dollar. Many countries around the world recently have learned a painful lesson on the value of a sound currency.

We must remember that any country can engage in monetary mismanagement, and most have at some point in time. The United States must avoid that path. With a currency that is considered a stable medium by U.S. citizens and a store of value by both domestic and foreign investors, the Federal Reserve must hold sound money paramount as it implements this important change in currency collateral requirements. It has taken nearly two decades to rebuild the reputation of the dollar after the inflation of the Carter years. Today, ''sound as a dollar'' has meaning here and all over the world. We must do nothing to undermine it.

Ms. COLLINS. I ask unanimous consent the bill be 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 bill (H.R. 1094) was read the third time and passed.

PARTICIPATION OF TAIWAN IN THE WORLD HEALTH ORGANIZATION

Ms. COLLINS. I ask unanimous consent the Senate proceed to the consideration of Calendar No. 382, H.R. 1794.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1794) concerning the participation of Taiwan in the World Health Organization.

There being no objection, the Senate proceeded to consider the bill.

Ms. COLLINS. I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements related to the bill be printed in the RECORD.

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

The bill (H.R. 1794) was read the third time and passed.

VETERANS' MILLENNIUM HEALTH CARE ACT—CONFERENCE REPORT

Ms. COLLINS. Mr. President, I submit a report of the committee of conference on the bill (H.R. 2116) to amend title 38, United States Code, to establish a program of extended care services for veterans and to make other improvements in health care programs of the Department of Veterans Affairs, and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill, H.R. 2116, have agreed to recommend and do recommend to their respective Houses this report, signed by all 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 November 16, 1999.)

Mr. SPECTER. Mr. President, I urge my colleagues to join me in support of the Veterans Millennium Health Care and Benefits Act of 1999. On Veterans Day, many of the members honored America's veterans and acknowledged our debt to them for their service. This legislation gives the Senate an opportunity to do something tangible to honor our veterans.

The Veterans Millennium Health Care and Benefits Act of 1999 contains 74 substantive provisions; I refer the Members to the conference report text for a complete description. Let me highlight just a few provisions now.

Long-term care for veterans is one of the most pressing issues facing America—and the Department of Veterans Affairs (VA). A half century ago, the 16 million youthful veterans of World War II looked forward to building new civilian lives. Today, only about 6 million survive, and their average age is 75. Health care is their primary concern, the long-term care is a critical component of their health care needs. Simply put, what World War II veterans need from VA is long-term care. Soon, so too will the 4 million Korean war veterans, now in their mid-sixties, and the 8 million Vietnam veterans, now in their fifties, who follow them.

Under current law, VA is not required to provide long-term care to any veteran. Such care is purely discretionary to VA; it is supplied on a space available basis only. Under this ''discretionary'' authority—as inadequate as it has been—VA has made a substantial contribution to the long term care needs of veterans—by directly providing (at an annual cost of $1.1 billion) nursing home care to an average of approximately 13,000 veterans per day; by paying for nursing home care received by approximately 6,500 veterans per day in private nursing homes (at as annual cost of $316.8 million); by subsidizing (at an annual cost approximately $200 million per year) nursing home care provided to approximately 14,000 veterans per day in State veterans' homes; and by providing non-institutional alternatives to nursing home care to an average of 11,000 veterans at any given time at an annual cost of $154 million.

Notwithstanding these significant contributions by VA, there is increasing evidence that the discretionary nature of VA's long-term care mission has created an incentive for VA to divert resources to other missions and reduce its capacity to provide long-term care. This bill responds to that negative trend by requiring VA to maintain long term capacity at least the 1998 level. In addition, this legislation would, for the first time, require—not authorize—VA to provide nursing home care to veterans who need it to treat service-connected conditions, and to severely service-disabled veterans who need it to cope with other conditions.

Nursing home care is the most expensive form of long-term care and, from the veterans' standpoint, the form of care which is to be avoided if possible, or delayed until it is inevitable. This bill will assure that non-institutional alternatives to nursing home care—home-based primary care, home health aide visits, adult day health care, and similar services—will be available to veterans who need such services by requiring that VA include them in the package of medical services to which each veteran who enrolls for VA care is entitled. The provision of such services, as an alternative to much more expensive inpatient nursing home care, will save money and improve aging veterans' lives.

This legislation also directs VA to operate pilot programs to identify the best—and most cost-effective—ways to meet veterans' long term needs. Armed with the data generated by these pilot programs, Congress will reevaluate VA nursing home and non-institutional long term care after three years and determine how best to proceed at the four-year ''sunset'' point of this legislation. I might add that the conferees were all in agreement that, when we get to the point where we consider renewal of this legislation, we will be looking for ways to improve it, not to repeal it.

There is one additional key feature of this legislation that merits mention: this bill will plug a substantial hole in VA health care coverage by allowing VA to fund the emergency care needs of all enrolled veterans who do not have other health care coverage to fund such care. The President has stated that all Americans should have access to emergency care. This bill assures that veterans who rely on VA for care will.

I am particularly pleased that this bill will extend, expand, and improve VA's authority to provide counseling to the victims of sexual trauma while on active duty. It will also extend and improve services for homeless veterans; it will liberalize eligibility for survivors' benefits for widows of totally disabled ex-POWs; it will expand benefits available to veterans exposed to radiation while in service; and—importantly—it will ensure that the World War II Veterans' Memorial is constructed in a timely manner by facilitating fund raising for that monument.

This legislation does many positive things, particularly for our older veterans. The Committee on Veterans' Affairs, however, must also respond to the needs of veterans who are leaving the service today. Educational assistance is the most important benefit that our Nation provides to young veterans. Earlier this year, the Senate passed legislation which would have substantially improved benefits under the Montgomery GI bill. Unfortunately, budgetary pressures compelled the conferees to set these provisions aside for now. I know, however, that the House supports improvements in Montgomery GI bill benefits, and we will take that issue up again in the second session.

This legislation reflects the hard work and dedication of many members of the Senate and the other body. I particularly acknowledge the contribution of the Ranking Minority Member of the Committee on Veterans' Affairs, Senator ROCKEFELLER, and our Committee's longest-serving member and a member of the conference committee, Senator THURMOND. The conference committee could not have reached a successful conclusion without them, or without the energy and commitment of the chairman of the House Committee, BOB STUMP and his ranking member, LANE EVANS. I thank them. And I urge the Senate to approve this conference report.

Mr. DOMENICI. Mr. President, it is with great pleasure that I rise today to talk about the Senate passage of the Veterans' Millennium Health Care Act.

I am extremely pleased the act contains a provision that will extend the useful life of the Santa Fe National Cemetery in New Mexico. I also want to thank Senator SPECTER for his assistance in making passage of this Bill possible.

The men and women who have served in the United States Armed Forces have made immeasurable sacrifices for the principles of freedom and liberty that make this Nation unique throughout civilization. The service of veterans has been vital to the history of the Nation, and the sacrifices made by veterans and their families should not be forgotten.

These veterans at the very least deserve every opportunity to be buried at a National Cemetery of their choosing. Unfortunately, projections show the Santa Fe National Cemetery will run out of space to provide casketed burials for our veterans at the conclusion of 2000. However, with Senate passage of this bill we are ensuring the continued viability of the Santa Fe National Cemetery.

I believe all New Mexicans can be proud of the Santa Fe National Cemetery that has grown from 39/100 of an acre to its current 77 acres. The cemetery first opened in 1868 and within several years was designated a National Cemetery in April of 1875.

Men and women who have fought in all of nation's wars hold an honored spot within the hallowed ground of the cemetery. Today the Santa Fe National Cemetery contains almost 27,000 graves that are mostly marked by upright headstones.

The Senate's action today guarantees the Santa Fe National Cemetery will not be forced to close next year. A provision in the bill passed today allows the Secretary of Veterans Affairs to provide for the use of flat grave markers that will extend the useful life of the cemetery until 2008.

While I wish the practice of utilizing headstones could continue indefinitely if a veteran chose, my wishes are outweighed by my desire to extend the useful life of the cemetery. I would note that my desire is shared by the New Mexico Chapter of the American Legion, the Albuquerque Chapter of the Retired Officers' Association, and the New Mexico Chapter of the VFW who have all endorsed the use of flat grave markers.

Finally, this is not without precedent because exceptions to the law have been granted on six prior occasions with the most recent action occurring in 1994 when Congress authorized the Secretary of Veterans Affairs to provide for flat grave markers at the Willamette National Cemetery in Oregon.

Mr. President, I again want to thank Senator SPECTER for his assistance and state how pleased I am with the final passage of this important bill.

Mr. ROCKEFELLER. Mr. President, as the ranking member of the Committee on Veterans' Affairs, I am enormously pleased that the Congress has passed this comprehensive bill which would make extensive changes to a wide range of veterans' benefits and services. This legislation is the culmination of extensive oversight and investigation, as well as the normal process of developing legislation—hearings and markups in both the House and Senate. Further, the bill represents compromise on both sides of the aisle and in both Houses of Congress. It represents many, many hours of staff and Members' work, and for that, I thank everyone involved.

The bill covers a wide spectrum of issues—from long-term care to new educational benefits for servicemembers. I will address some of the more substantive provisions.

Mr. President, H.R. 2116, as amended, represents a comprehensive effort to address the long-term care needs of our veterans.

We know that there is an expanding need for long-term care in our country, and in the VA, the demand is even more pressing. About 35 percent of the veteran population is 65 years or older, and that number will grow dramatically in the next few years. With this legislation, we are taking an important step forward for our veterans, and I am hopeful that it signals a new concern for providing long-term care for all elderly Americans.

For the first time, the VA will be required to provide extended care services to enrolled veterans. Section 101 directs the VA to provide nursing home care to any veteran who is in need of such care for a service-connected condition, or who is 70 percent or more service-connected disabled. In addition, the VA is directed to provide noninstitutional care, such as home care and adult day health care, to all enrolled veterans. This latter provision was included in the Veterans' Long-term Care Enhancement Act of 1999 which I introduced this summer. Within three years of the bill's enactment, VA would evaluate and report to the House and Senate Committees on Veterans' Affairs on its experience in providing services under both of these provisions.

Under the bill, the VA is also required to operate and maintain extended care programs so as to ensure that the level of extended care services is not less than the level of such services provided during fiscal year 1998.

Finally, in order to offset the cost of this new program expansion, the conference agreement requires new long-term care copayments for services exceeding 21 days in any year. Veterans who have compensably rated service-connected conditions and veterans with incomes below the pension rate are exempted from these copayments. Under this provision, VA would be required to develop a methodology for establishing the amount of copayments, taking into account the income of the veterans, the need to protect the veteran's spouse from financial difficulties, and the desire to allow the veteran to retain a personal allowance. Further, it was the conferees' desire that copayments would not apply to patients who are currently receiving long-term care services.

Section 102—also based on the Veterans' Long-term Care Enhancement Act of 1999 which I authored—mandates that the Secretary of Veterans Affairs carry out a series of pilot programs, over a period of three years, which would be designed to gauge the best way for VA to meet veterans' long-term care needs: either directly, through cooperative arrangements with community providers, or by purchasing services from non-VA providers.

While VA has developed significant expertise in long-term care over the past 20-plus years, it has not done so with any mandate to share its learning with others, nor has it pushed its program development beyond that which met the current needs at the time. Some experts even believe that VA's expertise is gradually eroding. For VA's expertise to be of greatest use to others, it needs both to better capture what it has done and to develop new learning that would be most applicable to other health care entities.

A key purpose of the pilot program would be to test and evaluate various approaches to meeting the long-term care needs of eligible veterans, both to develop approaches that could be expanded across VA, as well as to demonstrate to others outside of VA the effectiveness and impact of various approaches to long-term care. To this end, the pilot program would include specific data collection on matters such as cost effectiveness, quality of health care services provided, enrollee and health care provider satisfaction, and the ability of participants to carry out basic activities of daily living.

Another provision based on my veterans' long-term care legislation would authorize the VA to establish a pilot program for assisted living services. Assisted living is the last remaining gap in VA's long-term care continuum, and the Federal Advisory Committee on the Future of VA Long-Term Care recommended that VA be granted the authority to provide assisted living services. I urge VA to undertake this pilot program, as it will provide a basis on which to recommend expanding the authority.

Mr. President, earlier this year I joined with Senator DASCHLE as an original cosponsor to S. 1146, the Veterans' Access to Emergency Care Act of 1999. In June, I offered the provisions included in this bill as an amendment to a veterans omnibus measure being discussed at a Senate Committee on Veterans' Affairs markup. The amendment was agreed to by a majority of the Committee members.

Just this week I was reminded of the need for better coverage for non-VA emergency care. The wife of a seriously ill veteran in my state of West Virginia called my office. Her husband is a non-

service-connected, low income veteran with no health insurance. Recently, severe chest pains sent him to a VA medical center. Because he is a cardiac patient and because he was in so much distress, his family wanted to call the rescue squad to transport him to the VA medical center. The veteran refused. Why? Because he had used the ambulance service before in an emergency situation, leaving the family with a sizeable bill that they are unable to pay. So, this sick veteran almost crawled to the family car, insisting that his family drive him. Once there, the VA medical staff told the veteran and his family that by not calling for an ambulance, the veteran was placed at risk.

Section 111 would authorize the VA to make non-VA emergency care reimbursement payments on behalf of enrolled veterans in all priority groups, provided the veteran has received VA care within a two-year period prior to the emergency and has no other health insurance options.

While this emergency care provision is significantly more restrictive than I had wanted, it is a valuable first attempt at ensuring that veterans who do not have other health insurance options—like the seriously ill West Virginia veteran who refused when his family tried to call for an ambulance—will be reimbursed for their non-VA emergency care services. In negotiating this provision, I was resolute in pushing for all enrolled veterans to have this coverage. I will be watching closely to ensure that this more limited emergency care provision is working for our veterans.

Section 112 is based on legislation introduced by Senator ROBB. It would establish a specific eligibility for VA health care for veterans who were awarded the Purple Heart. This provision is designed to provide priority for enrollment to these veterans who have no other special eligibility for care.

According to the Military Order of the Purple Heart, there are about one-half million veterans with this award. Roughly half of these honored veterans already would qualify for high priority care based on a service-connected disability or because of income.

The recipients of the Purple Heart award are American heroes, and I thank Senator ROBB for his leadership on this measure, which will ensure that the remaining 500,000 Purple Heart veterans will have unfettered access to VA health care services.

Military retirees have had a difficult time accessing various health care programs. Reductions in military treatment facilities, in particular, have restricted military retirees' health care options. Section 113 attempts to improve their situation.

Under the bill, the Secretaries of Defense and Veterans Affairs will be directed to enter into an agreement to allow for VA reimbursement for health care services provided to military retirees. Veterans who have retired from military service and who are not otherwise eligible for VA care will not be responsible for copayments.

In order to protect current enrollees, the Secretary must document that VA—in a given area—has the capacity in such an area to provide timely care to enrollees and has determined that VA would recover its cost of providing such care.

I am very pleased that House and Senate conferees were able to reach agreement on this provision to improve care for military retirees.

Section 117 is of particular interest to me as it addresses VA's specialized mental health services for veterans.

Last year, I directed my staff on the Committee on Veterans' Affairs to undertake a study of the services the Department of Veterans Affairs offers to veterans with special needs. Earlier this summer, I received the report my Committee staff wrote based on their 8-month oversight investigation, which sought to determine if VA is complying with a Congressional mandate to maintain capacity in five of the specialized programs: Prosthetics and Sensory Aids Services, Blind Rehabilitation, Spinal Cord Injury (SCI), Post-Traumatic Stress Disorders (PTSD), and Substance Use Disorders. I was dismayed to learn that because of staff and funding reductions, with the resulting workload increases and excessive waiting times, the latter two programs are failing to sustain services at the needed levels.

With specific regard to PTSD, VA has been moving to reduce inpatient treatment of PTSD, while expanding its use of outpatient programs. VA's decision has been fueled in part by studies of the cost effectiveness of various treatment approaches. The potential to stretch limited VA dollars to be able to treat more veterans is appealing. However, VA needs to be cautious before subscribing to the idea that outpatient care is as good as inpatient care for all veterans with PTSD. For some of the more seriously affected veterans—those who have not succeeded in shorter inpatient or outpatient programs, are homeless or unemployed, or have dual diagnoses—longer inpatient or bed-based care may be a necessity.

Substance use disorders also present complex treatment problems and have taken the brunt of reductions in specialized programs. Some substance use disorder programs have terminated inpatient treatment completely, except for veterans requiring short detoxifications in extreme situations. While some medical centers have closed inpatient substance use disorder beds, they have worked to provide alternative, sheltered living arrangements. Unfortunately, not all facilities have made these efforts. Many have moved directly to the closure of inpatient units without first developing these other alternatives.

As an outgrowth of this oversight effort, I developed legislation to require that VA provide better care for veterans in need. I thank Chairman SPECTER for accepting this legislation and including it in S. 1076, the Veterans Benefits Act of 1999.

Under section 117, the Secretary of Veterans Affairs is required to carry out programs to enhance the provision of specialized mental health services to veterans. The conference agreement specifically targets services for those afflicted with PTSD and substance use disorders. The legislation also requires that $15 million in funding will be made available, in a centralized manner, to fund proposals from the VISNs and the individual facilities to provide specialized mental health services. The legislation specifically ensures that this $15 million in grant funding will be over and above what VA currently spends on these programs.

The focus of Section 117 is on expanding outpatient and residential treatment facilities, developing better case management, and generally improving the availability of services. Though not specifically mentioned in the legislation, I encourage VA to carry out programs for the following: (1) additional outpatient and residential treatment facilities for PTSD in areas that are underserved by existing programs; (2) short-term or long-term care services that combine residential treatment of PTSD; (3) dedicated case management services on an outpatient basis for veterans suffering from PTSD; (4) enhanced staffing of existing PTSD programs; (5) additional community-based residential treatment facilities for substance use disorder programs; (6) expanded opioid treatment services; and (7) enhanced substance use disorder services at facilities where such services have been eliminated.

In my view, VA's mental health treatment programs, in general, have been cut back to the point that veterans in some areas of the country are suffering needlessly. That is why I am so pleased that H.R. 2116 includes provisions to prompt VA to begin to rebuild some of what has been lost.

Section 201—based on the House bill—would allow the Secretary of Veterans Affairs the authority to set copayments, both for pharmaceuticals and for outpatient treatment. Currently, all veterans who are below 50 percent service-connected disabled, and veterans whose income is below the pension level, are required to pay $2 for each 30-day supply of medication. And all ''category C'' veterans are required to pay copayments based on the estimated average cost of an outpatient visit—currently $45.80.

The outpatient copayment rate needs to be adjusted. This charge is incurred each and every time a category C veteran receives outpatient care, regardless of the services provided. There is no doubt that $45 for a routine outpatient visit is unreasonable at best, and at its worst, may, in fact, discourage veterans from getting the primary care they need. I am confident that VA will study this issue closely and will

set the outpatient copayment to be more in line with managed care plans which charge either $5 or $10.

While I am supportive of adjusting the outpatient copayment, I have serious concerns about increasing the pharmaceutical drug copayment. The House Committee on Veterans' Affairs was adamant that the Senate recede to this increase to help offset the Senate-sponsored program expansions in long-term care and emergency care. And although the $2 per prescription charge that veterans are paying now may seem like an insignificant amount to some, I can assure my colleagues that to the veteran and his family living on a very limited income, it is quite significant. I hear from a number of veterans whose income hovers just above the pension level, who must pay the assigned copayment for their pharmaceuticals. Many of them are older veterans who are on a number of different medications for multiple medical conditions.

It is critically important that we do not place this segment of our veteran population in the same situation as many of our aging population receiving care in the private sector—having to choose between buying their medication or putting food on the table.

In an effort to prevent this from happening, I strongly urge the VA to set maximum monthly and annual copayment amounts which are sensitive to the financial situation of veterans for those who have multiple outpatient prescriptions. I will be closely watching the implementation of this provision to ensure that it does not impose an undue burden on our veterans.

While the Senate was not able to stave off the House in increasing prescription copayments, we were able to flatly reject a House provision to require copayments for hearing aids and eyeglasses. Such a provision would penalize veterans who are taking advantage of a needed benefit.

Section 206 extends the VA's program for the evaluation of the health of spouses and children of Gulf War veterans for four years. I pushed for the original legislation providing for these health evaluations after hearing about Gulf War veterans and their families who reported miscarriages, birth defects, and other reproductive problems.

Last year, the Congress modified this program to allow VA to use fee-basis care. It seems that these modifications are working well, as many new dependants have applied and are now waiting to be seen.

I am delighted that this program has been extended because the need for assessments continues. By this time last year, 2,800 dependents had applied for the program, and this year that total is up to 4,000. However, although 4,000 dependents have applied for the evaluations, VA has only completed 1,140 examinations. I urge VA to process these examinations as rapidly as possible. These dependents of servicemembers should not be delayed in their quest for answers.

Section 208 contains provisions to improve VA's enhanced use lease authority. I am delighted with these provisions, because I believe enhanced use leases are a critical component of VA's management strategy for its property. Many terrific projects that better serve veterans and assist the VA have been developed under this authority. By way of this legislation, we are encouraging VA to develop more enhanced use lease projects to leverage its assets, rather than begin to dispose of irreplaceable property.

Since VA received enhanced use authority, it has been used in a variety of ways. One approach has been to lease land to companies that build nursing homes where VA can place veterans at discounted rates, resulting in savings of millions of dollars. Another use has been to provide transitional housing for homeless veterans. Other projects have created reliable child care and adult day care facilities for VA employees' families, so that they can care for veterans without having to worry about the health and safety of their loved ones. In other locations, VA regional offices are moving onto VA medical center campuses, resulting in more convenient access for veterans and better cooperation between the Veterans Benefits Administration and the Veterans Health Administration.

Section 208 of H.R. 2116 would remove many of the current barriers preventing VA from having an even more successful enhanced use lease program. It would allow VA to enter into leases with terms of up to 75 years, rather than the current 20 and 35 years, while eliminating the distinction in lease terms that exists between leases involving new construction or substantial renovation, and those involving current structures.

I am very interested in seeing VA engage in more of these projects, so I am pleased to see that H.R. 2116 would require the Secretary to provide training and outreach regarding enhanced use leasing to personnel at VA medical centers. The bill also requires the Secretary to contract for independent assessments of opportunities for enhanced use leases. These assessments would include surveys of suitable facilities, determinations of the feasibility of projects at those facilities, and analyses of the resources required to enter into a lease. I hope that more training—which until now has been sporadic and provided primarily on a by-request basis—and a more systematic and centralized approach would assist the VA in maximizing its enhanced use lease opportunities.

While VA currently has a policy which allows for fee-basis care for chiropractic care, section 303 of H.R. 2116 requires the VA Under Secretary for Health, in consultation with chiropractors, to establish a wider VA policy on chiropractic care. While conferees have agreed that VA should establish a policy regarding chiropractic care, they have remained silent on mandating that VA furnish veterans with chiropractic treatment. Indeed, it is Congress' intent that this provision not be read as an endorsement for chiropractic care.

Complementary and alternative medicine, including chiropractic care, are important aspects of health care. I urge VA to use this opportunity to develop a policy on all forms of complementary and alternative medicine. In particular, the report ''VHA Complementary and Alternative Medicine Practices and Future Opportunities'' recommended that VHA consider providing acupuncture, following guidelines set forth by the National Institutes of Health, since NIH has already approved acupuncture as an effective treatment for back pain.

I am extremely disappointed that the House would not move the Senate Montgomery GI Bill (MGIB) enhancement legislation. The Senate passed MGIB enhancements on three occasions this year, but the House did not respond.

S. 1402, the education bill reported out of the Senate Committee on Veterans' Affairs, contained a provision, among others, to increase the monthly benefit provided to current servicemembers from $528 to $600. This more than 12 percent increase would have followed on the heels of a 20 percent increase last year. Additionally, the Senate bill would have allowed servicemembers to elect to contribute up to an additional $600, in exchange for receiving four times their contribution. Although these increases fall short of the full tuition recommended by the so-called Transition Commission, they would have provided a substantial assistance to veterans. The costs of tuition and fees for public and private educational institutions rose approximately 90 percent from 1980–1995, while the MGIB benefit rates only increased 42 percent from 1985 to 1995.

The statistics regarding education and employment for veterans are also revealing. Despite almost full enrollment in the program by servicemembers, the number of eligible veterans who take advantage of their MGIB benefits is startlingly low, around 50 percent. Less than 20 percent of those who use the MGIB attend private institutions. And the Transition Commission reports that the unemployment rate for veterans ages 20–24 and 35–39 is higher than their non-veteran counterparts. All these are reasons why I believe that there is more that we can and must do. Unfortunately, we will need to wait until at least next year to tackle these issues.

H.R. 2116 does provide for two provisions—relating to test preparation and Officer Candidate Training—which while small, can make a significant difference to the individual veterans affected.

The Department of Veterans Affairs currently has authority to provide MGIB benefits for post-graduate exam preparatory courses that are required

for a particular profession, such as CPA exam or bar review courses. However, it does not have authority to provide for pre-admission preparatory coursework.

Nevertheless, studies by national consulting companies have shown improvement of over 100 points on the SAT exam and an average improvement of seven points in LSAT scores for students who take exam preparatory courses. An article in the April 13, 1998, New Republic stated, ''[t]horough, expertly taught preparation can raise a student's ability to cope with, and hence succeed on, a particular exam. In many cases, then, test prep can make the difference between getting into a top-flight law school and settling for the second tier.'' At some of the nation's top schools, scores on entrance exams can count for half of the total application.

The problem is that many of these exam preparatory courses are quite costly. One national provider charges as much as $750 for a two-month, part-time, SAT preparatory course. One educational advocacy group, Fairtest, argues that ''[t]he SAT has always favored students who can afford coaching over those who cannot . . .'' To be able to compete, it is critical that veterans have access to such courses.

That is why I am pleased that section 701 corrects that disparity by allowing veterans to use their MGIB benefits for preparatory courses for entrance examinations required for college and graduate school admission (''test prep''). By giving veterans the opportunity to better their admissions test scores, this amendment would expand the choices available to veterans in their course of higher education. It will also improve access to the top educational institutions for veterans.

Section 702 allows servicemembers who failed to complete their initial period of service—because of entry to Officer Candidate School or Officer Training School (''OCS'')—to retain their eligibility for MGIB benefits. This would allow their OCS service to count toward that initial obligated period of service (generally three years total).

In most instances, these servicemembers had already made a $1,200 contribution to the MGIB, which cannot be refunded, by law. Rather than refund this money, the House and Senate agree that we should allow these men and women to retain their MGIB eligibility and further their education.

Like the test prep provision, it should be our policy to always encourage servicemembers and veterans to strive for greater achievement. This provision corrects an oversight in the MGIB statutes that penalizes servicemembers for seeking promotions.

As we are all sadly aware, the veteran population is aging rapidly. In 1997, 537,000 veterans died. Projections of the veteran death rate show an increase through the year 2008, when the death rate of the WWII and Korea-era veterans will peak at 620,000 veterans. Unless expanded, 21 national cemeteries are scheduled to close to inground burial or close completely by FY 2005. National cemeteries take an average of seven years to open. That is why I felt it was critical to address now VA's plan to provide burial sites for our nation's veterans.

VA conducted studies in 1987 and 1994 that identified the top 10 veteran population areas that are not served by a national cemetery. Pursuant to those studies, VA has begun, and in some cases completed, construction of six cemeteries in: Cleveland (OH), Chicago (IL), Seattle (WA), Dallas (TX), Saratoga (NY), and San Joaquin Valley (CA).

However, there has been no activity in the remaining six locations contained on the 1987 and 1994 lists: Detroit (MI), Sacramento (CA), Miami (FL), Atlanta (GA), Pittsburgh (PA), and Oklahoma City (OK). That is why I am pleased that H.R. 2116 authorizes VA to build cemeteries in the top areas in need. I am hopeful that the Appropriations Committee will fund construction of these cemeteries, particularly in light of their direction of advanced planning funds in this year's VA-HUD Appropriations bill.

Sections 601–603 authorize the American Battle Monuments Commission to borrow funds from the Treasury Department to construct the WWII memorial on the Mall if it is unable to raise sufficient funds through private donations. It also extends the authority to break ground for four years. This will ensure that the veterans who are to be honored by this memorial will be able to see it constructed.

I have agreed to a study, based on a House provision, of the current state of cemeteries to assess repair needs, ways to improve appearance, and the number of cemeteries needed to serve veterans who die after 2005. Finally, section 621 requires that the VA study the adequacy and effectiveness of burial benefits that a veteran's dependents receive, as well as options to better serve veterans and their families. In light of inflation in the cost of burials, as well as the increase in options such as cremation and burial at sea, it is appropriate that VA reevaluate this program.

This bill contains a number of benefits provisions that will aid veterans. For example, section 503 will add bronchiolo-alviolar carcinoma to the list of presumptive conditions associated with exposure to ionizing radiation. Bronchiolo-alviolar carcinoma is a type of lung cancer. The Senate has passed provisions adding lung cancer to the list of presumptive conditions on several occasions, but the House has not moved similar legislation.

Section 711 will extend the reservist home loan guaranty authority to December 31, 2007. The current authority is set to expire in 2003. However, a reservist must serve six years before being eligible for the home loan guaranty. Therefore, in order for it to be used as a recruiting incentive, the authority must be extended beyond 2006.

I am extremely gratified that section 501 authorizes payment of dependency and indemnity compensation (''DIC'') to the surviving spouse of a former POW veteran who dies of a non-service-connected condition if the former POW was rated totally disabled due to a POW-related presumptive condition for a period of one or more years immediately prior to death. In the case of former POWs, this reduces the 10-year period prior to death that a veteran must be rated 100 percent service-connected for the spouse to receive DIC if the veteran dies of a non-service-connected condition. This provision recognizes that former POW's suffered extreme hardships and that their spouses cared for them throughout the years that VA did not recognize their health conditions as being service-related. I am proud that we named this provision of the bill the ''John William Rolen Act.'' John passed away this year. He was a tireless advocate for America's former POWs, and I will miss him.

Section 502 of H.R. 2116 corrects an oversight in last year's transportation bill (TEA 21) that reinstated DIC to remarried widows of veterans whose remarriages have now been terminated. The benefit had previously been cut off as a budget reconciliation item. While reinstating DIC payments, however, the transportation bill failed to restore the limited ancillary benefits that accompany the receipt of DIC: CHAMPVA, home loan guaranty, and educational benefits. This bill restores those ancillary benefits.

Finally, I am so glad that we will maintain our commitment to homeless veterans by reauthorizing the Homeless Veteran Reintegration Program (HVRP). Section 901 authorizes increased funding levels for job training for veterans for four consecutive years, beginning with $10 million additional in the first year, $15 million additional in the second year, and $20 million additional in each of the third and fourth years. We have also required, in section 903, that VA formulate a comprehensive plan that includes the Departments of Labor and Housing and Urban Development, to conduct a cross-cutting report evaluating the effectiveness of homeless programs beyond six months of placement or service delivery.

Title XI of H.R. 2116 provides VA with authority to offer voluntary separation incentives through December 31, 2000, to a specified number of FTEE. As is well known, inadequate VA budgets in the last several years have forced VA to make sweeping changes, (many of which were warranted, including the downsizing of employees. VHA has already eliminated thousands of employees via ''reductions in force'' (''RIFs''). VHA FTEE staff now stands at 182,000, down from 218,000 in 1994. VBA FTEE has also declined, from 13,500 in 1994 to

11,200 today. All this is occurring at a time when VA is treating more patients and deciding more claims.

Usually, a condition of voluntary separation incentives—or buyouts as they are known—is that the FTEE slot is eliminated in a one-for-one reduction, i.e. downsizing. But I believe that VA has already reached the precipice of staff reductions—the point beyond which we should not go if quality of VA health care is to be maintained. However, VA says that it still requires buyouts in order to ''rightsize.'' That is, VA must let go of employees who do not have the needed skills, in order to free up FTEE positions so that VA can hire the most appropriately qualified people. The buyout language in this bill prohibits VA from eliminating the FTEE positions of employees who have received buyouts.

If we do not provide VA with buyout authority, VA will proceed down the path of reductions regardless. For example, VHA will RIF thousands of employees next year. However, RIFs are an inexact management tool. RIFs would not necessarily result in the skills mix VA needs, due to the civil service employment rights that allow senior employees to take the job of junior employees. I believe that buyouts offer a better option, but one that must still be used wisely and monitored carefully—which is why H.R. 2116 allows only limited buyouts under very strict conditions.

I am very disappointed that we were unable to move the Senate provision overturning the ''$1,500 rule.'' Since 1933, the law has required VA to suspend the compensation or pension benefits of incompetent veterans who have no dependents and are hospitalized at government expense. This suspension is triggered when the veteran's estate exceeds $1,500, and VA benefits are cut off until the veteran's estate is spent down to $500. At that time, the VA commences reinstating the veteran's compensation, until such time the veteran is hospitalized again and the estate exceeds $1,500, when the benefits are cut off again. No similar suspension is made for competent veterans or for incompetent veterans who are not hospitalized.

The rationale for cutting off benefits was that these veterans might have been institutionalized for years, and that it was not good policy to allow their estates to build up when they have no dependents to inherit them. There was also a fear of fraud on the part of the veteran's guardian or fiduciary.

The dollar amounts have not changed since 1933, when $1,500 equaled almost three years' worth of VA benefits at a 100 percent rating level. In today's dollars, this is less than one month's benefit at a 100 percent rating level.

Although veterans are generally being hospitalized for shorter periods of time, based on the low dollar limit, the rule may be applied very quickly, sometimes immediately, when it does apply. Further, it takes VA an average of 66 days to restore the benefits to incompetent veterans once their estates have been spent down. Since incompetent veterans are no longer routinely institutionalized for years at a time, it is very difficult for a non-Medicaid eligible veteran (which would be any veteran receiving any significant amount of VA compensation) to be released from the hospital and placed in either a private assisted living or group home with only $500 in his bank account. I fear some of these veterans may end up on the streets because of this policy, despite the best efforts of VHA to place them at discharge.

I believe that this outdated and indefensible policy discriminates against incompetent veterans—those who are least likely to be able to fight for themselves. The fact is, we are means testing VA compensation for this one class of veterans. Why is a competent veteran with no dependents entitled to receive his compensation, but an incompetent veteran not entitled? There is no justification for this discrimination. It may also have some harmful effects for a small population of veterans, facilitating their downward spiral into homelessness. That may be too much of a price to pay for the government to save some money from reverting to the state if that veteran died while hospitalized. While we were not successful in addressing this issue in this bill, I plan to readdress this policy until it is corrected.

Mr. President, in closing, I want to acknowledge the work of our Committee's Chairman, Senator SPECTER, in developing this comprehensive legislation. Through his efforts, and that of his staff—especially the former Committee Staff Director, Charles Battaglia, and the new Committee Staff Director, William Tuerk—the Senate Committee on Veterans' Affairs has fully met its responsibilities and can be proud of the legislation we consider today.

I appreciate the willingness of the House Committee on Veterans' Affairs, especially Chairman BOB STUMP and Ranking Member LANE EVANS, to work together to reach compromise on so many vital issues.

And I would be remiss if I did not acknowledge the efforts of my own staff, Minority Staff Director, Jim Gottlieb, Professional Staff Member, Kim Lipsky, and Counsel, Mary Schoelen. I am enormously grateful for their diligence, and for their commitment to the work we do in this Committee on behalf of our Nation's veterans.

Ms. SNOWE. Mr. President, I rise in support of H.R. 2116, the Veterans Millennium Health Care and Benefits Act of 1999.

I would like to begin by thanking my colleague, Senator SPECTER, chairman of the Senate Veterans' Affairs Committee, for his leadership on issues of importance to veterans. H.R. 2116 contains a number of provisions that will benefit veterans in Maine and elsewhere because of his strong leadership. I applaud Senator SPECTER for his efforts.

I would especially like to thank the chairman for his efforts to address a concern I had about a specific provision in the House-passed version of the bill, which would have jeopardized millions of dollars in grant funding for the Maine State Veterans Homes system.

H.R. 2116 contains a provision which fundamentally reorders the manner in which VA construction grants will be awarded in the future, placing the focus on renovation of existing facilities so that maintenance projects will take precedence in grant awards over proposals to construct new facilities. The House-passed version of the bill would have made Maine veterans homes and state homes in a number of states ineligible for funding, even through they had already prepared and filed grant applications under existing law and regulations.

In an effort to address this concern, I worked closely with Senator SPECTER to craft a transition provision balancing the need to treat current state home applicants fairly and not change the rules in the middle of the game, while at the same time implementing the new rules as soon as possible.

I am very pleased that the conference for H.R. 2116 agreed to the measure I helped author that grandfathers proposals already filed by veterans homes, thereby exempting them from new criteria in the bill that would have precluded funding in this and coming fiscal years.

I believe this compromise remains true to the intent of the new criteria included in the House-passed version of the bill, while at the same time protecting the interests of states that had already submitted applications for funding.

In addition to work with Senator SPECTER personally, I wrote a letter to the chairman in September alerting him to my concerns, followed by a letter to my colleague from Maine, Senator COLLINS. In addition, last month, I spearheaded a letter with 14 other Senators urging modification of the House construction grant provision to grandfather proposals made by Maine and other states under existing law, so that it would not change the methodology in the middle of the current fiscal year—after applications have been filed; after architectural, engineering, and legal fees have been incurred, and after local matching funds have been appropriated or borrowed by states for these projects.

If the House-passed provision had been enacted without this change, many states veterans homes would have lost their positions for Fiscal Year 2000 grants because these applications would have been judged according to a new set of criteria.

In Maine, this would have jeopardized funding for the entire Maine Veterans Homes system, which earlier this year applied for about $9.3 million in grant

funding, and is seeking to construct new veterans' residential care facilities in Augusta, Bangor, Caribou, and Scarborough. In their applications, the Maine Veterans Home System notes that more than half of Maine's veterans population is reaching the age where long-term nursing care or domicillary care is typically required. Since 1991, the number of Maine veterans aged 75–79 has doubled, from 6,000 to 12,500. Over the same time period, the numbers of veterans aged 80–84 has doubled from 2,400 to 6,000; and veterans over the age of 85 has increased by 50 percent from 1,200 to 1,800.

I would also like to thank Senator SPECTER for supporting another provision in H.R. 2116 based on legislation I introduced in the Senate, S. 1579, the Veterans Sexual Trauma Treatment Act. S. 1579 extends a VA program that offers counseling and medical treatment to veterans who were sexually abused while serving in the military, and requires a VA mental health professional to determine when counseling is necessary. Currently, the VA Secretary makes this determination. The bill also calls for the dissemination of information concerning the availability of counseling services to veterans through public service announcements.

According to the Department of Defense, at least 55 percent of active duty women and 14 percent of active duty men have been subjected to sexual harassment. As a member of the Senate Armed Services Committee, I credit the DoD with working to reduce the prevalence of sexual harassment in the military. However, as long as there is harassment in the military, it is vital that victims have access to treatment, and H.R. 2116 provides the tools to do this.

Finally, I would like to commend the Senate and House Veterans' Affairs Committees and the conferees for H.R. 2116 for their efforts to expand a whole range of benefits for veterans in this conference report. For example, the bill expands long-term care for veterans, and will increase home and community-based care and assisted-living options for veterans. It expands mental health services, and requires the VA to enhance specialized services for PTSD and drug abuse disorders. It provides coverage for uninsured veterans who need care but who do not have access to a VA facility. It expands VA authority to provide services to homeless veterans. It improves Montgomery GI bill benefits by providing benefits for students in preparatory courses and to those whose enlistment is interrupted to attend officers training school. And these are just a few of the important provisions in this bill.

Mr. President, this is a strong bill, and I urge my colleagues to join me in a strong show of support.

I yield the floor.

SECTION 207

Mr. SMITH of New Hampshire. Mr. President, I too, would like to recognize Senator SPECTER, for his tremendous work and skillful leadership and sensitivity in bringing the Veterans Millennium Health Care bill (H.R. 2116) to the floor. As a veteran myself, I can assure you that this bill means a great deal in providing for the health and welfare of our veterans both in my state of New Hampshire as well as those veterans throughout the country. I congratulate Senator SPECTER's leadership on issues that are of particular importance to our veteran community.

If I may also ask the senator to clarify the transition clause of Section 207(c) of the bill. Does the Senator mean that provided that state home grant applicants covered by the transition clause follow all applicable laws and regulations in effect on November 10, 1999, that the Secretary of Veterans Affairs shall award grants to all applications remaining unfunded for fiscal year 1999 priority one projects first, then proceed to awarding grants to priority one projects as outlined and in the order in which they appeared in the Department of Veteran Affairs Fiscal Year 2000 priority list as covered by Section 207(c) of the bill, prior to awarding grants to any other applicants?

Mr. SPECTER. Yes, the Senator is correct. The purpose of this section is to reform the priorities under which state home grant applications are considered so that much needed renovation and maintenance projects will receive more appropriate consideration for funding than under the current system.

I am pleased that we were able to craft a transition provision that balanced the desire to ensure that all states had an opportunity to participate under the old rules, with the desire to implement the new rules as quickly as possible.

Mr. SMITH of New Hampshire. Thank you Mr. Chairman and again I appreciate your consideration and sensitivity to the veteran community. Your leadership on this issue will enable the Veterans Home in Tilton, New Hampshire to better meet the medical needs of veterans in New Hampshire. I yield the floor.

Ms. SNOWE. I commend my colleague, Senator SPECTER, chairman of the Senate Veteran's Affairs Committee, for the remarkably responsive and skillful manner in which he managed the progress of H.R. 2116. This bill means a lot to veterans throughout the nation, and especially in my home state of Maine. I applaud Senator SPECTER's leadership on issues of importance to veterans.

I have only one point of clarification. Does the transition clause of Section 207(c) of the bill mean, that for all state home grant applications covered by the transition clause and otherwise in compliance with applicable law and regulations in effect on November 10, 1999, the Secretary of Veterans Affairs shall award grants first to all unfunded applications remaining for fiscal year 1999 priority one projects? And that following those projects, the Secretary shall next fund those FY 2000 applications and which both meet the criteria set forth in the bill and which were accorded priority one status for FY 2000? And that the Secretary would fund these projects in the order in which they would appear on the fiscal year 2000 priority one list, prior to awarding grants to any other applications?

Mr. SPECTER. Yes, the Senator is correct. The purpose of this section is to reform the priorities under which state home grant applications are considered so that much needed renovation and maintenance projects will receive more appropriate consideration for funding than under the current system. I am pleased that we were able to craft a transition provision that balanced the desire to ensure that all states had an opportunity to participate under the old rules, with the desire to implement the new rules as quickly as possible.

Ms. SNOWE. I thank the chairman once again, and I yield the floor.

Ms. COLLINS. I ask unanimous consent the conference report be agreed to, the motion to reconsider be laid upon the table, and any statements related to the conference report be printed in the RECORD.

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

SUDAN PEACE ACT

Ms. COLLINS. Mr. President, I ask unanimous consent the Senate proceed to the consideration of Calendar No. 410, S. 1453.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1453) to facilitate famine relief efforts and a comprehensive solution to the war in Sudan,

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Foreign Relations, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

S. 1453

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 ''Sudan Peace Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) With clear indications that the Government of Sudan intends to intensify its prosecution of the war against areas outside of its control, which has already cost nearly 2,000,000 lives and has displaced more than 4,000,000, a sustained and coordinated international effort to pressure combatants to end hostilities and to address the roots of the conflict offers the best opportunity for a comprehensive solution to the continuing war in Sudan.

(2) A viable, comprehensive, and internationally sponsored peace process, protected from manipulation, presents the best chance for a permanent resolution of the war, protection of human rights, and a self-sustaining Sudan.

(3) Continued strengthening of humanitarian relief operations in Sudan is an essential element in the effort to bring an end to the war.

(4) Continued leadership by the United States is critical.

(5) Regardless of the future political status of the areas of Sudan outside of the control of the Government of Sudan, the absence of credible civil authority and institutions is a major impediment to achieving self-sustenance by the Sudanese people and to meaningful progress toward a viable peace process.

(6) Through manipulation of traditional rivalries among peoples in areas outside their full control, the Government of Sudan has effectively used divide and conquer techniques to subjugate their population, and Congress finds that internationally sponsored reconciliation efforts have played a critical role in reducing the tactic's effectiveness and human suffering.

(7) The Government of Sudan is increasingly utilizing and organizing militias, Popular Defense Forces, and other irregular troops for raiding and slaving parties in areas outside of the control of the Government of Sudan in an effort to severely disrupt the ability of those populations to sustain themselves. The tactic is in addition to the overt use of bans on air transport relief flights in prosecuting the war through selective starvation and to minimize the Government of Sudan's accountability internationally.

(8) The Government of Sudan has repeatedly stated that it intends to use the expected proceeds from future oil sales to increase the tempo and lethality of the war against the areas outside its control.

(9) Through its power to veto plans for air transport flights under the United Nations relief operation, Operation Lifeline Sudan (OLS), the Government of Sudan has been able to manipulate the receipt of food aid by the Sudanese people from the United States and other donor countries as a devastating weapon of war in the ongoing effort by the Government of Sudan to subdue areas of Sudan outside of the Government's control.

(10) The efforts of the United States and other donors in delivering relief and assistance through means outside OLS have played a critical role in addressing the deficiencies in OLS and offset the Government of Sudan's manipulation of food donations to advantage in the civil war in Sudan.

(11) While the immediate needs of selected areas in Sudan facing starvation have been addressed in the near term, the population in areas of Sudan outside of the control of the Government of Sudan are still in danger of extreme disruption of their ability to sustain themselves.

(12) The Nuba Mountains and many areas in Bahr al Ghazal, Upper Nile, and Blue Nile regions have been excluded completely from relief distribution by OLS, consequently placing their populations at increased risk of famine.

(13) At a cost which can exceed $1,000,000 per day, and with a primary focus on providing only for the immediate food needs of the recipients, the current international relief operations are neither sustainable nor desirable in the long term.

(14) The ability of populations to defend themselves against attack in areas outside the Government of Sudan's control has been severely compromised by the disengagement of the frontline sponsor states, fostering the belief within officials of the Government of Sudan that success on the battlefield can be achieved.

(15) The United States should use all means of pressure available to facilitate a comprehensive solution to the war, including—

(A) the maintenance and multilateralization of sanctions against the Government of Sudan with explicit linkage of those sanctions to peace;

(B) the support or creation of viable democratic civil authority and institutions in areas of Sudan outside government control;

(C) continued active support of people-to-people reconciliation mechanisms and efforts in areas outside of government control;

(D) the strengthening of the mechanisms to provide humanitarian relief to those areas;

(E) cooperation among the trading partners of the United States and within multilateral institutions toward those ends; and

(F) the use of any and all possible unilateral and multilateral economic and diplomatic tools to compel Ethiopia and Eritrea to end their hostilities and again assume a constructive stance toward facilitating a comprehensive solution to the ongoing war in Sudan.

SEC. 3. DEFINITIONS.

In this Act:

(1) GOVERNMENT OF SUDAN.—The term ''Government of Sudan'' means the National Islamic Front government in Khartoum, Sudan.

(2) IGAD.—The term ''IGAD'' means the Inter-Governmental Authority on Development.

(3) OLS.—The term ''OLS'' means the United Nations relief operation carried out by UNICEF, the World Food Program, and participating relief organizations known as ''Operation Lifeline Sudan''.

SEC. 4. CONDEMNATION OF SLAVERY, OTHER HUMAN RIGHTS ABUSES, AND NEW TACTICS BY THE GOVERNMENT OF SUDAN.

Congress hereby—

(1) condemns—

(A) violations of human rights on all sides of the conflict in Sudan;

(B) the Government of Sudan's overall human rights record, with regard to both the prosecution of the war and the denial of basic human and political rights to all Sudanese;

(C) the ongoing slave trade in Sudan and the role of the Government of Sudan in abetting and tolerating the practice; and

(D) the Government of Sudan's increasing use and organization of ''murahalliin'' or ''mujahadeen'', Popular Defense Forces (PDF), and regular Sudanese Army units into organized and coordinated raiding and slaving parties in Bahr al Ghazal, the Nuba Mountains, Upper Nile, and Blue Nile regions; and

(2) recognizes that, along with selective bans on air transport relief flights by the Government of Sudan, the use of raiding and slaving parties is a tool for creating food shortages and is used as a systematic means to destroy the societies, culture, and economies of the Dinka, Nuer, and Nuba peoples in a policy of low-intensity ethnic cleansing.

SEC. 5. SUPPORT FOR THE IGAD PEACE PROCESS.

(a) SENSE OF CONGRESS.—Congress hereby—

(1) declares its support for the efforts by executive branch officials of the United States and the President's Special Envoy for Sudan to lead in a reinvigoration of the IGAD-sponsored peace process;

(2) calls on IGAD member states, the European Union, the Organization of African Unity, Egypt, and other key states to support the peace process; and

(3) urges Kenya's leadership in the implementation of the process.

(b) RELATION TO UNITED STATES DIPLOMACY.—It is the sense of Congress that any such diplomatic efforts toward resolution of the conflict in Sudan are best made through a peace process based on the Declaration of Principles reached in Nairobi, Kenya, on July 20, 1994, and that the President should not create any process or diplomatic facility or office which could be viewed as a parallel or competing diplomatic track.

(c) UNITED STATES DIPLOMATIC SUPPORT.—The Secretary of State is authorized to utilize the personnel of the Department of State for the support of—

(1) the secretariat of IGAD;

(2) the ongoing negotiations between the Government of Sudan and opposition forces;

(3) any peace settlement planning to be carried out by the National Democratic Alliance and IGAD Partners' Forum (IPF); and

(4) other United States diplomatic efforts supporting a peace process in Sudan.

SEC. 6. INCREASED PRESSURE ON COMBATANTS.

It is the sense of Congress that the President, acting through the United States Permanent Representative to the United Nations, should—

(1) sponsor a resolution in the United Nations Security Council to investigate the practice of slavery in Sudan and provide recommendations on measures for its eventual elimination;

(2) sponsor a condemnation of the human rights practices of the Government of Sudan at the United Nations conference on human rights in Geneva in 2000;

(3) press for implementation of the recommendations of the United Nations Special Rapporteur for Sudan with respect to human rights monitors in areas of conflict in Sudan;

(4) press for UNICEF, International Committee of the Red Cross, or the International Federation of Red Cross and Red Crescent Societies, or other appropriate international organizations or agencies to maintain a registry of those individuals who have been abducted or are otherwise held in bondage or servitude in Sudan;

(5) sponsor a condemnation of the Government of Sudan each time it subjects civilian populations to aerial bombardment; and

(6) sponsor a resolution in the United Nations General Assembly condemning the human rights practices of the Government of Sudan.

SEC. 7. REPORTING REQUIREMENT.

Beginning 3 months after the date of enactment of this Act, and every 3 months thereafter, the President shall submit a report to Congress on—

(1) the specific sources and current status of Sudan's financing and construction of oil exploitation infrastructure and pipelines;

(2) the extent to which that financing was secured in the United States or with involvement of United States citizens;

(3) such financing's relation to the sanctions described in subsection (a) and the Executive Order of November 3, 1997;

(4) the extent of aerial bombardment by the Government of Sudan forces in areas outside its control, including targets, frequency, and best estimates of damage;

(5) the number, duration, and locations of air strips or other humanitarian relief facilities to which access is denied by any party to the conflict; and

(6) the status of the IGAD-sponsored peace process and any other ongoing effort to end the conflict, including the specific and verifiable steps taken by parties to the conflict, the members of the IGAD Partners Forum, and the members of IGAD toward a comprehensive solution to the war.

SEC. 8. REFORM OF OPERATION LIFELINE SUDAN (OLS).

It is the sense of Congress that the President should organize and maintain a formal consultative process with the European Union, its member states, the members of the United Nations Security Council, and other relevant parties on coordinating an effort within the United Nations to revise the terms of OLS to end the veto power of the Government of Sudan over the plans by OLS for air transport relief flights.

SEC. 9. CONTINUED USE OF NON-OLS ORGANIZATIONS FOR RELIEF EFFORTS.

(a) FINDING.—Congress recognizes the progress made by officials of the executive branch of Government toward greater utilization of non-OLS agencies for more effective distribution of United States relief contributions.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the President should continue to increase the use of non-OLS agencies in the distribution of relief supplies in southern Sudan.

(c) REPORT.—Not later than 90 days after the date of enactment of this Act, the President shall submit a detailed report to Congress describing the progress made toward carrying out subsection (b).

SEC. 10. CONTINGENCY PLAN FOR ANY BAN ON AIR TRANSPORT RELIEF FLIGHTS.

(a) PLAN.—The President shall develop a detailed and implementable contingency plan to provide, outside United Nations auspices, the greatest possible amount of United States Government and privately donated relief to all affected areas in Sudan, including the Nuba Mountains, Upper Nile, and Blue Nile, in the event the Government of Sudan imposes a total, partial, or incremental ban on OLS air transport relief flights.

(b) ELEMENT OF PLAN.—The plan developed under subsection (a) shall include coordination of other donors in addition to the United States Government and private institutions.

(c) REPORT.—Not later than 2 months after the date of enactment of this Act, the President shall submit a classified report to Congress on the costs and startup time such a plan would require in the event of a total ban on air transport relief flights or in the event of a partial or incremental ban on such flights if the President has made the determination required by subsection (a)(2).

(d) REPROGRAMMING AUTHORITY.—Notwithstanding any other provision of law, in carrying out the plan developed under subsection (a), the President may reprogram up to 100 percent of the funds available for support of OLS operations (but for this subsection) for the purposes of the plan.

SEC. 11. NEW AUTHORITY FOR USAID'S SUDAN TRANSITION ASSISTANCE FOR REHABILITATION (STAR) PROGRAM.

(a) SENSE OF CONGRESS.—Congress hereby expresses its support for the President's ongoing efforts to diversify and increase effectiveness of United States assistance to populations in areas of Sudan outside of the control of the Government of Sudan, especially the long-term focus shown in the Sudan Transition Assistance for Rehabilitation (STAR) program with its emphasis on promoting future democratic governance, rule of law, building indigenous institutional capacity, promoting and enhancing self-reliance, and actively supporting people-to-people reconciliation efforts.

(b) ALLOCATION OF FUNDS.—Of the amounts made available to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq:, relating to development assistance) for the period beginning on October 1, 2000, and ending on September 30, 2003, $16,000,000 shall be available for development of a viable civil authority, and civil and commercial institutions, in Sudan, including the provision of technical assistance, and for people-to-people reconciliation efforts.

(c) ADDITIONAL AUTHORITIES.—Notwithstanding any other provision of law, the President is granted authority to undertake any appropriate programs using Federal agencies, contractual arrangements, or direct support of indigenous groups, agencies, or organizations in areas outside of control of the Government of Sudan in an effort to provide emergency relief, promote economic self-sufficiency, build civil authority, provide education, enhance rule of law and the development of judicial and legal frameworks, support people-to-people reconciliation efforts, or implementation of any programs in support of any viable peace agreement at the local, regional, or national level.

(d) IMPLEMENTATION.—It is the sense of Congress that the President should immediately and to the fullest extent possible utilize the Office of Transition Initiatives at the Agency for International Development in an effort to pursue the type of programs described in subsection (c).

(e) SENSE OF CONGRESS.—It is the sense of Congress that enhancing and supporting education and the development of rule of law are critical elements in the long-term success of United States efforts to promote a viable economic, political, social, and legal basis for development in Sudan. Congress recognizes that the gap of 13–16 years without secondary educational opportunities in southern Sudan is an especially important problem to address with respect to rebuilding and sustaining leaders and educators for the next generation of Sudanese. Congress recognizes the unusually important role the secondary school in Rumbek has played in producing the current generation of leaders in southern Sudan, and that priority should be given in current and future development or transition programs undertaken by the United States Government to rebuilding and supporting the Rumbek Secondary School.

(f) PROGRAMS IN AREAS OUTSIDE GOVERNMENT CONTROL.—Congress also intends that such programs include cooperation and work with indigenous groups in areas outside of government control in all of Sudan, to include northern, southern, and eastern regions of Sudan.

SEC. 12. ASSESSMENT AND PLANNING FOR NUBA MOUNTAINS AND OTHER AREAS SUBJECT TO BANS ON AIR TRANSPORT RELIEF FLIGHTS.

(a) FINDING.—Congress recognizes that civilians in the Nuba Mountains, Red Sea Hills, and Blue Nile regions of Sudan are not receiving assistance through OLS due to restrictions by the Government of Sudan.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the President should—

(1) conduct comprehensive assessment of the humanitarian needs in the Nuba Mountains, Red Sea Hills, and Blue Nile regions of Sudan;

(2) respond appropriately to those needs based on such assessment; and

(3) report to Congress on an annual basis on efforts made under paragraph (2).

SEC. 13. OPTIONS OR PLANS FOR NONLETHAL ASSISTANCE FOR NATIONAL DEMOCRATIC ALLIANCE PARTICIPANTS.

(a) REPORT.—Not later than 90 days after the date of enactment of this Act, the President shall submit to the appropriate congressional committees a report, in classified form if necessary, detailing possible options or plans of the United States Government for the provision of nonlethal assistance to participants of the National Democratic Alliance.

(b) CONSULTATIONS.—Not later than 30 days after submission of the report required by subsection (a), the President should begin formal consultations with the appropriate congressional committees regarding the findings of the report.

(c) DEFINITION.—In 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.

Ms. COLLINS. I ask unanimous consent the committee substitute amendment be agreed to, the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements related to the bill be printed in the RECORD.

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

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1453), as amended, was read the third time and passed, as follows:

S. 1453

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 ''Sudan Peace Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) With clear indications that the Government of Sudan intends to intensify its prosecution of the war against areas outside of its control, which has already cost nearly 2,000,000 lives and has displaced more than 4,000,000, a sustained and coordinated international effort to pressure combatants to end hostilities and to address the roots of the conflict offers the best opportunity for a comprehensive solution to the continuing war in Sudan.

(2) A viable, comprehensive, and internationally sponsored peace process, protected from manipulation, presents the best chance for a permanent resolution of the war, protection of human rights, and a self-sustaining Sudan.

(3) Continued strengthening of humanitarian relief operations in Sudan is an essential element in the effort to bring an end to the war.

(4) Continued leadership by the United States is critical.

(5) Regardless of the future political status of the areas of Sudan outside of the control of the Government of Sudan, the absence of credible civil authority and institutions is a major impediment to achieving self-sustenance by the Sudanese people and to meaningful progress toward a viable peace process.

(6) Through manipulation of traditional rivalries among peoples in areas outside their full control, the Government of Sudan has effectively used divide and conquer techniques to subjugate their population, and Congress finds that internationally sponsored reconciliation efforts have played a critical role in reducing the tactic's effectiveness and human suffering.

(7) The Government of Sudan is increasingly utilizing and organizing militias, Popular Defense Forces, and other irregular troops for raiding and slaving parties in areas outside of the control of the Government of Sudan in an effort to severely disrupt the ability of those populations to sustain themselves. The tactic is in addition to the overt use of bans on air transport relief flights in prosecuting the war through selective starvation and to minimize the Government of Sudan's accountability internationally.

(8) The Government of Sudan has repeatedly stated that it intends to use the expected proceeds from future oil sales to increase the tempo and lethality of the war against the areas outside its control.

(9) Through its power to veto plans for air transport flights under the United Nations relief operation, Operation Lifeline Sudan (OLS), the Government of Sudan has been able to manipulate the receipt of food aid by the Sudanese people from the United States and other donor countries as a devastating weapon of war in the ongoing effort by the Government of Sudan to subdue areas of Sudan outside of the Government's control.

(10) The efforts of the United States and other donors in delivering relief and assistance through means outside OLS have played a critical role in addressing the deficiencies in OLS and offset the Government of Sudan's manipulation of food donations to advantage in the civil war in Sudan.

(11) While the immediate needs of selected areas in Sudan facing starvation have been addressed in the near term, the population in areas of Sudan outside of the control of the Government of Sudan are still in danger of extreme disruption of their ability to sustain themselves.

(12) The Nuba Mountains and many areas in Bahr al Ghazal, Upper Nile, and Blue Nile regions have been excluded completely from relief distribution by OLS, consequently placing their populations at increased risk of famine.

(13) At a cost which can exceed $1,000,000 per day, and with a primary focus on providing only for the immediate food needs of the recipients, the current international relief operations are neither sustainable nor desirable in the long term.

(14) The ability of populations to defend themselves against attack in areas outside the Government of Sudan's control has been severely compromised by the disengagement of the front-line sponsor states, fostering the belief within officials of the Government of Sudan that success on the battlefield can be achieved.

(15) The United States should use all means of pressure available to facilitate a comprehensive solution to the war, including—

(A) the maintenance and multilateralization of sanctions against the Government of Sudan with explicit linkage of those sanctions to peace;

(B) the support or creation of viable democratic civil authority and institutions in areas of Sudan outside government control;

(C) continued active support of people-to-people reconciliation mechanisms and efforts in areas outside of government control;

(D) the strengthening of the mechanisms to provide humanitarian relief to those areas;

(E) cooperation among the trading partners of the United States and within multilateral institutions toward those ends; and

(F) the use of any and all possible unilateral and multilateral economic and diplomatic tools to compel Ethiopia and Eritrea to end their hostilities and again assume a constructive stance toward facilitating a comprehensive solution to the ongoing war in Sudan.

SEC. 3. DEFINITIONS.

In this Act:

(1) GOVERNMENT OF SUDAN.—The term ''Government of Sudan'' means the National Islamic Front government in Khartoum, Sudan.

(2) IGAD.—The term ''IGAD'' means the Inter-Governmental Authority on Development.

(3) OLS.—The term ''OLS'' means the United Nations relief operation carried out by UNICEF, the World Food Program, and participating relief organizations known as ''Operation Lifeline Sudan''.

SEC. 4. CONDEMNATION OF SLAVERY, OTHER HUMAN RIGHTS ABUSES, AND NEW TACTICS BY THE GOVERNMENT OF SUDAN.

Congress hereby—

(1) condemns—

(A) violations of human rights on all sides of the conflict in Sudan;

(B) the Government of Sudan's overall human rights record, with regard to both the prosecution of the war and the denial of basic human and political rights to all Sudanese;

(C) the ongoing slave trade in Sudan and the role of the Government of Sudan in abetting and tolerating the practice; and

(D) the Government of Sudan's increasing use and organization of ''murahalliin'' or ''mujahadeen'', Popular Defense Forces (PDF), and regular Sudanese Army units into organized and coordinated raiding and slaving parties in Bahr al Ghazal, the Nuba Mountains, Upper Nile, and Blue Nile regions; and

(2) recognizes that, along with selective bans on air transport relief flights by the Government of Sudan, the use of raiding and slaving parties is a tool for creating food shortages and is used as a systematic means to destroy the societies, culture, and economies of the Dinka, Nuer, and Nuba peoples in a policy of low-intensity ethnic cleansing.

SEC. 5. SUPPORT FOR THE IGAD PEACE PROCESS.

(a) SENSE OF CONGRESS.—Congress hereby—

(1) declares its support for the efforts by executive branch officials of the United States and the President's Special Envoy for Sudan to lead in a reinvigoration of the IGAD-sponsored peace process;

(2) calls on IGAD member states, the European Union, the Organization of African Unity, Egypt, and other key states to support the peace process; and

(3) urges Kenya's leadership in the implementation of the process.

(b) RELATION TO UNITED STATES DIPLOMACY.—It is the sense of Congress that any such diplomatic efforts toward resolution of the conflict in Sudan are best made through a peace process based on the Declaration of Principles reached in Nairobi, Kenya, on July 20, 1994, and that the President should not create any process or diplomatic facility or office which could be viewed as a parallel or competing diplomatic track.

(c) UNITED STATES DIPLOMATIC SUPPORT.—The Secretary of State is authorized to utilize the personnel of the Department of State for the support of—

(1) the secretariat of IGAD;

(2) the ongoing negotiations between the Government of Sudan and opposition forces;

(3) any peace settlement planning to be carried out by the National Democratic Alliance and IGAD Partners' Forum (IPF); and

(4) other United States diplomatic efforts supporting a peace process in Sudan.

SEC. 6. INCREASED PRESSURE ON COMBATANTS.

It is the sense of Congress that the President, acting through the United States Permanent Representative to the United Nations, should—

(1) sponsor a resolution in the United Nations Security Council to investigate the practice of slavery in Sudan and provide recommendations on measures for its eventual elimination;

(2) sponsor a condemnation of the human rights practices of the Government of Sudan at the United Nations conference on human rights in Geneva in 2000;

(3) press for implementation of the recommendations of the United Nations Special Rapporteur for Sudan with respect to human rights monitors in areas of conflict in Sudan;

(4) press for UNICEF, International Committee of the Red Cross, or the International Federation of Red Cross and Red Crescent Societies, or other appropriate international organizations or agencies to maintain a registry of those individuals who have been abducted or are otherwise held in bondage or servitude in Sudan;

(5) sponsor a condemnation of the Government of Sudan each time it subjects civilian populations to aerial bombardment; and

(6) sponsor a resolution in the United Nations General Assembly condemning the human rights practices of the Government of Sudan.

SEC. 7. REPORTING REQUIREMENT.

Beginning 3 months after the date of enactment of this Act, and every 3 months thereafter, the President shall submit a report to Congress on—

(1) the specific sources and current status of Sudan's financing and construction of oil exploitation infrastructure and pipelines;

(2) the extent to which that financing was secured in the United States or with involvement of United States citizens;

(3) such financing's relation to the sanctions described in subsection (a) and the Executive Order of November 3, 1997;

(4) the extent of aerial bombardment by the Government of Sudan forces in areas outside its control, including targets, frequency, and best estimates of damage;

(5) the number, duration, and locations of air strips or other humanitarian relief facilities to which access is denied by any party to the conflict; and

(6) the status of the IGAD-sponsored peace process and any other ongoing effort to end the conflict, including the specific and verifiable steps taken by parties to the conflict, the members of the IGAD Partners Forum, and the members of IGAD toward a comprehensive solution to the war.

SEC. 8. REFORM OF OPERATION LIFELINE SUDAN (OLS).

It is the sense of Congress that the President should organize and maintain a formal consultative process with the European Union, its member states, the members of the United Nations Security Council, and other relevant parties on coordinating an effort within the United Nations to revise the terms of OLS to end the veto power of the Government of Sudan over the plans by OLS for air transport relief flights.

SEC. 9. CONTINUED USE OF NON-OLS ORGANIZATIONS FOR RELIEF EFFORTS.

(a) FINDING.—Congress recognizes the progress made by officials of the executive branch of Government toward greater utilization of non-OLS agencies for more effective distribution of United States relief contributions.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the President should continue to increase the use of non-OLS agencies in the distribution of relief supplies in southern Sudan.

(c) REPORT.—Not later than 90 days after the date of enactment of this Act, the President shall submit a detailed report to Congress describing the progress made toward carrying out subsection (b).

SEC. 10. CONTINGENCY PLAN FOR ANY BAN ON AIR TRANSPORT RELIEF FLIGHTS.

(a) PLAN.—The President shall develop a detailed and implementable contingency plan to provide, outside United Nations auspices, the greatest possible amount of United States Government and privately donated relief to all affected areas in Sudan, including the Nuba Mountains, Upper Nile, and Blue Nile, in the event the Government of Sudan imposes a total, partial, or incremental ban on OLS air transport relief flights.

(b) ELEMENT OF PLAN.—The plan developed under subsection (a) shall include coordination of other donors in addition to the United States Government and private institutions.

(c) REPORT.—Not later than 2 months after the date of enactment of this Act, the President shall submit a classified report to Congress on the costs and startup time such a plan would require in the event of a total ban on air transport relief flights or in the event of a partial or incremental ban on such flights if the President has made the determination required by subsection (a)(2).

(d) REPROGRAMMING AUTHORITY.—Notwithstanding any other provision of law, in carrying out the plan developed under subsection (a), the President may reprogram up to 100 percent of the funds available for support of OLS operations (but for this subsection) for the purposes of the plan.

SEC. 11. NEW AUTHORITY FOR USAID'S SUDAN TRANSITION ASSISTANCE FOR REHABILITATION (STAR) PROGRAM.

(a) SENSE OF CONGRESS.—Congress hereby expresses its support for the President's ongoing efforts to diversify and increase effectiveness of United States assistance to populations in areas of Sudan outside of the control of the Government of Sudan, especially the long-term focus shown in the Sudan Transition Assistance for Rehabilitation (STAR) program with its emphasis on promoting future democratic governance, rule of law, building indigenous institutional capacity, promoting and enhancing self-reliance, and actively supporting people-to-people reconciliation efforts.

(b) ALLOCATION OF FUNDS.—Of the amounts made available to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq:, relating to development assistance) for the period beginning on October 1, 2000, and ending on September 30, 2003, $16,000,000 shall be available for development of a viable civil authority, and civil and commercial institutions, in Sudan, including the provision of technical assistance, and for people-to-people reconciliation efforts.

(c) ADDITIONAL AUTHORITIES.—Notwithstanding any other provision of law, the President is granted authority to undertake any appropriate programs using Federal agencies, contractual arrangements, or direct support of indigenous groups, agencies, or organizations in areas outside of control of the Government of Sudan in an effort to provide emergency relief, promote economic self-sufficiency, build civil authority, provide education, enhance rule of law and the development of judicial and legal frameworks, support people-to-people reconciliation efforts, or implementation of any programs in support of any viable peace agreement at the local, regional, or national level.

(d) IMPLEMENTATION.—It is the sense of Congress that the President should immediately and to the fullest extent possible utilize the Office of Transition Initiatives at the Agency for International Development in an effort to pursue the type of programs described in subsection (c).

(e) SENSE OF CONGRESS.—It is the sense of Congress that enhancing and supporting education and the development of rule of law are critical elements in the long-term success of United States efforts to promote a viable economic, political, social, and legal basis for development in Sudan. Congress recognizes that the gap of 13–16 years without secondary educational opportunities in southern Sudan is an especially important problem to address with respect to rebuilding and sustaining leaders and educators for the next generation of Sudanese. Congress recognizes the unusually important role the secondary school in Rumbek has played in producing the current generation of leaders in southern Sudan, and that priority should be given in current and future development or transition programs undertaken by the United States Government to rebuilding and supporting the Rumbek Secondary School.

(f) PROGRAMS IN AREAS OUTSIDE GOVERNMENT CONTROL.—Congress also intends that such programs include cooperation and work with indigenous groups in areas outside of government control in all of Sudan, to include northern, southern, and eastern regions of Sudan.

SEC. 12. ASSESSMENT AND PLANNING FOR NUBA MOUNTAINS AND OTHER AREAS SUBJECT TO BANS ON AIR TRANSPORT RELIEF FLIGHTS.

(a) FINDING.—Congress recognizes that civilians in the Nuba Mountains, Red Sea Hills, and Blue Nile regions of Sudan are not receiving assistance through OLS due to restrictions by the Government of Sudan.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the President should—

(1) conduct comprehensive assessment of the humanitarian needs in the Nuba Mountains, Red Sea Hills, and Blue Nile regions of Sudan;

(2) respond appropriately to those needs based on such assessment; and

(3) report to Congress on an annual basis on efforts made under paragraph (2).

SEC. 13. OPTIONS OR PLANS FOR NONLETHAL ASSISTANCE FOR NATIONAL DEMOCRATIC ALLIANCE PARTICIPANTS.

(a) REPORT.—Not later than 90 days after the date of enactment of this Act, the President shall submit to the appropriate congressional committees a report, in classified form if necessary, detailing possible options or plans of the United States Government for the provision of nonlethal assistance to participants of the National Democratic Alliance.

(b) CONSULTATIONS.—Not later than 30 days after submission of the report required by subsection (a), the President should begin formal consultations with the appropriate congressional committees regarding the findings of the report.

(c) DEFINITION.—In 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.

REAUTHORIZING THE COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT

Ms. COLLINS. Mr. President, I now ask unanimous consent the Senate proceed to the consideration of Calendar No. 328, S. 1119.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1119) to amend the act of August 9, 1950, to continue funding for the Coastal Wetlands Planning, Protection and Restoration Act.

There being no objection, the Senate proceeded to consider the bill.

Ms. COLLINS. I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements related to the bill be printed in the RECORD.

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

The bill (S. 1119) was read the third time and passed, as follows:

S. 1119

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

SECTION 1. FUNDING OF THE COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT.

Section 4(a) of the Act of August 9, 1950 (16 U.S.C. 777c(a)), is amended in the second sentence by striking ''1999'' and inserting ''2009''.

HOLDING OF COURT AT NATCHEZ, MISSISSIPPI, IN THE SAME MANNER AS COURT IS HELD AT VICKSBURG, MISSISSIPPI

Ms. COLLINS. Mr. President, I now ask unanimous consent the Chair lay before the Senate a message from the House to accompany S. 1418.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

Resolved, That the bill from the Senate (S. 1418) entitled ''An Act to provide for the holding of court at Natchez, Mississippi, in the same manner as court is held at Vicksburg, Mississippi, and for other purposes,'' do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. HOLDING OF COURT AT NATCHEZ, MISSISSIPPI.

Section 104(b)(3) of title 28, United States Code, is amended in the second sentence by striking all beginning with the colon through ''United States''.

SEC. 2. HOLDING OF COURT AT WHEATON, ILLINOIS.

Section 93(a)(1) of title 28, United States Code, is amended by adding after Chicago ''and Wheaton''.

Ms. COLLINS. I ask unanimous consent the Senate agree to the amendment of the House.

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

AMENDING THE CONGRESSIONAL BUDGET ACT OF 1974

Ms. COLLINS. Mr. President, I ask unanimous consent the Senate proceed to the consideration of H.R. 3257, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3257) to amendment the Congressional Budget Act of 1974 to assist the Congressional Budget Office with the scoring of State and local mandates.

There being no objection, the Senate proceeded to consider the bill.

Ms. COLLINS. I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements related to the bill be printed in the RECORD.

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

The bill (H.R. 3257) was read the third time and passed.

COMMUNICATIONS SATELLITE COMPETITION AND PRIVATIZATION ACT OF 1999

Ms. COLLINS. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 376) to amend the Communications Satellite Act of 1962 to promote competition and privatization in satellite communications, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 376) entitled ''An Act to amend the Communications Satellite Act of 1962 to promote competition and privatization in satellite communications, and for other purposes'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Communications Satellite Competition and Privatization Act of 1999''.

SEC. 2. PURPOSE.

It is the purpose of this Act to promote a fully competitive global market for satellite communication services for the benefit of consumers and providers of satellite services and equipment by fully privatizing the intergovernmental satellite organizations, INTELSAT and Inmarsat.

SEC. 3. REVISION OF COMMUNICATIONS SATELLITE ACT OF 1962.

The Communications Satellite Act of 1962 (47 U.S.C. 101) is amended by adding at the end the following new title:

"TITLE VI—COMMUNICATIONS COMPETITION AND PRIVATIZATION

"Subtitle A—Actions To Ensure Procompetitive Privatization

"SEC. 601. FEDERAL COMMUNICATIONS COMMISSION LICENSING.

''(a) LICENSING FOR SEPARATED ENTITIES.—

''(1) COMPETITION TEST.—The Commission may not issue a license or construction permit to any separated entity, or renew or permit the assignment or use of any such license or permit, or authorize the use by any entity subject to United States jurisdiction of any space segment owned, leased, or operated by any separated entity, unless the Commission determines that such issuance, renewal, assignment, or use will not harm competition in the telecommunications market of the United States. If the Commission does not make such a determination, it shall deny or revoke authority to use space segment owned, leased, or operated by the separated entity to provide services to, from, or within the United States.

''(2) CRITERIA FOR COMPETITION TEST.—In making the determination required by paragraph (1), the Commission shall use the licensing criteria in sections 621 and 623, and shall not make such a determination unless the Commission determines that the privatization of any separated entity is consistent with such criteria.

''(b) LICENSING FOR INTELSAT, INMARSAT, AND SUCCESSOR ENTITIES.—

''(1) COMPETITION TEST.—The Commission shall substantially limit, deny, or revoke the authority for any entity subject to United States jurisdiction to use space segment owned, leased, or operated by INTELSAT or Inmarsat or any successor entities to provide non-core services to, from, or within the United States, unless the Commission determines—

''(A) after April 1, 2001, in the case of INTELSAT and its successor entities, that INTELSAT and any successor entities have been privatized in a manner that will not harm competition in the telecommunications markets of the United States; or

''(B) after April 1, 2000, in the case of Inmarsat and its successor entities, that Inmarsat and any successor entities have been privatized in a manner that will not harm competition in the telecommunications markets of the United States.

''(2) CRITERIA FOR COMPETITION TEST.—In making the determination required by paragraph (1), the Commission shall use the licensing criteria in sections 621, 622, and 624, and shall not make such a determination unless the Commission determines that such privatization is consistent with such criteria.

''(3) CLARIFICATION: COMPETITIVE SAFEGUARDS.—In making its licensing decisions under this subsection, the Commission shall consider whether users of non-core services provided by INTELSAT or Inmarsat or successor or separated entities are able to obtain non-core services from providers offering services other than through INTELSAT or Inmarsat or successor or separated entities, at competitive rates, terms, or conditions. Such consideration shall also include whether such licensing decisions would require users to replace equipment at substantial costs prior to the termination of its design life. In making its licensing decisions, the Commission shall also consider whether competitive alternatives in individual markets do not exist because they have been foreclosed due to anticompetitive actions undertaken by or resulting from the INTELSAT or Inmarsat systems. Such licensing decisions shall be made in a manner which facilitates achieving the purposes and goals in this title and shall be subject to notice and comment.

''(c) ADDITIONAL CONSIDERATIONS IN DETERMINATIONS.—In making its determinations and licensing decisions under subsections (a) and (b), the Commission shall take into consideration the United States obligations and commitments for satellite services under the Fourth Protocol to the General Agreement on Trade in Services.

''(d) INDEPENDENT FACILITIES COMPETITION.—Nothing in this section shall be construed as precluding COMSAT from investing in or owning satellites or other facilities independent from INTELSAT and Inmarsat, and successor or separated entities, or from providing services through reselling capacity over the facilities of satellite systems independent from INTELSAT and Inmarsat, and successor or separated entities. This subsection shall not be construed as restricting the types of contracts which can be executed or services which may be provided by COMSAT over the independent satellites or facilities described in this subsection.

"SEC. 602. INTELSAT OR INMARSAT ORBITAL LOCATIONS.

''(a) REQUIRED ACTIONS.—Unless, in a proceeding under section 601(b), the Commission determines that INTELSAT or Inmarsat have been privatized in a manner that will not harm competition, then—

''(1) the President shall oppose, and the Commission shall not assist, any registration for new orbital locations for INTELSAT or Inmarsat—

''(A) with respect to INTELSAT, after April 1, 2001; and

''(B) with respect to Inmarsat, after April 1, 2000; and

''(2) the President and Commission shall, consistent with the deadlines in paragraph (1), take all other necessary measures to preclude procurement, registration, development, or use of new satellites which would provide non-core services.

''(b) EXCEPTION.—

''(1) REPLACEMENT AND PREVIOUSLY CONTRACTED SATELLITES.—Subsection (a) shall not apply to—

''(A) orbital locations for replacement satellites (as described in section 622(2)(B)); and

''(B) orbital locations for satellites that are contracted for as of March 25, 1998, if such satellites do not provide additional services.

''(2) LIMITATION ON EXCEPTION.—Paragraph (1) is available only with respect to satellites designed to provide services solely in the C and Ku for INTELSAT, and L for Inmarsat bands.

"SEC. 603. ADDITIONAL SERVICES AUTHORIZED.

''(a) SERVICES AUTHORIZED DURING CONTINUED PROGRESS.—

''(1) CONTINUED AUTHORIZATION.—The Commission may issue an authorization, license, or permit to, or renew the license or permit of, any provider of services using INTELSAT or Inmarsat space segment, or authorize the use of such space segment, for additional services (including additional applications of existing services) or additional areas of business, subject to the requirements of this section.

''(2) ADDITIONAL SERVICES PERMITTED UNDER NEW CONTRACTS UNLESS PROGRESS FAILS.—If the Commission makes a finding under subsection (b) that conditions required by such subsection have not been attained, the Commission may not, pursuant to paragraph (1), permit such additional services to be provided directly or indirectly under new contracts for the use of INTELSAT or Inmarsat space segment, unless and until the Commission subsequently makes a finding under such subsection that such conditions have been attained.

''(3) PREVENTION OF EVASION.—The Commission shall, by rule, prescribe means reasonably designed to prevent evasions of the limitations contained in paragraph (2) by customers who did not use specific additional services as of the date of the Commission's most recent finding under subsection (b) that the conditions of such subsection have not been obtained.

''(b) REQUIREMENTS FOR ANNUAL FINDINGS.—

''(1) GENERAL REQUIREMENTS.—The findings required under this subsection shall be made, after notice and comment, on or before January 1 of 2000, 2001, and 2002. The Commission shall find that the conditions required by this subsection have been attained only if the Commission finds that—

''(A) substantial and material progress has been made during the preceding period at a rate and manner that is probable to result in achieving pro-competitive privatizations in accordance with the requirements of this title; and

''(B) neither INTELSAT nor Inmarsat are hindering competitors' or potential competitors' access to the satellite services marketplace.

''(2) FIRST FINDING.—In making the finding required to be made on or before January 1, 2000, the Commission shall not find that the conditions required by this subsection have been attained unless the Commission finds that—

''(A) COMSAT has submitted to the INTELSAT Board of Governors a resolution calling for the pro-competitive privatization of INTELSAT in accordance with the requirements of this title;

''(B) the United States has submitted such resolution at the first INTELSAT Assembly of Parties meeting that takes place after such date of enactment; and

''(C) the INTELSAT Assembly of Parties has created a working party to consider and make recommendations for the pro-competitive privatization of INTELSAT consistent with such resolution.

''(3) SECOND ANNUAL FINDING.—In making the finding required to be made on or before January 1, 2001, the Commission shall not find that the conditions required by this subsection have been attained unless the INTELSAT Assembly of Parties has approved a recommendation for the pro-competitive privatization of INTELSAT in accordance with the requirements of this title.

''(4) THIRD ANNUAL FINDING.—In making the finding required to be made on or before January 1, 2002, the Commission shall not find that the conditions required by this subsection have been attained unless the pro-competitive privatization of INTELSAT in accordance with the requirements of this title has been achieved by such date.

''(5) CRITERIA FOR EVALUATION OF HINDERING ACCESS.—The Commission shall not make a determination under paragraph (1)(B) unless the Commission determines that INTELSAT and Inmarsat are not in any way impairing, delaying, or denying access to national markets or orbital locations.

''(c) EXCEPTION FOR SERVICES UNDER EXISTING CONTRACTS IF PROGRESS NOT MADE.—This section shall not preclude INTELSAT or Inmarsat or any signatory thereof from continuing to provide additional services under an agreement with any third party entered into prior to any finding under subsection (b) that the conditions of such subsection have not been attained.

"Subtitle B—Federal Communications Commission Licensing Criteria: Privatization Criteria

"SEC. 621. GENERAL CRITERIA TO ENSURE A PRO-COMPETITIVE PRIVATIZATION OF INTELSAT AND INMARSAT.

''The President and the Commission shall secure a pro-competitive privatization of INTELSAT and Inmarsat that meets the criteria set forth in this section and sections 622 through 624. In securing such privatizations, the following criteria shall be applied as licensing criteria for purposes of subtitle A:

''(1) DATES FOR PRIVATIZATION.—Privatization shall be obtained in accordance with the criteria of this title of—

''(A) INTELSAT as soon as practicable, but no later than April 1, 2001; and

''(B) Inmarsat as soon as practicable, but no later than April 1, 2000.

''(2) INDEPENDENCE.—The successor entities and separated entities of INTELSAT and Inmarsat resulting from the privatization obtained pursuant to paragraph (1) shall—

''(A) be entities that are national corporations; and

''(B) have ownership and management that is independent of—

''(i) any signatories or former signatories that control access to national telecommunications markets; and

''(ii) any intergovernmental organization remaining after the privatization.

''(3) TERMINATION OF PRIVILEGES AND IMMUNITIES.—The preferential treatment of INTELSAT and Inmarsat shall not be extended to any successor entity or separated entity of INTELSAT or Inmarsat. Such preferential treatment includes—

''(A) privileged or immune treatment by national governments;

''(B) privileges or immunities or other competitive advantages of the type accorded INTELSAT and Inmarsat and their signatories through the terms and operation of the INTELSAT Agreement and the associated Headquarters Agreement and the Inmarsat Convention; and

''(C) preferential access to orbital locations, including any access to orbital locations that is not subject to the legal or regulatory processes of a national government that applies due diligence requirements intended to prevent the warehousing of orbital locations.

''(4) PREVENTION OF EXPANSION DURING TRANSITION.—During the transition period prior to full privatization, INTELSAT and Inmarsat shall be precluded from expanding into additional services (including additional applications of existing services) or additional areas of business.

''(5) CONVERSION TO STOCK CORPORATIONS.—Any successor entity or separated entity created out of INTELSAT or Inmarsat shall be a national corporation established through the execution of an initial public offering as follows:

''(A) Any successor entities and separated entities shall be incorporated as private corporations subject to the laws of the nation in which incorporated.

''(B) An initial public offering of securities of any successor entity or separated entity shall be conducted no later than—

''(i) April 1, 2001, for the successor entities of INTELSAT; and

''(ii) April 1, 2000, for the successor entities of Inmarsat.

''(C) The shares of any successor entities and separated entities shall be listed for trading on one or more major stock exchanges with transparent and effective securities regulation.

''(D) A majority of the board of directors of any successor entity or separated entity shall not be subject to selection or appointment by, or otherwise serve as representatives of—

''(i) any signatory or former signatory that controls access to national telecommunications markets; or

''(ii) any intergovernmental organization remaining after the privatization.

''(E) Any transactions or other relationships between or among any successor entity, separated entity, INTELSAT, or Inmarsat shall be conducted on an arm's length basis.

''(6) REGULATORY TREATMENT.—Any successor entity or separated entity shall apply through the appropriate national licensing authorities for international frequency assignments and associated orbital registrations for all satellites.

''(7) COMPETITION POLICIES IN DOMICILIARY COUNTRY.—Any successor entity or separated entity shall be incorporated and headquartered in a nation or nations that—

''(A) have effective laws and regulations that secure competition in telecommunications services;

''(B) are signatories of the World Trade Organization Basic Telecommunications Services Agreement; and

''(C) have a schedule of commitments in such Agreement that includes non-discriminatory market access to their satellite markets.

''(8) RETURN OF UNUSED ORBITAL LOCATIONS.—INTELSAT, Inmarsat, and any successor entities and separated entities shall not be permitted to warehouse any orbital location that—

''(A) as of March 25, 1998, did not contain a satellite that was providing commercial services, or, subsequent to such date, ceased to contain a satellite providing commercial services; or

''(B) as of March 25, 1998, was not designated in INTELSAT or Inmarsat operational plans for satellites for which construction contracts had been executed.

Any such orbital location of INTELSAT or Inmarsat and of any successor entities and separated entities shall be returned to the International Telecommunication Union for reallocation.

''(9) APPRAISAL OF ASSETS.—Before any transfer of assets by INTELSAT or Inmarsat to any successor entity or separated entity, such assets shall be independently audited for purposes of appraisal, at both book and fair market value.

''(10) LIMITATION ON INVESTMENT.—Notwithstanding the provisions of this title, COMSAT shall not be authorized by the Commission to invest in a satellite known as K–TV, unless Congress authorizes such investment.

''SEC. 622. SPECIFIC CRITERIA FOR INTELSAT.

''In securing the privatizations required by section 621, the following additional criteria with respect to INTELSAT privatization shall be applied as licensing criteria for purposes of subtitle A:

''(1) NUMBER OF COMPETITORS.—The number of competitors in the markets served by INTELSAT, including the number of competitors created out of INTELSAT, shall be sufficient to create a fully competitive market.

''(2) PREVENTION OF EXPANSION DURING TRANSITION.—

''(A) IN GENERAL.—Pending privatization in accordance with the criteria in this title, INTELSAT shall not expand by receiving additional orbital locations, placing new satellites in existing locations, or procuring new or additional satellites except as permitted by subparagraph (B), and the United States shall oppose such expansion—

''(i) in INTELSAT, including at the Assembly of Parties;

''(ii) in the International Telecommunication Union;

''(iii) through United States instructions to COMSAT;

''(iv) in the Commission, through declining to facilitate the registration of additional orbital locations or the provision of additional services (including additional applications of existing services) or additional areas of business; and

''(v) in other appropriate fora.

''(B) EXCEPTION FOR CERTAIN REPLACEMENT SATELLITES.—The limitations in subparagraph (A) shall not apply to any replacement satellites if—

''(i) such replacement satellite is used solely to provide public-switched network voice telephony or occasional-use television services, or both;

''(ii) such replacement satellite is procured pursuant to a construction contract that was executed on or before March 25, 1998; and

''(iii) construction of such replacement satellite commences on or before the final date for INTELSAT privatization set forth in section 621(1)(A).

''(3) TECHNICAL COORDINATION AMONG SIGNATORIES.—Technical coordination shall not be used to impair competition or competitors, and coordination under Article XIV(d) of the INTELSAT Agreement shall be eliminated.

''SEC. 623. SPECIFIC CRITERIA FOR INTELSAT SEPARATED ENTITIES.

''In securing the privatizations required by section 621, the following additional criteria with respect to any INTELSAT separated entity shall be applied as licensing criteria for purposes of subtitle A:

''(1) DATE FOR PUBLIC OFFERING.—Within one year after any decision to create any separated entity, a public offering of the securities of such entity shall be conducted.

''(2) PRIVILEGES AND IMMUNITIES.—The privileges and immunities of INTELSAT and its signatories shall be waived with respect to any transactions with any separated entity, and any limitations on private causes of action that would otherwise generally be permitted against any separated entity shall be eliminated.

''(3) INTERLOCKING DIRECTORATES OR EMPLOYEES.—None of the officers, directors, or employees of any separated entity shall be individuals who are officers, directors, or employees of INTELSAT.

''(4) SPECTRUM ASSIGNMENTS.—After the initial transfer which may accompany the creation of a separated entity, the portions of the electromagnetic spectrum assigned as of the date of the enactment of this title to INTELSAT shall not be transferred between INTELSAT and any separated entity.

''(5) REAFFILIATION PROHIBITED.—Any merger or ownership or management ties or exclusive arrangements between a privatized INTELSAT or any successor entity and any separated entity shall be prohibited until 15 years after the completion of INTELSAT privatization under this title.

''SEC. 624. SPECIFIC CRITERIA FOR INMARSAT.

''In securing the privatizations required by section 621, the following additional criteria with respect to Inmarsat privatization shall be applied as licensing criteria for purposes of subtitle A:

''(1) MULTIPLE SIGNATORIES AND DIRECT ACCESS.—Multiple signatories and direct access to Inmarsat shall be permitted.

''(2) PREVENTION OF EXPANSION DURING TRANSITION.—Pending privatization in accordance with the criteria in this title, Inmarsat should not expand by receiving additional orbital locations, placing new satellites in existing locations, or procuring new or additional satellites, except for specified replacement satellites for which construction contracts have been executed as of March 25, 1998, and the United States shall oppose such expansion—

''(A) in Inmarsat, including at the Council and Assembly of Parties;

''(B) in the International Telecommunication Union;

''(C) through United States instructions to COMSAT;

''(D) in the Commission, through declining to facilitate the registration of additional orbital locations or the provision of additional services (including additional applications of existing services) or additional areas of business; and

''(E) in other appropriate fora.

This paragraph shall not be construed as limiting the maintenance, assistance or improvement of the GMDSS.

''(3) NUMBER OF COMPETITORS.—The number of competitors in the markets served by Inmarsat, including the number of competitors created out of Inmarsat, shall be sufficient to create a fully competitive market.

''(4) REAFFILIATION PROHIBITED.—Any merger or ownership or management ties or exclusive arrangements between Inmarsat or any successor entity or separated entity and ICO shall be prohibited until 15 years after the completion of Inmarsat privatization under this title.

''(5) INTERLOCKING DIRECTORATES OR EMPLOYEES.—None of the officers, directors, or employees of Inmarsat or any successor entity or separated entity shall be individuals who are officers, directors, or employees of ICO.

''(6) SPECTRUM ASSIGNMENTS.—The portions of the electromagnetic spectrum assigned as of the date of the enactment of this title to Inmarsat—

''(A) shall, after January 1, 2006, or the date on which the life of the current generation of Inmarsat satellites ends, whichever is later, be made available for assignment to all systems (including the privatized Inmarsat) on a non-discriminatory basis and in a manner in which continued availability of the GMDSS is provided; and

''(B) shall not be transferred between Inmarsat and ICO.

''(7) PRESERVATION OF THE GMDSS.—The United States shall seek to preserve space segment capacity of the GMDSS.

"SEC. 625. ENCOURAGING MARKET ACCESS AND PRIVATIZATION.

''(a) NTIA DETERMINATION.—

''(1) DETERMINATION REQUIRED.—Within 180 days after the date of the enactment of this section, the Secretary of Commerce shall, through the Assistant Secretary for Communications and Information, transmit to the Commission—

''(A) a list of Member countries of INTELSAT and Inmarsat that are not Members of the World Trade Organization and that impose barriers to market access for private satellite systems; and

''(B) a list of Member countries of INTELSAT and Inmarsat that are not Members of the World Trade Organization and that are not supporting pro-competitive privatization of INTELSAT and Inmarsat.

''(2) CONSULTATION.—The Secretary's determinations under paragraph (1) shall be made in consultation with the Federal Communications Commission, the Secretary of State, and the United States Trade Representative, and shall take into account the totality of a country's actions in all relevant fora, including the Assemblies of Parties of INTELSAT and Inmarsat.

''(b) IMPOSITION OF COST-BASED SETTLEMENT RATE.—Notwithstanding—

''(1) any higher settlement rate that an overseas carrier charges any United States carrier to originate or terminate international message telephone services; and

''(2) any transition period that would otherwise apply,

the Commission may by rule prohibit United States carriers from paying an amount in excess of a cost-based settlement rate to overseas carriers in countries listed by the Commission pursuant to subsection (a).

''(c) SETTLEMENTS POLICY.—The Commission shall, in exercising its authority to establish settlements rates for United States international common carriers, seek to advance United States policy in favor of cost-based settlements in all relevant fora on international telecommunications policy, including in meetings with parties and signatories of INTELSAT and Inmarsat.

"Subtitle C—Deregulation and Other Statutory Changes

"SEC. 641. ACCESS TO INTELSAT.

''(a) ACCESS PERMITTED.—Beginning on the date of the enactment of this title, users or providers of telecommunications services shall be permitted to obtain direct access to INTELSAT telecommunications services and space segment capacity through purchases of such capacity or services from, or through investment in, INTELSAT.

''(b) RULEMAKING.—Within 180 days after the date of the enactment of this title, the Commission shall complete a rulemaking, with notice and opportunity for submission of comment by interested persons, to determine if users or providers of telecommunications services have sufficient opportunity to access INTELSAT space segment capacity directly from INTELSAT to meet their service or capacity requirements. If the Commission determines that such opportunity to access does not exist, the Commission shall take appropriate action to facilitate such direct access pursuant to its authority under this Act and the Communications Act of 1934. The Commission shall take such steps as may be necessary to prevent the circumvention of the intent of this section.

''(c) CONTRACT PRESERVATION.—Nothing in this section shall be construed to permit the abrogation or modification of any contract.

"SEC. 642. SIGNATORY ROLE.

''(a) LIMITATIONS ON SIGNATORIES.—

''(1) NATIONAL SECURITY LIMITATIONS.—The Federal Communications Commission, after a public interest determination, in consultation with the executive branch, may restrict foreign ownership of a United States signatory if the Commission determines that not to do so would constitute a threat to national security.

''(2) NO SIGNATORIES REQUIRED.—The United States Government shall not require signatories to represent the United States in INTELSAT or Inmarsat or in any successor entities after a pro-competitive privatization is achieved consistent with sections 621, 622, and 624.

''(b) CLARIFICATION OF PRIVILEGES AND IMMUNITIES OF COMSAT.—

''(1) GENERALLY NOT IMMUNIZED.—Notwithstanding any other law or executive agreement, COMSAT shall not be entitled to any privileges or immunities under the laws of the United States or any State on the basis of its status as a signatory of INTELSAT or Inmarsat.

''(2) LIMITED IMMUNITY.—COMSAT and any other company functioning as United States signatory to INTELSAT or Inmarsat shall not be liable for action taken by it in carrying out the specific, written instruction of the United States issued in connection with its relationships and activities with foreign governments, international entities, and the intergovernmental satellite organizations.

''(3) PROVISIONS PROSPECTIVE.—Paragraph (1) shall not apply with respect to liability for any action taken by COMSAT before the date of the enactment of the Communications Satellite Competition and Privatization Act of 1999.

''(c) PARITY OF TREATMENT.—Notwithstanding any other law or executive agreement, the Commission shall have the authority to impose similar regulatory fees on the United States signatory which it imposes on other entities providing similar services.

"SEC. 643. ELIMINATION OF PROCUREMENT PREFERENCES.

''Nothing in this title or the Communications Act of 1934 shall be construed to authorize or require any preference, in Federal Government procurement of telecommunications services, for the satellite space segment provided by INTELSAT, Inmarsat, or any successor entity or separated entity.

"SEC. 644. USE OF ITU TECHNICAL COORDINATION.

''The Commission and United States satellite companies shall utilize the International Telecommunication Union procedures for technical coordination with INTELSAT and its successor entities and separated entities, rather than INTELSAT procedures.

"SEC. 645. TERMINATION OF COMMUNICATIONS SATELLITE ACT OF 1962 PROVISIONS.

''Effective on the dates specified, the following provisions of this Act shall cease to be effective:

''(1) Date of the enactment of this title: Sections 101 and 102; paragraphs (1), (5) and (6) of section 201(a); section 301; section 303; section 502; and paragraphs (2) and (4) of section 504(a).

''(2) On the effective date of the Commission's order that establishes direct access to INTELSAT space segment: Paragraphs (1), (3) through (5), and (8) through (10) of section 201(c); and section 304.

''(3) On the effective date of the Commission's order that establishes direct access to Inmarsat space segment: Subsections (a) through (d) of section 503.

''(4) On the effective date of a Commission order determining under section 601(b)(2) that Inmarsat privatization is consistent with criteria in sections 621 and 624: Section 504(b).

''(5) On the effective date of a Commission order determining under section 601(b)(2) that INTELSAT privatization is consistent with criteria in sections 621 and 622: Paragraphs (2) and (4) of section 201(a); section 201(c)(2); subsection (a) of section 403; and section 404.

"SEC. 646. REPORTS TO CONGRESS.

''(a) ANNUAL REPORTS.—The President and the Commission shall report to the Committees on Commerce and International Relations of the House of Representatives and the Committees on Commerce, Science, and Transportation and Foreign Relations of the Senate within 90 calendar days of the enactment of this title, and not less than annually thereafter, on the progress made to achieve the objectives and carry out the purposes and provisions of this title. Such reports shall be made available immediately to the public.

''(b) CONTENTS OF REPORTS.—The reports submitted pursuant to subsection (a) shall include the following:

''(1) Progress with respect to each objective since the most recent preceding report.

''(2) Views of the Parties with respect to privatization.

''(3) Views of industry and consumers on privatization.

''(4) Impact privatization has had on United States industry, United States jobs, and United States industry's access to the global marketplace.

"SEC. 647. CONSULTATION WITH CONGRESS.

''The President's designees and the Commission shall consult with the Committees on Commerce and International Relations of the House of Representatives and the Committees on Commerce, Science, and Transportation and Foreign Relations of the Senate prior to each meeting of the INTELSAT or Inmarsat Assembly of Parties, the INTELSAT Board of Governors, the Inmarsat Council, or appropriate working group meetings.

"SEC. 648. SATELLITE AUCTIONS.

''Notwithstanding any other provision of law, the Commission shall not have the authority to assign by competitive bidding orbital locations or spectrum used for the provision of international or global satellite communications services. The President shall oppose in the International Telecommunication Union and in other bilateral and multilateral fora any assignment by competitive bidding of orbital locations or spectrum used for the provision of such services.

"SEC. 649. EXCLUSIVITY ARRANGEMENTS.

''(a) IN GENERAL.—No satellite operator shall acquire or enjoy the exclusive right of handling telecommunications to or from the United States, its territories or possessions, and any other country or territory by reason of any concession, contract, understanding, or working arrangement to which the satellite operator or any persons or companies controlling or controlled by the operator are parties.

''(b) EXCEPTION.—In enforcing the provisions of this section, the Commission—

''(1) shall not require the termination of existing satellite telecommunications services under contract with, or tariff commitment to, such satellite operator; but

''(2) may require the termination of new services only to the country that has provided the exclusive right to handle telecommunications, if the Commission determines the public interest, convenience, and necessity so requires.

"Subtitle D—Negotiations To Pursue Privatization

"SEC. 661. METHODS TO PURSUE PRIVATIZATION.

''The President shall secure the pro-competitive privatizations required by this title in a manner that meets the criteria in subtitle B.

"Subtitle E—Definitions

"SEC. 681. DEFINITIONS.

''(a) IN GENERAL.—As used in this title:

''(1) INTELSAT.—The term 'INTELSAT' means the International Telecommunications Satellite Organization established pursuant to the Agreement Relating to the International Telecommunications Satellite Organization (INTELSAT).

''(2) INMARSAT.—The term 'Inmarsat' means the International Mobile Satellite Organization

established pursuant to the Convention on the International Maritime Organization.

''(3) SIGNATORIES.—The term 'signatories'—

''(A) in the case of INTELSAT, or INTELSAT successors or separated entities, means a Party, or the telecommunications entity designated by a Party, that has signed the Operating Agreement and for which such Agreement has entered into force or to which such Agreement has been provisionally applied; and

''(B) in the case of Inmarsat, or Inmarsat successors or separated entities, means either a Party to, or an entity that has been designated by a Party to sign, the Operating Agreement.

''(4) PARTY.—The term 'Party'—

''(A) in the case of INTELSAT, means a nation for which the INTELSAT agreement has entered into force or been provisionally applied; and

''(B) in the case of Inmarsat, means a nation for which the Inmarsat convention has entered into force.

''(5) COMMISSION.—The term 'Commission' means the Federal Communications Commission.

''(6) INTERNATIONAL TELECOMMUNICATION UNION.—The term 'International Telecommunication Union' means the intergovernmental organization that is a specialized agency of the United Nations in which member countries cooperate for the development of telecommunications, including adoption of international regulations governing terrestrial and space uses of the frequency spectrum as well as use of the geostationary satellite orbit.

''(7) SUCCESSOR ENTITY.—The term 'successor entity'—

''(A) means any privatized entity created from the privatization of INTELSAT or Inmarsat or from the assets of INTELSAT or Inmarsat; but

''(B) does not include any entity that is a separated entity.

''(8) SEPARATED ENTITY.—The term 'separated entity' means a privatized entity to whom a portion of the assets owned by INTELSAT or Inmarsat are transferred prior to full privatization of INTELSAT or Inmarsat, including in particular the entity whose structure was under discussion by INTELSAT as of March 25, 1998, but excluding ICO.

''(9) ORBITAL LOCATION.—The term 'orbital location' means the location for placement of a satellite on the geostationary orbital arc as defined in the International Telecommunication Union Radio Regulations.

''(10) SPACE SEGMENT.—The term 'space segment' means the satellites, and the tracking, telemetry, command, control, monitoring and related facilities and equipment used to support the operation of satellites owned or leased by INTELSAT, Inmarsat, or a separated entity or successor entity.

''(11) NON-CORE SERVICES.—The term 'non-core services' means, with respect to INTELSAT provision, services other than public-switched network voice telephony and occasional-use television, and with respect to Inmarsat provision, services other than global maritime distress and safety services or other existing maritime or aeronautical services for which there are not alternative providers.

''(12) ADDITIONAL SERVICES.—The term 'additional services' means Internet services, high-speed data, interactive services, non-maritime or non-aeronautical mobile services, Direct to Home (DTH) or Direct Broadcast Satellite (DBS) video services, or Ka-band services.

''(13) INTELSAT AGREEMENT.—The term 'INTELSAT Agreement' means the Agreement Relating to the International Telecommunications Satellite Organization ('INTELSAT'), including all its annexes (TIAS 7532, 23 UST 3813).

''(14) HEADQUARTERS AGREEMENT.—The term 'Headquarters Agreement' means the International Telecommunication Satellite Organization Headquarters Agreement (November 24, 1976) (TIAS 8542, 28 UST 2248).

''(15) OPERATING AGREEMENT.—The term 'Operating Agreement' means—

''(A) in the case of INTELSAT, the agreement, including its annex but excluding all titles of articles, opened for signature at Washington on August 20, 1971, by Governments or telecommunications entities designated by Governments in accordance with the provisions of the Agreement; and

''(B) in the case of Inmarsat, the Operating Agreement on the International Maritime Satellite Organization, including its annexes.

''(16) INMARSAT CONVENTION.—The term 'Inmarsat Convention' means the Convention on the International Maritime Satellite Organization (Inmarsat) (TIAS 9605, 31 UST 1).

''(17) NATIONAL CORPORATION.—The term 'national corporation' means a corporation the ownership of which is held through publicly traded securities, and that is incorporated under, and subject to, the laws of a national, state, or territorial government.

''(18) COMSAT.—The term 'COMSAT' means the corporation established pursuant to title III of the Communications Satellite Act of 1962 (47 U.S.C. 731 et seq.)

''(19) ICO.—The term 'ICO' means the company known, as of the date of the enactment of this title, as ICO Global Communications, Inc.

''(20) REPLACEMENT SATELLITE.—The term 'replacement satellite' means a satellite that replaces a satellite that fails prior to the end of the duration of contracts for services provided over such satellite and that takes the place of a satellite designated for the provision of public-switched network and occasional-use television services under contracts executed prior to March 25, 1998 (but not including K–TV or similar satellites). A satellite is only considered a replacement satellite to the extent such contracts are equal to or less than the design life of the satellite.

''(21) GLOBAL MARITIME DISTRESS AND SAFETY SERVICES OR GMDSS.—The term 'global maritime distress and safety services' or 'GMDSS' means the automated ship-to-shore distress alerting system which uses satellite and advanced terrestrial systems for international distress communications and promoting maritime safety in general. The GMDSS permits the worldwide alerting of vessels, coordinated search and rescue operations, and dissemination of maritime safety information.

''(b) COMMON TERMINOLOGY.—Except as otherwise provided in subsection (a), terms used in this title that are defined in section 3 of the Communications Act of 1934 have the meanings provided in such section.''.

Mr. SCHUMER. Mr. President, I rise today to speak about the Satellite Home Viewer Act, which is part of the Intellectual Property and Communications Omnibus Reform Act of 1999. There are approximately half a million direct broadcast satellite households in New York State that have been disadvantaged by the restrictions currently facing satellite service providers. There are countless others who would like the privilege of having satellite service as a multi-channel video program provider.

Earlier this year, direct broadcast satellite customers in many areas of New York State had their local network service shut-off as a result of a court order. This meant that satellite service customers were unable to receive their local news, weather, and major broadcast stations from their local broadcast companies. We now have a bill that will allow direct broadcast satellite companies the ability to provide their local customers with local programming. For small, rural communities, it is imperative that residents be allowed to receive notice of local events, like school closings, weather reports, cultural happenings, and local business developments. In addition, New York is one of the two states that will benefit from retroactive local programming via satellites.

For residents of New York rural counties like Allegheny, Chenango, Clinton, Niagara, Ulster, and many others, that rely on distant broadcast network programming because they are typically unable to receive over-the-air broadcast signals, this bill allows them to continue to receive far-away television networks.

While I am pleased that we were able to pass the Satellite Home Viewer Act before it expired on December 31, 1999, I hope we will continue to further its progress. The federal loan provision that was included during conference, and regrettably taken out of the Senate conference report, must be revisited. It is my understanding that the Senate Banking committee plans on holding hearings next year to ensure that multi-channel service providers are encouraged to extend satellite service to rural and underserved communities. I look forward to working with my colleagues on that committee to make sure my constituents in Western and Northern New York have the same viewing options as those in downstate New York.

Ms. COLLINS. Mr. President, I ask unanimous consent the Senate disagree to the amendment of the House, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate.

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

There being no objection, the Presiding Officer appointed Mr. MCCAIN, Mr. STEVENS, Mr. BURNS, Mr. HOLLINGS, and Mr.INOUYE conferees on the part of the Senate.

RADIATION EXPOSURE COMPENSATION ACT AMENDMENTS OF 1999

Ms. COLLINS. Mr. President, I now ask unanimous consent the Senate proceed to the consideration of Calendar No. 370, S. 1515.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1515) to amend the Radiation Exposure Compensation Act, 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. 1515

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 ''Radiation Exposure Compensation Act Amendments of 1999''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) recognized the responsibility of the Federal Government to compensate individuals who were harmed by the mining of radioactive materials or fallout from nuclear arms testing;

(2) a congressional oversight hearing conducted by the Committee on Labor and Human Resources of the Senate demonstrated that since enactment of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note), regulatory burdens have made it too difficult for some deserving individuals to be fairly and efficiently compensated;

(3) reports of the Atomic Energy Commission and the National Institute for Occupational Safety and Health testify to the need to extend eligibility to States in which the Federal Government sponsored uranium mining and milling from 1941 through 1971;

(4) scientific data resulting from the enactment of the Radiation Exposed Veterans Compensation Act of 1988 (38 U.S.C. 101 note), and obtained from the Committee on the Biological Effects of Ionizing Radiations, and the President's Advisory Committee on Human Radiation Experiments provide medical validation for the extension of compensable radiogenic pathologies;

(5) above-ground uranium miners, millers and individuals who transported ore should be fairly compensated, in a manner similar to that provided for underground uranium miners, in cases in which those individuals suffered disease or resultant death, associated with radiation exposure, due to the failure of the Federal Government to warn and otherwise help protect citizens from the health hazards addressed by the Radiation Exposure Compensation Act of 1990 (42 U.S.C. 2210 note); and

(6) it should be the responsibility of the Federal Government in partnership with State and local governments and appropriate healthcare organizations, to initiate and support programs designed for the early detection, prevention and education on radiogenic diseases in approved States to aid the thousands of individuals adversely affected by the mining of uranium and the testing of nuclear weapons for the Nation's weapons arsenal.

SEC. 3. AMENDMENTS TO THE RADIATION EXPOSURE COMPENSATION ACT.

(a) CLAIMS RELATING TO ATMOSPHERIC NUCLEAR TESTING.—Section 4(a)(1) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended to read as follows:

''(1) CLAIMS RELATING TO LEUKEMIA.—

''(A) IN GENERAL.—An individual described in this subparagraph shall receive an amount specified in subparagraph (B) if the conditions described in subparagraph (C) are met. An individual referred to in the preceding sentence is an individual who—

''(i)(I) was physically present in an affected area for a period of at least 1 year during the period beginning on January 21, 1951, and ending on October 31, 1958;

''(II) was physically present in the affected area for the period beginning on June 30, 1962, and ending on July 31, 1962; or

''(III) participated onsite in a test involving the atmospheric detonation of a nuclear device; and

''(ii) submits written documentation that such individual developed leukemia—

''(I) after the applicable period of physical presence described in subclause (I) or (II) of clause (i) or onsite participation described in clause (i)(III) (as the case may be); and

''(II) more that 2 years after first exposure to fallout.

''(B) AMOUNTS.—If the conditions described in subparagraph (C) are met, an individual—

''(i) who is described in subclause (I) or (II) of subparagraph (A)(i) shall receive $50,000; or

''(ii) who is described in subclause (III) of subparagraph (A)(i) shall receive $75,000.

''(C) CONDITIONS.—The conditions described in this subparagraph are as follows:

''(i) Initial exposure occurred prior to age 21.

''(ii) The claim for a payment under subparagraph (B) is filed with the Attorney General by or on behalf of the individual.

''(iii) The Attorney General determines, in accordance with section 6, that the claim meets the requirements of this Act.''.

(b) DEFINITIONS.—Section 4(b) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A) by inserting ''Wayne, San Juan,'' after ''Millard,''; and

(B) by amending subparagraph (C) to read as follows:

''(C) in the State of Arizona, the counties of Coconino, Yavapai, Navajo, Apache, and Gila; and''; and

(2) in paragraph (2)—

(A) by striking ''the onset of the disease was between 2 and 30 years of first exposure,'' and inserting ''the onset of the disease was at least 2 years after first exposure, lung cancer (other than in situ lung cancer that is discovered during or after a post-mortem exam),'';

(B) by striking ''(provided initial exposure occurred by the age of 20)'' after ''thyroid'';

(C) by inserting ''male or'' before ''female breast'';

(D) by striking ''(provided initial exposure occurred prior to age 40)'' after ''female breast'';

(E) by striking ''(provided low alcohol consumption and not a heavy smoker)'' after ''esophagus'';

(F) by striking ''(provided initial exposure occurred before age 30)'' after ''stomach'';

(G) by striking ''(provided not a heavy smoker)'' after ''pharynx'';

(H) by striking ''(provided not a heavy smoker and low coffee consumption)'' after ''pancreas''; and

(I) by inserting ''salivary gland, urinary bladder, brain, colon, ovary,'' after ''gall bladder,''.

(c) CLAIMS RELATING TO URANIUM MINING.—

(1) IN GENERAL.—Section 5(a) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended to read as follows:

''(a) ELIGIBILITY OF INDIVIDUALS.—

''(1) IN GENERAL.—An individual shall receive $100,000 for a claim made under this Act if—

''(A) that individual—

''(i) was employed in a uranium mine or uranium mill (including any individual who was employed in the transport of uranium ore or vanadium-uranium ore from such mine or mill) located in Colorado, New Mexico, Arizona, Wyoming, South Dakota, Washington, Utah, Idaho, North Dakota, Oregon, and Texas at any time during the period beginning on January 1, 1942, and ending on December 31, 1971; and

''(ii)(I) was a miner exposed to 40 or more working level months of radiation and submits written medical documentation that the individual, after that exposure, developed lung cancer or a nonmalignant respiratory disease; or

''(II) was a miller or ore transporter who worked for at least 1 year during the period described under clause (i) and submits written medical documentation that the individual, after that exposure, developed lung cancer or a nonmalignant respiratory disease *or renal cancers and other chronic renal disease including nephritis and kidney tubal tissue injury*;

''(B) the claim for that payment is filed with the Attorney General by or on behalf of that individual; and

''(C) the Attorney General determines, in accordance with section 6, that the claim meets the requirements of this Act.

''(2) INCLUSION OF ADDITIONAL STATES.—Paragraph (1)(A)(i) shall apply to a State, in addition to the States named under such clause, if—

''(A) an Atomic Energy Commission uranium mine was operated in such State at any time during the period beginning on January 1, 1942, and ending on December 31, 1971;

''(B) the State submits an application to the Department of Justice to include such State; and

''(C) the Attorney General makes a determination to include such State.

''(3) PAYMENT REQUIREMENT.—Each payment under this section may be made only in accordance with section 6.''.

(2) DEFINITIONS.—Section 5(b) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended—

(A) in paragraph (3)—

(i) by striking ''and'' before ''corpulmonale'';

(ii) by striking ''; and if the claimant,'' and all that follows through the end of the paragraph and inserting '', silicosis, and pneumoconiosis''; and

(iii) by striking ''and'' at the end of the paragraph;

(B) by striking the period at the end of paragraph (4) and inserting a semicolon; and

(C) by adding at the end the following:

''(5) the term 'written medical documentation' for purposes of proving a nonmalignant respiratory disease or lung cancer means, in any case in which the claimant is living—

''(A)(i) an arterial blood gas study; or

''(ii) a written diagnosis by a physician meeting the requirements of subsection (c)(1); and

''(B)(i) a chest x-ray administered in accordance with standard techniques and the interpretive reports of a maximum of 2 National Institute of Occupational Health and Safety certified 'B' readers classifying the existence of the nonmalignant respiratory disease of category 1/0 or higher according to a 1989 report of the International Labor Office (known as the 'ILO'), or subsequent revisions;

''(ii) high resolution computed tomography scans (commonly known as 'HRCT scans') (including computer assisted tomography scans (commonly known as 'CAT scans'), magnetic resonance imaging scans (commonly known as 'MRI scans'), and positron emission tomography scans (commonly known as 'PET scans')) and interpretive reports of such scans;

''(iii) pathology reports of tissue biopsies; or

''(iv) pulmonary function tests indicating restrictive lung function, as defined by the American Thoracic Society;

''(6) the term 'lung cancer'—

''(A) means any physiological condition of the lung, trachea, or bronchus that is recognized as lung cancer by the National Cancer Institute; and

''(B) includes in situ lung cancers;

''(7) the term 'uranium mine' means any underground excavation, including 'dog holes', as well as open pit, strip, rim, surface, or other aboveground mines, where uranium ore or vanadium-uranium ore was mined or otherwise extracted; and

''(8) the term 'uranium mill' includes milling operations involving the processing of uranium ore or vanadium-uranium ore, including both carbonate and acid leach plants.''.

(3) WRITTEN DOCUMENTATION.—Section 5 of the Radiation Exposure Compensation Act

(42 U.S.C. 2210 note) is amended by adding at the end the following:

''(c) WRITTEN DOCUMENTATION.—

''(1) DIAGNOSIS ALTERNATIVE TO ARTERIAL BLOOD GAS STUDY.—

''(A) IN GENERAL.—For purposes of this Act, the written diagnosis and the accompanying interpretive reports described in subsection (b)(5)(A) shall—

''(i) be considered to be conclusive; and

''(ii) be subject to a fair and random audit procedure established by the Attorney General.

''(B) CERTAIN WRITTEN DIAGNOSES.—

''(i) IN GENERAL.—For purposes of this Act, a written diagnosis made by a physician described under clause (ii) of a nonmalignant pulmonary disease or lung cancer of a claimant that is accompanied by written documentation shall be considered to be conclusive evidence of that disease.

''(ii) DESCRIPTION OF PHYSICIANS.—A physician referred to under clause (i) is a physician who—

''(I) is employed by the Indian Health Service or the Department of Veterans Affairs; or

''(II) is a board certified physician; and

''(III) has a documented ongoing physician patient relationship with the claimant.

''(2) CHEST X-RAYS.—

''(A) IN GENERAL.—For purposes of this Act, a chest x-ray and the accompanying interpretive reports described in subsection (b)(5)(B) shall—

''(i) be considered to be conclusive; and

''(ii) be subject to a fair and random audit procedure established by the Attorney General.

''(B) CERTAIN WRITTEN DIAGNOSES.—

''(i) IN GENERAL.—For purposes of this Act, a written diagnosis made by a physician described in clause (ii) of a nonmalignant pulmonary disease or lung cancer of a claimant that is accompanied by written documentation that meets the definition of that term under subsection (b)(5) shall be considered to be conclusive evidence of that disease.

''(ii) DESCRIPTION OF PHYSICIANS.—A physician referred to under clause (i) is a physician who—

''(I) is employed by—

''(aa) the Indian Health Service; or

''(bb) the Department of Veterans Affairs; and

''(II) has a documented ongoing physician patient relationship with the claimant.''.

(d) DETERMINATION AND PAYMENT OF CLAIMS.—

(1) FILING PROCEDURES.—Section 6(a) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended by adding at the end the following: ''In establishing procedures under this subsection, the Attorney General shall take into account and make allowances for the law, tradition, and customs of Indian tribes (as that term is defined in section 5(b)) and members of Indian tribes, to the maximum extent practicable.''.

(2) DETERMINATION AND PAYMENT OF CLAIMS, GENERALLY.—Section 6(b)(1) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended by adding at the end the following: ''All reasonable doubt with regard to whether a claim meets the requirements of this Act shall be resolved in favor of the claimant.''.

(3) OFFSET FOR CERTAIN PAYMENTS.—Section 6(c)(2)(B) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended—

(A) in clause (i), by inserting ''(other than a claim for workers' compensation)'' after ''claim''; and

(B) in clause (ii), by striking ''Federal Government'' and inserting ''Department of Veterans Affairs''.

(4) APPLICATION OF NATIVE AMERICAN LAW TO CLAIMS.—Section 6(c)(4) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended by adding at the end the following:

''(D) APPLICATION OF NATIVE AMERICAN LAW.—In determining those individuals eligible to receive compensation by virtue of marriage, relationship, or survivorship, such determination shall take into consideration and give effect to established law, tradition, and custom of the particular affected Indian tribe.''.

(5) ACTION ON CLAIMS.—Section 6(d) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended—

(A) by inserting ''(1) IN GENERAL.—'' before ''The Attorney General'';

(B) by inserting at the end the following: ''For purposes of determining when the 12-month period ends, a claim under this Act shall be deemed filed as of the date of its receipt by the Attorney General. In the event of the denial of a claim, the claimant shall be permitted a reasonable period in which to seek administrative review of the denial by the Attorney General. The Attorney General shall make a final determination with respect to any administrative review within 90 days after the receipt of the claimant's request for such review. In the event the Attorney General fails to render a determination within 12 months after the date of the receipt of such request, the claim shall be deemed awarded as a matter of law and paid.''; and

(C) by adding at the end the following:

''(2) ADDITIONAL INFORMATION.—The Attorney General may request from any claimant under this Act, or from any individual or entity on behalf of any such claimant, any reasonable additional information or documentation necessary to complete the determination on the claim in accordance with the procedures established under subsection (a).

''(3) TREATMENT OF PERIOD ASSOCIATED WITH REQUEST.—

''(A) IN GENERAL.—The period described in subparagraph (B) shall not apply to the 12-month limitation under paragraph (1).

''(B) PERIOD.—The period described in this subparagraph is the period—

''(i) beginning on the date on which the Attorney General makes a request for additional information or documentation under paragraph (2); and

''(ii) ending on the date on which the claimant or individual or entity acting on behalf of that claimant submits that information or documentation or informs the Attorney General that it is not possible to provide that information or that the claimant or individual or entity will not provide that information.

''(4) PAYMENT WITHIN 6 WEEKS.—The Attorney General shall ensure that an approved claim is paid not later than 6 weeks after the date on which such claim is approved.

''(5) NATIVE AMERICAN CONSIDERATIONS.—Any procedures under this subsection shall take into consideration and incorporate, to the fullest extent feasible, Native American law, tradition, and custom with respect to the submission and processing of claims by Native Americans.''.

(e) REGULATIONS.—

(1) IN GENERAL.—Section 6(i) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended by adding at the end the following: ''Not later than 180 days after the date of enactment of the Radiation Exposure Compensation Act Amendments of 1999, the Attorney General shall issue revised regulations to carry out this Act.''.

(2) AFFIDAVITS.—

(A) IN GENERAL.—The Attorney General shall take such action as may be necessary to ensure that the procedures established by the Attorney General under section 6 of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) provide that, in addition to any other material that may be used to substantiate employment history for purposes of determining working level months, an individual filing a claim under those procedures may make such a substantiation by means of an affidavit described in subparagraph (B).

(B) AFFIDAVITS.—An affidavit referred to under subparagraph (A) is an affidavit—

(i) that meets such requirements as the Attorney General may establish; and

(ii) is made by a person other than the individual filing the claim that attests to the employment history of the claimant.

(f) LIMITATIONS ON CLAIMS.—Section 8 of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''A claim''; and

(2) by adding at the end the following:

''(b) RESUBMITTAL OF CLAIMS.—After the date of enactment of the Radiation Exposure Compensation Act Amendments of 1999, any claimant who has been denied compensation under this Act may resubmit a claim for consideration by the Attorney General in accordance with this Act not more than 3 times. Any resubmittal made before the date of enactment of the Radiation Exposure Compensation Act Amendments of 1999 shall not be applied to the limitation under the preceding sentence.''.

(g) EXTENSION OF CLAIMS AND FUND.—

(1) EXTENSION OF CLAIMS.—Section 8 of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended by striking ''20 years after the date of the enactment of this Act'' and inserting ''22 years after the date of enactment of the Radiation Exposure Compensation Act Amendments of 1999''.

(2) EXTENSION OF FUND.—Section 3(d) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended in the first sentence by striking ''date of the enactment of this Act'' and inserting ''date of enactment of the Radiation Exposure Compensation Act Amendments of 1999''.

(h) ATTORNEY FEES LIMITATIONS.—Section 9 of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended in the first sentence by striking ''10 per centum'' and inserting ''2 percent''.

(i) GAO REPORTS.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, and every 18 months thereafter, the General Accounting Office shall submit a report to Congress containing a detailed accounting of the administration of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) by the Department of Justice.

(2) CONTENTS.—Each report submitted under this subsection shall include an analysis of—

(A) claims, awards, and administrative costs under the Radiation Exposure Compensation Act (42 U.S.C. 2210 note); and

(B) the budget of the Department of Justice relating to such Act.

SEC. 4. ESTABLISHMENT OF PROGRAM OF GRANTS TO STATES FOR EDUCATION, PREVENTION, AND EARLY DETECTION OF RADIOGENIC CANCERS AND DISEASES.

Subpart I of part C of title IV of the Public Health Service Act (42 U.S.C. 285 et seq.) is amended by adding at the end the following:

''SEC. 417C. GRANTS FOR EDUCATION, PREVENTION, AND EARLY DETECTION OF RADIOGENIC CANCERS AND DISEASES.

''(a) DEFINITION.—In this section the term 'entity' means any—

''(1) National Cancer Institute-designated cancer center;

''(2) Department of Veterans Affairs hospital or medical center;

''(3) Federally Qualified Health Center, community health center, or hospital;

''(4) agency of any State or local government, including any State department of health; or

''(5) nonprofit organization.

''(b) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration in consultation with the Director of the National Institutes of Health and the Director of the Indian Health Service, may make competitive grants to any entity for the purpose of carrying out programs to—

''(1) screen individuals described under section 4(a)(1)(A)(i) or 5(a)(1)(A) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) for cancer as a preventative health measure;

''(2) provide appropriate referrals for medical treatment of individuals screened under paragraph (1) and to ensure, to the extent practicable, the provision of appropriate follow-up services;

''(3) develop and disseminate public information and education programs for the detection, prevention, and treatment of radiogenic cancers and diseases; and

''(4) facilitate putative applicants in the documentation of claims as described in section 5(a) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note).

''(c) INDIAN HEALTH SERVICE.—The programs under subsection (a) shall include programs provided through the Indian Health Service or through tribal contracts, compacts, grants, or cooperative agreements with the Indian Health Service and which are determined appropriate to raising the health status of Indians.

''(d) GRANT AND CONTRACT AUTHORITY.—Entities receiving a grant under subsection (b) may expend the grant to carry out the purpose described in such subsection.

''(e) HEALTH COVERAGE UNAFFECTED.—Nothing in this section shall be construed to affect any coverage obligation of a governmental or private health plan or program relating to an individual referred to under subsection (b)(1).

''(f) REPORT TO CONGRESS.—Beginning on October 1 of the year following the date on which amounts are first appropriated to carry out this section and annually on each October 1 thereafter, the Secretary shall submit a report to the Committee on the Judiciary and the Committee on Health, Education, Labor, and Pensions of the Senate and to the Committee on the Judiciary and the Committee on Commerce of the House of Representatives. Each report shall summarize the expenditures and programs funded under this section as the Secretary determines to be appropriate.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the purpose of carrying out this section $20,000,000 for fiscal year 1999 and such sums as may be necessary for each of the fiscal years 2000 through 2009.''.

Ms. COLLINS. I ask unanimous consent the committee substitute amendment be agreed to, the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements related to the bill be printed in the RECORD.

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

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1515), as amended, was read the third time and passed.

FOR THE RELIEF OF KERANTHA POOLE-CHRISTIAN

Ms. COLLINS. Mr. President, I ask unanimous consent the Senate now proceed to the immediate consideration of Calendar No. 384, S. 302.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 302) for the relief of Kerantha Poole-Christian.

There being no objection, the Senate proceeded to consider the bill.

Ms. COLLINS. I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements related to the bill be printed in the RECORD.

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

The bill (S. 302) was read the third time and passed, as follows:

S. 302

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

SECTION 1. CLASSIFICATION AS A CHILD UNDER THE IMMIGRATION AND NATIONALITY ACT.

(a) IN GENERAL.—In the administration of the Immigration and Nationality Act, Kerantha Poole-Christian shall be classified as a child within the meaning of section 101(b)(1)(E) of such Act, upon approval of a petition filed on her behalf by Clifton or Linette Christian, citizens of the United States, pursuant to section 204 of such Act.

(b) LIMITATION.—No natural parent, brother, or sister, if any, of Kerantha Poole-Christian shall, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

RELIEF OF REGINE BEATIE EDWARDS

Ms. COLLINS. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 385, S. 1019.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1019) for the relief of Regine Beatie Edwards.

There being no objection, the Senate proceeded to consider the bill.

Ms. COLLINS. I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements related to the bill be printed in the RECORD.

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

The bill (S. 1019) was read the third time and passed, as follows:

S. 1019

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

SECTION 1. CLASSIFICATIONS AS A CHILD UNDER THE IMMIGRATION AND NATIONALITY ACT.

(a) IN GENERAL.—In the administration of the Immigration and Nationality Act, Regine Beatie Edwards shall be classified as a child within the meaning of section 101(b)(1)(E) of such Act, upon approval of a petition filed on her behalf by Stan Edwards, a citizen of the United States, pursuant to section 204 of such Act.

(b) LIMITATION.—No natural parent, brother, or sister, if any, of Regine Beatie Edwards shall, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

RELIEF OF SERGIO LOZANO, FAURICIO LOZANO AND ANA LOZANO

Ms. COLLINS. Mr. President, I now ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 383, S. 276.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 276) for relief of Sergio Lozano, Fauricio Lozano, and Ana Lozano.

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. PERMANENT RESIDENT STATUS FOR SERGIO LOZANO.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Sergio Lozano shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Sergio Lozano enters the United States before the filing deadline specified in subsection (c), he shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of the enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status are filed with appropriate fees within 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Sergio Lozano, the Secretary of State shall instruct the proper officer to reduce by one, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 202(e) of such Act.

Amend the title to read as follows: ''For the relief of Sergio Lozano''.

Ms. COLLINS. I ask unanimous consent the committee substitute be agreed to, the bill be read the third time and passed, the amendment to the title be agreed to, the motion reconsider be laid upon the table, and any statements related to the bill be printed in the RECORD.

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

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 276), as amended, was read the third time and passed, as follows:

S. 276

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

SECTION 1. PERMANENT RESIDENT STATUS FOR SERGIO LOZANO.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Sergio Lozano shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Sergio Lozano enters the United States before the filing deadline specified in subsection (c), he shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of the enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status are filed with appropriate fees within 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Sergio Lozano, the Secretary of State shall instruct the proper officer to reduce by one, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 202(e) of such Act.

Amend the title to read as follows: ''For the relief of Sergio Lozano''.

MINTING OF COINS IN CONJUNCTION WITH REPUBLIC OF ICELAND

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 3373, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3373) to require the Secretary of the Treasury to mint coins in conjunction with the minting of coins by the Republic of Iceland in commemoration of the millenium of the discovery of the new world by Leif Ericson.

There being no objection, the Senate proceeded to consider the bill.

Mr. GRAMM. Mr. President, I rise today to speak in support of H.R. 3373, the Leif Ericson Millennium Commemorative Coin Act. This bill authorizes three separate commemorative coin programs which will commemorate the following historic events: the millennial anniversary of Leif Ericson's discovery of the New World, the bicentennial of the Lewis and Clark expedition, and the bicentennial of the first meeting of the United States Congress in the Capitol building after moving to Washington, D.C.

Companion bills for each of the three coin programs included in H.R. 3373 have also been introduced separately in the Senate. All three of the free-standing bills, S.1710, S. 1187, and S. 1468, have satisfied the rules of the Senate Committee on Banking, Housing, and Urban Affairs on commemorative coin legislation, including having obtained a minimum of sixty-seven Senate cosponsors. The effort to combine the three bills and pass them as one coin package has been worked out by the House and Senate Banking Committees, and this bill was subsequently introduced and passed by the House of Representatives.

Mr. President, this legislation has the support of the Committee on Banking, Housing, and Urban Affairs as it fully meets the standards set forth by the committee and furthermore, each bill adheres to the commemorative coin reforms enacted in the 104th Congress. Those reforms were necessary to keeping the time-honored pasttime of coin collecting from becoming overrun with far too many coin programs commemorating events or figures of lesser national recognition. I look forward to swift enactment of this legislation.

Mr. HARKIN. Mr. President, I am pleased to support H.R. 3373, providing for the minting of a Leif Ericson Millennium Commemorative dollar coin. This bipartisan legislation would authorize the U.S. Mint to issue a coin jointly with the Icelandic National Bank in commemoration of Leif Ericson and his voyage and exploration of North America. The part of the measure concerning Leif Ericson is identical to S. 1710 that Senator GRAMS and I introduced which has the support of 74 Senators. The House bill was introduced by Congressman JIM LEACH of my home state of Iowa who has worked hard toward the passage of this measure. I want to commend him for his good work.

The famous Viking explorer is regarded as the first European to set foot on North American soil in the year 1000 AD. In a time of sea voyages and land exploration, perhaps the most recognized Viking in history is Leif Ericson. Ericson's determination, nobility and spirit of exploration are demonstrated in his Voyage of Discovery. Next year marks the 1000th anniversary of Leif Ericson's Voyage of Discovery and this coin will commemorate this landmark event in North American history.

Leif Ericson, son of Eric the Red, was born in Iceland in the mid 900's AD. There he learned about reading and writing runes, the Celtic and Russian tongue and the ways of trade. Ericson was also taught the old sagas, plant studies and the use of weapons. As a young boy, Ericson and his friends would spend time watching ships coming in and out of the harbor and dream about someday going on voyage of their own. Ericson grew to be a large and imposing man, one known for his far judgment and honesty. Having his father's adventurous hand, Ericson had a strong urge to travel and explore.

Ericson was able to do some traveling between Iceland and Greenland, but his major Voyage of Discovery did not occur until 1000 AD, when explorer Bjarni Herjólfsson relayed exciting news of a new land that he had seen when he lost his course in the fog. Ericson bought Herjólfsson's ship, gathered a crew of 35, and sailed westward. Unlike today, Ericson's voyages on the sea were without many modern conveniences. He did not travel by a motor-powered ship, nor have any of today's advanced technological navigational tools. Instead, Ericson and his small crew used the wind and tides as their primary source of motive power, relying on the weather as the engine for his vessel. His Viking ship did not do too well against hard winds with their single sails, but fortunately, fair weather allowed Ericson to navigate 600 miles west up the western coast. Soon he was following the outlines of the new lands he had heard of.

The first island Ericson landed on was among glaciers and seemed to be one huge slab of rock. Because of this he named it Helluland (Slab Land or Flat Rock Land), which is now believed to be Baffin Island. Ericson then sailed south and found another land that was flat with white beaches and some trees. He named this land Markland (Woodland) which today is believed to be Labrador on the eastern coast of Canada.

Finally, Ericson sailed southeast for two days and came to an island with a mainland. On this land the Viking explorer and his crew came upon an abundance of grapes as well as vegetation. they had never seen before. They also were astounded by the size of fish and other animal life they saw while exploring this land. Ericson and his crew settled in for the winter, but the winter here was very peculiar. No frost came to the grasses. They also noticed that the days and nights were of more equal length here. When spring came and the men were ready to go, Ericson gave this land the name Vinland, which either means Wineland or Pastureland. Vinland is believed to be today's L'Anse aux Meadows in Newfoundland and archaeological findings of this winter camp seem to confirm this belief.

Ericson's Voyage of Discovery is a significant event in North American history and symbolizes a long relationship between the U.S. and Iceland. The Government of Iceland is an important North Atlantic Treaty Organization (NATO) ally and this action would reiterate our strong relationship with and support for their nation. Iceland votes with the United States on virtually all United Nations and NATO issues and has formulated foreign policies parallel to ours. They also are cutting costs at our military base in Keflavi. Iceland has refrained from whaling, encouraged more U.S. trade and investment and initiated a partnership with the state

of Alaska. The Government of Iceland has already approved a silver 1000 Kroner Icelandic coin to be produced by the U.S. Mint that will be packaged and issued simultaneously with the U.S. Leif Ericson Commemorative Coin. We believe jointly issuing these coins will help further relations between our nations.

The United States Congress strengthened U.S.-Icelandic relations in 1930 by presenting a statue of Leif Ericson as a gift to Iceland memorializing Ericson's Voyage of Discovery. In 1964, President Lyndon B. Johnson made October 9 ''Leif Ericson Day'' in commemoration of the famous Viking explorer. The Leif Ericson Commemorative Coin in the year 2000 would commemorate the millennial anniversary of Ericson's voyage and would display our commitment to continuing this relationship for the coming millennium.

H.R. 3373 allows a simultaneous issuance of a commemorative U.S. silver dollar coin and a silver 1000 Kroner Icelandic coin. Both coins are to be produced in limited mintages, with U.S. Mint issuing a boxed set. Mint and surcharge proceeds from the coins will fund scholarships and student exchange programs between Iceland and United States. The U.S. Mint has read and approved the identical House version as meeting all the guidelines contained in the 1995 Congressional House Banking Committee Commemorative Coin Reforms Act, which protects the taxpayer from any costs. We feel such a coin is an important step in recognizing the important role Iceland has played in North American history. H.R. 3373 also provides for a Lewis and Clark Expedition Commemorative Coin which I strongly support and a Capitol Visitor Center Commemorative Coin.

Ms. COLLINS. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statement relating to the bill be printed in the RECORD.

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

The bill (H.R. 3373) was read the third time and passed.

REAUTHORIZING OVERSEAS PRIVATE INVESTMENT CORPORATION AND TRADE AND DEVELOPMENT AGENCY

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 3381, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3381) to reauthorize the Overseas Private Investment Corporation and the Trade and Development Agency, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Ms. COLLINS. Mr. President, I ask unanimous consent that the bill be 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 (H.R. 3381) was read the third time and passed.

MIAMI, FLORIDA, AS PERMANENT LOCATION FOR SECRETARIAT OF FTAA

Ms. COLLINS. Mr. President, I ask unanimous consent that the Finance Committee be discharged from further consideration of S. Con. Res. 71 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 71) expressing the sense of the Congress that Miami, Florida, and not a foreign competing foreign city, should serve as the permanent location for the Secretariat of the Free Trade Area of the Americas (FTAA) beginning in 2005.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Ms. COLLINS. 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 the concurrent resolution be printed in the RECORD.

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

The concurrent resolution (S. Con. Res. 71) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 71

Whereas deliberations on establishing a ''Free Trade Area of the Americas'' (FTAA) will help facilitate greater cooperation and understanding on trade barrier reduction throughout the Americas;

Whereas the trade ministers of 34 countries of the Western Hemisphere agreed in 1998 to create a permanent Secretariat in order to support negotiations on establishing the FTAA;

Whereas the FTAA Secretariat will employ persons to provide logistical, administrative, archival, translation, publication, and distribution support for the negotiations;

Whereas the FTAA Secretariat will be funded by a combination of local resources and institutional resources from a tripartite committee consisting of the Inter-American Development Bank (IDB), the Organization of American States (OAS), and the United Nations Economic Commission on Latin America and the Caribbean (ECLAC);

Whereas the temporary site of the FTAA Secretariat will be located in Miami, Florida, from 1999 until February 28, 2001, at which point the Secretariat will rotate to Panama City, Panama, until February 28, 2003, and then rotate to Mexico City, Mexico, until February 28, 2005;

Whereas by 2005 the FTAA Secretariat will have international institution status providing jobs and tremendous economic benefits to its host city;

Whereas a permanent site for the FTAA Secretariat after 2005 will likely be selected from among the 3 temporary host cities;

Whereas the city of Miami, Miami-Dade County, and the State of Florida have long served as the gateway for trade with the Caribbean and Latin America;

Whereas trade between the city of Miami, Florida, and the countries of Latin America and the Caribbean totaled $36,793,000,000 in 1998;

Whereas the Miami-Dade area and the State of Florida possess the necessary infrastructure, local resources, and culture necessary for the FTAA Secretariat's permanent site;

Whereas the United States possesses the world's largest economy and is the leading proponent of trade liberalization throughout the world; and

Whereas the city of Miami, Florida, the State of Florida, and the United States are uniquely situated among other competing locations to host the ''Brussels of the Western Hemisphere'': Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the President should direct the United States representative to the ''Free Trade Area of the Americas'' (FTAA) negotiations to use all available means in order to secure Miami, Florida, as the permanent site of the FTAA Secretariat after February 28, 2005.

CONDEMNING VIOLENCE IN CHECHNYA

Ms. COLLINS. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of S. Res. 223 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 223) condemning the violence in Chechnya.

There being no objection, the Senate proceeded to consider the resolution.

Ms. COLLINS. Mr. President, I ask unanimous consent that the resolution be agreed to, a technical amendment to the preamble be agreed to, the preamble, as amended, be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

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

AMENDMENT NO. 2791

(Purpose: To make clerical corrections)

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Maine [Ms. COLLINS], for Mr. HELMS, proposes an amendment numbered 2791.

The amendment is as follows:

In the second whereas clause of the preamble, strike ''is'' and insert ''are''.

The amendment (No. 2791) was agreed to.

The resolution (S. Res. 223) was agreed to.

The preamble, as amended, was agreed to.

The resolution, with its preamble, as amended, is as follows:

[The resolution was not available for printing. It will appear in a future edition of the RECORD.]

FREEDOM OF BELIEF, EXPRESSION, AND ASSOCIATION IN THE PEOPLES REPUBLIC OF CHINA

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 404, S. Res. 217.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 217) relating to the freedom of belief, expression, and association in the People's Republic of China.

There being no objection, the Senate proceeded to consider the resolution which had been reported from the Committee on Foreign Relations with amendments to the preamble, as follows:

(The parts of the preamble intended to be stricken are shown in boldface brackets, and the parts of the preamble intended to be inserted are shown in italic.)

S. RES. 217

Whereas the United Nations Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights affirm the freedoms of thought, conscience, religion, expression, and assembly as fundamental human rights belonging to all people;

Whereas the United Nations Universal Declaration of Human Rights is a common standard of achievement for all peoples and all nations, including the People's Republic of China, a member of the United Nations;

Whereas the People's Republic of China has signed the International Covenant on Civil and Political Rights but has yet to ratify the treaty and thereby make it legally binding;

Whereas the Constitution of the People's Republic of China provides for the freedom of religious belief and the freedom not to believe;

Whereas according to the Department of State and international human rights organizations, the Government of the People's Republic of China does not provide these freedoms but continues to restrict unregistered religious activities and persecutes persons on the basis of their religious practice through measures including harassment, prolonged detention, physical abuse, incarceration, and police closure of places of worship; *and*

Whereas under the International Religious Freedom Act, the Secretary of State has designated the People's Republic of China as a country of special concern;

[Whereas the Government of the People's Republic of China has issued a decree declaring a wide range of activities illegal and subject to prosecution, including distribution of Falun Gong materials, gatherings or silent sit-ins, marches or demonstrations, and other activities to promote Falun Gong and has begun the trials of several Falun Gong practitioners;

[Whereas the National People's Congress of the People's Republic of China on October 30, 1999, adopted a new law banning and criminalizing groups labeled by the Government of the People's Republic of China as cults; and

[Whereas the Government of the People's Republic of China has officially labeled the Falun Gong meditation group a cult and has formally charged at least four members of the Falun Gong under this new law:**]** Now, therefore, be it

Resolved, That the Senate calls on the Government of the People's Republic of China to—

(1) release all prisoners of conscience and put an immediate end to the harassment, detention, physical abuse, and imprisonment of Chinese citizens exercising their legitimate rights to free belief, expression, and association; and

(2) demonstrate its willingness to abide by internationally accepted norms of freedom of belief, expression, and association by repealing or amending laws and decrees that restrict those freedoms and proceeding promptly to ratify and implement the International Covenant on Civil and Political Rights.

Mr. HUTCHINSON. Mr. President, I rise in support of S. Res. 217, which calls upon the Government of the People's Republic of China to release all prisoners of conscience, to end its persecution of people of faith, and to abide by internationally accepted human rights standards. This resolution is cosponsored by Senators LOTT, NICKLES, MACK, COVERDELL, COLLINS, FEINGOLD, DURBIN, LEAHY, SNOWE, GORTON, and WELLSTONE.

Mr. President, the crackdown in China is escalating. The most immediate target is Falun Gong—a movement which combines traditional breathing exercises with elements of Buddhism, Taoism and the beliefs of its founder. Since April, when more than 10,000 practitioners of Falun Gong shocked the Chinese government by gathering in front of the leadership compound in Beijing, the Chinese government has tried to systematically eradicate the practice.

The Beijing regime rounded up thousands of practitioners, arrested its leaders, ransacked homes, confiscated and burned Falun Gong materials, and forced adherents to renounce their beliefs. The government then banned the practice of Falun Gong in July and officially labeled it a cult as part of a nationwide propaganda campaign to discredit practitioners. But this was not enough. On October 30, 1999, in a perverse maneuver, the National People's Congress raised the stakes of persecution by adopting a new law banning and criminalizing groups deemed by the Chinese government to be cults—perverse because this is the Chinese government's way of legitimizing their abuses of human rights—perverse because the law is being applied retroactively.

Protestors of this law faced police who beat, kicked, and yanked the hair of several elderly women protestors. Practitioners, mostly middle-aged or senior citizens, sitting or standing in silent meditation were dragged away from Tiananmen square. But they remained peaceful.

The Chinese government has wasted no time in arresting Falun Gong leaders and charging them under this law. As of November 9, 1999, according to Chinese officials, 111 people had been formally arrested on charges ranging from disrupting state security to stealing state secrets. Many more have been detained and sent to re-education programs or labor camps. Now, at least four leaders have been convicted, with sentences ranging from two to twelve years. Many more will be convicted.

The truth of the matter is that the Chinese government is insecure and cannot tolerate any group that is outside of its control. That is why it is engaged in this crackdown. That is why it sentenced four pro-democracy activists to jail terms ranging from four to 11 years. That is why it continues to persecute people of faith.

In August, police detained a 65-year-old bishop of China's underground Roman Catholic Church in Hebei province and convicted seven lay members of the underground Catholic church in Jiangxi province.

In October, in Guangzhou, some 200 police officers demolished a shelter used by House Church Christians. They detained, brutalized, and warned five House Church Christians against preaching or practicing their faith. I am extremely concerned about the well being of Christians who are suffering in detention for their faith, including Pastor Li Dexian, one of the Guangzhou House Church members, Zhang Ronglian from Henan, and Zheng Xinqi from Anhui.

These incidents re simply anecdotal. They reflect a greater pattern of ongoing religious persecution.

Mr. President, at the same time that the Chinese government is cracking down on its own citizens, at the same time it is authorizing harsher punishments for believing outside of government control, the Beijing regime is flouting international norms, and even tossing aside its own constitution, which supposedly provides for the freedom of religious belief and the freedom not to believe.

The freedoms of thought, conscience, religion, expression, and assembly are not ''western values'' or ''American values'' that we are trying to impose on China. These values have been embraced by the international community. And it is up to the international community to uphold them when they are being trampled—to speak out in the face of injustice.

This resolution is part of our responsibility. With this resolution, we urge the Chinese government to step back into the realm of international standards, to end its crackdown, and to release its prisoners of conscience. We urge the Chinese government to end its ''campaign for stability,'' which has only caused far greater instability.

Mr. President, I expect that this resolution will be adopted. I also expect that the Clinton Administration will not offer silence as a hidden concession for the WTO agreement signed with China but will instead use this statement by the Senate to strengthen its hand in advocating an end to persecution in China.

Ms. COLLINS. Mr. President, I ask unanimous consent that the resolution be agreed to, the amendments to the preamble be agreed to, the preamble, as amended, be agreed to, the motions 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. 217) was agreed to.

The amendments to the preamble were agreed to.

The preamble, as amended, was agreed to.

The resolution, with its preamble, as amended, reads as follows:

[The resolution was not available for printing. It will appear in a future edition of the RECORD.]

Ms. COLLINS. Mr. President, I note that I am proud to be a cosponsor of this resolution which was introduced by our colleague, Senator HUTCHINSON of Arkansas, who has been a real leader on this issue.

RECOGNIZING 75 YEARS OF SERVICE OF UNITED STATES BORDER PATROL

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 122, which is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 122) recognizing the United States Border Patrol's 75 years of service since its founding.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Ms. COLLINS. 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 that any statements relating to the resolution be printed in the RECORD.

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

The concurrent resolution (H. Con. Res. 122) was agreed to.

The preamble was agreed to.

CELEBRATING ONE AMERICA

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 390, H. Con. Res. 141.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 141) celebrating One America.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Ms. COLLINS. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

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

The concurrent resolution (H. Con. Res. 141) was agreed to.

The preamble was agreed to.

Mr. LEAHY. Mr. President, I commend Representative CHARLES RANGEL for authorizing the ''One America'' resolution, H. Con. Res. 141, which we just passed.

VETERANS OF THE BATTLE OF THE BULGE

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 371, H.J. Res. 65.

The PRESIDING OFFICER. The Clerk will report the joint resolution by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 65) commending the World War II veterans who fought in the Battle of the Bulge, and for other purposes.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. HUTCHINSON. Mr. President, I rise today in support of H.J. Res. 65, which commends the World War II veterans who fought bravely in the Battle of the Bulge. This resolution was passed unanimously by the House on October 5, 1999 and mirrors S.J. Res. 32, which I introduced earlier this year.

Mr. President, in mid-1994, the Allies were hopeful. The Russian Red Army was closing in on the German army on the Eastern front and German cities were being devastated by American bombing. The Allies had taken Paris, Casablanca, Tripoli, Naples, and Rome, and they were looking toward an end to the war in Europe. Hitler was on the run.

In desperation, Hitler planned a surprise counterattack on the Allies on an 80 mile front running from southern Belgium to the middle of Luxembourg. Hitler hoped to break through this thinly held line in the Ardennes forest region, cripple Allied fuel supply lines, and inflame tensions within the alliance.

On the harsh winter morning of December 16, 1944, five months after the Allied landings at Normandy, France, eight German armored divisions and thirteen Germany infantry divisions launched a brutal onslaught against five divisions of the United States first Army. A screaming hail of artillery fire sent many men to their deaths. Roger Rutland, First Sergeant in the 106th Infantry, described the devastation. ''We lost many men that first day. An infantry company was approximately 200 men. A Company was 21 men after the first day. C Company could account for 59 men, and in my company, I lost only 28 men the first day. Every company commander was missing the first day except my company's commander . . . some of my better men in garrison were some of the first to crack under combat conditions. They were like hugging each other and just shivering . . . They never had seen such a thing before.'' The American forces were pushed back. Many ran out of ammunition. After three days of fighting, more than 4,000 of the 106th were forced to surrender. But the American forces regrouped and pressed on.

For forty-one days, American forces fought against two enemies, German forces and the worst European winter in memory. Freezing conditions made it difficult to see more than ten or twenty yards ahead, much less fight out of frozen foxholes. Halfway through the battle, American troops were still waiting for the main shipment of winter boots. Men became cut off from their division. They lost the feeling in their feet as their toes froze. Some had to have their feet amputated at the ankles. Fifteen thousand soldiers were taken off the line because they suffered from frostbite. Some wounded soldiers froze to death. But the American forces did not give in. They pushed on. They were met with brutality.

On December 17th, 140 Americans were taken prisoner at Baugnez. While on the road headed for Malmedy, 86 of these unarmed American soldiers were shot by their German captors in cold blood in what is now known as the Malmedy Massacre.

In spite of this horror, American soldiers fought on and took the key Belgian town of Bastogne. One of the heroes at Bastogne was James Hendrix, a Private in the 53rd Armored Infantry Battalion. 4th Armored Division and a native of Lepanto, Arkansas. On the night of December 26th, Private Hendrix was part of the leading element in the final thrust to break through to Bastogne. He and his fellow soldiers were met with fierce artillery and small arms fire. But he did not back down. Instead, he advanced against two 88mm guns and overpowered them. He saved two of his fellow soldiers who were wounded, helpless, and at the mercy of intense machine gun fire. He fought on and in another selfless act, Private Hendrix ran through sniper fire and exploding mines to pull a soldier out of a burning half-track. Because of his courage and valor, because of men who fought like him, because of the heroic efforts of the 101st Airborne. American forces fought successfully at Bastogne. Private Hendrix was later awarded a Medal of Honor for his selfless heroism.

When the skies cleared at the end of December, Allied air forces were able to assist the ground forces. By early January 1945, Allied forces began pushing Hitler's troops back. At the end of January, American troops made their way back to the lines they had held when the battle began. Three months later, Allied forces put an end to Nazi Germany.

Six hundred thousand American troops, 55,000 British soldiers, and other Allied participated in the Battle of the Bulge. With catastrophic casualties, the Army constantly had to find

new men to take the place of fallen soldiers. Training was cut. Physical standards were lowered. Many of these soldiers were only 18 or 19 years old. At the end of these forty-one days, over 80,000 American soldiers were maimed, captured, or killed. Nineteen thousand gave their lives to stave off the forces of tyranny.

They made sure that we could live in freedom today. I believe that Ronald Reagan put it well when he said. ''If we look to the answer as to why for so many years we achieved so much, prospered as no other people of Earth, it was because here in this land we unleashed the energy and individual genius of man to a greater extent than has ever been done before. Freedom and the dignity of the individual have been more available and assured here than in any other place on Earth. The price for this freedom at times has been high. But we have never been unwilling to pay that price.''

Mr. President, the soldiers who fought in the Battle of the Bulge bought with their lives a precious gift for all Americans—freedom. it is this gift that we must continually cherish.

We cannot forget these sons, husbands, and fathers who died for our great country. We cannot forget their families, who endured through days of worry and nights of grief. We cannot forget those men who were exposed to blistering cold, to unyielding enemy fire—to this unimaginable nightmare.

For those who died at Ardennes—for those who were massacred at Malmedy—for those who won at Bastogne, we must remember their sacrifices. There is no more appropriate time than now, for the Senate and the Congress to honor those who fought in the Battle of the Bulge. I urge my colleagues to support this resolution.

Ms. COLLINS. Mr. President, I ask unanimous consent that the joint resolution be read a third time and passed, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the joint resolution be printed in the RECORD.

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

The joint resolution (H.J. Res. 65) was read the third time and passed.

The preamble was agreed to.

NATIONAL FAMILY WEEK

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 351, S. Res. 204.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 204) designating the week beginning November 21, 1999, and the week beginning November 19, 2000, as ''National Family Week,'' and for other purposes.

There being no objection, the Senate proceeded to consider the resolution.

Ms. COLLINS. 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 statement relating to this resolution be printed in the RECORD.

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

The resolution (S. Res. 204) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 204

Whereas the family is the basic strength of any free and orderly society;

Whereas it is in the family that America's youth are nurtured and taught the values vital to success and happiness in life: respect for others, honesty, service, hard work, loyalty, love, and others;

Whereas the family provides the support necessary for people to pursue their goals;

Whereas it is appropriate to honor the family unit as essential to the continued well-being of the United States; and

Whereas it is fitting that official recognition be given to the importance of family loyalties and ties: Now, therefore, be it

Resolved, That the Senate designates the week beginning on November 21, 1999, and the week beginning on November 19, 2000, as ''National Family Week''. The Senate requests the President to issue a proclamation calling on the people of the United States to observe each week with appropriate ceremonies and activities.

NATIONAL BIOTECHNOLOGY WEEK

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 200.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 200) designating the week of February 14–20 as ''National Biotechnology Week.''

There being no objection, the Senate proceeded to consider the resolution, which had been reported from the Committee on Foreign Relations with amendments, as follows:

(The parts of the resolution intended to be stricken are shown in boldface brackets and the parts of the resolution intended to be inserted are shown in italic.)

Whereas biotechnology is increasingly important to the research and development of medical, agricultural, industrial, and environmental products;

Whereas biotechnology has been responsible for breakthroughs and achievements which have benefited people for centuries and, in the 20th century, has contributed to increasing the lifespan of Americans by 25 years through the development of vaccines, antibiotics, and other drugs;

Whereas biotechnology is central to research for cures to diseases such as cancer, diabetes, epilepsy, multiple sclerosis, heart and lung disease, Alzheimer's disease, Acquired Immune Deficiency Syndrome (AIDS), and innumerable other medical ailments;

Whereas biotechnology contributes to crop yields and farm productivity and enhances the quality, value, and suitability of crops for food and other uses which are critical to America's agricultural system;

Whereas biotechnology promises environmental benefits including protection of water quality, conservation of topsoil, improvement of waste management techniques, and reduction of chemical pesticide usage;

Whereas biotechnology contributes to the success of the United States in international commerce and trade;

Whereas biotechnology will be an important catalyst for creating jobs in the 21st century; and

Whereas it is important for all Americans to understand the role biotechnology contributes to their quality of life: Now, therefore, be it

Resolved, That the Senate—

(1) designates **[**the week of February 14–20**]** *January* of the year 2000 as ''National Biotechnology **[**Week**]** *Month*''; and

(2) requests that the President issue a proclamation calling on the people of the United States to observe this **[**week**]** *month* with appropriate programs, ceremonies, and activities.

Amend the title so as to read: ''A resolution designating January 2000 as 'National Biotechnology Month'.''

AMENDMENT NO. 2792

Ms. COLLINS. Mr. President, Senator GRAMS has an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maine [Ms. COLLINS], for Mr. GRAMS, proposes an amendment numbered 2792.

The amendment is as follows:

In the heading of S. Res. 200: strike ''the week of February 14–20'' and insert ''January 2000;'' strike the word ''week'' and insert ''Month.''

In the title of S. Res. 200: strike ''the week of February 14–20'' and insert ''January 2000;'' strike the word ''week'' and insert ''Month.''

On page 2 line 2 strike ''the week of February 14–20'' and insert ''January.''

On page 2, line 3, strike ''Week'' and insert ''Month.''

On page 2, line 7, strike the word ''week'' and insert ''month.''

Ms. COLLINS. Mr. President, I ask unanimous consent that the amendment be agreed to.

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

The amendment (No. 2792) was agreed to.

Ms. COLLINS. Mr. President, I ask unanimous consent that the resolution, as amended, be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, the title amendment be agreed to, and any statements relating to the bill be printed in the RECORD.

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

The resolution (S. Res. 200), as amended, was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

[The resolution was not available for printing. It will appear in a future edition of the RECORD.

The title was amended so as to read: ''A resolution designating January 2000 as 'National Biotechnology Month'.''

NATIONAL CHILDREN'S MEMORIAL DAY

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 388, S. Res. 118.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 118) designating December 12, 1999, as ''National Children's Memorial Day.''

There being no objection, the Senate proceeded to consider the resolution.

Ms. COLLINS. 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 the resolution be printed in the RECORD.

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

The resolution (S. Res. 118) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 118

Whereas approximately 80,000 infants, children, teenagers, and young adults of families living throughout the United States die each year from myriad causes;

Whereas the death of an infant, child, teenager, or young adult of a family is considered to be 1 of the greatest tragedies that a parent or family will ever endure during a lifetime; and

Whereas a supportive environment and empathy and understanding are considered critical factors in the healing process of a family that is coping with and recovering from the loss of a loved one: Now, therefore, be it

Resolved,

SECTION 1. DESIGNATION OF NATIONAL CHILDREN'S MEMORIAL DAY.

The Senate—

(1) designates December 12, 1999, as ''National Children's Memorial Day''; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe the day with appropriate ceremonies and activities in remembrance of the many infants, children, teenagers, and young adults of families in the United States who have died.

Ms. COLLINS. Mr. President, I also note that the Senator from Nevada is the chief sponsor of this resolution designating December 12 as ''National Children's Memorial Day.'' I wanted to recognize his efforts.

DESIGNATING A DAY TO ''GIVE THANKS, GIVE LIFE''

Ms. COLLINS. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from consideration of S. Res. 225 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 225) to designate November 23, 2000, Thanksgiving Day, as a day to ''Give Thanks, Give Life'' and to discuss organ and tissue donation with other family members.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I am delighted to join with my distinguished colleagues, Senators FRIST, DEWINE, KENNEDY, LEVIN and others in supporting the passage of Senate Resolution 225, which designates November 23, 2000, Thanksgiving Day, as a day for families to discuss organ and tissue donation with other family members and to Give Thanks, Give Life. The purpose of this legislation is to encourage discussions concerning family members' intentions to donate their organs so that informed decisions can be made if the occasion to donate arises.

As we prepare to recess for the Thanksgiving holiday, we are all aware that this is one of the few times throughout the year for families to take time out of their busy lives to come together and give thanks for the many blessings in their lives. This occasion presents an ideal opportunity for family members to have frank discussions about their intentions on the issue of organ and tissue donation. This is a discussion about life and sharing the gift of life and fits perfectly with the theme of Thanksgiving Day. Although family members may have already designated themselves as organ donors on their driver's license or voter registration, that step does not ensure donation will take place since the final decision on whether a potential donor will share the gift of life is usually made by surviving family members regardless of their loved one's initial intent.

There are approximately 21,000 men, women, and children in the United States who receive the gift of life each year through transplantation surgery made possible by the generosity of organ and tissue donors. This is only a small proportion of the more than 66,000 Americans who are on the waiting list, hoping for their chance to prolong their lives by finding a matching donor. Tragically, nearly 5,000 of these patients each year, or 13 patients each day, die while waiting for a donated heart, liver, kidney, or other organ.

In order to narrow the gap between the supply and the increasing demand for donated organs, we must step up our effort to encourage willing donors to make their desire to donate clear to the only people usually able to make the decision if the occasion should arise—their immediate family members. Although there are up to 15,000 potential donors annually, families' consent to donation is received for less than 6,000 donors. As the demand for transplantation increases due to prolonged life expectancy and increased prevalence of diseases that lead to organ damage and failure, including hypertension, alcoholism, and hepatitis C infection, this shortfall will become even more pronounced. Additionally, the need for a more diverse donor pool, including a variety of racial and ethnic minorities, will also continue to grow with the predicted population trends.

Many Americans will spend part of the Thanksgiving Day with some of those family members who would be most likely approached to make the important decision of whether or not to donate. Therefore, this would be a good time for families to spend a portion of that day discussing how they might give life to others on a day devoted to giving thanks for their own blessings. Open family discussions on this topic on a day of relaxation and family togetherness will increase awareness of the intentions of those willing to make the courageous and selfless decision to be organ donors, leading to more lifesaving transplants in the future. Designation of November 23, 2000, Thanksgiving Day, as a day for families to Give Thanks, Give Life is an important next step to promoting the dialogue between willing donors and their families, so that family members will know their loved ones' wishes long before the issue arises.

We have received a great outpouring of support for this resolution from many of the national organ and tissue donation organizations, including the American Heart Association, American Kidney Fund, American Liver Foundation, American Lung Association, American Society of Transplant Surgeons, American Thoracic Society, Association of Organ Procurement Organizations, Coalition on Donation, Eye Bank Association of America, James Redford Institute for Transplant Awareness, National Kidney Foundation, National Minority Organ and Tissue Transplant Education Program (MOTTEP), Transplant Recipients International Organization (TRIO), United Network for Organ Sharing (UNOS), and the Wendy Marks Foundation for Organ Donor Awareness. The tireless efforts of these groups and others have been critical in increasing donor awareness and education of the public on this extremely important cause. Their willingness to become involved with the Give Thanks, Give Life resolution and to provide their expertise in the development and implementation of a national campaign targeted at Thanksgiving 2000 will be invaluable in making this a national event with far-reaching effects.

The adoption of this resolution is a small victory for the organ donation awareness cause, but we must not forget the many casualties who have died awaiting a donated organ. One tragic loss that so many of us can relate to is the recent death of Walter Payton, an American hero. He contracted a rare liver disease that is often cured if the patient can receive a liver transplant. In Payton's case, the risk of deadly complications grew too quickly for him to be saved. He likely would have had to wait for years for his life-saving organ. The prevention of deaths like that of this great man and of so many other silent heroes is why our efforts in this life-saving cause must continue. A

day must come when no one dies because there is no available liver, kidney, heart, lung or other organ to save his or her life.

Mr. President, I thank all of my colleagues for joining me in supporting this worthwhile resolution designating Thanksgiving day of 2000 as a day for families to discuss organ and tissue donation with other family members, a day to ''Give Thanks, Give Life.''

Ms. COLLINS. Mr. President, I ask unanimous consent that the resolution and the preamble be agreed to, en bloc, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 225) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 225

Whereas traditionally, Thanksgiving is a time for families to take time out of their busy lives to come together and to give thanks for the many blessings in their lives;

Whereas approximately 21,000 men, women, and children in the United States are given the gift of life each year through transplantation surgery, made possible by the generosity of organ and tissue donations;

Whereas more than 66,000 Americans are awaiting their chance to prolong their lives by finding a matching donor;

Whereas nearly 5,000 of these patients each year (or 13 patients each day) die while waiting for a donated heart, liver, kidney, or other organ;

Whereas nationwide there are up to 15,000 potential donors annually, but families' consent to donation is received for less than 6,000;

Whereas the need for organ donations greatly exceeds the supply available;

Whereas designation as an organ donor on a driver's license or voter's registration is a valuable step, but does not ensure donation when an occasion arises;

Whereas the demand for transplantation will likely increase in the coming years due to the growing safety of transplantation surgery due to improvements in technology and drug developments, prolonged life expectancy, and increased prevalence of diseases that may lead to organ damage and failure, including hypertension, alcoholism, and hepatitis C infection;

Whereas the need for a more diverse donor pool, including a variety of racial and ethnic minorities, will continue to grow in the coming years;

Whereas the final decision on whether a potential donor can share the gift of life usually is made by surviving family members regardless of the patient's initial intent;

Whereas many Americans have indicated a willingness to donate their organs and tissues but have not discussed this critical matter with the family members who are most likely to make the decision, if the occasion arises, as to whether that person will be an organ and tissue donor;

Whereas some family members may be reluctant to give consent to donate their deceased loved one's organs and tissues at a very difficult and emotional time if that person has not clearly expressed a desire or willingness to do so;

Whereas the vast majority of Americans are likely to spend part of Thanksgiving Day with some of those family members who would be approached to make such a decision; and

Whereas it is fitting for families to spend a portion of that day discussing how they might give life to others on a day devoted to giving thanks for their own blessings: Now, therefore, be it

Resolved, That the Senate designates November 23, 2000, Thanksgiving Day, as a day to ''Give Thanks, Give Life'' and to discuss organ and tissue donation with other family members so that informed decisions can be made if the occasion to donate arises.

RECOGNIZING CONTRIBUTIONS OF OLDER PERSONS

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 234 recognizing the contribution of older persons to their communities, submitted earlier today by Senator BAYH and others.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. 234) recognizing the contribution of older persons to their communities and commending the work of organizations that participate in programs assisting elderly persons and that promote the goal of the International Year of Older Persons.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BAYH. Mr. President, today I rise as the author of the International Year of the Older Persons resolution to recognize the contributions of all the individuals, organizations and agencies that have worked hard to participate in the United Nations declared ''International Year of the Older Persons.'' Since 1999 has been declared the Year of the Older Persons, around the world seniors, organizations active in senior issues, and representatives of all generations have spread the message that collectively we should create an environment in which seniors can remain active in their communities during each and every stage of their life. This resolution pays tribute to all the United States' participants for representing our country in the various events held in celebration of the International Year of the Older Persons. They have been active throughout the year. It is time Congress added its voice and support the efforts of these organizations and individuals. This resolution serves as a first step in the role Congress can play to assist with the advancement of this year's theme and goals.

The theme of the year, a ''society for all ages,'' recognizes that longevity is relevant to all stages of the life cycle, and that successful aging is a product of long-term planning, lifelong decisions. It is important for the world to reflect upon this theme. Too often in America we focus on the negative images associated with aging and not the contributions that are made when people remain productive throughout their lifetime. America needs to celebrate that Americans are living longer! We need to acknowledge that aging can be a positive process that benefits everyone in our communities.

The most important goals of the year are to increase awareness about aging within countries and across national boundaries and to formulate policies and programs to promote the well-being of older persons. The principles highlighted by the resolution include independence, participation, care, self-fulfillment, and dignity. The purpose of the year is to empower people to spend their senior years happy and healthy. Although the goals and principles of this year have been advanced internationally, we need to particularly acknowledge that the United States has been well represented by several organizations such as the Federal Committee to Prepare for the International Year of Older Persons, the Leadership Council of Aging Organizations, and the American Association for International Aging.

While America's senior organizations have been deeply involved, it is my hope is this resolution will serve as a signal that it is important for Congress to take the goals set forth this year and continue the efforts to achieve them. Congress should take the leadership the United Nations has provided on this issue and continue to build momentum. We need to not only recognize and assist those spreading the message but implement legislation that actively addresses the needs of seniors. As a member of the Special Committee on Aging, I have learned about the issues that seniors face and have explored viable administrative and legislative solutions.

I know America needs to be better prepared for its future aging population. Currently, about 12.8 million Americans report needing long-term care. By 2018, it is estimated that there will be 3.6 million elderly persons in need of a nursing home bed, an increase of two million from the current future. By 2030, the number of Americans in nursing homes will double and the cost of caring for them will quadruple. Part of creating a society for all ages includes addressing the needs of all ages.

Long-term care insurance is an option that should be more widely discussed among younger people as they begin to prepare for their retirement or senior years. However, often we need raise awareness and encourage people to take responsibility. That is why I support a tax deduction for the purchase of long-term care insurance. In addition, with an increasing number of people needing long-term care, we should make various options for long-term care more available and affordable.

While long-term care insurance for community-based care is one option, being cared for by a loved one at home should be another option. Therefore, in August, I introduced S. 1518, the Caregivers Assistance and Resources Enhancement (CARE) tax credit. It takes courage and dedication to take care of

a loved one at home and the least we can do is make the process less financially burdensome. Research indicates that the services provided by family caregivers annually are valued at $196 billion. The care these families provide at home is not only more compassionate, it saves the government billions of dollars. Annually, we spend $83 billion in nursing home care and $32 billion in formal home health care, we should thank caregivers by providing them with some economic relief.

There is still a great deal of work that can be done to take care of current seniors and prepare for the future. We need to have the difficult discussions and search for the solutions.

I want to thank Senator GRASSLEY and Senator BREAUX for their support and involvement on this resolution and for their leadership on the Special Committee on Aging.

I commend all the organizations and individuals who have worked so hard throughout the year to help spread the message associated with the International Year of the Older Persons. As America works the remainder of this year and in the years to come to achieve the goals set forth by the International Year of the Older Persons, we need to seriously consider what we in Congress can do to create a society for all ages.

Ms. COLLINS. 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 relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 234) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

[The resolution was not available for printing. It will appear in a future edition of the RECORD.]

HONORING HEROIC EFFORTS OF AIR NATIONAL GUARD'S 109TH AIRLIFT WING

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 205, which is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 205) recognizing and honoring the heroic efforts of the Air National Guard's 109th Airlift Wing and its rescue of Dr. Jerri Nielsen from the South Pole.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Ms. COLLINS. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the concurrent resolution be printed in the RECORD.

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

The concurrent resolution (H. Con. Res. 205) was agreed to.

The preamble was agreed to.

COMMENDING UNITED STATES NAVY ON 100TH ANNIVERSARY OF SUBMARINE FORCE

Ms. COLLINS. Mr. President, I ask unanimous consent that the Armed Services Committee be discharged from further consideration of S. Res. 196 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 196) commending the submarine force of the United States Navy on the 100th anniversary of the force.

There being no objection, the Senate proceeded to consider the resolution.

Ms. COLLINS. 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 the resolution be printed in the RECORD.

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

The resolution (S. Res. 196) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 196

Whereas the submarine force of the United States was founded with the purchase of the U.S.S. HOLLAND on April 11, 1900;

Whereas in overcoming destruction resulting from the attack of United States forces at Pearl Harbor, Hawaii, on December 7, 1941, and difficulties with defective torpedoes, the submarine force destroyed 1,314 enemy ships in World War II (weighing a cumulative 5,300,000 tons), which accounts for 55 percent of all enemy ships lost in World War II;

Whereas 16,000 United States submariners served with courage during World War II, and 7 United States submariners were awarded Congressional Medals of Honor for their distinguished gallantry in combat above and beyond the call of duty;

Whereas in achieving an impressive World War II record, the submarine force suffered the highest casualty rate of any combatant submarine service of the warring alliances, losing 375 officers and 3,131 enlisted men in 52 submarines;

Whereas from 1948 to 1955, the submarine force, with leadership provided by Admiral Hyman Rickover and others, developed an industrial base in a new technology, pioneered new materials, designed and built a prototype reactor, established a training program, and took to sea the world's first nuclear-powered submarine, the U.S.S. NAUTILUS, thus providing America undersea superiority;

Whereas subsequent to the design of the U.S.S. NAUTILUS, the submarine force continued to develop and put to sea the world's most advanced and capable submarines, which were vital to maintaining our national security during the Cold War;

Whereas the United States Navy, with leadership provided by Admiral Red Raborn, developed the world's first operational ballistic missile submarine, which provided an invaluable asset to our Nation's strategic nuclear deterrent capability, and contributed directly to the eventual conclusion of the Cold War; and

Whereas in 1999, the submarine force provides the United States Navy with the ability to operate around the world, independent of outside support, from the open ocean to the littorals, carrying out multimission taskings on tactical, operational, and strategic levels: Now, therefore, be it

Resolved,

(a) That the Senate—

(1) commends the past and present personnel of the submarine force of the United States Navy for their technical excellence, accomplishments, professionalism, and sacrifices; and

(2) congratulates those personnel for the 100 years of exemplary service that they have provided the United States.

(b) It is the sense of the Senate that, in the next millennium, the submarine force of the United States Navy should continue to comprise an integral part of the Navy, and to carry out missions that are key to maintaining our great Nation's freedom and security as the most superior submarine force in the world.

ORDER FOR REVISION OF STANDING RULES OF THE SENATE AND PRINTING OF A SENATE DOCUMENT

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be directed to prepare a revised edition of the Standing Rules of the Senate and that such Standing Rules be printed as a Senate document. I further ask unanimous consent that beyond the usual number, 2,500 additional copies of this document be printed for the use of the Committee on Rules and Administration.

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

AUTHORIZING THE PRINTING OF A REVISED EDITION OF THE SENATE ELECTION LAW GUIDEBOOK

Ms. COLLINS. Mr. President, I now ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 235, submitted earlier by Senator MCCONNELL.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 235) to authorize the printing of a revised edition of the Senate Election Law Guidebook.

There being no objection, the Senate proceeded to consider the resolution.

Ms. COLLINS. Mr. President, I ask unanimous consent that the resolution be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 235) was agreed to, as follows:

S. RES. 235

Resolved, That the Committee on Rules and Administration shall prepare a revised edition of the Senate Election Law Guidebook, Senate Document 105–12, and that such document shall be printed as a Senate document.

SEC. 2. There shall be printed, beyond the usual number, 600 additional copies of the document specified in the first section for the use of the Committee on Rules and Administration.

AUTHORIZING THE PRINTING OF A REVISED EDITION OF THE NOMINATION AND ELECTION OF THE PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES

Ms. COLLINS. Mr. President, I now ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 236, submitted earlier by Senator MCCONNELL.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 236) to authorize the printing of a revised edition of the Nomination and Election of the President and Vice President of the United States.

There being no objection, the Senate proceeded to consider the resolution.

Ms. COLLINS. Mr. President, I ask unanimous consent that the resolution be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 236) was agreed to, as follows:

S. RES. 236

Resolved, That the Committee on Rules and Administration shall prepare a revised edition of the document entitled Nomination and Election of the President and Vice President of the United States, Senate Document 102–14, and that such document shall be printed as a Senate document.

SEC. 2. There shall be printed, beyond the usual number, 600 additional copies of the document specified in the first section for the use of the Committee on Rules and Administration.

AUTHORIZING THE PRINTING OF BROCHURES

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 221, which is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 221) authorizing printing of the brochures entitled ''How Our Laws Are Made'' and ''Our American Government'', the pocket version of the United States Constitution, and the document-sized, annotated version of the United States Constitution.

There being no objection, the Senate proceeded to consider the concurrent resolution.

AMENDMENT NO. 2793

(Purpose: To authorize the printing of documents)

Ms. COLLINS. Mr. President, there is a substitute amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Maine [Ms. COLLINS] for Mr. MCCONNELL, for himself and Mr. ROBB, proposes an amendment numbered 2793.

The amendment is as follows:

Strike all after the resolving clause and insert the following:

SECTION 1. OUR AMERICAN GOVERNMENT.

(a) IN GENERAL.—The 1999 revised edition of the brochure entitled ''Our American Government'' shall be printed as a House document under the direction of the Joint Committee on Printing.

(b) ADDITIONAL COPIES.—In addition to the usual number, there shall be printed the lesser of—

(1) 550,000 copies of the document, of which 440,000 copies shall be for the use of the House of Representatives, 100,000 copies shall be for the use of the Senate, and 10,000 copies shall be for the use of the Joint Committee on Printing; or

(2) such number of copies of the document as does not exceed a total production and printing cost of $412,873, with distribution to be allocated in the same proportion as described in paragraph (1), except that in no case shall the number of copies be less than 1 per Member of Congress.

SEC. 2. DOCUMENT-SIZED, ANNOTATED UNITED STATES CONSTITUTION.

(a) IN GENERAL.—The 1999 edition of the document-sized, annotated version of the United States Constitution shall be printed as a House document under the direction of the Joint Committee on Printing.

(b) ADDITIONAL COPIES.—In addition to the usual number, there shall be printed the lesser of—

(1) 550,000 copies of the document, of which 440,000 copies shall be for the use of the House of Representatives, 100,000 copies shall be for the use of the Senate, and 10,000 copies shall be for the use of the Joint Committee on Printing; or

(2) such number of copies of the document as does not exceed a total production and printing cost of $393,316, with distribution to be allocated in the same proportion as described in paragraph (1), except that in no case shall the number of copies be less than 1 per Member of Congress.

SEC. 3. HOW OUR LAWS ARE MADE.

(a) IN GENERAL.—An edition of the brochure entitled ''How Our Laws Are Made'', as revised under the direction of the Parliamentarian of the House of Representatives in consultation with the Parliamentarian of the Senate, shall be printed as a House document under the direction of the Joint Committee on Printing.

(b) ADDITIONAL COPIES.—In addition to the usual number, there shall be printed the lesser of—

(1) 550,000 copies of the document, of which 440,000 copies shall be for the use of the House of Representatives, 100,000 copies shall be for the use of the Senate, and 10,000 copies shall be for the use of the Joint Committee on Printing; or

(2) such number of copies of the document as does not exceed a total production and printing cost of $200,722, with distribution to be allocated in the same proportion as described in paragraph (1), except that in no case shall the number of copies be less than 1 per Member of Congress.

SEC. 4. POCKET VERSION OF THE UNITED STATES CONSTITUTION.

(a) IN GENERAL.—The 20th edition of the pocket version of the United States Constitution shall be printed as a House document under the direction of the Joint Committee on Printing.

(b) ADDITIONAL COPIES.—In addition to the usual number, there shall be printed the lesser of—

(1) 550,000 copies of the document, of which 440,000 copies shall be for the use of the House of Representatives, 100,000 copies shall be for the use of the Senate, and 10,000 copies shall be for the use of the Joint Committee on Printing; or

(2) such number of copies of the document as does not exceed a total production and printing cost of $115,208, with distribution to be allocated in the same proportion as described in paragraph (1), except that in no case shall the number of copies be less than 1 per Member of Congress.

SEC. 5. CAPITOL BUILDER: THE SHORTHAND JOURNALS OF CAPTAIN MONTGOMERY C. MEIGS, 1853–1861.

(a) IN GENERAL.—There shall be printed as a Senate document the book entitled ''Capitol Builder: The Shorthand Journals of Captain Montgomery C. Meigs, 1853–1861'', prepared under the direction of the Secretary of the Senate, in consultation with the Clerk of the House of Representatives and the Architect of the Capitol.

(b) SPECIFICATIONS.—The Senate document described in subsection (a) shall include illustrations and shall be in the style, form, manner, and binding as directed by the Joint Committee on Printing after consultation with the Secretary of the Senate.

(c) NUMBER OF COPIES.—In addition to the usual number of copies, there shall be printed with suitable binding the lesser of—

(1) 1,500 copies for the use of the Senate, the House of Representatives, and the Architect of the Capitol, to be allocated as determined by the Secretary of the Senate and the Clerk of the House of Representatives; or

(2) a number of copies that does not have a total production and printing cost of more than $31,500.

SEC. 6. THE UNITED STATES CAPITOL: A CHRONICLE OF CONSTRUCTION, DESIGN, AND POLITICS.

(a) IN GENERAL.—There shall be printed as a Senate document the book entitled ''The United States Capitol: A Chronicle of Construction, Design, and Politics'', prepared by the Architect of the Capitol.

(b) SPECIFICATIONS.—The Senate document described in subsection (a) shall include illustrations and shall be in the style, form, manner, and binding as directed by the Joint Committee on Printing after consultation with the Secretary of the Senate.

(c) NUMBER OF COPIES.—In addition to the usual number of copies, there shall be printed with suitable binding the lesser of—

(1) 6,500 copies for the use of the Senate, the House of Representatives, and the Architect of the Capitol, to be allocated as determined by the Secretary of the Senate; or

(2) a number of copies that does not have a total production and printing cost of more than $143,000.

Ms. COLLINS. Mr. President, I ask unanimous consent that the amendment be agreed to, the resolution be agreed to, as amended, the motion to reconsider be laid upon the table, and any statements related to the resolution be printed in the RECORD.

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

The amendment (No. 2793) was agreed to.

The concurrent resolution (H. Con. Res. 221), as amended, was agreed to.

RECOGNIZING THE 4–H YOUTH DEVELOPMENT PROGRAM'S CENTENNIAL

Ms. COLLINS. Mr. President, I now ask unanimous consent that the Governmental Affairs Committee be discharged from further consideration of S. Res. 218, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 218) expressing the sense of the Senate that a commemorative postage stamp should be issued recognizing the 4–H Youth Development Program's centennial.

There being no objection, the Senate proceeded to consider the resolution.

Ms. COLLINS. Mr. President, I ask unanimous consent that the resolution be agreed, the preamble be agreed to, the motion to reconsider be laid upon the table, and finally that any statements related to the resolution be printed in the RECORD.

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

The resolution (S. Res. 218) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 218

Whereas the 4–H Youth Development Program celebrates its 100th anniversary in 2002;

Whereas the 4–H Youth Development Program has grown to over 5,600,000 annual participants, from 5 to 19 years of age;

Whereas today's 4–H Club is very diverse, offering agricultural, career development, information technology, and general life skills program;

Whereas these programs are offered in rural and urban areas throughout the world; and

Whereas the 4–H Youth Development Program continues to make great contributions toward the development of well-rounded youth: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the United States Postal Service should make preparations to issue a commemorative postage stamp recognizing the 4–H Youth Development Program's centennial; and

(2) the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that such a postage stamp be issued in 2002.

HONORING THE MEMBERS OF THE ARMED FORCES WHO HAVE BEEN AWARDED THE PURPLE HEART

Ms. COLLINS. Mr. President, I ask unanimous consent that the committee on Governmental Affairs be discharged from further consideration of S. Con. Res. 42, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 42) expressing the sense of the Congress that a commemorative postage stamp should be issued by the United States Postal Service honoring the members of the Armed Forces who have been awarded the Purple Heart.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Ms. COLLINS. Mr. President, I ask unanimous consent that the concurrent 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 concurrent resolution (S. Con. Res. 42) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. CON. RES. 42

Whereas the Order of the Purple Heart for Military Merit, commonly known as the Purple Heart, is the oldest military decoration in the world in present use;

Whereas the Purple Heart is awarded in the name of the President of the United States to members of the Armed Forces who are wounded in conflict with an enemy force or while held by an enemy force as a prisoner of war, and posthumously to the next of kin of members of the Armed Forces who are killed in conflict with an enemy force or who die of a wound received in conflict with an enemy force;

Whereas the Purple Heart was established on August 7, 1782, during the Revolutionary War, when General George Washington issued an order establishing the Honorary Badge of Distinction, otherwise known as the Badge of Military Merit or the Decoration of the Purple Heart;

Whereas the award of the Purple Heart ceased with the end of the War of the Revolution, but was revived out of respect for the memory and military achievements of George Washington in 1932, the year marking the 200th anniversary of his birth; and

Whereas 1999 is the year marking the 200th anniversary of the death of George Washington: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) a commemorative postage stamp should be issued by the United States Postal Service honoring the members of the Armed Forces who have been awarded the Purple Heart; and

(2) the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that such a stamp be issued in 1999, the year marking the 200th anniversary of the death of George Washington.

THE CALENDAR

Ms. COLLINS. Mr. President, I now ask unanimous consent that the Senate proceed to the consideration, en bloc, of the following bills reported by the Governmental Affairs Committee: S. 1295, calendar No. 398; H.R. 100, calendar No. 391; H.R. 197, calendar No. 392; H.R. 1191, calendar No. 394; H.R. 1251, calendar No. 395; H.R. 1327, calendar No. 396, and H.R. 1377, calendar No. 397.

I ask unanimous consent that any committee amendments, if applicable, be agreed to, that the bills be considered read a third time and passed, the motions to reconsider be laid upon the table, and that any statements related 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.

LANCE CORPORAL HAROLD GOMEZ POST OFFICE

The bill (S. 1295) to designate the United States Post Office located at 3813 Main Street in East Chicago, Indiana, as the ''Lance Corporal Harold Gomez Post Office,'' was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 1295

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

SECTION 1. DESIGNATION OF LANCE CORPORAL HAROLD GOMEZ POST OFFICE.

The United States Post Office located at 3813 Main Street in East Chicago, Indiana, shall be known and designated as the ''Lance Corporal Harold Gomez Post Office''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the post office referred to in section 1 shall be deemed to be a reference to the ''Lance Corporal Harold Gomez Post Office''.

UNITED STATES POSTAL SERVICE BUILDING IN PHILADELPHIA, PENNSYLVANIA

The bill (H.R. 100) to establish designations for United States Postal Service buildings in Philadelphia, Pennsylvania, was considered, ordered to a third reading, read the third time, and passed.

CLIFFORD R. HOPE POST OFFICE

The bill (H.R. 197) to designate the facility of the United States Postal Service at 410 North 6th Street in Garden City, Kansas, as the ''Clifford R. Hope Post Office,'' was considered, ordered to a third reading, read the third time, and passed.

DESIGNATE FACILITIES OF THE UNITED STATES POSTAL SERVICE IN CHICAGO, ILLINOIS

The bill (H.R. 1191) to designate certain facilities of the United States Postal Service in Chicago, Illinois, was considered, ordered to a third reading, read the third time, and passed.

NOAL CUSHING BATEMAN POST OFFICE BUILDING

The bill (H.R. 1251) to designate the United States Postal Service building located at 8850 South 700 East, Sandy,

Utah, as the ''Noal Cushing Bateman Post Office Building,'' was considered, ordered to a third reading, read the third time, and passed.

MAURINE B. NEUBERGER UNITED STATES POST OFFICE

The bill (H.R. 1327) to designate the United States Postal Service building located at 34480 Highway 101 South in Cloverdale, Oregon, as the ''Maurine B. Neuberger United Sates Post Office,'' was considered, ordered to a third reading, read a third time, and passed.

JOHN J. BUCHANAN POST OFFICE BUILDING

The Senate proceeded to consider the bill (H.R. 1377) to designate the facility of the United States Postal Service at 13234 South Baltimore Avenue in Chicago, Illinois, as the ''John J. Buchanan Post Office Building,'' which had been reported from the Committee on Governmental Affairs, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. DESIGNATION.

The facility of the United States Postal Service, located at 9308 South Chicago Avenue, Chicago, Illinois, 60617, is designated as the ''John J. Buchanan Post Office Building''.

SEC. 2. REFERENCES.

Any reference in a law, regulation, map, document, paper, or other record of the United States to the facility referred to in section 1 shall be considered to be a reference to the ''John J. Buchanan Post Office Building''.

The committee amendment, in the nature of a substitute, was agreed to.

The bill (H.R. 1377), as amended, was considered read the third time and passed.

The title was amended so as to read:

''To designate the facility of the United States Postal Service located at 9308 South Chicago Avenue, Chicago, Illinois, as the 'John J. Buchanan Post Office Building'.''.

FOR THE RELIEF OF SUCHADA KWONG

Ms. COLLINS. Mr. President, I now ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 322, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 322) for the relief of Suchada Kwong.

There being no objection, the Senate proceeded to consider the bill.

Ms. COLLINS. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements related to the bill be printed in the RECORD.

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

The bill (H.R. 322) was read the third time and passed.

AUTHORIZATION OF REPRESENTATION

Ms. COLLINS. Mr. President, I now ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 238 submitted earlier by Senators LOTT and DASCHLE.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 238) to authorize representation of Member of the Senate in the case of Brett Kimberlin v. Orrin Hatch, et al.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, this resolution concerns a civil action commenced by a pro se plaintiff in the United States District Court for the District of Columbia against Senator HATCH and a former member of the staff of the Judiciary Committee. The plaintiff is a federal prisoner serving a sentence for offenses related to a series of bombings in 1979. The complaint seeks damages from Senator HATCH and staff for their alleged role in the United States Parole Commission's 1997 revocation of the plaintiff's parole for failure to satisfy an outstanding civil judgment against him in favor of one of the victims of his bombings.

The plaintiff's claims of unfairness and political bias in his parole revocation hearing have already been rejected by the federal district court in Maryland in habeas corpus proceedings initiated by the plaintiff.

This resolution authorizes the Senate Legal Counsel to represent Senator HATCH in this action. The Senate Legal Counsel will seek dismissal of the suit for failure to state a claim for relief and for other reasons.

Ms. COLLINS. 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 finally that any statements related to the resolution be printed in the RECORD.

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

The resolution (S. Res. 238) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 238

Whereas, in the case of *Brett Kimberlin* v. *Orrin Hatch, et al.*, C.A. No. 99–1590, pending in the United States District Court for the District of Columbia, the plaintiff has named as a defendant Senator Orrin G. Hatch;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(a) and 288c(1), the Senate may direct its counsel to defend Members of the Senate in civil actions relating to their official responsibilities: Now therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent Senator Hatch in the case of *Brett Kimberlin* v. *Orrin Hatch, et al.*

DETERMINED AND FULL ENGAGEMENT AGAINST THE THREAT OF METHAMPHETAMINE OR DEFEAT METH ACT OF 1999

Ms. COLLINS. Mr. President, I now ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 260, S. 486.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 486) to provide for the punishment of methamphetamine laboratory operators, provide additional resources to combat methamphetamine production, trafficking, and abuse in the United States, 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 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 ''Methamphetamine Anti-Proliferation Act of 1999''.

SEC. 2. ENHANCED PUNISHMENT OF AMPHETAMINE LABORATORY OPERATORS.

(a) AMENDMENT TO FEDERAL SENTENCING GUIDELINES.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal sentencing guidelines in accordance with this section with respect to any offense relating to the manufacture, importation, exportation, or trafficking in amphetamine (including an attempt or conspiracy to do any of the foregoing) in violation of—

(1) the Controlled Substances Act (21 U.S.C. 801 et seq.);

(2) the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.); or

(3) the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.).

(b) GENERAL REQUIREMENT.—In carrying out this section, the United States Sentencing Commission shall, with respect to each offense described in subsection (a) relating to amphetamine—

(1) review and amend its guidelines to provide for increased penalties such that those penalties are comparable to the base offense level for methamphetamine; and

(2) take any other action the Commission considers necessary to carry out this subsection.

(c) ADDITIONAL REQUIREMENTS.—In carrying out this section, the United States Sentencing Commission shall ensure that the sentencing guidelines for offenders convicted of offenses described in subsection (a) reflect the heinous nature of such offenses, the need for aggressive law enforcement action to fight such offenses, and the extreme dangers associated with unlawful activity involving amphetamines, including—

(1) the rapidly growing incidence of amphetamine abuse and the threat to public safety that such abuse poses;

(2) the high risk of amphetamine addiction;

(3) the increased risk of violence associated with amphetamine trafficking and abuse; and

(4) the recent increase in the illegal importation of amphetamine and precursor chemicals.

(d) EMERGENCY AUTHORITY TO SENTENCING COMMISSION.—The United States Sentencing Commission shall promulgate amendments pursuant to this section as soon as practicable after the date of the enactment of this Act in accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987 (Public Law 100–182), as though the authority under that Act had not expired.

SEC. 3. ADVERTISEMENTS FOR DRUG PARAPHERNALIA AND SCHEDULE I CONTROLLED SUBSTANCES.

(a) DRUG PARAPHERNALIA.—Section 422 of the Controlled Substances Act (21 U.S.C. 863) is amended—

(1) in subsection (a)(1), by inserting '', directly or indirectly advertise for sale,'' after ''sell''; and

(2) by adding at the end the following:

''(g) In this section, the term 'directly or indirectly advertise for sale' includes the use of any communication facility (as that term is defined in section 403(b)) to initiate the posting, publicizing, transmitting, publishing, linking to, broadcasting, or other advertising of any matter (including a telephone number or electronic or mail address) knowing that such matter has the purpose of seeking or offering, or is designed to be used, to receive, buy, distribute, or otherwise facilitate a transaction in.''.

(b) SCHEDULE I CONTROLLED SUBSTANCES.—Section 403(c) of such Act (21 U.S.C. 843(c)) is amended—

(1) in the first sentence, by inserting before the period the following: '', or to directly or indirectly advertise for sale (as that term is defined in section 422(g)) any Schedule I controlled substance''; and

(2) in the second sentence, by striking ''term 'advertisement' '' and inserting ''term 'written advertisement' ''.

SEC. 4. MANDATORY RESTITUTION FOR VIOLATIONS OF CONTROLLED SUBSTANCES ACT AND CONTROLLED SUBSTANCES IMPORT AND EXPORT ACT RELATING TO AMPHETAMINE AND METHAMPHETAMINE.

(a) MANDATORY RESTITUTION.—Section 413(q) of the Controlled Substances Act (21 U.S.C. 853(q)) is amended—

(1) in the matter preceding paragraph (1), by striking ''may'' and inserting ''shall'';

(2) by inserting ''amphetamine or'' before ''methamphetamine'' each place it appears; and

(3) in paragraph (2)—

(A) by inserting '', the State or local government concerned, or both the United States and the State or local government concerned'' after ''United States'' the first place it appears; and

(B) by inserting ''or the State or local government concerned, as the case may be,'' after ''United States'' the second place it appears.

(b) DEPOSIT OF AMOUNTS IN DEPARTMENT OF JUSTICE ASSETS FORFEITURE FUND.—Section 524(c)(4) of title 28, United States Code, is amended—

(1) by striking ''and'' at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting ''; and''; and

(3) by adding at the end the following:

''(D) all amounts collected—

''(i) by the United States pursuant to a reimbursement order under paragraph (2) of section 413(q) of the Controlled Substances Act (21 U.S.C. 853(q)); and

''(ii) pursuant to a restitution order under paragraph (1) or (3) of section 413(q) of the Controlled Substances Act for injuries to the United States.''.

SEC. 5. CRIMINAL PROHIBITION ON DISTRIBUTION OF CERTAIN INFORMATION RELATING TO THE MANUFACTURE OF CONTROLLED SUBSTANCES.

(a) IN GENERAL.—Part I of title 18, United States Code, is amended by inserting after chapter 21 the following new chapter:

''CHAPTER 22—CONTROLLED SUBSTANCES

''Sec.
''421. Distribution of information relating to manufacture of controlled substances.

''§ 421. Distribution of information relating to manufacture of controlled substances

''(a) PROHIBITION ON DISTRIBUTION OF INFORMATION RELATING TO MANUFACTURE OF CONTROLLED SUBSTANCES.—

''(1) CONTROLLED SUBSTANCE DEFINED.—In this subsection, the term 'controlled substance' has the meaning given that term in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).

''(2) PROHIBITION.—It shall be unlawful for any person—

''(A) to teach or demonstrate the manufacture of a controlled substance, or to distribute by any means information pertaining to, in whole or in part, the manufacture or use of a controlled substance, with the intent that the teaching, demonstration, or information be used for, or in furtherance of, an activity that constitutes a Federal crime; or

''(B) to teach or demonstrate to any person the manufacture of a controlled substance, or to distribute to any person, by any means, information pertaining to, in whole or in part, the manufacture or use of a controlled substance, knowing that such person intends to use the teaching, demonstration, or information for, or in furtherance of, an activity that constitutes a Federal crime.

''(b) PENALTY.—Any person who violates subsection (a) shall be fined under this title, imprisoned not more than 10 years, or both.''.

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of part I of title 18, United States Code, is amended by inserting after the item relating to chapter 21 the following new item:

''22. Controlled Substances ..... 421''.

SEC. 6. NOTICE; CLARIFICATION.

(a) NOTICE OF ISSUANCE.—Section 3103a of title 18, United States Code, is amended by adding at the end the following new sentence: ''With respect to any issuance under this section or any other provision of law (including section 3117 and any rule), any notice required, or that may be required, to be given may be delayed pursuant to the standards, terms, and conditions set forth in section 2705, unless otherwise expressly provided by statute.''.

(b) CLARIFICATION.—(1) Section 2(e) of Public Law 95–78 (91 Stat. 320) is amended by adding at the end the following:

''Subdivision (d) of such rule, as in effect on this date, is amended by inserting 'tangible' before 'property' each place it occurs.''.

(2) The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act.

SEC. 7. TRAINING FOR DRUG ENFORCEMENT ADMINISTRATION AND STATE AND LOCAL LAW ENFORCEMENT PERSONNEL RELATING TO CLANDESTINE LABORATORIES.

(a) IN GENERAL.—

(1) REQUIREMENT.—The Administrator of the Drug Enforcement Administration shall carry out the programs described in subsection (b) with respect to the law enforcement personnel of States and localities determined by the Administrator to have significant levels of methamphetamine-related or amphetamine-related crime or projected by the Administrator to have the potential for such levels of crime in the future.

(2) DURATION.—The duration of any program under that subsection may not exceed 3 years.

(b) COVERED PROGRAMS.—The programs described in this subsection are as follows:

(1) ADVANCED MOBILE CLANDESTINE LABORATORY TRAINING TEAMS.—A program of advanced mobile clandestine laboratory training teams, which shall provide information and training to State and local law enforcement personnel in techniques utilized in conducting undercover investigations and conspiracy cases, and other information designed to assist in the investigation of the illegal manufacturing and trafficking of amphetamine and methamphetamine.

(2) BASIC CLANDESTINE LABORATORY CERTIFICATION TRAINING.—A program of basic clandestine laboratory certification training, which shall provide information and training—

(A) to Drug Enforcement Administration personnel and State and local law enforcement personnel for purposes of enabling such personnel to meet any certification requirements under law with respect to the handling of wastes created by illegal amphetamine and methamphetamine laboratories; and

(B) to State and local law enforcement personnel for purposes of enabling such personnel to provide the information and training covered by subparagraph (A) to other State and local law enforcement personnel.

(3) CLANDESTINE LABORATORY RECERTIFICATION AND AWARENESS TRAINING.—A program of clandestine laboratory recertification and awareness training, which shall provide information and training to State and local law enforcement personnel for purposes of enabling such personnel to provide recertification and awareness training relating to clandestine laboratories to additional State and local law enforcement personnel.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 2000, 2001, and 2002 amounts as follows:

(1) $1,500,000 to carry out the program described in subsection (b)(1).

(2) $3,000,000 to carry out the program described in subsection (b)(2).

(3) $1,000,000 to carry out the program described in subsection (b)(3).

SEC. 8. COMBATTING METHAMPHETAMINE AND AMPHETAMINE IN HIGH INTENSITY DRUG TRAFFICKING AREAS.

(a) IN GENERAL.—

(1) IN GENERAL.—The Director of National Drug Control Policy shall use amounts available under this section to combat the trafficking of methamphetamine and amphetamine in areas designated by the Director as high intensity drug trafficking areas.

(2) ACTIVITIES.—In meeting the requirement in paragraph (1), the Director shall provide funds for—

(A) employing additional Federal law enforcement personnel, or facilitating the employment of additional State and local law enforcement personnel, including agents, investigators, prosecutors, laboratory technicians, chemists, investigative assistants, and drug-prevention specialists; and

(B) such other activities as the Director considers appropriate.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section—

(1) $15,000,000 for fiscal year 2000; and

(2) such sums as may be necessary for each of fiscal years 2001 through 2004.

(c) APPORTIONMENT OF FUNDS.—

(1) FACTORS IN APPORTIONMENT.—The Director shall apportion amounts appropriated for a fiscal year pursuant to the authorization of appropriations in subsection (b) for activities under subsection (a) among and within areas designated by the Director as high intensity drug trafficking areas based on the following factors:

(A) The number of methamphetamine manufacturing facilities and amphetamine manufacturing facilities discovered by Federal, State, or local law enforcement officials in the previous fiscal year.

(B) The number of methamphetamine prosecutions and amphetamine prosecutions in Federal, State, or local courts in the previous fiscal year.

(C) The number of methamphetamine arrests and amphetamine arrests by Federal, State, or local law enforcement officials in the previous fiscal year.

(D) The amounts of methamphetamine, amphetamine, or listed chemicals (as that term is defined in section 102(33) of the Controlled Substances Act (21 U.S.C. 802(33)) seized by Federal, State, or local law enforcement officials in the previous fiscal year.

(E) Intelligence and predictive data from the Drug Enforcement Administration and the Department of Health and Human Services showing patterns and trends in abuse, trafficking,

and transportation in methamphetamine, amphetamine, and listed chemicals (as that term is so defined).

(2) CERTIFICATION.—Before the Director apportions any funds under this subsection to a high intensity drug trafficking area, the Director shall certify that the law enforcement entities responsible for clandestine methamphetamine and amphetamine laboratory seizures in that area are providing laboratory seizure data to the national clandestine laboratory database at the El Paso Intelligence Center.

(d) LIMITATION ON ADMINISTRATIVE COSTS.—Not more than 5 percent of the amount appropriated in a fiscal year pursuant to the authorization of appropriations for that fiscal year in subsection (b) may be available in that fiscal year for administrative costs associated with activities under subsection (a).

SEC. 9. COMBATING AMPHETAMINE AND METHAMPHETAMINE MANUFACTURING AND TRAFFICKING.

(a) ACTIVITIES.—In order to combat the illegal manufacturing and trafficking in amphetamine and methamphetamine, the Administrator of the Drug Enforcement Administration may—

(1) assist State and local law enforcement in small and mid-sized communities in all phases of investigations related to such manufacturing and trafficking, including assistance with foreign-language interpretation;

(2) staff additional regional enforcement and mobile enforcement teams related to such manufacturing and trafficking;

(3) establish additional resident offices and posts of duty to assist State and local law enforcement in rural areas in combating such manufacturing and trafficking;

(4) provide the Special Operations Division of the Administration with additional agents and staff to collect, evaluate, interpret, and disseminate critical intelligence targeting the command and control operations of major amphetamine and methamphetamine manufacturing and trafficking organizations; and

(5) carry out such other activities as the Administrator considers appropriate.

(b) ADDITIONAL POSITIONS AND PERSONNEL.—In carrying out activities under subsection (a), the Administrator may establish in the Administration not more than 50 full-time positions, including not more than 31 special-agent positions, and may appoint personnel to such positions.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the Drug Enforcement Administration for each fiscal year after fiscal year 1999, $6,500,000 for purposes of carrying out the activities authorized by subsection (a) and employing personnel in positions established under subsection (b).

SEC. 10. ENVIRONMENTAL HAZARDS ASSOCIATED WITH ILLEGAL MANUFACTURE OF AMPHETAMINE AND METHAMPHETAMINE.

(a) USE OF AMOUNTS OR DEPARTMENT OF JUSTICE ASSETS FORFEITURE FUND.—Section 524(c)(1)(E) of title 28, United States Code, is amended—

(1) by inserting ''(i) for'' before ''disbursements'';

(2) by inserting ''and'' after the semicolon; and

(3) by adding at the end the following:

''(ii) for payment for—

''(I) costs incurred by or on behalf of the Department of Justice in connection with the removal, for purposes of Federal forfeiture and disposition, of any hazardous substance or pollutant or contaminant associated with the illegal manufacture of amphetamine or methamphetamine; and

''(II) costs incurred by or on behalf of a State or local government in connection with such removal in any case in which such State or local government has assisted in a Federal prosecution relating to amphetamine or methamphetamine, to the extent such costs exceed equitable sharing payments made to such State or local government in such case;''.

(b) GRANTS UNDER DRUG CONTROL AND SYSTEM IMPROVEMENT GRANT PROGRAM.—Section 501(b)(3) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting before the semicolon the following: ''and to remove any hazardous substance or pollutant or contaminant associated with the illegal manufacture of amphetamine or methamphetamine''.

(c) AMOUNTS SUPPLEMENT AND NOT SUPPLANT.—

(1) ASSETS FORFEITURE FUND.—Any amounts made available from the Department of Justice Assets Forfeiture Fund in a fiscal year by reason of the amendment made by subsection (a) shall supplement, and not supplant, any other amounts made available to the Department of Justice in such fiscal year from other sources for payment of costs described in section 524(c)(1)(E)(ii) of title 28, United States Code, as so amended.

(2) GRANT PROGRAM.—Any amounts made available in a fiscal year under the grant program under section 501(b)(3) of the Omnibus Crime Control and Safe Streets Act of 1968 for the removal of hazardous substances or pollutants or contaminants associated with the illegal manufacture of amphetamine or methamphetamine by reason of the amendment made by subsection (b) shall supplement, and not supplant, any other amounts made available in such fiscal year from other sources for such removal.

SEC. 11. ANTIDRUG MESSAGES ON FEDERAL GOVERNMENT INTERNET WEBSITES.

Not later than 90 days after the date of the enactment of this Act, the head of each department, agency, and establishment of the Federal Government shall, in consultation with the Director of the Office of National Drug Control Policy, place antidrug messages on appropriate Internet websites controlled by such department, agency, or establishment which messages shall, where appropriate, contain an electronic hyperlink to the Internet website, if any, of the Office.

SEC. 12. MAIL ORDER REQUIREMENTS.

Section 310(b)(3) of the Controlled Substances Act (21 U.S.C. 830(b)(3)) is amended—

(1) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively;

(2) by inserting before subparagraph (B), as so redesignated, the following new subparagraph (A):

''(A) As used in this paragraph:

''(i) The term 'drug product' means an active ingredient in dosage form that has been approved or otherwise may be lawfully marketed under the Food, Drug, and Cosmetic Act for distribution in the United States.

''(ii) The term 'valid prescription' means a prescription which is issued for a legitimate medical purpose by an individual practitioner licensed by law to administer and prescribe the drugs concerned and acting in the usual course of the practitioner's professional practice.'';

(3) in subparagraph (B), as so redesignated, by inserting ''or who engages in an export transaction'' after ''nonregulated person''; and

(4) adding at the end the following:

''(D) Except as provided in subparagraph (E), the following distributions to a nonregulated person, and the following export transactions, shall not be subject to the reporting requirement in subparagraph (B):

''(i) Distributions of sample packages of drug products when such packages contain not more than 2 solid dosage units or the equivalent of 2 dosage units in liquid form, not to exceed 10 milliliters of liquid per package, and not more than one package is distributed to an individual or residential address in any 30-day period.

''(ii) Distributions of drug products by retail distributors that may not include face-to-face transactions to the extent that such distributions are consistent with the activities authorized for a retail distributor as specified in section 102(46).

''(iii) Distributions of drug products to a resident of a long term care facility (as that term is defined in regulations prescribed by the Attorney General) or distributions of drug products to a long term care facility for dispensing to or for use by a resident of that facility.

''(iv) Distributions of drug products pursuant to a valid prescription.

''(v) Exports which have been reported to the Attorney General pursuant to section 1004 or 1018 or which are subject to a waiver granted under section 1018(e)(2).

''(vi) Any quantity, method, or type of distribution or any quantity, method, or type of distribution of a specific listed chemical (including specific formulations or drug products) or of a group of listed chemicals (including specific formulations or drug products) which the Attorney General has excluded by regulation from such reporting requirement on the basis that such reporting is not necessary for the enforcement of this title or title III.

''(E) The Attorney General may revoke any or all of the exemptions listed in subparagraph (D) for an individual regulated person if he finds that drug products distributed by the regulated person are being used in violation of this title or title III. The regulated person shall be notified of the revocation, which will be effective upon receipt by the person of such notice, as provided in section 1018(c)(1), and shall have the right to an expedited hearing as provided in section 1018(c)(2).''.

SEC. 13. THEFT AND TRANSPORTATION OF ANHYDROUS AMMONIA FOR PURPOSES OF ILLICIT PRODUCTION OF CONTROLLED SUBSTANCES.

(a) IN GENERAL.—Part D of the Controlled Substances Act (21 U.S.C. 841 et seq.) is amended by adding at the end the following:

''ANHYDROUS AMMONIA

''SEC. 423 (a) It is unlawful for any person—

''(1) to steal anhydrous ammonia, or

''(2) to transport stolen anhydrous ammonia across State lines,

knowing, intending, or having reasonable cause to believe that such anhydrous ammonia will be used to manufacture a controlled substance in violation of this part.

''(b) Any person who violates subsection (a) shall be imprisoned or fined, or both, in accordance with section 403(d) as if such violation were a violation of a provision of section 403.''.

(b) CLERICAL AMENDMENT.—The table of contents for that Act is amended by inserting after the item relating to section 421 the following new items:

''Sec. 422. Drug paraphernalia.

''Sec. 423. Anhydrous ammonia.''.

(c) ASSISTANCE FOR CERTAIN RESEARCH.—

(1) AGREEMENT.—The Administrator of the Drug Enforcement Administration shall seek to enter into an agreement with Iowa State University in order to permit the University to continue and expand its current research into the development of inert agents that, when added to anhydrous ammonia, eliminate the usefulness of anhydrous ammonia as an ingredient in the production of methamphetamine.

(2) REIMBURSABLE PROVISION OF FUNDS.—The agreement under paragraph (1) may provide for the provision to Iowa State University, on a reimbursable basis, of $500,000 for purposes the activities specified in that paragraph.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated for the Drug Enforcement Administration for fiscal year 2000, $500,000 for purposes of carrying out the agreement under this subsection.

SEC. 14. REPORT ON METHAMPHETAMINE CONSUMPTION IN RURAL AREAS, SUBURBAN AREAS, SMALL CITIES, MIDSIZE CITIES, AND LARGE CITIES.

(a) IN GENERAL.—The Secretary of Health and Human Services shall submit to the designated committees of Congress on an annual basis a report on the problems caused by methamphetamine consumption in rural areas, suburban

areas, small cities, midsize cities, and large cities.

(b) CONCERNS ADDRESSED.—Each report submitted under this section shall include an analysis of—

(1) the manner in which methamphetamine consumption in rural areas differs from methamphetamine consumption in areas with larger populations, and the means by which to accurately measure those differences;

(2) the incidence of methamphetamine abuse in rural areas and the treatment resources available to deal with methamphetamine addiction in those areas;

(3) any relationship between methamphetamine consumption in rural areas and a lack of substance abuse treatment in those areas; and

(4) any relationship between geographic differences in the availability of substance abuse treatment and the geographic distribution of the methamphetamine abuse problem in the United States.

(c) DEFINITIONS.—In this section:

(1) The term ''designated committees of Congress'' means the following:

(A) The Committees on the Judiciary and Appropriations of the Senate.

(B) The Committees on the Judiciary and Appropriations of the House of Representatives.

(2) The term ''large city'' means any city that is not a small city or a midsize city.

(3) The term ''midsize city'' means a city with a population under 250,000 and over 20,000.

(4) The term ''rural area'' means a county or parish with a population under 50,000.

(5) The term ''small city'' means a city with a population under 20,000.

SEC. 15. EXPANSION OF METHAMPHETAMINE ABUSE PREVENTION EFFORTS.

(a) EXPANSION OF EFFORTS.—Section 515 of the Public Health Service Act (42 U.S.C. 290bb–21) is amended by adding at the end the following:

''(e)(1) The Administrator may make grants to and enter into contracts and cooperative agreements with public and nonprofit private entities to enable such entities—

''(A) to carry out school-based programs concerning the dangers of abuse of and addiction to methamphetamine and other illicit drugs, using methods that are effective and science-based, including initiatives that give students the responsibility to create their own anti-drug abuse education programs for their schools; and

''(B) to carry out community-based abuse and addiction prevention programs relating to methamphetamine and other illicit drugs that are effective and science-based.

''(2) Amounts made available under a grant, contract or cooperative agreement under paragraph (1) shall be used for planning, establishing, or administering prevention programs relating to methamphetamine and other illicit drugs in accordance with paragraph (3).

''(3)(A) Amounts provided under this subsection may be used—

''(i) to carry out school-based programs that are focused on those districts with high or increasing rates of methamphetamine abuse and addiction and targeted at populations which are most at risk to start abuse of methamphetamine and other illicit drugs;

''(ii) to carry out community-based prevention programs that are focused on those populations within the community that are most at-risk for abuse of and addiction to methamphetamine and other illicit drugs;

''(iii) to assist local government entities to conduct appropriate prevention activities relating to methamphetamine and other illicit drugs;

''(iv) to train and educate State and local law enforcement officials, prevention and education officials, members of community anti-drug coalitions and parents on the signs of abuse of and addiction to methamphetamine and other illicit drugs, and the options for treatment and prevention;

''(v) for planning, administration, and educational activities related to the prevention of abuse of and addiction to methamphetamine and other illicit drugs;

''(vi) for the monitoring and evaluation of prevention activities relating to methamphetamine and other illicit drugs, and reporting and disseminating resulting information to the public; and

''(vii) for targeted pilot programs with evaluation components to encourage innovation and experimentation with new methodologies.

''(B) The Administrator shall give priority in making grants under this subsection to rural and urban areas that are experiencing a high rate or rapid increases in methamphetamine abuse and addiction.

''(4)(A) Not less than $500,000 of the amount available in each fiscal year to carry out this subsection shall be made available to the Administrator, acting in consultation with other Federal agencies, to support and conduct periodic analyses and evaluations of effective prevention programs for abuse of and addiction to methamphetamine and other illicit drugs and the development of appropriate strategies for disseminating information about and implementing these programs.

''(B) The Administrator shall submit to the committees of Congress referred to in subparagraph (C) an annual report with the results of the analyses and evaluation under subparagraph (A).

''(C) The committees of Congress referred to in this subparagraph are the following:

''(i) The Committees on Health, Education, Labor, and Pensions, the Judiciary, and Appropriations of the Senate.

''(ii) The Committees on Commerce, the Judiciary, and Appropriations of the House of Representatives.''.

(b) AUTHORIZATION OF APPROPRIATIONS FOR EXPANSION OF ABUSE PREVENTION EFFORTS AND PRACTITIONER REGISTRATION REQUIREMENTS.—There is authorized to be appropriated to carry out section 515(e) of the Public Health Service Act (as added by subsection (a)) and section 303(g)(2) of the Controlled Substances Act (as added by section 18(a) of this Act), $15,000,000 for fiscal year 2000, and such sums as may be necessary for each succeeding fiscal year.

SEC. 16. EXPANSION OF METHAMPHETAMINE RESEARCH.

Section 464N of the Public Health Service Act (42 U.S.C. 285o–2) is amended by adding at the end the following:

''(c) METHAMPHETAMINE RESEARCH.—

''(1) GRANTS OR COOPERATIVE AGREEMENTS.—The Director of the Institute may make grants or enter into cooperative agreements to expand the current and on-going interdisciplinary research and clinical trials with treatment centers of the National Drug Abuse Treatment Clinical Trials Network relating to methamphetamine abuse and addiction and other biomedical, behavioral, and social issues related to methamphetamine abuse and addiction.

''(2) USE OF FUNDS.—Amounts made available under a grant or cooperative agreement under paragraph (1) for methamphetamine abuse and addiction may be used for research and clinical trials relating to—

''(A) the effects of methamphetamine abuse on the human body, including the brain;

''(B) the addictive nature of methamphetamine and how such effects differ with respect to different individuals;

''(C) the connection between methamphetamine abuse and mental health;

''(D) the identification and evaluation of the most effective methods of prevention of methamphetamine abuse and addiction;

''(E) the identification and development of the most effective methods of treatment of methamphetamine addiction, including pharmacological treatments;

''(F) risk factors for methamphetamine abuse;

''(G) effects of methamphetamine abuse and addiction on pregnant women and their fetuses;

''(H) cultural, social, behavioral, neurological and psychological reasons that individuals abuse methamphetamine, or refrain from abusing methamphetamine.

''(3) RESEARCH RESULTS.—The Director shall promptly disseminate research results under this subsection to Federal, State and local entities involved in combating methamphetamine abuse and addiction.

''(4) AUTHORIZATION OF APPROPRIATIONS.—

''(A) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out paragraph (1), such sums as may be necessary for each fiscal year.

''(B) SUPPLEMENT NOT SUPPLANT.—Amounts appropriated pursuant to the authorization of appropriations in subparagraph (A) for a fiscal year shall supplement and not supplant any other amounts appropriated in such fiscal year for research on methamphetamine abuse and addiction.''.

SEC. 17. STUDY OF METHAMPHETAMINE TREATMENT.

(a) STUDY.—

(1) REQUIREMENT.—The Secretary of Health and Human Services shall, in consultation with the Institute of Medicine of the National Academy of Sciences, conduct a study on the development of medications for the treatment of addiction to amphetamine and methamphetamine.

(2) REPORT.—Not later than nine months after the date of the enactment of this Act, the Secretary shall submit to the Committees on the Judiciary of the Senate and House of Representatives a report on the results of the study conducted under paragraph (1).

(b) AUTHORIZATION OF APPROPRIATIONS.—There are hereby authorized to be appropriated for the Department of Health and Human Services for fiscal year 2000 such sums as may be necessary to meet the requirements of subsection (a).

SEC. 18. REGISTRATION REQUIREMENTS FOR PRACTITIONERS WHO DISPENSE CERTAIN NARCOTIC DRUGS FOR MAINTENANCE TREATMENT OR DETOXIFICATION TREATMENT.

(a) IN GENERAL.—Section 303(g) of the Controlled Substances Act (21 U.S.C. 823(g)) is amended—

(1) in paragraph (2), by striking ''(A) security'' and inserting ''(i) security'', and by striking ''(B) the maintenance'' and inserting ''(ii) the maintenance'';

(2) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively;

(3) by inserting ''(1)'' after ''(g)'';

(4) by striking ''Practitioners who dispense'' and inserting ''Except as provided in paragraph (2), practitioners who dispense''; and

(5) by adding at the end the following:

''(2)(A) Subject to subparagraphs (D) and (G), the requirements of paragraph (1) are waived in the case of the prescribing or dispensing, by a practitioner, of narcotic drugs in schedule IV or V or combinations of such drugs if the practitioner meets the conditions specified in subparagraph (B) and the narcotic drugs or combinations of such drugs meet the conditions specified in subparagraph (C).

''(B) For purposes of subparagraph (A), the conditions specified in this subparagraph with respect to a practitioner are that, before prescribing of dispensing narcotic drugs in schedule IV or V, or combinations of such drugs, to patients for maintenance or detoxification treatment, the practitioner submit to the Secretary a notification of the intent of the practitioner to begin dispensing the drugs or combinations for such purpose, and that the notification contain the following certifications by the practitioner:

''(i) The practitioner is a physician licensed under State law, and the practitioner has demonstrable training or experience and the ability to treat and manage opiate-dependent patients.

''(ii) With respect to patients to whom the practitioner will provide such drugs or combinations of drugs, the practitioner has the demonstrated capacity to refer the patients for appropriate counseling and other appropriate ancillary services.

''(iii) In any case in which the practitioner is not in a group practice, the total number of such patients of the practitioner at any one time will not exceed the applicable number. For purposes of this clause, the applicable number is 20, except that the Secretary may by regulation change such total number.

''(iv) In any case in which the practitioner is in a group practice, the total number of such patients of the group practice at any one time will not exceed the applicable number. For purposes of this clause, the applicable number is 20, except that the Secretary may by regulation change such total number, and the Secretary for such purposes may by regulation establish different categories on the basis of the number of practitioners in a group practice and establish for the various categories different numerical limitations on the number of such patients that the group practice may have.

''(C) For purposes of subparagraph (A), the conditions specified in this subparagraph with respect to narcotic drugs in schedule IV or V or combinations of such drugs are as follows:

''(i) The drugs or combinations of drugs have, under the Federal Food, Drug and Cosmetic Act or section 351 of the Public Health Service Act, been approved for use in maintenance or detoxification treatment.

''(ii) The drugs or combinations of drugs have not been the subject of an adverse determination. For purposes of this clause, an adverse determination is a determination published in the Federal Register and made by the Secretary, after consultation with the Attorney General, that the use of the drugs or combinations of drugs for maintenance or detoxification treatment requires additional standards respecting the qualifications of practitioners to provide such treatment, or requires standards respecting the quantities of the drugs that may be provided for unsupervised use.

''(D)(i) A waiver under subparagraph (A) with respect to a practitioner is not in effect unless (in addition to conditions under subparagraphs (B) and (C)) the following conditions are met:

''(I) The notification under subparagraph (B) is in writing and states the name of the practitioner.

''(II) The notification identifies the registration issued for the practitioner pursuant to subsection (f).

''(III) If the practitioner is a member of a group practice, the notification states the names of the other practitioners in the practice and identifies the registrations issued for the other practitioners pursuant to subsection (f).

''(IV) A period of 45 days has elapsed after the date on which the notification was submitted, and during such period the practitioner does not receive from the Secretary a written notice that one or more of the conditions specified in subparagraph (B), subparagraph (C), or this subparagraph, have not been met.

''(ii) The Secretary shall provide to the Attorney General such information contained in notifications under subparagraph (B) as the Attorney General may request.

''(E) If in violation of subparagraph (A) a practitioner dispenses narcotic drugs in schedule IV or V or combinations of such drugs for maintenance treatment or detoxification treatment, the Attorney General may, for purposes of section 304(a)(4), consider the practitioner to have committed an act that renders the registration of the practitioner pursuant to subsection (f) to be inconsistent with the public interest.

''(F) In this paragraph, the term 'group practice' has the meaning given such term in section 1877(h)(4) of the Social Security Act.

''(G)(i) This paragraph takes effect on the date of enactment of the Methamphetamine Anti-Proliferation Act of 1999, and remains in effect thereafter except as provided in clause (iii) (relating to a decision by the Secretary or the Attorney General that this paragraph should not remain in effect).

''(ii) For the purposes relating to clause (iii), the Secretary and the Attorney General shall, during the 3-year period beginning on the date of enactment of the Methamphetamine Anti-Proliferation Act of 1999, make determinations in accordance with the following:

''(I)(aa) The Secretary shall—

''(aaa) make a determination of whether treatments provided under waivers under subparagraph (A) have been effective forms of maintenance treatment and detoxification treatment in clinical settings;

''(bbb) make a determination regarding whether such waivers have significantly increased (relative to the beginning of such period) the availability of maintenance treatment and detoxification treatment; and

''(ccc) make a determination regarding whether such waivers have adverse consequences for the public health.

''(bb) In making determinations under this subclause, the Secretary—

''(aa) may collect data from the practitioners for whom waivers under subparagraph (A) are in effect;

''(bb) shall issue appropriate guidelines or regulations (in accordance with procedures for substantive rules under section 553 of title 5, United States Code) specifying the scope of the data that will be required to be provided under this subclause and the means through which the data will be collected;

''(cc) shall, with respect to collecting such data, comply with applicable provisions of chapter 6 of title 5, United States Code (relating to a regulatory flexibility analysis), and of chapter 8 of such title (relating to congressional review of agency rulemaking); and

''(dd) shall make a determination regarding whether such waivers have adverse consequences for the public health.

''(II) The Attorney General shall—

''(aa) make a determination of the extent to which there have been violations of the numerical limitations established under subparagraph (B) for the number of individuals to whom a practitioner may provide treatment; and

''(bb) make a determination regarding whether waivers under subparagraph (A) have increased (relative to the beginning of such period) the extent to which narcotic drugs in schedule IV or V or combinations of such drugs are being dispensed or possessed in violation of this Act.

''(iii) If, before the expiration of the period specified in clause (ii), the Secretary or the Attorney General publishes in the Federal Register a decision, made on the basis of determinations under such clause, that this paragraph should not remain in effect, this paragraph ceases to be in effect 60 days after the date on which the decision is so published. The Secretary shall, in making any such decision, consult with the Attorney General, and shall, in publishing the decision in the Federal Register, include any comments received from the Attorney General for inclusion in the publication. The Attorney General shall, in making any such decision, consult with the Secretary, and shall, in publishing the decision in the Federal Register, include any comments received from the Secretary for inclusion in the publication.

''(H) During the 3-year period beginning on the date of enactment of the Methamphetamine Anti-Proliferation Act 1999, a State may not preclude a practitioner from dispensing narcotic drugs in schedule IV or V, or combinations of such drugs, to patients for maintenance or detoxification treatment in accordance with this paragraph, or the other amendments made by section 22 of that Act, unless, before the expiration of that 3-year period, the State enacts a law prohibiting a practitioner from dispensing such drugs or combination of drugs.''.

(b) CONFORMING AMENDMENTS.—Section 304 of the Controlled Substances Act (21 U.S.C. 824) is amended—

(1) in subsection (a), in the matter following paragraph (5), by striking ''section 303(g)'' each place the term appears and inserting ''section 303(g)(1)''; and

(2) in subsection (d), by striking ''section 303(g)'' and inserting ''section 303(g)(1)''.

SEC. 19. ENHANCED PUNISHMENT OF METHAMPHETAMINE LABORATORY OPERATORS.

(a) FEDERAL SENTENCING GUIDELINES.—

(1) IN GENERAL.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal sentencing guidelines in accordance with paragraph (2) with respect to any offense relating to the manufacture, attempt to manufacture, or conspiracy to manufacture amphetamine or methamphetamine in violation of—

(A) the Controlled Substances Act (21 U.S.C. 801 et seq.);

(B) the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.); or

(C) the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.).

(2) REQUIREMENTS.—In carrying out this paragraph, the United States Sentencing Commission shall—

(A) if the offense created a substantial risk of harm to human life (other than a life described in subparagraph (B)) or the environment, increase the base offense level for the offense—

(i) by not less than 3 offense levels above the applicable level in effect on the date of enactment of this Act; or

(ii) if the resulting base offense level after an increase under clause (i) would be less than level 27, to not less than level 27; or

(B) if the offense created a substantial risk of harm to the life of a minor or incompetent, increase the base offense level for the offense—

(i) by not less than 6 offense levels above the applicable level in effect on the date of enactment of this Act; or

(ii) if the resulting base offense level after an increase under clause (i) would be less than level 30, to not less than level 30.

(3) EMERGENCY AUTHORITY TO SENTENCING COMMISSION.—The United States Sentencing Commission shall promulgate amendments pursuant to this subsection as soon as practicable after the date of enactment of this Act in accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987 (Public Law 100–182), as though the authority under that Act had not expired.

(b) EFFECTIVE DATE.—The amendments made pursuant to this section shall apply with respect to any offense occurring on or after the date that is 60 days after the date of enactment of this Act.

SEC. 20. METHAMPHETAMINE PARAPHERNALIA.

Section 422(d) of the Controlled Substances Act (21 U.S.C. 863(d)) is amended in the matter preceding paragraph (1) by inserting ''methamphetamine,'' after ''PCP,''.

AMENDMENT NO. 2794

Ms. COLLINS. Mr. President, there is a substitute amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Maine [Ms. COLLINS], for Mr. HATCH, proposes an amendment numbered 2794.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Ms. COLLINS. Mr. President, I ask unanimous consent that the amendment be agreed to.

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

The amendment (No. 2794) was agreed to.

Mr. HATCH. Mr. President, I rise today to commend my fellow Senators for unanimously supporting the passage of S. 486, the Methamphetamine Anti-Proliferation Act of 1999. This bill, introduced by Senator ASHCROFT and amended in committee to include provisions from bills that I and Senator GRASSLEY had introduced, passed by acclamation in the Judiciary Committee earlier this year and represents a significant bipartisan effort to combat the scourge of methamphetamine. With this bill we are arming our communities with responsible, innovative enforcement tools designed to curb the manufacturing and trafficking of this most destructive drug.

I want to take a moment to highlight some of the provisions in this bill that will assist Federal, State, and local law enforcement in their efforts against drug traffickers:

(1) The bill bolsters the DEA's ability to combat the manufacturing and trafficking of methamphetamine by authorizing the creation of satellite offices and the hiring of additional agents to assist State and local law enforcement officials. More than any other illicit drug, methamphetamine manufacturers and traffickers operate in small towns and rural areas. And, unfortunately, rural law enforcement agencies often are overwhelmed and in dire need of the DEA's expertise in conducting methamphetamine investigations.

(2) The bill will assist State and local officials in handling the dangerous toxic waste left behind by methamphetamine labs.

(3) Another section of the bill will help prevent the manufacture of methamphetamine by prohibiting the dissemination of drug ''recipes'' on the Internet.

(4) The bill amends the Federal anti-drug paraphernalia statute to clarify that the ban includes Internet advertising for the sale of controlled substances and drug paraphernalia.

(5) To counter the dangers that manufacturing drugs like methamphetamine inflict on human life and on the environment, the bill imposes stiffer penalties on manufacturers of all illegal drugs when their actions create a substantial risk of harm to human life or to the environment.

(6) The bill also works to keep all drugs away from children and to punish severely those who prey on our children, especially while at school away from their parents. The bill does this by increasing the penalties for distributing illegal drugs to minors and for distributing illegal drugs near schools and other locations frequented by juveniles.

(7) Finally, the bill increases penalties for manufacturing and trafficking the drug amphetamine, a lesser-known, but no-less dangerous drug than methamphetamine. Other than for a slight difference in potency, amphetamine is manufactured, sold, and used in the same manner as methamphetamine. Moreover, amphetamine labs pose the same dangers as methamphetamine labs. Not surprisingly, every law enforcement officer with whom I have spoken agreed that the penalties for amphetamine should be the same as those for methamphetamine. For these reasons, the bill equalizes the punishment for manufacturing and trafficking the two drugs.

In addition to these law enforcement tools, the bill establishes and funds prevention measures and a creative new treatment program for helping those trapped in drug addiction. Specifically, it contains provisions from S. 324, the ''Drug Addiction Treatment Act,'' which I and my good friend Senator LEVIN introduced earlier this session. These provisions undoubtedly will usher in a new generation of drug treatments. Senators LEVIN, BIDEN, and MOYNIHAN, as well as my colleague in the House, Chairman BLILEY, and experts at the Departments of Justice and Health and Human Services, deserve special thanks for their bipartisan efforts in developing this new treatment paradigm. While we know that vigorous law enforcement is the key to defeating those who manufacture and sell drugs, we must also embrace proven prevention and treatment programs that hold out the promise of turning Americans away from drug use.

Mr. President, as I stated on the floor just last week, the timeliness of this bill cannot be overstated. According to a report prepared by the Community Epidemiology Work Group, which is part of the National Institute on Drug Abuse, methamphetamine abuse levels ''remain high . . . and there is strong evidence to suggest this drug will continue to be a problem in west coast areas and to spread to other areas of the United States.'' This threat is real and immediate, and the numbers are telling. According to the Drug Enforcement Administration the number of labs cleaned up by the Administration has almost doubled each year since 1995. Last year, more than 5,500 amphetamine and methamphetamine labs were seized by DEA and State and local law enforcement officials, and millions of dollars were spent on cleaning up the pollutants and toxins created and left behind by operators of these labs. In Utah alone, there were 266 lab seizures last year, a number which elevated Utah to the unenviable position of being ranked third in the nation for highest per capita clandestine lab seizures.

Mr. President, this bill furnishes the means for our ongoing battle against those who manufacture and sell illicit drugs. Perhaps even more important, this bill underscores our unwavering commitment to win this battle. Let there be no misunderstanding; we will not throw up our hands and surrender our streets to those who sell misery and destruction. For the sake of our children and grandchildren, we will defeat this plague. I again thank my colleagues for joining with me in this effort.

Mr. LEAHY. The manufacture and distribution of methamphetamines and amphetamines is an increasingly serious problem, and this bill would provide significant additional resources for both law enforcement and treatment. It was unfortunate that the majority has played politics with this important issue and strained the strong bipartisan support for this bill by including its provisions in a larger, controversial amendment to S. 625, the Bankruptcy Reform Act of 1999, which amendment was approved by a vote of 50–49 on November 10, 1999. I strongly opposed that amendment, which significantly increased the use of mandatory minimum penalties for powder cocaine offenses and unwisely diminished local control of schools.

That amendment to the bankruptcy bill mandated a 10-year mandatory minimum sentence for crimes involving 500 grams or more of powder cocaine, instead of the current 5 kilogram threshold. It also instituted a 5-year mandatory minimum sentence for crimes involving 50 grams or more of powder cocaine, instead of the current 500-gram threshold. I oppose mandatory minimums both because they are extraordinarily costly for taxpayers and because they are counterproductive to our law enforcement efforts. The Justice Department estimated that the amendment's powder cocaine provision would cost more than $10 billion over the next 30 years simply to build 11,000 more prison beds. Moreover, the use of mandatory minimums for smaller and smaller quantities of drugs gives federal prosecutors further incentive to prosecute lower-level drug offenders, further distorting the balance between state and federal law enforcement responsibilities. It simply makes no sense—except perhaps as a matter of politics—to federal our Nation's drug laws to such an extreme extent.

In addition, that amendment provided the wrongheaded approach to the necessary task of rectifying the disparity between sentences for powder and crack cocaine. Under current law, the quantity threshold to trigger mandatory minimum penalties for crack offenders is 100 times more severe than for powder cocaine offenders. Under this amendment the quantity threshold to trigger mandatory minimums for crack offenders would still be 10 times more severe, and the amendment would do nothing to mitigate the unnecessary federalization and extreme penalties that the criminal justice system imposes for lower-level crack offenses.

Finally, that amendment contained education provisions that would take funding and control away from local school authorities. First, it dictates that local school boards adopt certain

specific policies on illegal drug use by students, including mandatory reporting of students to law enforcement and mandatory expulsion for at least one year of students who possess illegal drugs on school property. Second, it authorizes the use of public funds to pay tuition for any private schools, including parochial schools, for students who were injured by violent criminal offenses on public school grounds. This provision raises serious constitutional and policy questions, and should not have been slipped into an end-of-session amendment to a bankruptcy bill.

Because of the extreme reservations that I and many of my colleagues from both sides of the aisle expressed about that amendment to the bankruptcy bill, I pressed for the original methamphetamine bill to be considered as a separate matter. I am pleased that we have an opportunity to consider and pass this legislation without the poison pills that the Republican leadership inserted.

I continue to have some reservations about this bill. For example, I disapprove of its order to the Sentencing Commission to increase penalties for certain amphetamine and methamphetamine crimes by a specific number of base offense levels. I oppose such specific directives for some of the same reasons that I oppose mandatory minimums—they subvert the considered sentencing process that Congress wanted when it established the Sentencing Commission.

But the good in this bill outweighs the bad. In addition to creating tougher penalties for those who manufacture and distribute amphetamines as illicit drugs, this bill allocates additional funding to assist local law enforcement, allows for the hiring of new DEA agents, and increases research, training and prevention efforts. This is a good and comprehensive approach to America's growing amphetamine problem.

We significantly improved this bill during committee considerations. As the comprehensive substitute for the original bill was being drafted, I had three primary reservations: First, earlier versions of the bill imposed numerous mandatory minimums. As I stated earlier, I continue to believe that mandatory minimums are generally an inappropriate tool in our critically important national fight against drugs. Simply imposing or increasing mandatory minimums subverts the more considered process Congress set up in the Sentencing Commission. The Federal Sentencing Guidelines already provide a comprehensive mechanism to equalize sentences among persons convicted of the same or similar crime, while allowing judges the discretion they need to give appropriate weight to individual circumstances.

The Sentencing Commission goes through an extraordinary process to set sentence levels. For example, pursuant to our 1996 antimethamphetamine law, the Sentencing Commission increased meth penalties after careful analysis of recent sentencing data, a study of the offenses, and information from the DEA on trafficking levels, dosage unit size, price and drug quantity. Increasing mandatory minimums takes sentencing discretion away from judges. We closely examine judges' backgrounds before they are confirmed and should let them do their jobs.

Mandatory minimums also impose significant economic and social costs. According to the Congressional Budget Office, the annual cost of housing a federal inmate ranges from $16,745 per year for minimum security inmates to $23,286 per year for inmates in high security facilities. It is critical that we take steps that will effectively deter crime, but we should not ignore the costs of the one size fits all approach of mandatory minimums. We also cannot ignore the policy implications of the boom in our prison population. In 1970, the total population in the federal prison system was 20,686 prisoners, of whom 16.3 percent were drug offenders. By 1997, the federal prison population had grown to almost 91,000 sentenced prisoners, approximately 60 percent of whom were sentenced for drug offenses. The cost of supporting this expanded federal criminal justice system is staggering. We ignore at our peril the findings of RAND's comprehensive 1997 report on mandatory minimum drug sentences: ''Mandatory minimums are not justifiable on the basis of cost-effectiveness at reducing cocaine consumption, cocaine expenditures, or drug-related crime.''

This is why I have repeatedly expressed my concerns about creating new mandatory minimum penalties, including as recently as last October, when another antimethamphetamine bill was before the Judiciary Committee.

Second, earlier drafts of this bill would have contravened the Supreme Court's 1999 decision in Richardson versus U.S. I, along with some other members of the Committee, believed that it would be inappropriate to take such a step without first holding a hearing and giving thorough consideration to such a change in the law. The Chairman of the Committee, Senator HATCH, was sensitive to this concern and I thank him for agreeing to remove that provision from this legislation.

Third, an earlier version of the bill contained a provision that would have created a rebuttable presumption that may have violated the Constitution's Due Process Clause. Again, I believed that we needed to seriously consider and debate such a provision before voting on it. And again, the Chairman was sensitive to the concerns of some of us on the Committee and agreed to remove that provision.

By reaching an accord on each of those issues, I was able to join as a cosponsor of this bill. I support it strongly, and I look forward to seeing it become law.

Mr. KOHL. Mr. President, I rise today with my colleagues to express my support for the Methamphetamine Anti-Proliferation Act of 1999, of which I am proud to be a cosponsor. This bipartisan measure is a crucial step in the battle against the spread of Methamphetamine, also known as ''Meth.'' It sets forward a comprehensive approach including targeted enforcement through increased resources, training and penalties, expansion of prevention and intervention programs, environmental cleanup, and research.

The Meth problem is growing rapidly—not only across the country westward, but also in my home state: our Wisconsin State Crime Laboratory has tripled the number of Meth examinations since 1996, with prosecutions doubling from previous years; thefts of the precursor chemical Anhydrous Ammonia from farmers and retailers are becoming routine; and more Meth producers are emptying out shelves of ''blister packs''—packages of Sudafed and other cold remedies which are legal products used as precursor chemicals and sold in our markets and retail stores. Just last week, law enforcement officers in Fox Valley, Wisconsin reported their first seizure of a Meth lab, evidencing Meth's quick spread across the state.

In fact, Wisconsin has become a source of one of the most toxic of Meth recipes—known to its Western producers as the ''Nazi variety''—which causes the most aggressive behavior. This is largely due to the availability of Anhydrous Ammonia, which accelerates users to a fast and violent high. At the same time, the environmental dangers associated with this chemical pose a serious threat to our law enforcement officers and our communities.

I am particularly pleased that the bill includes several provisions from the Rural Methamphetamine Use Response Act of 1999, introduced by Senator GRASSLEY and me earlier this year. In particular, the underlying bill authorizes $6.5 million for additional Drug Enforcement Administration (DEA) agents in rural areas and $5.5 million for DEA training designed to combat ''meth'' production. In addition, it criminalizes the transport and sale of Anhydrous Ammonia. These provisions will be of great assistance to rural states like Wisconsin, adding to the ongoing efforts of state and local law enforcement and building on the $1 million in funding I helped secure through the Appropriations process for a Meth ''Task Force'' in Western Wisconsin.

As Meth continues its devastation throughout the Midwest, it is time to confront this raging menace at multiple levels and with cooperative strength. This bipartisan legislation is an important step in that direction.

Mr. ASHCROFT. Mr. President, I rise today to commend the Senate for passing, S. 486, the Methamphetamine Anti-Proliferation Act of 1999. I'm proud to say this comprehensive antimethamphetamine bill was built upon the DEFEAT Meth legislation that I

introduced earlier this year. This reflects a tremendous amount of bi-partisan work by the members of the judiciary committee.

And the reason for the level of bipartisan effort in crafting this bill was the recognition by all involved that it is needed desperately to combat one of the fastest growing threats to American society: the explosive problem of methamphetamine.

With its roots on the West coast, this epidemic has now exploded in middle America. Meth in the 1990s is what cocaine was in the 1980s and heroin was in the 1970s. It is currently the largest drug threat we face in my home state of Missouri. Unfortunately, it may be coming soon to a city or town near you.

If you wanted to design a drug to have the worst possible effect on your community, you'd make methamphetamine. It is highly addictive, highly destructive, cheap, and easy to manufacture.

To give you an idea of the scope of the problem, in 1992, law enforcement seized 2 clandestine Meth labs in my state of Missouri. By 1994, there were 14 seizures. In 1998, they seized 679 labs. Based on the figures collected so far this year, that number will jump again this year to over 800 labs.

And with this growth have come all of the problems. As meth abuse has increased, domestic abuse, child abuse, burglaries and meth related murders have also increased proportionately. From 1992 to 1998 meth-related emergency room incidents increased 63 percent.

What is more unacceptable is that meth is ensnaring our children. In 1998, the percentage of 12th graders who used meth was double the 1992 level. In recent conversations I have had with local law enforcement officers in Missouri, they estimated that as many as 10% of high school students know the receipe for meth. In fact, one need only log on to the Internet to find scores of web sites giving detailed instructions to set up you own meth lab. This is unacceptable.

Despite the appropriation of over $35 million dollars in the past two appropriation cycles for the Drug Enforcement Administration to train local law enforcement in the interdiction and clean-up of methamphetamine labs, the meth problem continues to grow.

And that is why I am so pleased S. 486, the Methamphetamine Anti-Proliferation Act of 1999 passed the Senate. This bill provides the necessary weapons to fight the growing meth problem in this country, including the authorization of $9.5 million for DEA programs to train State and local law enforcement in techniques used in meth investigations, $5.5 million for the hiring of new agents to assist State and local law enforcement in small and mid-sized communities, $15 million for school and community-based meth abuse and addiction prevention programs, $10 million for treatment of meth addicts, and $15 million to the Office of National Drug Control Policy to combat trafficking of meth in designated HIDTA's (High Intensity Drug Trafficking Areas) which have had great success in Missouri and the Midwest.

This bill also amends the Sentencing Guidelines by increasing the mandatory minimum sentences for manufacturing meth and significantly increases mandatory minimum sentences if the offense created a risk of harm to the life of a minor or incompetent. Furthermore, the bill includes meth paraphernalia in the federal list of illegal paraphernalia.

But focusing on reducing supply through interdiction and punishment is not enough. The bill also authorizes substantial resources for education and prevention targeted specifically at the problem of meth. Local law enforcement in Missouri tells me that 10% of high school students know the recipe for meth. I want to ensure that 100% of them know that meth is a recipe for disaster.

Meth presents us with a formidable challenge. We have faced many other challenges in the past and we can face this one as well. In fact, the history of America is one of meeting challenges and surpassing people's highest expectations. Meth is no exception. All its takes is that we marshal our will and channel the great indomitable American spirit. Through legislative efforts like this bill we will meet this new meth challenge and defeat it.

Mr. BIDEN. Mr. President, three years ago I joined with my distinguished friend and colleague, Senator HATCH, to introduce the ''Hatch-Biden Methamphetamine Control Act'' to address the growing threat of methamphetamine use in our country before it was too late.

Our failure to foresee and prevent the crack cocaine epidemic is one of the most significant public policy mistakes in recent history. We were determined not to repeat that mistake with methamphetamine.

That 1996 Act provided crucial tools that we needed to stay ahead of the methamphetamine epidemic—increased penalties for possessing and trafficking in methamphetamine and the precursor chemicals and equipment used to manufacture the drug; tighter reporting requirements and restrictions on the legitimate sales of products containing precursor chemicals to prevent their diversion; increased reporting requirements for firms that sell those products by mail; and enhanced prison sentences for meth manufacturers who endanger the life of any individual or endanger the environment while making this drug. We also created a national working group of law enforcement and public health officials to monitor any growth in the methamphetamine epidemic.

I have no doubt that our 1996 legislation slowed this epidemic significantly. But we are up against a powerful and highly addictive drug.

The Methamphetamine Anti-Proliferation Act of 1999—which I have cosponsored—builds on the 1996 Act. First and foremost, it closes the ''amphetamine loophole'' in current law by making the penalties for manufacturing, distribution, importing and exporting amphetamine the same as those for meth. After all, the two drugs differ by only one chemical and are sold interchangeably on the street. If users can't tell the difference between the two substances, there is no reason why the penalties should be different.

The amendment also addresses the growing problem of meth labs by establishing penalties for manufacturing the drug with an enhanced penalty for those who would put a child's life at risk in the process. We provide the Drug Enforcement Administration with much needed funding to clean up clandestine labs after they are seized as well as to train state local law enforcement officers to handle the hazardous wastes produced in the meth labs and certify them to train their colleagues.

Methamphetamine is made from an array of hazardous substances—battery acid, lye, ammonia gas, hydrochloric acid, just to name a few—that produce toxic fumes and often lead to fires or explosions when mixed. I am revealing nothing by naming some of these chemical ingredients. Anyone with access to the Internet can download a detailed meth recipe with a few simple keystrokes. Our legislation would make such postings illegal.

We provide money for the Drug Enforcement Administration to clean up these toxic sites and certify state and local officials to handle the hazardous byproducts at the lab sites. We provide funds for additional law enforcement personnel—including agents, investigators, prosecutors, lab technicians, chemists, investigative assistants and drug prevention specialists in High Intensity Drug Trafficking Areas where meth is a problem.

We also provide funds for new agents to assist State and local law enforcement in small- and mid-sized communities in all phases of drug investigations and assist state and local law enforcement in rural areas.

Further, the legislation provides much needed money for prevention, treatment and research, including clinical trials. It asks the Institute of Medicine to issue a report on the status of pharmacotherapies for treatment of amphetamine and methamphetamine addiction.

I understand that the scientists at the National Institute on Drug Abuse are making headway in isolating amino acids and developing medications to deal with meth overdose and addiction.

We also have a provision that would allow certain doctors to dispense Schedule III, IV and V drugs from their offices to treat addiction. I am glad to see this provision included. Ten years ago, I asked the question: ''If drug abuse is an epidemic, are we doing

enough to find a medical 'cure'?'' Unfortunately that question is still with us. But today we also have another question: ''Are we doing enough to get the 'cures' we have to those who need them?'' We have an enormous ''treatment gap'' in this country. Less than half of the estimated 4.4 to 5.3 million people who need drug treatment are receiving it. Licensing qualified doctors to prescribe certain pharmacotherapies from their offices is a significant step toward bridging the treatment gap.

Also to that end, this bill authorizes $10 million for treatment of methamphetamine addiction.

The bill also tightens the restrictions on direct and indirect advertising of illegal drug paraphernalia and Schedule I drugs. Under this legislation, it would be illegal for on-line magazines and other websites to post advertisements for such illegal material or provide ''links'' to websites that do. We crafted this language carefully so that we restrict the sale of drug paraphernalia without restricting the First Amendment.

All in all, I believe that this is a comprehensive bill that attacks the methamphetamine and amphetamine problem from every angle.

Today the Senate also passed the ''Date Rape Drug Control Act of 1999,'' a very important piece of legislation which will place the most stringent controls on GHB, a drug which is being used with increasing frequency to commit rape. I commend Senator ABRAHAM for his efforts to get this bill passed and I thank him for acknowledging my efforts as well.

For nearly five years now, I have been working to raise awareness about date rape drugs including rohypnol and ketamine.

In 1996, I first introduced legislation to schedule these drugs under the Controlled Substances Act. This was not a step I took lightly because there is a regulatory procedure in place for scheduling controlled substances. But my view was that the regulatory process would take years to do what needed to be done in months, forfeiting valuable time in the fight to stop these drugs from being used to commit heinous crimes.

Federal scheduling is important for three simple reasons. First, federal scheduling triggers increased state drug law penalties. This is because state law penalties are linked to the level at which a drug appears on the federal controlled substance schedule. Since more than 95 percent of all drug cases are prosecuted at the state level, not by the federal government, federal scheduling is vitally important.

Second, federal scheduling triggers tough federal penalties.

And third, scheduling has proven to work. In 1984, I worked to reschedule Quaaludes from Schedule II to Schedule I, Congress passed the law and the Quaalude epidemic was greatly reduced. Again in 1990, I worked to reclassify steroids as a Schedule III substance, Congress passed the law and again a drug epidemic that had been on the rise was reversed.

Progress on scheduling date rape drugs has been slow. This past August—four years after I first called for stricter regulations—the Drug Enforcement Administration finally classified ketamine as a Schedule III drug.

Rohypnol has yet to be classified as a Schedule I drug, though we have passed legislation that stipulates that it is subject to federal penalties. Far from perfect, but it is a small step in the right direction.

In 1996, we passed legislation to crack down on those who commit violent crimes—including rape—by giving the victim a controlled substance without that person's knowledge.

As a result of that legislation, this cowardly act is punishable by up to 20 years in prison.

And today the Senate passed legislation that recognizes that GHB is a significant public safety hazard and will result in the drug being designated as a Schedule I substance. At the same time, the legislation recognizes that there is a public health interest here. GHB is currently being studied as a treatment for narcolepsy and this bill goes to great lengths to ensure that this research can continue without undue burdens.

Further, the ''Date Rape Drug Control Act'' requires the Attorney General to assist in the development of forensic tests to help law enforcement detect GHB and related substances and develop training materials on date rape drugs for police officers. The bill also calls for a national awareness campaign to warn people about the danger of these drugs.

Recently, these date rape drugs have been used in my State of Delaware. Several women at ''The Big Kahuna,'' the largest nightclub in Wilmington have had drugs slipped into their drinks.

This is a serious problem and we must take bold steps, like passing the measure we passed today, to establish strict penalties for this cowardly crime.

I am pleased that the Senate has passed both of these important pieces of legislation today and I hope to see them enacted into law.

Mr. LEVIN. Mr. President, the Senate has now approved a long-time crusade of mine—that of speeding the development and delivery of anti-addition medications that block the craving for illicit addictive substances. This is one way in which we can fight and win the war on drugs—by blocking the craving for illegal substances. The proposal, which has now passed the Senate as embodied in S. 324, the Drug Addiction Treatment Act, which I introduced in January of this year along with Senator HATCH, Senator MOYNIHAN and Senator BIDEN, will achieve this goal.

Mr. President, the Drug Addiction Treatment Act, reported out of the Judiciary Committee as Sec. 18 of the Methamphetamine Anti-Proliferation Act of 1999, enables qualified physicians to prescribe schedule IV and V anti-addiction medications in their offices, under certain strict conditions. There are a number of reasons why this legislation is necessary. The Narcotic Addict Treatment Act of 1974, requires separate DEA registrations for physicians who want to use approved narcotics in drug abuse treatment and separate approvals of registrants by the U.S. Department of Health and Human Services (HHS) and by state agencies. The result has been a treatment system consisting primarily of large clinics, preventing physicians from treating patients in an office setting or in rural areas or small towns, thereby denying treatment to thousands in need of it. Additionally, experts say that many heroin addicts who want treatment are often deterred because of the stigma that is associated with such clinics.

The medications Buprenorphine and Buprenorphone/naloxone combination have proven to be effective blockers of craving for heroin. Dr. Alan Leshner, Director of the National Institute on Drug Abuse (NIDA) substantiates this finding in the ''many NIDA funded studies [that] support the effectiveness, safety and efficacy of Buprenorphine and buprenorphine combined with naloxone for the treatment of opiate dependence.''

The intent of the Drug Addiction Treatment Act, S. 324, is to make it possible for medications like Buprenorphine, because of the unlikelihood of diversion or abuse, to be used effectively to block the craving for heroin. To do this, the medication must be made available in physician offices and there must be safeguards that such availability is not abused. The protections in the legislation against such abuse are as follows: Physicians may not treat more than 20 patients in an office setting unless the Secretary adjusts this number; the Secretary, as appropriate, may add to these conditions and allow the Attorney General to terminate a physician's DEA registration if these conditions are violated; and the program may be discontinued within three years after the date of enactment, if the Secretary and Attorney General determine that this new type of decentralized treatment has not proven to be an effective form of treatment.

States may opt out of the provision. Also, nothing in the waiver policy is intended to change the rules pertaining to methadone clinics or other facilities or practitioners that conduct drug treatment services under the dual registration system imposed by current law. In crafting the waiver provisions of this legislation, we consulted with the U.S. Department of Health and Human Services, including the Federal Drug Administration, and the Drug Enforcement Administration.

The National Institute on Drug Abuse (NIDA), in collaboration with a

private pharmaceutical company developed Buprenorphine for the treatment of heroin addiction. Because of the reluctance of the pharmaceutical industry to become involved in developing anti-addiction medications, NIDA has played an active role in supporting research at every step of the drug development process. NIDA's Medications Development Division has been working to accelerate the identification, evaluation, development, and approval of new medications to treat drug addiction, which I call anti-addiction drugs. Through this process, NIDA has been able to bring a number of effective medications into drug treatment. In the case of Buprenorphine products, NIDA has supported research for many years which indicates that the medication is effective in blocking the craving for heroin.

Mr. President, the crisis of illegal drug use continues to cost society both in human toll and in the loss of billions of dollars each year. Consider the startling and compelling findings of the January 1995 Institute of Medicine Report, which estimates the cost to society for drug abuse and dependence treatment at $66.9 billion in 1990 alone, and estimated the cost of drug-related crime at $46 billion that same year. A 1995 report of the Office of National Drug Control Policy tells us that users of illegal drugs spent $48.7 billion on the purchase of illicit substances to feed their addiction.

Recent findings of the Monitoring the Future Program, headed by Dr. Lloyd Johnson of the University of Michigan, indicates that heroin use among American teens doubled between 1991 and 1998, and represents a clear and present danger for a significant number of American young people. Dr. Johnson attributes this to a ''sharp increase in use . . . resulting from adoption of non-injectable modes of administration—smoking and snorting, in particular.'' Dr. Johnson goes on to say that ''the very high purity of heroin on the street has made these new developments possible and that unfortunately, a number of those users will become dependent on heroin and will switch over to injection, which is a more efficient way to derive the equivalent high''

The President of the Michigan Public Health Association, Dr. Stephanie Meyers Schim, has spoken out eloquently about the ''great problems'' of substance abuse. In her recent letter in support of S. 324, she says: Substance abuse affects health care costs, mortality, workers' compensation claims, reduced productivity, crime, suicide, domestic violence, child abuse, and increases costs associated with extra law enforcement, motor vehicle crashes, crime, and lost productivity. Dr. Schim goes on to say, ''Buprenorphine will allow drug addicted individuals to maximize everyday life activities, and participate more fully in work day and family activities while seeking the needed treatment and counseling to become drug free''.

Dr. James H. Wood, Professor of Pharmacology at the University of Michigan Medical School recently wrote: ''One of the most important aspects of your bill is the use of Buprenorphine by well-trained physicians to treat narcotic addiction from their offices, which has the potential to attract and treat effectively sizable populations of currently untreated addicts . . . a major byproduct of this increased treatment, of course, will be reduction in the demand for illicit narcotics in the U.S.''

Dr. Thomas Kosten, President of the American Academy of Addiction Psychiatry echoed these sentiments in recent testimony on The Drug Addiction Treatment Act before the House Commerce Committee on Health and Environment, and I quote: ''. . . I would like to support the availability of Buprenorphine for office based practice. Addiction is a brain disease and office-based practice is primarily needed for effective treatment of Buprenorphine.''

The American Society of Addiction Medicine (ASAM), and the College on Problems of Drug Dependence which is the nation's longest standing organization of scientists addressing drug dependence and drug abuse, have stated that the availability of Buprenorphine in physicians' offices adds a needed expansion of current treatment for heroin addiction. ASAM also cautioned that Buprenorphine will have limited utility if it is tied to the regulatory structure for current treatments of heroin addiction.

There are other compelling reasons why we must expedite the delivery of anti-addiction medications. Of the juveniles who land behind bars in state institutions, more than 60 percent of them reported using drugs once a week or more, and over 40 percent reported being under the influence of drugs while committing crimes, according to a report from the Bureau of Justice Statistics. Drug-related incarcerations are up and we are building more jails and prisons to accommodate them—more than 1000 have been built over the past 20 years. According to the July 14, 1999 Office of National Drug Control Policy Update, and I quote: ''Drug-related arrests are up from 1.1 million arrests in 1988 to 1.6 million arrests in 1997—steady increases every year since 1991.''

These sentiments were also expressed during a May 9, 1997 Drug Forum on Anti-addiction Research, which I convened along with Senator MOYNIHAN, Senator BOB KERREY and other members of the Senate. Forum participants, including distinguished experts such as Dr. Herbert Kleber and Dr. Donald Landry of Columbia University, Dr. Charles Schuster of Wayne State University and Dr. James Woods of the University of Michigan, made it crystal clear that time is of the essence—we must act expeditiously on new treatment discoveries that block the craving for illicit addictive substances.

Mr. President, I received a very supportive letter from HHS Secretary Donna Shalala: ''I am especially encouraged by the results of published clinical studies of Buprenorphine. Buprenorphine is a partial mu opiate receptor agonist, in Schedule V of the Controlled Substances Act, with unique properties which differentiate it from full agonists such as methadone or LAAM. The pharmacology of the combination tablet consisting of Buprenorphine and naloxone results in . . . low value and low desirability for diversion on the street. Published clinical studies suggest that it has very limited euphorigenic affects, and has the ability to percipitate withdrawal in individuals who are highly dependent upon other opioids. Thus, Buprenorphine and Buprenorphine/naloxone products are expected to have low diversion potential. Buprenorphine and Buprenorphine naloxone products are expected to reach new groups of opiate addicts—for example, those who do not have access to methadone programs, those who are reluctant to enter methadone treatment programs, and those who are unsuited to them (this would include for example, those in their first year of opiates addiction or those addicted to lower doses of opiates). Buprenorphine and Buprenorphine/naloxone products should increase the amount of treatment capacity available and expand the range of treatment options that can be used by physicians. Secretary Shalala went on to say, ''Buprenorphine and Buprenorphine/Naloxone would not replace methadone. Methadone and LAAM clinics would remain an important part of the treatment continuum.''

Mr. President, a companion bill has been introduced and reported out of Committee in the House. It is my hope that full House will act as expeditiously as the Senate on this important legislation.

Mr. BIDEN. Mr. President, 3 years ago I joined with my distinguished friend and colleague, Senator HATCH, to introduce the Hatch-Biden Methamphetamine Control Act to address the growing threat of methamphetamine use in our country before it was too late. Our failure to foresee and prevent the crack cocaine epidemic is one of the most significant public policy mistakes in recent history. We were determined not to repeat that mistake with methamphetamine.

That 1996 act provided crucial tools that we needed to stay ahead of the methamphetamine epidemic—increased penalties for possessing and trafficking in methamphetamine and the precursor chemicals and equipment used to manufacture the drug; tighter reporting requirements and restrictions on the legitimate sales of products containing precursor chemicals to prevent their

diversion; increased reporting requirements for firms that sell those products by mail; and enhanced prison sentences for meth manufacturers who endanger the life of any individual or endanger the environment while making this drug. We also created a national working group of law enforcement and public health officials to monitor any growth in the methamphetamine epidemic.

I have no doubt that our 1996 legislation slowed this epidemic significantly. But we are up against a powerful and highly addictive drug. The Methamphetamine Anti-Proliferation Act of 1999—which I have cosponsored—builds on the 1996 act. First and foremost, it closes the ''amphetamine loophole'' in current law by making the penalties for manufacturing, distribution, importing and exporting amphetamine the same as those for meth. After all, the two drugs differ by only one chemical and are sold interchangeably on the street. If users can't tell the difference between the two substances, there is no reason why the penalties should be different.

The bill also addresses the growing problem of meth labs by establishing penalties for manufacturing the drug with an enhanced penalty for those who would put a child's life at risk in the process. We provide the Drug Enforcement Administration with much needed funding to clean up clandestine labs after they are seized as well as to train state and local law enforcement officers to handle the hazardous wastes produced in the meth labs and certify them to train their colleagues. Methamphetamine is made from an array of hazardous substances—battery acid, lye, ammonia gas, hydrochloric acid, just to name a few—that produce toxic fumes and often lead to fires or explosions when mixed. I am revealing nothing by naming some of these chemical ingredients. Anyone with access to the Internet can download a detailed meth recipe with a few simple keystrokes. Our legislation would make such postings illegal.

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We also have a provision that would allow certain doctors to dispense Schedule III, IV and V drugs from their offices to treat addiction. I am glad to see this provision included. Ten years ago, I asked the question: ''If drug abuse is an epidemic, are we doing enough to find a medical 'cure'?'' Unfortunately that question is still with us. But today we also have another question: ''Are we doing enough to get the 'cures' we have to those who need them?'' We have an enormous ''treatment gap'' in this country. Less than half of the estimated 4.4 to 5.3 million people who need drug treatment are receiving it. Licensing qualified doctors to prescribe certain pharmacotherapies from their offices is a significant step toward bridging the treatment gap. Also to that end, this bill authorizes $10 million for treatment of methamphetamine addiction.

The bill also tightens the restrictions on direct and indirect advertising of illegal drug paraphernalia and Schedule I drugs. Under this legislation, it would be illegal for on-line magazines and other websites to post advertisements for such illegal material or provide ''links'' to websites that do. We crafted this language carefully so that we restrict the sale of drug paraphernalia without restricting the first amendment. All in all, I believe that this is a comprehensive bill that attacks the methamphetamine and amphetamine problem from every angle. Today the Senate also passed the ''Date Rape Drug Control Act of 1999,'' a very important piece of legislation which will place the most stringent controls on GHB, a drug which is being used with increasing frequency to commit rape. I commend Senator ABRAHAM for his efforts to get this bill passed and I thank him for acknowledging my efforts as well.

For nearly 5 years now, I have been working to raise awareness about date rape drugs including rohypnol and ketamine. In 1996, I first introduced legislation to schedule these drugs under the Controlled Substances Act. This was not a step I took lightly because there is a regulatory procedure in place for scheduling controlled substances. But my view was that the regulatory process would take years to do what needed to be done in months, forfeiting valuable time in the fight to stop these drugs from being used to commit heinous crimes. Federal scheduling is important for three simple reasons. First, Federal scheduling triggers increased state drug law penalties. This is because state law penalties are linked to the level at which a drug appears on the Federal controlled substance schedule. Since more than 95 per cent of all drug cases are prosecuted at the state level, not by the Federal government, federal scheduling is vitally important.

Second, Federal scheduling triggers tough federal penalties.

And third, scheduling has proven to work. In 1984, I worked to reschedule Quaaludes from Schedule II to Schedule I, Congress passed the law and the Quaalude epidemic was greatly reduced. Again in 1990, I worked to reclassify steroids as a Schedule III substance, Congress passed the law and again a drug epidemic that had been on the rise was reversed.

Progress on scheduling date rape drugs has been slow. This past August—4 years after I first called for stricter regulations—the Drug Enforcement Administration finally classified ketamine as a Schedule III drug. Rohypnol has yet to be classified as a Schedule I drug, though we have passed legislation that stipulates that it is subject to federal penalties. Far from perfect, but it is a small step in the right direction.

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Further, the Date Rape Drug Control Act requires the Attorney General to assist in the development of forensic tests to help law enforcement detect GHB and related substances and develop training materials on date rape drugs for police officers. The bill also calls for a national awareness campaign to warn people about the danger of these drugs. Recently, these date rape drugs have been used in my State of Delaware. Several women at ''The Big Kahuna,'' the largest nightclub in Wilmington have had drugs slipped into their drinks. This is a serious problem and we must take bold steps, like passing the measure we passed today, to establish strict penalties for this cowardly crime. I am pleased that the Senate has passed both of these important pieces of legislation today and I hope to see them enacted into law.

Mr. MOYNIHAN. Mr. President, I rise to commend the Senate for unanimously passing the Drug Addiction Treatment Act of 1999 (S. 324), as Title II, Subsection B, of the DEFEAT Meth Act of 1999 (S. 486). The Senate's action today marks a milestone in the treatment of opiate dependence. The Drug Addiction Treatment Act increases access to new medications, such as buprenorphine, to treat opiate addiction. I thank my colleagues Senator

LEVIN (whose long-term vision inspired this legislation), Senator HATCH, and Senator BIDEN for their leadership and dedication in developing this Act, and I look forward to seeing the Drug Addiction Treatment Act of 1999 become law.

Determining how to deal with the problem of addiction is not a new topic. Just over a decade ago when we passed the Anti-Drug Abuse Act of 1988, I was assigned by our then-Leader ROBERT BYRD, with Sam Nunn, to co-chair a working group to develop a proposal for drug control legislation. We worked together with a similar Republican task force. We agreed, at least for a while, to divide funding under our bill between demand reduction activities (60 percent) and supply reduction activities (40 percent). And we created the Director of National Drug Control Policy (section 1002); next, ''There shall be in the Office of National Drug Control Policy a Deputy Director for Demand Reduction and a Deputy Director for Supply Reduction.''

We put demand first. To think that you can ever end the problem by interdicting the supply of drugs, well, it's an illusion. There's no possibility.

I have been intimately involved with trying to eradicate the supply of drugs into this country. It fell upon me, as a member of the Nixon Cabinet, to negotiate shutting down the heroin traffic that went from central Turkey to Marseilles to New York—''the French Connection''—but we knew the minute that happened, another route would spring up. That was a given. The success was short-lived. What we needed was demand reduction, a focus on the user. And we still do.

Demand reduction requires science and it requires doctors. I see the science continues to develop, and The Drug Addiction Treatment Act of 1999 will allow doctors and patients to make use of it.

Congress and the public continue to fixate on supply interdiction and harsher sentences (without treatment) as the ''solution'' to our drug problems, and adamantly refuse to acknowledge what various experts now know and are telling us: that addiction is a chronic, relapsing disease; that is, the brain undergoes molecular, cellular, and physiological changes which may not be reversible.

What we are talking about is not simply a law enforcement problem, to cut the supply; it is a public health problem, and we need to treat it as such. We need to stop filling our jails under the misguided notion that such actions will stop the problem of drug addiction. The Drug Addiction Treatment Act of 1999 is a step in the right direction.

Ms. COLLINS. Mr. President, I ask unanimous consent that the committee substitute, as amended, be agreed to, the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements related to the bill be printed in the RECORD.

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

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 486), as amended, was agreed to, as follows:

[The bill was not available for printing. It will appear in a future edition of the RECORD.]

ESTABLISHING THE ABRAHAM LINCOLN BICENTENNIAL COMMISSION

Ms. COLLINS. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 1451, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1451) to establish the Abraham Lincoln Bicentennial Commission.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 2795

(Purpose: To provide a complete substitute)

Ms. COLLINS. Mr. President, there is a substitute amendment at the desk submitted by Senators HATCH, LEAHY, FITZGERALD, and DURBIN, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Maine [Ms. COLLINS], for Mr. HATCH, for herself, Mr. LEAHY, Mr. FITZGERALD and Mr. DURBIN, proposes an amendment numbered 2795.

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 ''Abraham Lincoln Bicentennial Commission Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Abraham Lincoln, the 16th President, was one of the Nation's most prominent leaders, demonstrating true courage during the Civil War, one of the greatest crises in the Nation's history.

(2) Born of humble roots in Hardin County, Kentucky, on February 12, 1809, Abraham Lincoln rose to the Presidency through a legacy of honesty, integrity, intelligence, and commitment to the United States.

(3) With the belief that all men were created equal, Abraham Lincoln led the effort to free all slaves in the United States.

(4) Abraham Lincoln had a generous heart, with malice toward none and with charity for all.

(5) Abraham Lincoln gave the ultimate sacrifice for the country Lincoln loved, dying from an assassin's bullet on April 15, 1865.

(6) All Americans could benefit from studying the life of Abraham Lincoln, for Lincoln's life is a model for accomplishing the ''American Dream'' through honesty, integrity, loyalty, and a lifetime of education.

(7) The year 2009 will be the bicentennial anniversary of the birth of Abraham Lincoln, and a commission should be established to study and recommend to Congress activities that are fitting and proper to celebrate that anniversary in a manner that appropriately honors Abraham Lincoln.

SEC. 3. ESTABLISHMENT.

There is established a commission to be known as the Abraham Lincoln Bicentennial Commission (referred to in this Act as the ''Commission'').

SEC. 4. DUTIES.

The Commission shall have the following duties:

(1) To study activities that may be carried out by the Federal Government to determine whether the activities are fitting and proper to honor Abraham Lincoln on the occasion of the bicentennial anniversary of Lincoln's birth, including—

(A) the minting of an Abraham Lincoln bicentennial penny;

(B) the issuance of an Abraham Lincoln bicentennial postage stamp;

(C) the convening of a joint meeting or joint session of Congress for ceremonies and activities relating to Abraham Lincoln;

(D) a redesignation of the Lincoln Memorial, or other activity with respect to the Memorial; and

(E) the acquisition and preservation of artifacts associated with Abraham Lincoln.

(2) To recommend to Congress the activities that the Commission considers most fitting and proper to honor Abraham Lincoln on such occasion, and the entity or entities in the Federal Government that the Commission considers most appropriate to carry out such activities.

SEC. 5. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 15 members appointed as follows:

(1) Two members, each of whom shall be a qualified citizen described in subsection (b), appointed by the President.

(2) One member, who shall be a qualified citizen described in subsection (b), appointed by the President on the recommendation of the Governor of Illinois.

(3) One member, who shall be a qualified citizen described in subsection (b), appointed by the President on the recommendation of the Governor of Indiana.

(4) One member, who shall be a qualified citizen described in subsection (b), appointed by the President on the recommendation of the Governor of Kentucky.

(5) Three members, at least one of whom shall be a Member of the House of Representatives, appointed by the Speaker of the House of Representatives.

(6) Three members, at least one of whom shall be a Senator, appointed by the majority leader of the Senate.

(7) Two members, at least one of whom shall be a Member of the House of Representatives, appointed by the minority leader of the House of Representatives.

(8) Two members, at least one of whom shall be a Senator, appointed by the minority leader of the Senate.

(b) QUALIFIED CITIZEN.—A qualified citizen described in this subsection is a private citizen of the United States with—

(1) a demonstrated dedication to educating others about the importance of historical figures and events; and

(2) substantial knowledge and appreciation of Abraham Lincoln.

(c) TIME OF APPOINTMENT.—Each initial appointment of a member of the Commission shall be made before the expiration of the 120-day period beginning on the date of enactment of this Act.

(d) CONTINUATION OF MEMBERSHIP.—If a member of the Commission was appointed to the Commission as a Member of Congress, and ceases to be a Member of Congress, that member may continue to serve on the Commission for not longer than the 30-day period

beginning on the date that member ceases to be a Member of Congress.

(e) TERMS.—Each member shall be appointed for the life of the Commission.

(f) VACANCIES.—A vacancy in the Commission shall not affect the powers of the Commission but shall be filled in the manner in which the original appointment was made.

(g) BASIC PAY.—Members shall serve on the Commission without pay.

(h) TRAVEL EXPENSES.—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(i) QUORUM.—Five members of the Commission shall constitute a quorum but a lesser number may hold hearings.

(j) CHAIR.—The Commission shall select a Chair from among the members of the Commission.

(k) MEETINGS.—The Commission shall meet at the call of the Chair. Periodically, the Commission shall hold a meeting in Springfield, Illinois.

SEC. 6. DIRECTOR AND STAFF.

(a) DIRECTOR.—The Commission may appoint and fix the pay of a Director and such additional personnel as the Commission considers to be appropriate.

(b) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—

(1) DIRECTOR.—The Director of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

(2) STAFF.—The staff of the Commission shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

SEC. 7. POWERS.

(a) HEARINGS AND SESSIONS.—The Commission may, for the purpose of carrying out this Act, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers to be appropriate.

(b) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if authorized by the Commission, take any action that the Commission is authorized to take by this Act.

(c) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information necessary to enable the Commission to carry out this Act. Upon request of the Chair of the Commission, the head of that department or agency shall furnish that information to the Commission.

(d) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(e) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this Act.

SEC. 8. REPORTS.

(a) INTERIM REPORTS.—The Commission may submit to Congress such interim reports as the Commission considers to be appropriate.

(b) FINAL REPORT.—The Commission shall submit a final report to Congress not later than the expiration of the 4-year period beginning on the date of the formation of the Commission. The final report shall contain—

(1) a detailed statement of the findings and conclusions of the Commission;

(2) the recommendations of the Commission; and

(3) any other information that the Commission considers to be appropriate.

SEC. 9. BUDGET ACT COMPLIANCE.

Any spending authority provided under this Act shall be effective only to such extent and in such amounts as are provided in appropriation Acts.

SEC. 10. TERMINATION.

The Commission shall terminate 120 days after submitting the final report of the Commission pursuant to section 8.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

Ms. COLLINS. Mr. President, I ask unanimous consent that the amendment be agreed to.

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

The amendment (No. 2795) was agreed to.

Ms. COLLINS. Mr. President, I ask unanimous consent that the bill be read a third time and passed, as amended, the motion to reconsider be laid upon the table, and that any statements related to the bill be printed in the RECORD.

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

The bill (H.R. 1451), as amended, was read the third time and passed.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

UNANIMOUS CONSENT REQUEST—S. RES. 237

Mr. REID. On behalf of Senator BOXER, I send a Senate resolution to the desk and ask for its immediate consideration.

Ms. COLLINS. On behalf of the Republican leader, I object.

The PRESIDING OFFICER. Objection is heard.

S. Res. 237 will lie over under the rule.

Mrs. BOXER. Mr. President, today I am submitting a resolution on the Convention to Eliminate All Forms of Discrimination Against Women.

For those unfamiliar with this issue, the Treaty, known by its acronym CEDAW, is the most comprehensive and detailed international treaty to date that addresses the rights of women.

The United States was an active participant in drafting this treaty. It was approved by the General Assembly in 1979. President Carter signed the treaty on behalf of the United States.

To date, 165 nations have ratified or acceded to the treaty. The United States joins the likes of Afghanistan, North Korea and Iran as the few nations who have decided not to become state parties to this treaty.

The Convention requires that nations take measures to eliminate discrimination against women. Discrimination is defined as ''any distinction, exclusion or restriction made on the basis of sex which has the effect of impairing or nullifying the recognition, enjoyment, or exercise by women, irrespective of their marital status.''

The treaty addresses ''human rights and fundamental freedoms in the political, economic, social, cultural, civil, or any other field.''

Let me be clear, this treaty covers the most basic rights for women. For example, Article 5 recognizes the common responsibility of men and women for raising children. Article 6 requires measures to suppress all forms of traffic in women and exploitation of prostitution of women.

Articles 7 and 8 would ensure that women have the right to vote, run for office, and represent their countries in international activities.

Article 10 calls for the elimination of discrimination in the field of education.

Article 11 gives women the right to work and free choice of employment.

Article 12 eliminates discrimination in the delivery of health care services.

This treaty covers other areas of discrimination as well, but as you can tell by the few Articles I have described, this treaty is extremely important to the rights of women throughout the world.

And, ratification of this treaty will strengthen our capability to urge other nations to promote these rights.

In 1994 the Senate Foreign Relations overwhelmingly supported this treaty approving the resolution of ratification by a vote of 13 to 5.

Unfortunately, time ran out in the 103rd Congress before the full Senate had the opportunity to consider the treaty.

Today, I am offering amendment stating that it is the Sense of the Senate that the Foreign Relations Committee should once again hold hearings on CEDAW.

It also states the Senate should take action on the treaty prior to March 8, 2000—International Women's Day.

The United States needs to show that it is the world leader on promoting human rights and that includes the rights of women throughout the world.

I urge my colleagues to join us in cosponsoring this resolution.

CHILD ABUSE PREVENTION AND ENFORCEMENT ACT

Ms. COLLINS. Mr. President, I now ask unanimous consent that the Senate proceed to the consideration of calendar No. 356, H.R. 764.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 764) to reduce the incidence of child abuse and neglect, 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 to strike all after the enacting clause and inserting in lieu thereof the following:

TITLE I—THE CHILD ABUSE PREVENTION AND ENFORCEMENT ACT

SEC. 101. SHORT TITLE.

This title may be cited as the ''Child Abuse Prevention and Enforcement Act''.

SEC. 102. GRANT PROGRAM.

Section 102(b) of the Crime Identification Technology Act of 1998 (42 U.S.C. 14601(b)) is amended by striking ''and'' at the end of paragraph (15), by striking the period at the end of paragraph (16) and inserting ''; and'', and by adding after paragraph (16) the following:

''(17) the capability of the criminal justice system to deliver timely, accurate, and complete criminal history record information to child welfare agencies, organizations, and programs that are engaged in the assessment of risk and other activities related to the protection of children, including protection against child sexual abuse, and placement of children in foster care.''.

SEC. 103. USE OF FUNDS UNDER BYRNE GRANT PROGRAM FOR CHILD PROTECTION.

Section 501(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751) is amended—

(1) by striking ''and'' at the end of paragraph (25);

(2) by striking the period at the end of paragraph (26) and inserting a semicolon; and

(3) by adding at the end the following:

''(27) enforcing child abuse and neglect laws, including laws protecting against child sexual abuse, and promoting programs designed to prevent child abuse and neglect; and

''(28) establishing or supporting cooperative programs between law enforcement and media organizations, to collect, record, retain, and disseminate information useful in the identification and apprehension of suspected criminal offenders.''.

SEC. 104. CONDITIONAL ADJUSTMENT IN SET ASIDE FOR CHILD ABUSE VICTIMS UNDER THE VICTIMS OF CRIME ACT OF 1984.

(a) IN GENERAL.—Section 1402(d)(2) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(2)) is amended—

(1) by striking ''(2) the next $10,000,000'' and inserting ''(2)(A) Except as provided in subparagraph (B), the next $10,000,000''; and

(2) by adding at the end the following:

''(B)(i) For any fiscal year for which the amount deposited in the Fund is greater than the amount deposited in the Fund for fiscal year 1998, the $10,000,000 referred to in subparagraph (A) plus an amount equal to 50 percent of the increase in the amount from fiscal year 1998 shall be available for grants under section 1404A.

''(ii) Amounts available under this subparagraph for any fiscal year shall not exceed $20,000,000.''.

(b) INTERACTION WITH ANY CAP.—Subsection (a) shall be implemented so that any increase in funding provided thereby shall operate notwithstanding any dollar limitation on the availability of the Crime Victims Fund established under the Victims of Crime Act of 1984.

TITLE II—JENNIFER'S LAW

SECTION 201. SHORT TITLE.

This title may be cited as ''Jennifer's Law''.

SEC. 202. PROGRAM AUTHORIZED.

The Attorney General is authorized to provide grant awards to States to enable States to improve the reporting of unidentified and missing persons.

SEC. 203. ELIGIBILITY.

(a) APPLICATION.—To be eligible to receive a grant award under this title, a State shall submit an application at such time and in such form as the Attorney General may reasonably require.

(b) CONTENTS.—Each such application shall include assurances that the State shall, to the greatest extent possible—

(1) report to the National Crime Information Center and when possible, to law enforcement authorities throughout the State regarding every deceased unidentified person, regardless of age, found in the State's jurisdiction;

(2) enter a complete profile of such unidentified person in compliance with the guidelines established by the Department of Justice for the National Crime Information Center Missing and Unidentified Persons File, including dental records, DNA records, x-rays, and fingerprints, if available;

(3) enter the National Crime Information Center number or other appropriate number assigned to the unidentified person on the death certificate of each such unidentified person; and

(4) retain all such records pertaining to unidentified persons until a person is identified.

SEC. 204. USES OF FUNDS.

A State that receives a grant award under this title may use such funds received to establish or expand programs developed to improve the reporting of unidentified persons in accordance with the assurances provided in the application submitted pursuant to section 203(b).

SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title $2,000,000 for each of fiscal years 2000, 2001, and 2002.

Ms. COLLINS. Mr. President, I ask unanimous consent that the committee substitute be agreed to, the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements related to the bill be printed in the RECORD.

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

The committee amendment in the nature of a substitute was agreed to.

The bill (H.R. 764), as amended, was read the third time and passed.

Ms. COLLINS. Mr. President, I am sure my colleagues will be as pleased as I am to know we have reached the end, at least of this list, of the bills that we can clear. We are still hoping to clear some additional ones later today.

NATIONAL COLORECTAL CANCER AWARENESS MONTH

Ms. COLLINS. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 108, and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 108) designating the month of March each year as ''National Colorectal Cancer Awareness Month''.

There being no objection, the Senate proceeded to consider the resolution.

AMENDMENT NO. 2796

(Purpose: To amend the designation date of ''National Colorectal Cancer Awareness Month.'')

Ms. COLLINS. Mr. President, there is a technical amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the technical amendment.

The legislative clerk read as follows:

The Senator from Maine [Ms. COLLINS] for Mr. HATCH, proposes an amendment numbered 2796.

The amendment is as follows:

On page 2, line 5, strike ''March of each year'' and insert ''March, 2000,''.

Amend the title so as to read: ''Resolution designating the month of March, 2000, as National Colorectal Cancer Awareness Month''.

Ms. COLLINS. Mr. President, I ask unanimous consent that the amendment be agreed to.

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

The amendment (No. 2796) was agreed to.

Ms. COLLINS. Mr. President, I ask unanimous consent that the resolution, as amended, be agreed to, the preamble be agreed to, the title amendment be agreed to, the motion to reconsider be laid upon the table, and finally, that any statements related to the resolution be printed in the RECORD.

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

The resolution (S. Res. 108), as amended, was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

[The resolution was not available for printing. It will appear in a future edition of the RECORD]

Ms. COLLINS. Mr. President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Pennsylvania.

Mr. LEAHY. I wonder if the Senator from Maine would yield for one comment?

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Pennsylvania.

Mr. LEAHY. Would the Senator from Pennsylvania yield for 30 seconds?

Mr. SPECTER. I would.

Mr. LEAHY. Mr. President, I commend the Senator from Maine. She has cleared out the Judiciary Committee docket to a fare-thee-well. A lot of the legislation was worked in a bipartisan fashion by Senator HATCH and myself and the distinguished Senator from Pennsylvania and others.

Ms. COLLINS. I thank the Senator for his comments.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Pennsylvania.

FUNDING FOR DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION

Mr. SPECTER. Mr. President, I have sought recognition to comment on the pending appropriations bill which includes funding for the three Departments of Health and Human Services, Education, and Labor, the subcommittee which I chair for the Appropriations Committee.

The legislative process has proceeded to this point in an extraordinary way.

It had been my hope and plan that the bill for my subcommittee would have been taken up by the Congress, passed, and presented to the President in advance of the close of the fiscal year, September 30, but that has not occurred.

It had been my hope and plan to present it to the President before the end of the fiscal year so he could have signed it or vetoed it and, had he chosen to veto it, there could have been a public debate on the priorities in the bill and also the key point of having local control on the decision of $1.3 billion, which has been allocated for additional teachers for the reduction of classroom size.

Unfortunately, it has been the practice in the Congress in recent years to pass the bills after the close of the fiscal year and in a context where we are going to yield to the President's wishes, subject to a veto, because it may result in the closing down of the Government. Winston Churchill had it right when he said that democracy is a terrible form of government except compared to everything else. I think that would apply to representative democracy as well. Somehow we muddle through. We are in the final stage of the muddling process now.

To describe the process to people who are not familiar with the inside of the Senate is very challenging. I was discussing with my son last night the plan to have the Senate convene at 12:01 a.m., November 20, Saturday morning, to take up a cloture motion on the appropriations bill, and then to vote at 1:01 a.m. It was necessary to have the conversation because I had to defer lunch with my 4-year-old granddaughter, Perri, and picking up my 6-year-old granddaughter, Silvi, from school, all of which is fine, but there has to be some reason for that.

We have Senators exercising their rights which, to be repetitious, they have a right to do, such as to have bills read for several hours, which does not change the ultimate outcome, or to have cloture votes with these extraordinary scheduling problems. I learned a long time ago that the Senate is a lot smarter than I am and the rules of the Senate are in place for a purpose.

As one of our distinguished colleagues said yesterday in a closed caucus, Senators ought not be discouraged from exercising their rights because when they take to the floor and debate, have a filibuster, and have extended discussions for the purpose of acquainting the country with what is going on, perhaps it may arouse some public reaction to perhaps change what the Senate might be doing.

So, in essence, I am delighted to see the Senate rules observed and rights to Senators activated. For whatever delay there is, so be it. It is my hope that next year the appropriations bill for my subcommittee on the Departments of Labor, Health and Human Services, and Education will be completed at an early date. I have talked to our distinguished majority leader, Senator LOTT, and I have had some encouragement that my bill may be taken up first next year, so that priorities can be established in regular course by the subcommittee, the full committee, and the Senate—the same on the House side—then conferenced and presented to the President for his signature or for his veto. If he chooses to veto the bill, so be it.

The bill which was voted out of the Senate by a vote of 73–25 had been very carefully crafted on a bipartisan basis with my distinguished colleague from Iowa, Senator TOM HARKIN. I learned a long time ago that if you want to get anything done in Washington in the Senate and the Congress, it has to be bipartisan. Senator HARKIN and I worked through our bill. We had a very attractive bill. We had emphasized $300 million more than the President's figure on education, establishing the priorities which we thought were in order.

We had provided very substantial increases to the National Institutes of Health because of the great work done there in looking for cures and being on the verge of cures for very many major maladies. We are within 5 years striking distance, so the experts say, on Parkinson's and have made great progress on Alzheimer's and heart disease and cancer—prostate cancer, breast cancer and cervical cancer.

We picked a figure of $93.7 billion because we thought that would attract very substantial bipartisan support, that being $300 million higher in education than the President had, that it would qualify for a President's signature.

Regrettably, the House of Representatives did not pass the bill. In conference, the bill was substantially altered, being joined with the bill for the District of Columbia. It had an across-the-board cut of almost 1 percent. The bill was ultimately vetoed. Then it came back for reconsideration.

On reconsideration, the White House administration wanted to add some $2.3 billion more. I knew that would cause a major strain on the Republican side of the aisle, and there was a great deal of pressure to yield to the President because of the bad experience we had in December 1995 and early 1996 when the Government was closed down and the Republican-controlled Congress took the blame. The result is that the Congress is now gun shy to fight with the President, gun shy because, with his threatened veto, the Congress has a strong tendency to back down, perhaps not on every point—the family planning issue and the U.N. dues was a notable exception—but backing down on almost every point. The result has been that we are developing an imperial presidency because we have a gun-shy or timid Congress. That is very unfortunate.

The issue came into sharp focus on the matter of classroom size reduction and additional teachers, with the President's program to add 100,000 teachers. I think it is a very good program. I support it. But I do not support it if the local school district says that there are other needs at the local level which are more important to the school district than additional teachers and classroom size.

When we crafted our bill, we said we would acknowledge the President's ideas as the first priority, but if the local school district made a decision after a fact finding study that they wanted to use the money for something else, then let them use the money for something else. We held tough to that position. Without going into all the details, finally we were undercut. The rug was pulled out, and there was a concession to the President on that point, with a bone being thrown to the Congress so that 25 percent could be used for teacher training. But that is not the kind of flexibility that is best public policy. The best public policy is, OK, class size reduction and additional teachers are important and they are the first priority, but if a local school district says our local needs are different, then let's not put them in a Washington, DC, bureaucratic straitjacket. That is the result of what has happened.

It is my hope that next year we can take this bill up early. This issue will still be with us next year and President Clinton will still be with us next year. When Senator HARKIN and I and other Republicans and Democrats, on a bipartisan basis, establish our priorities, let's legislate. As the Constitution says, the power of the purse is with the Congress—the appropriation power—so let us present the bill to the President. If he vetoes it, let's take the case to the public. I think we can certainly win on the issue of local control versus the Washington bureaucratic straitjacket. To do that, the bill has to be presented to the President before the end of the fiscal year. It has to be presented to the President in September—hopefully early September. That is the plan for next year.

I would like to see the process modified where we do not have the White House officials in the legislative process as part of the negotiations. The Constitution says that Congress submits a bill to the President and he signs it or vetoes it. But that system has been aborted, observed in the breach more often than in the rule by having OMB officials, the Director of OMB, sitting down with the appropriators to decide what the President will accept before the Congress makes a decision and submits a bill to the President. That is not the constitutional way and we ought to change it.

So against that backdrop with substantial concerns about what has been done, I do intend to vote for this appropriations package. I do so because the good points outweigh the bad points, perhaps close, but the benefits do outweigh the negatives. We come through in this bill with an increase in the National Institutes of Health funding by

$2.3 billion, for a total of $17.9 billion. Senator HARKIN and I have taken the lead with an increase, 2 years ago, of almost $1 billion, last year $2 billion, and this year $2.3 billion. Some objections have been lodged, but nobody with sufficient bravado to try to take it out of the bill.

Enormous advances have been made on dreaded diseases. They are within 5 years of curing Parkinson's, so say the experts, with major research advances in Alzheimer's, cancer, heart ailments, and a whole range of various other ailments. With the Federal budget of $1.8 trillion, $17.9 billion is not chopped liver, but it is not too much.

This bill also has an increase in special education by $913 million, bringing the total to more than $6 billion on what is essentially a Federal obligation, and it frees State and local funds for other purposes. The Head Start increase is $608 million, to more than $5.2 billion. Afterschool learning centers more than doubled for a total of $453 million. The substance abuse and mental health program increases by $163 million over fiscal year 1999, for more than $2.6 billion. AIDS funding increased by $185 million over last year to almost $1.6 billion. There is first-time funding of $75 million for the Ricky Ray Hemophilia Act, which are appropriations that are long past due.

We worked out an accommodation on the issue of organ allocation and, regrettably, at the last minute on a backdoor arrangement, a different provision has been added to another bill that will be voted upon by the Congress. Organ allocation has been very contentious. Last year we agreed, under considerable reluctance, to a 1-year deferral. The Secretary of Health and Human Services, Donna Shalala, promulgated regulations on October 1, and then came the cry for an additional delay. Some wanted it at 90 days.

Finally, in a rather unusual way in my capacity as chairman of the conference, I invited Secretary Shalala to come to the conference on Wednesday, November 10. She was on her way home. We reached her in her car and she turned around from Georgetown and headed back to Capitol Hill. For more than an hour and a half we had a meeting with the House chairman, BILL YOUNG, who very much wanted a 90-day delay and the ranking Democrat on Appropriations, Congressman OBEY from Wisconsin, who also argued strongly for a delay. I urged that we not have the delay, as did Congressman JOHN PORTER, chairman of the House subcommittee. Finally, we hammered out an agreement for 42 days—21 days for additional comments and 21 more days for a response to those comments.

I had thought that closed the matter out and reported back to the leadership. The general rule is to leave these issues with the subcommittee chairmen, and we have hammered it out. I found out late yesterday that there is another bill with a 90-day extension. It is not possible to put a hold on the other measure, which is a conference report. There could be some delay, such as a reading of the bill, a vote for cloture, but the result would be the same.

Let me say this to those who have increased the delay: It increases our tenacity to get these regulations into effect. There is some thinking that there will be an authorization bill that is going to validate the regulations. I am not one for predictions, but I am prepared to make one here. There won't be 60 votes for cloture. If that should be wrong, there certainly won't be 67 votes to override a Presidential veto. George Shultz, when he was Secretary of State, once made a prophetic comment that ''nothing is ever settled in Washington.'' That very thing is true in Washington; he hit that right on the head. Nothing is ever settled in Washington. I thought the delay on the organ transplant issue had been resolved, but it wasn't settled. George Shultz may be wrong; we may settle it with finality when this 90-day period expires.

In summary, the Congress will finally get the job done on this appropriations bill and finally move ahead on the bill from my subcommittee on funding the Departments of Health and Human Services and Labor and Education. I have given a brief thumbnail description as to what the pluses and minuses are. I will vote for it because the advantages outweigh the disadvantages. But it is my hope that we will learn from the experiences this year and do a much better job next year.

I thank the Chair and yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SHELBY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2000—CONFERENCE REPORT

Mr. SHELBY. Mr. President, on behalf of the majority leader I submit a report of the committee of conference on the bill (H.R. 1555) to authorize appropriations for fiscal year 2000 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The 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. 1555, 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 November 5, 1999).

Mr. SHELBY. Mr. President, I ask unanimous consent that there be 60 minutes for debate with the time divided as follows: Forty minutes equally divided between the chairman and vice chairman of the Intelligence Committee; 20 minutes under the control of Senator LEVIN.

I further ask unanimous consent that following the use or yielding back of time, which we anticipate, the conference report be agreed to, the motion to reconsider be laid upon the table, and any additional statements relating to the conference report be printed in the RECORD.

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

Mr. SHELBY. Mr. President, I rise today to ask that my colleagues support the conference report on the Intelligence Authorization Act for Fiscal Year 2000.

I want to thank my colleagues in the House for their work on this legislation and especially Chairman GOSS and Ranking Member DIXON for their leadership in the conference.

I believe that the conference committee put together a solid package for consideration by the full Senate that fairly represents the intelligence priorities set forth in both the Senate and House versions of the Intelligence Authorization Act.

I am pleased to report that the conference committee accomplished its task in a bipartisan manner, and I want to thank my colleague from Nebraska, Senator KERREY, for working so closely with me to produce this legislation.

I believe that the conference report embraces many of the key recommendations that the Senate adopted in its version of the bill.

We recommended significant increases in funding for high-priority projects aimed at better positioning the Intelligence Community for the threats of the 21st century, while at the same time reducing funds for programs and activities that were not adequately justified or redundant.

In so doing, we authorized a moderate increase in overall funding for intelligence programs above the President's request. This is a positive step and I hope that next year the administration will follow our lead and begin to reinvest in our intelligence gathering capabilities.

The conference report includes key initiatives that I believe are vital for the future of our Intelligence Community.

These initiatives include:

1. bolstering advanced research and development across the Community, to facilitate, among other things, the modernization of NSA and CIA;

2. strengthening efforts in counter-proliferation, counter-terrorism, counter-narcotics, counter-intelligence, and effective covert action;

3. expanding the collection and exploitation of measurements and signatures intelligence, especially ballistic missile intelligence;

4. boosting education, recruiting, and technical training for Intelligence Community personnel;

5. enhancing analytical capabilities;

6. streamlining dissemination of intelligence products;

7. developing our ability to process, exploit and disseminate commercial imagery; and

8. providing new tools for information operations.

I believe that the conferees have provided the funds and guidance necessary to ensure that military commanders and national policymakers continue to receive timely, accurate information on threats to our security.

At the same time, we have found some critical areas within the Community that are in need of major improvements.

In the Senate, we had a distinguished panel of Americans with a broad range of expertise—our Technical Advisory Group—that took a look at some key areas within the Intelligence Community and brought forward some very important recommendations.

We thank all the members of the Technical Advisory Group for their time and efforts.

I will briefly summarize some of their findings, to the extent that I can in open session, along with some of the other findings of our conference.

First, our ability to collect and analyze information on the proliferation of weapons of mass destruction requires renewed emphasis and innovative thinking.

As our potential enemies seek out the ability to produce chemical, biological, and nuclear weapons, we must develop the ability to detect these efforts.

This bill places a great deal of emphasis on our ability to collect such information known as Measurements and Signatures Intelligence or MASINT.

Second, both the House and Senate Intelligence Committees agree that our Intelligence Community and our Defense Department must move quickly to address what our Technical Advisory Group identifies as a critical shortfall in our ability to properly task, process, exploit, and disseminate intelligence information collection by our airborne and overhead imagery assets.

As we modernize our Imagery Intelligence or IMINT architecture, the Intelligence and Armed Services Committees agree that we should not be spending the taxpayers money on collection architectures that we may not be able to utilize fully.

Third, we have once again placed strong emphasis on recapitalizing the National Security Agency's information technology infrastructure.

As we demand more from our Intelligence Community in a number of areas, we also demand fiscal responsibility. The conference report includes a number of reductions to programs that were not adequately justified or were redundant with other elements within the Intelligence Community.

The legislation contains some important new authorities for the Intelligence Community. I'll mention some of the highlights:

First, there are new protections for the identities of former covert agents and for the operational files of the National Imagery and Mapping Agency or ''NIMA.''

Second, there are new counterintelligence authorities—these include provisions allowing access to government computers used in classified work by executive branch employees. Also, there are new requirements for the FBI to begin its consultation with agencies that they are investigating at a far earlier stage than before.

Third, we have established a commission to study the role and missions of the National Reconnaissance Office or ''NRO.'' This commission will look at the NRO from top to bottom—its findings and recommendations to us and the Senate Armed Services Committee will serve to guide our committees on the future funding and operations of the NRO.

I look forward to working with the chairman and ranking member of the Senate Armed Services Committee to ensure that the best candidates are selected for membership on this very important commission.

If any Member of the Senate wishes to review the classified portions of the bill, they are available off the Senate floor.

Finally, Mr. President, there is a significant piece of legislation in this bill that is intended to go after foreign international drug traffickers and those that support their illicit activities.

Title eight of this bill, the so-called ''Foreign Narcotics Kingpin Designation Act,'' is modeled after the Executive Order that targets the assets of named Colombian traffickers and those that assist them in their trafficking activities.

Mr. President, I support strongly efforts to target and destroy significant foreign drug trafficking organizations. I have placed significant emphasis on counter-narcotics in this and every Intelligence Authorization bill since I became Chairman of this Committee. The record is clear.

The existing Colombian program has been highly successful. I would be the first to support the President if he chose to expand the program in a thoughtful and measured way. In fact, the Chief Executive already has the constitutional and statutory authority to do so. The President does not need this legislation to expand the scope of this program.

Accordingly, Mr. President, I, along with other Members of Congress, have expressed concern with this legislation because it may have some very serious unintended consequences for innocent American citizens.

Although the express language of the ''Kingpin'' legislation deals exclusively with foreign persons and entities, it will affect American citizens. Lurking within the seemingly innocuous language is the real possibility of unwitting and innocent American citizens being caught up in its global net. For example, an American business owner may be a joint venture partner with a foreign company that has been designated as ''supporting'' the activities of a foreign narcotics trafficker. Although the American person may be completely unaware of the illicit activities of their foreign partner, their own assets will also be blocked if they are jointly held.

The ''Kingpin'' legislation does not provide an opportunity for an American person to seek judicial review of the blocking of their jointly held assets. The result is that Americans may be deprived of their property without due process of law. Let me repeat that, Mr. President, Americans may be deprived of their property without due process of law.

Mr. President, I strongly support the expansion of this successful program. I do not, however, support depriving innocent Americans of their fundamental right to due process.

Many attempts were made to amend the ''Kingpin'' legislation in conference to make it clear that American citizens have an immediate avenue into Federal District Court should they be snared unjustifiably in this trap. Unfortunately, the sponsors and proponents of this bill in the House and Senate opposed any effort to clarify this fundamental American right. In fact, I have been told that if we were to expressly state that a United States citizen has the right to immediate judicial review, this would, quote, gut the bill, unquote. I disagree.

Thomas Jefferson said that our ''Bill of Rights is what the people are entitled to against any government on earth . . . and what no just government should refuse, or rest on inference.'' Mr. President, I also believe that our right to due process should not ''rest on inference,'' but rather we should state it clearly and without equivocation. We do not do that in this bill.

Mr. President, I fear that in our earnest to pass a ''tough drug bill'' we may have sacrificed part of our freedom. I applaud the sponsors and proponents of this bill for their dedication to protecting our shores from the scourge of illegal drugs. I caution them, however, that their enthusiasm may be dampened as the true implications of this legislation become known.

Notwithstanding my concerns, I am encouraged that the conferees did agree to include a provision in the so-called ''Kingpin'' legislation that creates a panel to study whether these

kinds of sanction regimes affect U.S. persons doing legitimate business with foreign partners, and whether there are adequate and fair remedies for honest U.S. persons.

I commend my colleague from Nebraska, Senator KERREY, for suggesting this study and also for other areas of leadership on which I have worked with the Senator during my tenure on the Intelligence Committee. He will be leaving the Intelligence Committee at the end of this year whenever his term is up, and we will miss him because he has certainly been a friend, but he has also been a leader to put America's national security first and foremost everywhere it comes up.

In my opinion, we have put the cart squarely before the horse dealing with due process. I am confident that such a panel as I alluded to earlier will confirm my concerns and the concerns of others and make substantive recommendations that my well-meaning colleagues will ultimately acknowledge and I hope will be able to accept.

The conference committee worked closely together in a bipartisan fashion to produce the comprehensive intelligence authorization act. I urge my colleagues to support its adoption.

Mr. SMITH of New Hampshire. Mr. President, I would like to recognize and thank Senator SHELBY and Senator KERREY for their leadership and support with regard to the POW/MIA sections of the Intelligence Authorization Act that originally passed the full Senate earlier this year. I am pleased that one of these sections has remained largely intact in the conference report we are now adopting. That provision (Section 308), will require a declassification review of two assessments of Vietnam's cooperation on the POW/MIA issue which were conducted in 1998. One of these assessments was prepared by my office and the other by the National Intelligence Council. Much of the information in both of these documents does not require continued classification, and I believe the interests of the POW/MIA families and our nation's veterans is best served by having as much information as possible in the public domain concerning Vietnam's performance on the POW/MIA question. As the Chairman will recall, there is a provision in Section 308 that allows the Director of Central Intelligence to withhold from declassification the names of living foreign individuals who have cooperated with U.S. efforts to account for missing personnel from the Vietnam War. I wish to make clear that the Congressional intent with respect to this provision was related to individuals identified in the National Intelligence Estimate as ''cooperative'' with U.S. officials in Hanoi. Indeed, this specific area of concern was cited by the Director of Central Intelligence in a letter to the Senate on August 3, 1998. However, this is not meant to include information pertaining to the two former Vietnamese officials who are alleged to have prepared the so-called ''1205'' and ''735'' documents which we received through the Russian government which were reviewed in both of the above-referenced assessments. Is that the Chairman's understanding as well?

Mr. SHELBY. Yes it is.

Mr. SMITH of New Hampshire. I thank the Chairman for that clarification.

Mr. President, I also want to take this opportunity to express by profound disappointment that the other section concerning release of POW/MIA information to the Congress was not adopted by the Conference because of Member opposition from the House Permanent Select Committee on Intelligence. This provision, previously adopted by the full Senate this summer with the support of the Chairman and Vice Chairman of the Senate Select Committee on Intelligence, required our intelligence agencies to provide to Congress, within 120 days, a list of POW–MIA related documents that are still classified. This list would help the Congress exercise oversight on the POW/MIA issue on behalf of the families of missing personnel and our nation's veterans. I fail to see why such a reasonable provision could not have been adopted with the full support of the Conference. I plan to revisit this matter in the coming months, and would appreciate having the Chairman's views as to how we might proceed with respect to this important matter.

Mr. SHELBY. I share the disappointment expressed by my colleague, the senior Senator from New Hampshire. As he knows, I have worked steadily with him over the past several years to address his well-founded concerns with respect to the way the POW/MIA issue has been addressed by our Intelligence Community. I agree that the provision to which he refers would help us with our oversight responsibilities. That is why I supported his amendment, as did my Vice-Chairman, when our intelligence bill passed the full Senate earlier this year. I want the Senator to know that I will work closely with him over the next few months to find a way to get the listing of POW/MIA reports he seeks provided to the Senate. He has a right to review these reports, as does every Member of the Senate. I would urge the Director of Central Intelligence and heads of each of our intelligence agencies to work cooperatively with the Select Committee on Intelligence on this matter. I also want the Senator to know that I will include his provision in next year's authorization measure if the information he seeks is not provided to the Senate in the next few months. I thank him for his leadership on this important matter.

Mr. SMITH of New Hampshire. I thank my distinguished colleague for that clarification and for his continued support on the POW/MIA issue.

Mr. SHELBY. Mr. President, I ask unanimous consent that, following my remarks, an editorial which appeared recently in the New York Times dealing with drug kingpin legislation, and specifically the due process problem I raised, be printed in the RECORD.

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

(See Exhibit 1.)

EXHIBIT 1

CARRIED AWAY BY DRUGS

The target of a new anti-drug initiative now speeding toward final congressional approval is a worthy one—big international drug traffickers. But as too often happens when Congress collaborates with the Clinton administration to toughen law enforcement policies, civil liberties stand to suffer.

The measure, called the Foreign Narcotics Kingpin Designation Act, over-whelmingly passed the House two weeks ago. A House-Senate conference committee incorporated the measure in the annual intelligence authorization bill that needs only a final floor vote in the Senate before going to the president's desk for his signature. All of this occurred without any public hearings or extended debate to explore the legislation's implications for due process and other constitutional values.

Under the measure, the government will be required to compile an annual list of those it determines to be ''significant foreign narcotics traffickers'' under standards that the bill does not articulate. The government would then have authority to freeze their assets in the United State without any chance for judicial review of the basis of the designation.

Americans who engage in financial dealings with a person or company on the list could have their assets blocked, again without the benefit of full judicial review. The measure makes no exception for those investors or partners who thought they were dealing with legitimate businesses.

''Is this the America we want?'' asked Representative Jerrold Nadler, Democrat of New York, as he waged a lonely and futile fight against the bill in the House. ''What is the remedy if the bureaucracy gets the wrong person?'' Those pertinent questions were sadly lost in the rush to crack down on foreign drug lords before Congress adjourns.

Mr. SHELBY. I yield the floor.

Mr. KERREY. Mr. President, I rise to join Chairman SHELBY in urging my colleagues to vote in favor of the intelligence authorization conference report. This report is a culmination of the lengthy effort to fund intelligence activities for fiscal year 2000. It has not been easy to arrive at this point because the committee had to address many significant nonintelligence issues ranging from the reorganization of the Department of Energy to the establishment of procedures for blocking the assets of drug kingpins. We have arrived at this point because we have reached several important compromises with our House colleagues, and the report deserves the Senate's full support.

This conference report supports many new initiatives. In my view, one of the most important new initiatives is to make the year 2000 a watershed year for intelligence. The watershed represents a turnaround in spending on intelligence activities. I believe it is time to increase spending because we now have a much better understanding

of the threats facing the United States of America and the important role intelligence plays in meeting those threats.

One of the most difficult parts of my job as the Intelligence Committee vice chairman has been to talk to people about the importance of intelligence. This job is difficult because most of the information is classified. Therefore, public debate on the condition of the intelligence community is extremely rare and discussing funding levels is almost impossible.

My colleagues are well aware that classified conference reports and the classified schedules of authorizations are available for their review in S. 407 but you have to go there to get the details. We cannot talk about them now.

Let me say, however, intelligence is stretched very thin. Our global reach is supported by intelligence as global coverage. Without adequate coverage, we make policy mistakes. The Intelligence Community is stretched thin in trying to meet all of its commitments to policy makers. But I can't tell you on the floor of the Senate how thin it is stretched, and I can't tell you how much it's going to cost to fix. I can only tell you I'm glad fiscal year 2000 is a watershed year for intelligence.

A second initiative this bill supports is striking the balance between intelligence collection and the subsequent exploitation and dissemination of the information collected. My colleagues should know that one of the problems of insufficient funding is that the Intelligence Community is unable properly to exploit and disseminate all of the information it gathers. If you think about it, this may seem odd. That is, the Community is collecting more information than it is able to analyze and deliver to its customers. But it is not odd. Among other things, it reflects constrained Intelligence budgets. As the Community has moved into advanced technologies, it has invested in the future by developing new intelligence collection systems. The idea was that by the time these new systems were ready to be used, we would have been able to find the funding to exploit and disseminate the information being collected. Well the future is now, and we haven't been able to find the funding to balance collection, exploitation, and dissemination. In this bill we have confronted the issue and proposed important solutions. Again, I urge my colleagues to read the classified report in S–407 in order to get the details.

Another important provision in this bill is the creation of a National Commission for the review of the National Reconnaissance Office. Mr. President, the NRO is a national treasure. They acquire and operate the nation's space reconnaissance satellites—the so-called spy satellites. They have a long and proud history of being on the leading edge of technology so that our nation's leaders could be better informed about our adversaries. We all got a glimpse at their extraordinary abilities when the Corona spy satellite imagery was released to the public. It is literally an eye-opening experience to be able to see now what our President was able to see years ago about the Soviet Union during the height of the Cold War. This is the type of effort we have come to expect from NRO.

But the NRO has come under public attack in the recent past. Unfavorable news accounts have caused some to be unsure about the NRO and the path it is following. Others have questioned whether the NRO should remain an agency resting somewhere between the authorities of the Director of Central Intelligence and the Secretary of Defense. Moreover, the end of the Cold War has altered forever the nature of the threats we face. New threats mean a changed emphasis for intelligence. Furthermore, the explosion of information technology has created new opportunities for the collection and the delivery of intelligence. Thus, the Conferees decided there is a need to evaluate the NRO's roles and missions, organizational structure, technical skills, contractor relationships, uses of commercial satellite imagery, acquisition authorities, and its relationships to other agencies and departments of the Federal Government in order to assure continuing success in satellite reconnaissance. I look forward to the Commission's work.

Finally, Mr. President, I would like to comment briefly on the ''Foreign Narcotics Kingpin Designation Act'' contained in the conference report. This is a significant piece of legislation intended to attack drug traffickers at the heart by blocking all of their assets either within the United States or that are under U.S. control. It establishes a procedure for the President of the United States to publicly identify drug kingpins and to block the kingpin's assets. As my colleagues may recall, a similar provision sponsored by Senators COVERDELL and FEINSTEIN was accepted as an amendment to the Intelligence Authorization Bill during floor action.

As I mentioned at the beginning of my statement, this provision has made the Intelligence Conference extremely interesting. Several of us joined the Chairman in being concerned about the right of judicial review for U.S. persons whose assets could be seized as a result of being involved in a joint venture with someone later identified as a drug kingpin. This was a matter of debate during discussions leading to the conference meeting and was addressed during the conference. The House Conferees argued strenuously for their vision of the legislation which passed the House by a vote of 385 to 26. Further, the Administration supported the House version. Nonetheless, Chairman SHELBY and several of us remained concerned about due process being afforded to those who might unwittingly get caught up in the kingpin designation and subsequent blocking of assets.

The Conference agreed the concerns were of sufficient merit to warrant the appointment of a special judicial review panel to evaluate these concerns and report its findings. The commission is charged with the responsibility of reviewing judicial, regulatory, and administrative authorities relating to the blocking of assets. It also is to report on its evaluation of the remedies available to U.S. persons affected by the Government's blocking of assets of foreign persons. I believe their detailed and extended evaluation will provide the Congress insights into both the complexities of the Drug Kingpin legislation contained in the Intelligence Conference Report and the consequences to American persons when the assets of foreign persons are blocked under the International Emergency Economic Powers Act.

In conclusion, Mr. President, I would like to note this is my last Conference Report as the committee's Vice Chairman. My term on the Committee expires toward the end of January 2000. I have had the privilege of serving under highly distinguished Chairmen and Vice Chairmen: DAVID BOREN, FRANK MURKOWSKI, DENNIS DECONCINI, JOHN WARNER, ARLEN SPECTER, and RICHARD SHELBY. In every instance, I have experienced a commitment to a bipartisan approach to intelligence.

Throughout my time on the Committee, the members always have treated intelligence activities and intelligence policy as serious issues deserving their close attention. Because the issues have always been treated very seriously, committee members have had disagreements. But, Mr. President, in the end we always found a bipartisan answer to our differences. Bipartisanship has been a hallmark of the committee because intelligence is not a partisan issue. If it ever should become a partisan issue, I believe we can look forward to a consequent politicization of intelligence.

This can be very bad for Congress and even worse for the country.

Again, I thank Chairman SHELBY for his leadership in delivering the conference report to the floor and for his commitment to finding bipartisan answers to some very complex questions. I look forward to the opportunity in the future to speak more fully on the floor concerning intelligence and its values.

Lastly, I call to my colleagues' attention and to the attention of the American people that the intelligence community is full of highly dedicated men and women who are working under some of the most difficult of circumstances. Their professionalism, their patriotism knows no bounds, and I salute them for their excellent work. Being the committee vice chairman has, indeed, been a great privilege.

I yield the floor.

UNANIMOUS CONSENT AGREEMENT—H.R. 1180

Mr. LOTT. Mr. President, I ask unanimous consent that the agreement relative to the Work Incentives conference report commence at 3 p.m. today and that the remaining parameters of the consent agreement remain in order.

I further ask consent that the cloture vote relative to the appropriations conference report occur no later than 5 p.m. and that if cloture is invoked, adoption of the conference report immediately occur, without intervening action or debate.

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

Mr. LOTT. In light of this agreement, there will be three back-to-back votes that will occur a few minutes before 5 o'clock this afternoon, the first being the cloture vote relative to the appropriations conference report, the second being passage of the appropriations conference report, and the third being passage of the Work Incentives conference report.

There are two very important colloquies we must have this afternoon before the votes, one with regard to understandings with regard to the Work Incentives bill and another colloquy we will have with the leadership on the Democratic side, and I will participate in, along with Senator LUGAR and others, to discuss the overall dairy situation. We will fulfill that commitment.

I thank Senator DASCHLE, Senator KOHL, Senator FEINGOLD, and everybody who has been involved. I know how emotional and how strongly held these feelings are. I also share those feelings, and I will make that clear in a colloquy here in a few minutes.

Senator DASCHLE, do you want to do that now or in a few minutes?

Mr. DASCHLE. Mr. President, I know there are a number of other Senators who asked to be a part of this colloquy and they are not on the floor yet. I do recognize the importance of the authorization bill that is currently being considered. I know we need to give both of our managers the time they need to be able to complete their work. This is a very important piece of legislation.

Mr. LOTT. Let me just say, Mr. President, if I might, Senator DASCHLE and I will work with Senator KOHL and Senator REID and Senator LUGAR and others and will be prepared to do our colloquy when the debate is concluded on this very important piece of legislation. Thank you for allowing us to interpret at this point. If you will complete your work, we will be ready to go.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2000—CONFERENCE REPORT—Continued

Mr. DASCHLE. I might also say, I heard the distinguished Chair talk about the service provided to this committee and to the Senate by the distinguished ranking member, the Senator from Nebraska. I will make a full statement at a later time, but let me say for the record now, no one has served this committee, this caucus, and this Senate more effectively, taking his intelligence responsibility more seriously, than the distinguished Senator from Nebraska. He has been an extraordinary leader, an extraordinary Member, and one who has taken his responsibilities on this committee as seriously as anybody has to date.

He departs with the actions taken today. He will leave the committee as a result of the statute requiring a certain limit of time for each Senator. I know I speak for all Senators in expressing our gratitude to him and our admiration for a job very well done, I yield the floor.

Mr. LOTT. Mr. President, if I may take a moment of my leader time to join Senator DASCHLE in those remarks.

This is a very important committee. It is a committee that operates in the best tradition of total bipartisanship, nonpartisanship. Chairman SHELBY has been doing an outstanding job. It really makes the leaders feel good when we see two Senators of two parties work together for our national interests and our intelligence community. Senator KERREY certainly has been just outstanding, the way he has handled that job. He has been cooperative, nonpartisan.

These two Senators, Senator SHELBY and Senator KERREY, have worked together the way it is supposed to be done. I hope your successors will only do as well. I thank you for your service.

The PRESIDING OFFICER. Senator from Nebraska.

Mr. KERREY. I thank both leaders for their kind remarks.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I start by thanking the Senator from Nebraska for the extraordinary service he has rendered to the Intelligence Committee. I have served with him on that committee for a very short period of time, but I have seen the way he, working with Senator SHELBY, has been able to bring bipartisan leadership to this committee that is so essential for the working of this committee.

I say to our colleagues—I know Senator SHELBY has and as I know every member of the committee feels—Senator KERREY has made a unique and extraordinary contribution to the committee. He has attempted to strengthen the intelligence community every step of the way. He has done so in a bipartisan way. I commend him on his service. I know he is being rotated out of the committee, but that is what our rules provide. He will be missed.

The conference report to H.R. 1555, the Fiscal Year 2000 Intelligence Authorization Act, includes legislation under title 8 entitled ''Foreign Narcotics Kingpin Designation Act.''

Title 8 is intended to strengthen the Government's efforts to identify the assets, financial networks, and business associates of major foreign narcotics trafficking groups in an effort to disrupt these criminal organizations and bankrupt their leadership. I think all Senators agree with that laudable goal of combating the insidious effects of drug trafficking. In fact, an earlier version of this legislation was seen as being so without controversy that it was added by the Senate to the intelligence authorization bill in July of this year with little debate and on a voice vote.

Senators should be aware, however, that title 8, as it is now written, does have a significant national security, law enforcement, judicial, and drug trafficking implication that belie the legislation's simple design and are somewhat different from the original amendment that was offered, I believe, by Senator COVERDELL and by Senator FEINSTEIN.

I am not aware, however, despite the implications of this new language added in conference, of any committee of jurisdiction in either the Senate or the House having held a single hearing on the provision contained in title 8. The Senate Intelligence Committee has not had a hearing on title 8. The Senate Judiciary Committee has not had a hearing. Not a single legal or national security expert inside or outside of Government has testified before a congressional hearing as to whether title 8 should or should not become law, and if it does, how the legal rights of Americans might be changed as a result.

Except for the recent and very perfunctory House of Representatives debate and vote on this provision, the only public debate on the complexities of title 8 has occurred in the press. The way the issue has been characterized in press reports erroneously suggest that if you are ready to sign up to title 8 as now set forth after this conference committee in H.R. 1555, then you are being tough on foreign drug traffickers. If, however, you are troubled by the effect that the title 8 language would have on currently existing due process protections afforded innocent Americans, you are described by some in the press as doing the bidding of narcolobbyists.

This simplistic characterization is not only false, it is an insult to Members of this body, and it obscures a vitally important civil liberties issue which is at the core of title 8, which is the rights of innocent American citizens to challenge in our courts the taking of their property.

As a member of the Intelligence Committee, I was a conferee. I did not sign the conference report accompanying the bill because of the contradiction existing between the stated legislative intent of title 8 and the actual language contained in the bill, a contradiction which I attempted but failed in conference to correct by amendment.

Specifically, my objection is that title 8, as presently written, would undermine the due process protections now afforded a U.S. citizen or business that has interests or assets blocked under title 8 to challenge the legality of the blocking under the Administrative Procedures Act.

This is what the conference report before us says about title 8:

There is no intention that this legislation affect Americans who are not knowingly and willfully engaged in international narcotics trafficking, nor is it intended in any way to derogate from existing constitutional and statutory due process protections for those whose assets are blocked or seized pursuant to law.

That is the stated intent. That is well and good, and I commend the authors on that intent. The problem is that the words of the bill before us do not, I am afraid, comport with that stated intention.

According to the Department of Treasury, which is tasked in title 8 with developing the list of significant foreign narcotics traffickers, due process protections exist in law today for those U.S. citizens to challenge the legality of the blocking of assets in court.

On November 8, I wrote a letter to the Secretary of Treasury Lawrence Summers requesting an opinion on two legal questions concerning title 8. The first question was the following:

What existing constitutional and statutory due process protections would allow an American citizen who has an interest blocked by executive branch action to challenge the blocking?

Question 2 was:

If H.R. 1555 is enacted into law, how would these existing constitutional and statutory due process protections be changed?

In his November 10 reply to me, Richard Newcomb, who is Director of the Treasury's Office of Foreign Assets Control, or OFAC, stated the following with regard to currently existing judicial review of the blocking of American assets:

The Administrative Procedures Act, or the APA, provides for judicial review of final agency action.

Mr. President, 5 U.S. Code 702 is the citation.

In existing sanctions programs administered by the Office of Foreign Assets Control (OFAC) the final agency action related to blocking are subject to challenge by affected parties through judicial review afforded by the Administrative Procedures Act.

Then they go on to say:

Because of normal rules of standing and other jurisdictional principles, a U.S. citizen may, in many cases, not be able directly to challenge the blocking of a foreign person's assets pursuant to APA. However——

However, and this is the key line——

as discussed below, agency review by OFAC, followed by judicial review under APA of any resulting final agency action as to that citizen may still be available. In addition to any statutory review available under the APA, a U.S. citizen may also seek judicial review of constitutional claims or challenges related to blockings under existing OFAC sanctions programs.

Under the process that is currently in place, OFAC determines who is a foreign drug kingpin after an internal Department of Treasury review of the evidence and evidentiary review that is coordinated with the Department of Justice.

Under Executive Order 12978 issued in 1995, the State Department and Justice Department are required to be consulted by Treasury prior to that designation and prior to the blocking of assets. After designation is made and assets are blocked, OFAC regulations allow for a named party to petition OFAC—

The PRESIDING OFFICER. The Senator's time has expired. Under the previous order, we will proceed to H.R. 1180.

Mr. LEVIN. Parliamentary inquiry. I did not realize I was acting under a time constraint.

Mr. SHELBY. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. KERREY. The majority leader did not complete his unanimous consent request as a consequence of some observations.

Mr. SHELBY. He was going to complete it after this.

The PRESIDING OFFICER. The agreement provided we go to this bill at 3 o'clock, and it is now 3 o'clock.

Mr. LEVIN. I ask unanimous consent to be yielded 30 seconds.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator from Michigan is granted 30 seconds.

Mr. KERREY. I ask unanimous consent that the Senator be given an additional minute and the Senator from Georgia be given 5 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. SPECTER. Mr. President, reserving the right to object, the time had been set at 5 o'clock for the beginning of the votes. There are a number of us who have commitments to depart, and have had for some time. Ordinarily it would not be a matter of concern to this Senator, but if we are to complete the arrangements which have been made with a great many Senators, I understand from the Parliamentarian that under the prevailing order, debate will resume on this matter but at the conclusion of the votes.

The PRESIDING OFFICER. That is correct.

Mr. KERREY. An additional 5 minutes for the Senator from Georgia right now would not affect the 5 o'clock vote.

Mr. ROTH. Reserving the right to object, we do have a number of people who want to speak. We only have an hour.

Mr. LEVIN. If I could just have——

Mr. KERREY. I have a unanimous consent request for time for the Senator from Michigan and the Senator from Georgia.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LEVIN. I am not going to complete my speech now. I simply want to apologize to my colleagues. I did not realize there was a unanimous consent agreement that would trigger a 3 o'clock debate on a different bill. That is all I had to say.

I am perfectly happy to pick up my speech after whatever is scheduled is completed.

The PRESIDING OFFICER. The Senator from Georgia has 5 minutes.

Mr. COVERDELL. Mr. President, I will try to do this in 2 minutes.

First, I compliment the chairman of the Intelligence Committee, and the ranking member, the cochairs, for their diligent work on the overall bill and for their efforts that dealt with the Narcotic Kingpin Designation Act. There have been some legitimate and reasonable differences of opinion. I am obviously, as a sponsor of the Narcotic Kingpin Designation Act, pleased that it is proceeding to passage.

To make my point, in deference to the difficulties with time here, I simply ask unanimous consent that the letter to Senator LEVIN of November 17 from the Department of the Treasury, by Richard Newcomb, Director, Office of Foreign Assets Control, which says, ''. . .we believe that the proposed law would not deny a U.S. citizen any rights he previously would have had to raise constitutional claims,'' be printed in the RECORD.

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

DEPARTMENT OF THE TREASURY,
Washington, DC, November 17, 1999.

Hon. CARL LEVIN,
U.S. Senate, Washington, DC.

DEAR SENATOR LEVIN: I received your November 12 letter to Secretary Summers requesting our position on the following question: Do you support maintaining the present right afforded a United States citizen who has an interest in assets blocked by Executive Branch action to challenge the blocking under the Administrative Procedure Act?

In my October 13 letter to Senator COVERDELL, the Department has indicated that it would not oppose judicial review of Treasury decisions. However, we also can work with the text of Title VIII of H.R. 1555 as finalized by the conference committee. The proposed statute does not eliminate all avenues for seeking relief. I want to emphasize that as the program under the proposed legislation is implemented, the Office of Foreign Assets Control's (OFAC) traditional administrative mechanisms will be employed. Thus, a U.S. citizen whose interests have been blocked will be able, if he chooses, to avail himself of OFAC's licensing authority. In current OFAC-administered programs, this mechanism has served to minimize the adverse impact on innocent U.S. citizens while vigorously implementing sanctions against targeted foreign persons. Additionally, a U.S. citizen will be able to petition OFAC for the unblocking of his interest in blocked property. *Similarly, we believe that the proposed law would not deny a U.S. citizen any rights he previously would have had to raise constitutional claims.*

We hope that this information is of assistance.

Sincerely,

R. RICHARD NEWCOMB,
Director, Office of Foreign Assets Control.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the letter from the Department of the Treasury dated November 10 to Senator LEVIN of Michigan by Richard Newcomb, Director, Office of Foreign Assets Control, be printed in the RECORD.

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

DEPARTMENT OF THE TREASURY,
Washington, DC, November 10, 1999.

Hon. CARL LEVIN,
U.S. Senate, Washington, DC.

DEAR SENATOR LEVIN: This letter responds to your letter to Secretary Summers of November 8, 1999, concerning Title VIII of H.R. 1555, the Fiscal Year 2000 Intelligence Authorization Act, entitled the ''Foreign Narcotics Kingpin Designation Act'' (the ''Act''). You requested an opinion concerning two questions arising under sections 804 and 805 of the proposed legislation: What existing constitutional and statutory due process protections would allow An American citizen who has an interest in assets blocked by Executive Branch action to challenge the blocking? If H.R. 155 is enacted into law, how would these existing constitutional and statutory due process protections be changed?

As noted in my October 13, 1999 letter to Senator Coverdell, the Administrative Procedure Act (the ''APA'') provides for judicial review of final agency action. 5 U.S.C. 702. In existing sanctions programs administrated by the Office of Foreign Assets Control (''OFAC''), final agency actions related to blocking are subject to challenge by affected parties through judicial review afforded by the APA. Because of normal rules of standing and other jurisdictional principles, a U.S. citizen may in many cases not be able directly to challenge the blocking of a foreign person's assets pursuant to the APA. However, as discussed below, agency review by OFAC, followed by judicial review under the APA of any resulting final agency action as to that citizen, may still be available. In addition to any statutory review available under the APA, a U.S. citizen also may seek judicial review of constitutional claims or challenges related to blockings under existing OFAC sanctions programs.

If H.R. is enacted, section 805(f) presumably would foreclose U.S. citizens from bringing a claim under the APA to challenge a blocking. Such statutory preclusion of judicial review under the APA is expressly provided for in the APA itself. 5 U.S.C. 701(a)(1). Despite the limitation on judicial review in section 805(f), however, a U.S. citizen would not be foreclosed from other meaningful avenues of review.

First, even when assets are properly blocked under the law, a U.S. citizen can petition OFAC for a license unblocking the U.S. citizen's interest in blocked assets. OFAC has a long-established practice of utilizing its licensing authority in sanctions programs to minimize the adverse impact on innocent U.S. persons while vigorously implementing the sanctions against targeted foreign persons. OFAC regulations in every major sanctions program contain licensing authority. The Act would provide the Treasury Department with similar authority. The ability of OFAC (or even a reviewing court, if judicial review were available) to grant relief would, of course, depend on the nature of the U.S. citizen's interest in blocked assets.

Second, a U.S. citizen would have recourse to agency reviewing of the blocking. If the U.S. citizen believed that its interest in the foreign person's assets is mistakenly or wrongfully blocked, that U.S. citizen could petition OFAC to have the interest unblocked. OFAC has the authority pursuant to section 805(b) of the proposed legislation to unblock assets.

Also, as section 805(f) must be read to avoid any Constitutional problems, a U.S. citizens would not be precluded by that section from pursuing any Constitutional claims.

Finally, one point in your November 8 letter requires clarification. Paragraph three refers to my October 13 letter to Senator Coverdell. That letter was written in response to the Senate draft of H.R. 1555 received in this office on October 13. My reference to judicial review, quoted only in part in your letter, addressed not the current provisions of the Act, but provisions (section 704(f), and in particular, 704(f)(2) of the October 13 draft) that were subsequently deleted. We believe it is important to understand the context of my letter, as well as to examine my statement in its entirety: ''The Administrative Procedure Act already provide for judicial review of final agency actions; *and, therefore, additional judicial review provisions are unnecessary*'' (emphasis supplied). That statement reflected the Department's position that judicial review did not need to be addressed separately in the proposed legislation.

We hope this information is of assistance.

Sincerely,

R. RICHARD NEWCOMB,
Director, Office of Foreign Assets Control.

Mr. COVERDELL. Mr. President I ask unanimous consent the New York Times op-ed written by A.M. Rosenthal, of August 27, 1999, be printed in the RECORD.

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

[From the New York Times, August 27, 1999]

(A.M. Rosenthal)

ON MY MIND—VOTE ON DRUGS

Notice to the public: Vote now on drugs, one of the only two ways.

1. If you support the war against drugs, vote now for pending Congressional legislation designed to wound major drug lords around the world. It cuts them off from all commerce with the U.S., now a laundry for bleaching the blood from drug-trade billions and turning them into investments in legitimate businesses.

Vote by telling your members of Congress that when the House-Senate bill authorizing intelligence funds comes up for final decision, probably next month, you want them to vote for the section called ''blocking assets of major narcotics traffickers.''

Insist they start now to tell the Administration not to try to water it down to satisfy any country for diplomatic or economic reasons—including Mexico, the biggest drug entry point for America, already complaining about ''negative consequences'' of the proposal.

Turn yourself and your civil, labor or commercial organization, or religious congregation, into lobbies for the bill—counterweight to the lobbies of drug-transfer nations and American companies beholden to them.

2. If you are against the war on drugs or just don't care about what drugs are doing to our country, then don't do a thing. that is a vote, too.

That's the way it is in Washington. Members of Congress introduce legislation, committees discuss it for months, votes are taken and then when the time comes to work out House-Senate differences, administrations on the fence and under professional lobbyists' pressure use their power to try to mold the legislation to their liking.

That is exactly the time for ordinary Americans around the country to do their own lobbying.

The bill targeting drug lords extends throughout their vicious world the economic sanctions already directed at Colombian drug lords, by President Clinton's executive order. It will prohibit any U.S. commerce by specifically named drug operators, seize all their assets in the U.S., and ban trading with them by American companies.

The bill specifies that every year the U.S. Government list the major drug lords of the world, by name and nation. The lists are certain to include top drug traders from countries such as Afghanistan, Jamaica, the Dominican Republic, Thailand and Mexico.

In the Senate it was introduced by Paul Coverdell, a Georgia Republican, and Dianne Feinstein, Democrat from California, and passed with bipartisan support. In the House it also has support in both parties, including Porter Goss of Florida, a Republican and chairman of the House Intelligence Committee, and Charles Rangel, the New York Democrat. It waits the final September House-Senate Joint Intelligence Committee vote.

For awhile I heard from within the Administration the kind of mutters that preceded the Clinton certification last year that Mexico was carrying out anti-drug commitments satisfactorily, which was certainly a surprise to Mexican drug lords.

Then, yesterday, the White House told me that it favored some target sanctions.

Its objection to the bill was that the Administration would have to list all major drug lords for the President to choose targets, and that could endanger investigations. The White House said it would be better for the President to select targets without having to choose from a list.

Bit of a puzzle. The bill already gives him the right of decide which of the drug lords to target from the Administration's unpublished list. But some members of Congress think the motive is to avoid a list that might include just a little too many from a ''sensitive country.''

No one bill will end the drug war. Only the determination of Americans to use every sort of resource will do that—parental teaching, law enforcement with some compassion toward first offenders and none for career drug criminals, enough money for therapy in and out of jails, targeting drug lords—and passionate leadership.

That would preclude Presidential candidates who mince around about whether they used drugs when they were younger—unless they grow up publicly and quickly.

Dr. Mitchell S. Rosenthal, head of the Phoenix House therapeutic communities, says that the bill ''reflects the kind of values that we don't hear enough these days.'' So vote—one way or the other.

Mr. COVERDELL. Mr. President, I yield back my time in accordance to the pressure of the moment here.

Mr. LEVIN. Mr. President, the conference report to H.R. 1555, the Fiscal Year 2000 Intelligence Authorization Act, include legislation under Title VIII of the bill entitled the ''Foreign Narcotics Kingpin Designation Act.'' Title VIII is intended to strengthen U.S. Government efforts to identify the assets, financial networks and business associates of major foreign narcotics trafficking groups in an effort to disrupt these criminal organizations and

bankrupt their leadership. No doubt all Senators would agree with this laudable goal of combating the insidious effects of drug trafficking. In fact, an earlier version of this legislation was seen as being so without controversy that it was added by the Senate to the Intelligence Authorization bill in July of this year with little debate and on a voice vote.

Senators should be aware, however, that Title VIII as it is now written has significant national security, law enforcement, judicial, and drug trafficking implications that belie the legislation's simple design. Yet, I am not aware of any committee of jurisdiction in either the Senate or the House having held a single hearing on the provisions contained in Title VIII. The Senate Intelligence Committee has not held a hearing. The Senate Judiciary Committee has not held a hearing. Not a single legal or national security expert, inside or outside government, has testified before a congressional hearing as to whether Title VIII should or should not become law, and, if it does, how would the legal rights of Americans be changed as a result.

Except for recent and perfunctory House of Representatives debate on the provision, the only public debate on the complexities of Title VIII has occurred in the press. The way that the issue has been characterized in press reports erroneously suggests that if you are ready to sign up to Title VIII as set forth in H.R. 1555, you are tough on foreign drug traffickers. If, however, you are troubled by the effect that the Title VIII language would have on currently existing due process protections afforded innocent Americans, you are described as doing the bidding of ''narco-lobbyists.''

This simplistic characterization is not only false and an insult to the Members of this body, it obscures a vitally important civil liberties issue at the core of Title VIII: the rights of innocent American citizens to challenge in our Courts the taking of their property.

As a member of the Senate Intelligence Committee, I was a conferee to H.R. 1555. However, I did not sign the conference report accompanying the bill because of the contradiction existing between the stated legislative intent of Title VIII and the actual language contained in the bill, a contradiction I attempted but failed in conference to correct by amendment.

Specifically, my objection is that Title VIII, as presently written, would undermine the due process protections now afforded to a U.S. citizen or business who has interest in assets blocked under Title VIII to challenge the legality of the blocking under the Administrative Procedure Act.

This is what the conference report accompanying H.R. 1555 says about Title VIII:

''There is no intention that this legislation affect Americans who are not knowingly and willfully engaged in international narcotics trafficking. Nor is it intended in any way to derogate from existing constitutional and statutory due process protections for those whose assets are blocked or seized pursuant to law.'' That's the stated intent. But what do the words of this CR do?

According to the Department of Treasury, which is tasked in Title VIII with developing the list of significant foreign narcotics traffickers, due process protections exist today for those U.S. citizens to challenge the legality of the blocking of assets in court.

On November 8th, I wrote a letter to Secretary of the Treasury Lawrence Summers requesting an opinion on two legal questions concerning Title VIII.

The first question was: ''What existing constitutional and statutory due process protections would allow an American citizen who has an interest blocked by Executive Branch action to challenge the blocking?''

The second question was: ''If H.R. 1555 is enacted into law, how would these existing constitutional and statutory due process protections be changed?''

In his November 10, 1999 reply to me, Mr. Richard Newcomb, Director of the Treasury's Office of Foreign Assets Control (or ''OFAC''), stated the following with regard to currently existing judicial review of the blocking of American assets:

''. . . the Administrative Procedure Act (the ''APA'') provides for judicial review of final agency action. 5 U.S.C. 702. In existing sanctions programs administered by the Office of Foreign Assets Control (''OFAC''), the final agency actions related to blocking are subject to challenge by affected parties through judicial review afforded by the APA. Because of normal rules of standing and other jurisdictional principles, a U.S. citizen may in many cases not be able directly to challenge the blocking of a foreign person's assets pursuant to APA. However, as discussed below, agency review by OFAC, followed by judicial review under APA of any resulting final agency action as to that citizen, may still be available. In addition to any statutory review available under the APA, a U.S. also may seek judicial review of constitutional claims or challenges related to blockings under existing OFAC sanctions programs.''

Under the process currently in place, OFAC determines who is a foreign drug kingpin after an internal Department of Treasury review of the evidence, an evidentiary review that is coordinated with the Department of Justice. Executive Order 12978, issued in 1995, requires that the State and Justice Departments be consulted by Treasury prior to this designation and blocking of assets. After designation is made and assets are blocked, OFAC regulations allow for a named party to petition OFAC to have its designation removed through an administrative appeal. Most petitioners initiate this administrative review process simply by writing OFAC. Exchanges of correspondence, additional fact-finding, and, often, meetings occur before OFAC decides whether there is a basis for removing the designation and unblocking assets. Once the named party has exhausted this administrative remedies process, OFAC's final decision can be challenged in federal court under the Administrative Procedure Act.

To repeat, the Administrative Procedure Act, or APA, provides some due process protection under current law for an American to challenge the blocking of his or her assets pursuant to a Department of Treasury OFAC agency decision.

However, a straightforward reading of section 805 of Title VIII makes clear that these existing statutory due process protections, referenced in the conference report as being unaffected by the bill, could well be, in fact, foreclosed if H.R. 1555 becomes law in its present form.

More specifically, section 805(a) of the bill states, in part: ''A significant foreign narcotics trafficker publicly identified . . . shall be subject to any and all sanctions as authorized.''

Section 805(b) of the bill provides that ''all property and interests in property within the United States, or within the possession or control of any United States person'' are blocked effective as of the date of a report designating the significant foreign narcotics traffickers.

And then the critically important language of section 805(f): ''The determinations, identifications, finding, and designations made pursuant to section 804 and subsection (b) of this section shall not be subject to judicial review.''

In sum, under Title VII, designation in the drug kingpin report automatically results in the blocking of assets, including any assets held by innocent U.S. citizens and businesses unaware of the association the foreign business entity allegedly has with narcotics trafficking. The blocking of assets, in turn, is not subject to judicial review, according to section 805(f) of the bill. Thus, Title VII would limit the statutory opportunity that exists today under the APA for innocent Americans to petition the courts to challenge the blocking of assets.

Could American citizens and businesses with no knowledge of, or participation in, foreign narcotics trafficking find their assets blocked under Title VIII of this bill? Certainly. For example, an American business involved in a joint venture agreement with a foreign shipping firm could find its assets blocked under the provisions of Title VIII. Or, American citizens owning stock in a company found to be owned or operated by drug traffickers and money launderers could have their assets blocked and suffer devastating economic loss as a result, despite being innocent of any wrongdoing themselves.

Under current law, the scenarios I have described resulting in the blocking of assets under the control of U.S. citizens, if not remedied in the administrative appeals process, could be challenged in federal court. Title VIII will have the effect of taking away this judicial appeal opportunity, thereby enhancing the authority federal bureaucrats have to not only hear but decide all challenges to Department of Treasury designation and asset blocking decisions.

The Department of Treasury confirms this change in statutory due process protections in its November 10th letter to me:

''If H.R. 1555 is enacted, section 805(f) presumably would foreclose U.S. citizens from bringing a claim under the APA to challenge the blocking.''

That is what the Department of Treasury, the agency empowered under current law as expanded by Title VIII to block assets, says about how this bill will foreclose currently existing statutory due process protections.

Mr. President, at this point I ask that both my November 8, 1999 letter to Secretary Summers and the November 10, 1999 reply from OFAC be printed in the Record in their entirety.

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

(See Exhibit 1.)

A different section of Title VIII provides perhaps the most conclusive evidence that this legislation is being brought to a vote in haste and without the careful consideration it needs. Section 810 of the bill, creates a Judicial Review Commission on Foreign Asset Control.

The conference report includes six judicial review and due process questions the prospective Commission is being asked to examine and report on to Congress in the next year. I am going to read each of the six questions and, as I do so, I ask that my colleagues consider whether we should have the answers to these important legal questions before approving Title VIII of H.R. 1555:

''(1) Whether reasonable protections of innocent U.S. businesses are available under the regime currently in place that is utilized to carry out the provisions of the International Emergency Economic Powers Act (''IEEPA'').''

Should not the Senate know the answer to this question before we act on Title VIII?

''(2) Whether advance notice prior to blocking of one's assets is required as a matter of constitutional due process''

Should not the Senate know the answer to this question before we act on Title VIII?

''(3) whether there are reasonable opportunities under the current IEEPA regulatory regime and the Administrative Procedure Act for an erroneous blocking of assets of mistaken listing under IEEPA to be remedied''

We know the most important part of the answer already. The Department of Treasury confirms that Americans would no longer be able to use the Administrative Procedure Act and a court appeal from an agency determination under that act to remedy an erroneous blocking of assets or mistaken listing. Should not the Senate have the answer to this question before we act on Title VIII?

''(4) whether the level of proof that is required under the current judicial, regulatory, or administrative scheme is adequate to protect legitimate business interests from irreparable financial harm''

Should not the Senate know the answer to this question before we act on Title VIII?

''(5) whether there is constitutionally adequate accessibility to the courts to challenge agency actions under IEEPA, or the designation of persons or entities under IEEPA''

We know that section 805(f) of Title VIII will foreclose the statutory access to the courts to challenge agency actions, but should not the Senate know the complete answer to this question before we act on Title VIII?

''(6) whether there are remedial measures and legislative amendments that should be enacted to improve the current asset blocking scheme under IEEPA or this title [Title VIII]''

Should not the Senate know the answer to this question before we act on Title VIII?

These are crucially important questions and strike to the very essence of due process protections afforded to U.S. citizens. So important are these questions that I believe the Senate as a body should know the answers to them before approving a law with potentially far-reaching legal consequences. These questions deserve careful consideration through a hearing process in the Judiciary Committee, the Intelligence Committee and other committees of jurisdiction. We should know the answers before we vote on the bill before us.

As it stands today, the Senate is being asked to approve a new law which will foreclose a currently existing statutory right of judicial appeal without the benefit of this hearing record and without a complete understanding of how this change in due process protections could harm innocent Americans.

Senators should be aware that the original drug kingpin amendment to the Intelligence Authorization Act—the Coverdell-Feinstein amendment—approved by the Senate on July 21st on a voice vote, did not eliminate or alter the existing judicial review avenue afforded innocent Americans under the Administrative Procedure Act to challenge the legality of the blocking of assets. The Coverdell-Feinstein amendment was silent on the issue. Only at the insistence of the House conferees during conference on the bill was the language contained in section 805(f) foreclosing statutory review of final agency actions included in the final conference agreement. So Senators should be clear that this significant difference exists between the original Coverdell-Feinstein amendment approved by the Senate in July and what we are being asked to adopt today.

Because the House approved the conference report to H.R. 1555 last week, the rules of the Senate preclude a motion to recommit the bill back to conference with instructions to remove the provision of Title VIII eliminating current review of final agency actions under the Administrative Procedure Act.

Realistically, the conference report to H.R. 1555, even with this offending provision, will pass overwhelmingly given the signatures on the conference report. The only way to minimize the damage it could do to innocent U.S. citizens is to attempt to amend Title VIII after it becomes law. Therefore, I ask unanimous consent to be allowed to speak in morning business for the purpose of introducing a bill to do just that.

Mr. President, I send a bill to the desk on behalf of myself, Senator SHELBY, Senator KERREY of Nebraska, and Senator ROBERTS.

This bill would restore the right that U.S. citizens are about to lose under section 805(f) of H.R. 1555 to challenge in court under the Administrative Procedure Act an illegal blocking of their assets by Executive Branch decision.

Based on my reading of the conference report language accompanying H.R. 1555, the conferees may not have intended or fully understood that Title VIII would foreclose a currently existing avenue of judicial review under the Administrative Procedure Act. It wasn't until after the conference on H.R. 1555 was concluded did any one in either Congress or the Executive Branch state in writing that this would be the bill's effect. I argued this position at the conference called immediately before the conferees voted. Therefore, I am hopeful that this significant flaw in H.R. 1555 can be corrected soon and that the American people will be assured that the United States Congress is not taking away rights of Americans to challenge the wrongful taking of their property by bureaucratic action. Because of this flaw, if there had been a recorded vote on the conference report before us, I would have voted ''no''.

Mr. President, I yield the floor.

EXHIBIT 1

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, November 8, 1999.

Hon. LAWRENCE H. SUMMERS,
Secretary of the Treasury,
Department of the Treasury, Washington, DC.

DEAR MR. SECRETARY: On Friday, Senate and House of Representatives conferees completed work on H.R. 1555, the Fiscal Year 2000 Intelligence Authorization Act. The conference agreement which has yet to be passed by either body, contains Title VIII, the ''Foreign Narcotics Kingpin Designation Act.''

I have a concern that Title VIII, as presently written, would undermine the due

process protections now afforded to an innocent U.S. citizen or business who has interest in assets blocked under this Act to challenge the blockage under the Administrative Procedure Act of any other avenue of judicial review.

According to the October 13, 1999 letter from Mr. R. Richard Newcomb, Director of the Department of Treasury's Office of Foreign Assets Control (OFAC) to Senator Paul Coverdell, the Administrative Procedure Act ''already provides for judicial review of final agency actions'' concerning the blocking of assets. The report accompanying H.R. 1555 adds that Title VIII is not ''intended in any way to derogate from existing constitutional and statutory due process protections for those whose assets are blocked or seized pursuant to law.''

However, a straightforward reading of section 805 of H.R. 1555 raises significant concerns that these ''existing constitutional and statutory due process protections'' may be eroded if the Act becomes law.

More specifically, section 805(a) of the bill states, in part: ''A significant foreign narcotics trafficker publicly identified . . . shall be subject to any and all sanctions as authorized.'' Section 805(b) goes on to state that ''all property and interests in property within the United States, or within the possession or control of any United States person'' are blocked effective as of the date of Treasury's report. Finally, section 805(f) states: ''The determinations, identifications, findings, and designations made pursuant to section 804 and subsection (b) of this section shall not be subject to judicial review.''

In sum, designation in the Treasury report automatically results in the blocking of assets. The blocking of assets, in turn, is not subject to judicial review, according to section 805(f) of the Act. Thus, H.R. 1555 would seem to limit the opportunity that exists today for innocent American citizens and businesses to petition the courts to challenge the blocking of assets.

Because H.R. 1555 may come before the Senate for consideration in short order, I asked that the Department of Treasury, in consultation with the Department of Justice, provide a written legal opinion to me answering two important questions:

(1) What existing constitutional and statutory due process protections would allow an American citizen who has interest in assets blocked by Executive Branch action to challenge the blocking?

(2) If H.R. 1555 is enacted into law, how would these existing constitutional and statutory due process protections be changed?

Your immediate response to my request is appreciated.

Sincerely,

CARL LEVIN,
Ranking Minority Member.

DEPARTMENT OF THE TREASURY,
Washington, DC, November 10, 1999.

Hon.CARL LEVIN,
U.S. Senate, Washington, DC.

DEAR SENATOR LEVIN: This letter responds to your letter to Secretary Summers of November 8, 1999, concerning Title VIII of H.R. 1555, the Fiscal Year 2000 Intelligence Authorization Act, entitled the ''Foreign Narcotics Kingpin Designation Act'' (the ''Act''). You requested an opinion concerning two questions arising under sections 804 and 805 of the proposed legislation:

What existing constitutional and statutory due process protections would allow an American citizen who has an interest in assets blocked by Executive Branch action to challenge the blocking?

If H.R. 1555 is enacted into law, how would these existing constitutional and statutory due process protections be changed?

As noted in my October 13, 1999 letter to Senator Coverdell, the Administrative Procedure Act (the ''APA'') provides for judicial review of final agency action. 5 U.S.C. 702. In existing sanctions programs administered by the Office of Foreign Assets Control (''OFAC''), final agency actions related to blocking are subject to challenge by affected parties through judicial review afforded by the APA. Because of normal rules of standing and other jurisdictional principles, a U.S. citizen may in many cases not be able directly to challenge the blocking of a foreign person's assets pursuant to the APA. However, as discussed below, agency review by OFAC, followed by judicial review under the APA of any resulting final agency action as to that citizen, may still be available. In addition to any statutory review available under the APA, a U.S. citizen also may seek judicial review of constitutional claims or challenges related to blockings under existing OFAC sanctions programs.

If H.R. 1555 is enacted, section 805(f) presumably would foreclose U.S. citizens from bringing a claim under the APA to challenge a blocking. Such statutory preclusion of judicial review under the APA is expressly provided for in the APA itself. 5 U.S.C. 701(a)(1). Despite the limitation on judicial review in section 805(f), however, a U.S. citizen would not be foreclosed from other meaningful avenues of review.

First, even when assets are properly blocked under the law, a U.S. citizen can petition OFAC for a license unblocking the U.S. citizen's interest in blocked assets. OFAC has a long-established practice of utilizing its licensing authority in sanctions programs to minimize the adverse impact on innocent U.S. persons while vigorously implementing the sanctions against targeted foreign persons. OFAC regulations in every major sanctions program contain licensing authority. The Act would provide the Treasury Department with similar authority. The ability of OFAC (or even a reviewing court, if judicial review were available) to grant relief would, of course, depend on the nature of the U.S. citizen's interest in blocked assets.

Second a U.S. citizen would have recourse to agency review of the blocking. If the U.S. citizen believed that its interest in the foreign person's assets is mistakenly or wrongfully blocked, that U.S. citizen could petition OFAC to have the interest unblocked. OFAC has the authority pursuant to section 805(b) of the proposed legislation to unblock assets.

Also, as section 805(f) must be read to avoid any Constitutional problems, a U.S. citizen would not be precluded by that section from pursuing any Constitutional claims.

Finally, one point in your November 8 letter requires clarification. Paragraph three refers to my October 13 letter to Senator Coverdell. That letter was written in response to the Senate draft of H.R. 1555 received in this Office on October 13. My reference to judicial review, quoted only in part in your letter, addressed not the current provisions of the Act, but provisions (section 704(f), and in particular, 704(f)(2) of the October 13 draft) that were subsequently deleted. We believe it is important to understand the context of my letter, as well as to examine my statement in its entirety. ''The Administrative Procedure Act already provides for judicial review of final agency actions; *and, therefore additional judicial review provisions are unnecessary*'' (emphasis supplied). That statement reflected the Department's position that judicial review did not need to be addressed separately in the proposed legislation.

We hope this information is of assistance.

Sincerely,

R. RICHARD NEWCOMB,
Director, Office of Foreign Assets Control.

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, November 12, 1999.

Hon. LAWRENCE H. SUMMERS,
Secretary of the Treasury,
Department of the Treasury, Washington, DC.

DEAR MR. SECRETARY: Thank you for your November 10, 1999 reply to my letter requesting a legal opinion of Title VIII of H.R. 1555, the Fiscal Year 2000 Intelligence Authorization Act, entitled the ''Foreign Narcotics Kingpin Designation Act.'' Your reply was not only prompt but responsive to the questions I posed.

Paragraph three of your letter contains the following conclusion about how H.R. 1555, if enacted into law, would change existing statutory due process protections:

''If H.R. 1555 is enacted, section 805(f) presumably would foreclose U.S. citizens from bringing a claim under the APA [Administrative Procedure Act] to challenge a blocking.''

I do not believe this current existing avenue for judicial review of final agency action should be foreclosed. Therefore, I am requesting that you forward to me a written answer to the following question before the Senate considers the conference report to H.R. 1555 next Tuesday:

Do you support maintaining the present right afforded a United States citizen who has an interest in assets blocked by Executive Branch action of challenge the blocking under the Administrative Procedure Act?

Your immediate response to my request is appreciated.

Sincerely,

CARL LEVIN,
Ranking Minority Member.

DEPARTMENT OF THE TREASURY,
Washington, DC, November 17 1999.

Hon. CARL LEVIN,
U.S. Senate, Washington, DC

DEAR SENATOR LEVIN: I received your November 12 letter to Secretary Summers requesting our position on the following question:

Do you support maintaining the present right afforded a United States citizen who has an interest in assets blocked by Executive Branch action to challenge the blocking under the Administrative Procedure Act?

In my October 13 letter to Senator Coverdell, the Department has indicated that it would not oppose judicial review of Treasury decision. However, we also can work with the text of Title VIII of H.R. 1555 as finalized by the conference committee. The proposed statute does not eliminate all avenues for seeking relief. I want to emphasize that as the program under the proposed legislation is implemented, the Office of Foreign Assets Control's (OFAC) traditional administrative mechanisms will be employed. Thus, a U.S. citizen whose interests have been blocked will be able, if he chooses, to avail himself of OFAC's licensing authority. In current OFAC-administered programs, this mechanism has served to minimize the adverse impact on innocent U.S. citizens while vigorously implementing sanctions against targeted foreign persons. Additionally, a U.S. citizen will be able to petition OFAC for the unblocking of his interest in blocked property. Similarly, we believe that the proposed law would not deny a U.S. citizen any rights he previously would have had to raise constitutional claims.

We hope that this information is of assistance.

Sincerely

R. RICHARD NEWCOMB,
Director, Office of Foreign Assets Control.

Mr. DOMENICI. Mr. President, I am pleased that the Senate today will pass S. 1515, an important bill to make some much needed changes to the Radiation Exposure Compensation Act. I am pleased to join my colleagues, including the Chairmen of the Senate Judiciary and Indian Affairs Committees, in support of this legislation.

Mr. President, my home state of New Mexico is the birthplace of the atomic bomb. One of the unfortunate consequences of our country's rapid development of its nuclear arsenal was that many of those who worked in the earliest uranium mines became afflicted with terrible illnesses.

I noticed this problem more than twenty years ago, when I learned that miners had contracted an alarmingly high rate of lung cancer and other diseases commonly related to radiation exposure.

Many of the miners were Native Americans, mostly members of the Navajo Nation, with whom the United States government has had a longstanding trust relationship based on the treaties and agreements between our country and the tribes. Some 1,500 Navajos worked in the uranium mines from 1947 to 1971. Many of them have since died of horrible radiation-related illnesses.

All of the uranium miners, including the Navajos, performed a great service out of patriotic duty to this country. Their work helped us to win the Cold War. Unfortunately, our Nation failed to fulfill its duty to protect the miners' health. After hearing of the problem, I began the effort the miners' health. After hearing of the problem, I began the effort to see that the miners and their families received just compensation for their illnesses.

Mr. President, I want to take a moment to recognize a person who has been a champion in the hearts of uranium miners and their families throughout the Colorado Plateau. This person, a former uranium miner himself, has worked tirelessly in advocating many of the reforms we have established within this bill.

Mr. President, Paul Hicks of Grants, New Mexico deserves a large amount of credit for bringing attention to this legislation in the United States Senate. Paul is President of the New Mexico Uranium Workers Council and he has spearhearted the grassroots effort that is responsible for several of these much needed reforms.

Paul was a uranium miner for over twelve years in New Mexico. He later worked as a lead miner, a shift boss, and ended his mining career as a mine foreman. But as Paul will tell you, ''it takes about ten years to make a good miner, but only ten minutes to make a good foreman.'' Mr. President, Paul Hicks is and will always be a miner at heart.

Paul has fought this effort for the miners of the Navajo nation, Acoma Pueblo, Grants, New Mexico, and Dove Creek and Grand Junction, Colorado. Paul Hicks is truly a hero in the heart's of the many people along the Colorado Plateau that have been adversely affected by exposure to uranium.

Unfortunately Mr. President, Paul is now facing another battle. That is fight against cancer. Paul was diagnosed last week with bone cancer and now, he must endure massive radiation treatments for the next six weeks. It will be a tough fight, but one I know he'll win. Simply, because I know Paul Hicks.

Way back in 1979, I held the first field hearing on this issue in Mr. Hicks' hometown of Grants, New Mexico to learn about the concerns and the health problems faced on uranium miners. In later years, I traveled to Shiprock, New Mexico and the Navajo Nation Indian Reservation to gather more information about the uranium miners and their families.

Twelve years after I introduced that first bill, President Bush signed RECA into law. At the time, RECA was intended to provide fair and swift compensation for those miners and downwinders who had contracted certain radiation-related illnesses.

Since the RECA trust fund began making awards in 1992, the Department of Justice has approved a total 3,135 claims valued at nearly $232 million. In my home state of New Mexico, there have been 371 claims approved with a value of nearly $37 million. For that work, the Department of Justice is to be commended.

The original RECA was a compassionate law which unfortunately has come to be administered in a bureaucratic, dispassionate and often unfair manner. Many claims have languished at the Department of Justice for far too long.

Miners and their families, particularly Navajos, often have waited many years for their claims to be processed. Many claims were denied because the miners were smokers and could not prove that their diseases were related solely to uranium mining. In other cases, miners faced problems establishing the requisite amount of working level months needed to make a successful claim. Native American claims by spousal survivors often were denied because of difficulties associated with documenting Native American marriages.

This bill makes some important, common-sense changes to the radiation compensation program to address the problems I have outlined. First, it expands the list of compensable diseases to include new cancers, including leukemia, thyroid and brain cancer. It also includes certain non-cancer diseases, including pulmonary fibrosis. Medical science has been able to link these diseases to uranium mining in the 10 years since the enactment of the original RECA. We now know that prolonged radiation exposure can cause many additional diseases. This bill uses the best available science to make sure that those who were injured by radiation exposure are compensated.

The bill also extends eligibility to above-ground and open-pit miners, millers and transport workers. The latest science tells us that the risks of disease associated with radiation exposure were not necessarily limited to those who worked in unventilated mines.

Most importantly, the bill requires the Department of Justice to take Native American law and customs into account when deciding claims. I have heard countless stories about the inequities faced by the spouses of Navajo miners who have been unable to successfully document their traditional tribal marriages to the satisfaction of the Justice Department under current law and regulations. This bill will change that, and make it easier of spousal survivors to make successful claims.

Mr. President, I am pleased to support this important legislation. The Congressional Budget Office estimates that the bill will cost close to $1 billion over the next 21 years. That is far less than some of the other proposals floated in the House and Senate during the past few years. This is a common-sense approach, which addresses many of the problems with the existing program, without unnecessarily expanding the scope of the Radiation Exposure Compensation Act. The Chairman of the Senate Judiciary Committee has done a fine Job crafting this bill and I have been pleased to work with him in that regard. I yield the floor.

Mr. COVERDELL. Mr. President, today marks a major breakthrough in our War on Drugs. H.R. 1555, the Intelligence Reauthorization bill, contains a provision authored by myself and Senator DIANE FEINSTEIN, which is designed to put drug kingpins out of business. Enactment of our Drug Kingpin legislation represents the most dramatic change in our Nation's drug laws since the drug certification process was established in 1986.

The Drug Kingpin legislation, which Senator FEINSTEIN and I introduced earlier this year as a free-standing bill, targets major drug kingpins by blocking their assets in the U.S. and by preventing their access to U.S. markets. Our objective is to use U.S. economic power to undercut the financial base of the cartels and their kingpins, thereby providing a tool that directly targets a major security threat to this country. Simply stated, we are hitting drug traffickers where it hurts them most—in their wallets.

This legislation codifies and expands an existing Presidential Executive Order which has had remarkable success in financially isolating and weakening Colombian drug cartels. In 1995, President Clinton signed Executive Order 12978, exercising the International Emergency Economic Powers

Act (IEEPA) against four major drug kingpins affiliated with Colombia's Cali cartel. The Executive Order blocks any financial, commercial and business dealings with any entity associated with the four named drug traffickers, recognizing that drug traffickers who pump cocaine and heroin into our communities pose a threat to our national security.

The Coverdell-Feinstein initiative expands the President's Executive Order to include all foreign narcotics traffickers deemed as threats to our national security and enhances congressional oversight of this important and effective program. Here's how it works: As under the President's Executive Order, the Treasury Department's Office of Foreign Assets Control (OFAC) would develop a list of Specially Designated Foreign Narcotics Traffickers in consultation with the Department of Justice, the Department of State, and other executive branch agencies. Any foreign entity which appears on the list would be prohibited from conducting any economic activity with the United States. American firms or individuals who violate this prohibition would be subject to significant financial penalties and, potentially, prison terms.

Mr. President, this program's track record in Colombia is impressive. The United States targeted over 150 companies and nearly 300 individuals involved in the ownership and management of the Colombian drug cartels' non-narcotics business empire, which included a variety of companies ranging from drugstores to poultry farms. Once labeled as drug-linked businesses, these companies found themselves financially isolated. Banks and legitimate companies chose not to do business with the blacklisted firms, choking off key revenue streams to the cartels. Over 40 drug-funded companies, with estimated combined sales of over $200 million, were liquidated or in the process of liquidation by February 1998. I am submitting for the RECORD a recent Treasury Department Impact Summary on the Colombia program.

The best part of this approach to fighting foreign drug kingpins is that it supports the efforts of foreign governments who need our help to take down the cartels. To that end, it is essential that implementation of this program occurs with the cooperation and participation of the host country. Indeed, in the case of Colombia, the participation and high level of cooperation by the Colombian government and the Colombian Banking Association were crucial to the success of the program. It is our hope and intention that as this program is expanded in legislation, a similar framework of cooperation and participation is developed with other countries.

One of our principle intentions with this legislation is to avoid the country-to-country confrontation that often occurs and to focus instead on the bad actors who are producing and trafficking the illegal drugs and who are causing so much damage to our nation. At the same time, it is designed to be a supplement, not a replacement for the current drug certification process.

The Coverdell-Feinstein provision is not country specific. It is a global initiative which targets foreign drug kingpins and their associates regardless of nationality and location—from Burma to Nigeria to Colombia.

Despite the proven track-record of this program, some raised concerns that this legislation would not adequately protect U.S. business interests. I disagree. So do the vast majority in both Houses of Congress, the Department of Treasury that implemented the successful Colombia program and the National Security Council. This legislation has been thoroughly vetted and painstakingly examined by the experts in Congress and in the Executive Branch. Since its unanimous passage in July 1999 as an amendment to the Intelligence Reauthorization bill, important changes were made which perfected and refined this provision that will be soon signed into law.

It is important to remember that this bill targets foreign drug traffickers and their front companies, not U.S. entities. This program is implemented so as to minimize the possibility of unfairly tarnishing the reputation of an individual or company. If a U.S. company is knowingly or unknowingly conducting business with drug traffickers or their associates, they are warned by the Treasury Department before any further steps are taken. According to Treasury Department practice, alert letters are sent by Treasury to U.S. entities who are potentially conducting business with a designated foreign narcotics trafficker or their associates. Often, a Treasury Department representative will personally warn the U.S. entity. Actions would only be taken if the U.S. entity continues the business relationship with the narcotics trafficker.

The purpose is not to harm unwitting U.S. businesses. Instead, it is to inform U.S. persons of the identities of the prohibited foreign parties. In the case of the Colombia program, U.S. businessmen have termed this program as ''a good preventative measure'' that helps them steer clear of the cartels' front and agents. If a U.S. entity does happen to be adversely affected, it has recourse to administrative remedies through the Treasury Department, and of course has access to U.S. courts—as would any U.S. citizen under the Constitution. I am submitting for the RECORD a copy of several Treasury Department letters on this issue which should put this matter to rest once and for all. In addition, at the suggestion of Senator RICHARD SHELBY and Senator BOB KERREY, the legislation provides for a commission to examine a range of legal issues that could arise through implementation of the program.

As for the foreign drug kingpins, this legislation treats them for what they really are: a national security threat. Many of these criminals, who peddle their wares on our streets and in our school yards, are already under indictment in the U.S. These are the thugs responsible for thousands of deaths each year. In several cases tried before U.S. district courts since 1995, U.S. federal judges have found the designation process to be appropriate and applicable to the named foreign entities.

The provision unanimously passed the Senate as an amendment to the Intelligence Authorization Bill in July. It then passed the House on November 2 as a free-standing bill by a vote of 385–26. The provision was accepted in the Intelligence Conference on November 5. And then, last week, the House unanimously passed the Intelligence Conference Report, which included this provision. And, today, this provision received final approval in the Senate and will soon be sent to the President for his signature.

This provision is time-tested, has had extraordinary success in Colombia, and will continue to be an effective tool when applied on a global basis. This is a tough but fair measure. It punishes some of the worst criminals alive today, and at the same time protects the rights of innocent U.S. citizens.

Take legitimate U.S. dollars out of drug dealers' pockets is a vital step in destroying their ability to traffic narcotics across our borders. This is a bold but necessary tool to fight the war on drugs.

Finally, Mr. President, I would like to thank the distinguished Senator from California Senator DIANE FEINSTEIN, for her leadership and dedication to this issue. I would also like to recognize Representative PORTER GOSS and Representative BILL MCCOLLUM for their work on behalf of this bill and their tireless efforts in fighting the war on drugs.

Mrs. FEINSTEIN. Mr. President, I rise in strong support of the Coverdell-Feinstein Drug Kingpin bill, which is contained in modified form within this Intelligence Authorization Conference Report.

That bill, also co-sponsored by Senators LOTT, TORRICELLI, DEWINE, HELMS, CRAIG, GRAHAM and REID, is designed to strengthen the President's hand in combating foreign narcotics traffickers around the world. Senator COVERDELL and I have worked for months to answer questions about the bill, iron out remaining problems, and satisfy the concerns of the Clinton Administration over how the bill will work.

We and our staffs met with representatives from the White House, the Justice Department, the Treasury Department, the Department of State, the National Security Council, other Senate offices and many others during that time. I am gratified to report that we now have the support of this Administration, as well as both Houses of Congress.

Let me speak a bit about this provision and why it is so important. This

provision is patterned after an Executive Order issued by President Clinton in 1995, which targeted the assets of the powerful Colombian drug kingpins.

That Order expanded the International Emergency Economics Powers Act to include ''Specially Designated Narcotics Traffickers.'' As issued, the President's Executive Order applies to four drug traffickers affiliated with the Colombian Cali cartel. The goal is to completely isolate the targeted drug traffickers.

The Executive Order blocks any financial, commercial and/or business dealings with any entity associated with the four named drug traffickers—to include criminal associates, associated family members, related businesses and financial accounts.

Under the Coverdell-Feinstein provision now contained in this Conference report—as under the President's Executive Order—the Treasury Department's Office of Foreign Assets Control (OFAC) would develop a list of Specially Designated Narcotics Traffickers in consultation with the Department of Justice, the CIA and the Department of State. Now, this list can contain traffickers throughout the world, and not just in Colombia.

By focusing on the financial relationships between drug cartels and their associated business relationships, the Executive Order—and now this new provision—is directed toward the entities that are creating the drug problem in our country—the drug cartels.

Now, this provision will codify and expand that Presidential directive to include other foreign narcotics traffickers considered a threat to our national security—Colombia was a good start, and we believe it is time to set our sights elsewhere around the world.

The goal is to isolate targeted drug traffickers and their affiliated businesses by freezing their assets under U.S. jurisdiction and cutting off their ability to do business in the United States.

Under the Executive Order, more than 400 companies and individuals affiliated with drug trafficking have been targeted by the Treasury Department.

These entities are denied access to banking services in the U.S. and Colombia, and existing bank accounts have been shut down.

As a result, more than 400 Colombian accounts have been closed, affecting over 200 companies and individuals engaged in drug trafficking.

By February 1998, over 40 of these companies, with an estimated combined annual sales of over $200 million, had been forced out of business.

Drug cartels today are more powerful, more violent and have a far greater reach than traditional organized crime organizations ever had been in the past. And, I believe they pose a major threat to our national security.

Indeed, measured in dollar value, at least four-fifths of all illicit drugs consumed in the U.S. are of foreign origin, including virtually all the cocaine and heroin.

With the authority to reach countries beyond Colombia, the President can work to isolate major criminal drug syndicates around the world, and impose upon them and their associates a similar fate as that of the Cali cartel.

It is my hope that with new emphasis on this expanded authority, and with a concerted intelligence effort to develop sufficient data about the cartels and their associates, in this country and abroad, the United States will be able to work with our allies to expose, isolate, and cut off the major drug trafficking syndicates that pose a tremendous threat to our societies.

This crucial mission can only be accomplished together, and we must work together to see that our governments are properly equipped to carry it out successfully.

To that end, this amendment establishes clear procedures through which the various parts of our own government will be able to share information with their counterparts, and make recommendations to the President as to those cartels that represent the greatest risk to our nation.

Coordinated by the Office of Foreign Assets Control in the Department of Treasury, the expanded program will target new international drug cartels with the same successful financial choke holds that worked so well in Colombia.

And let me also be clear about one thing. Nothing in this provision should in any way be read to say that the United States Government should stop cooperating with other governments in the fight against drugs.

To the utmost extent possible, the United States under this provision should continue and even expand upon its current agreements with other nations in the fight against drugs. While valid concerns over the compromise of national security, sources and methods, or ongoing investigations must be taken into account, we must also make sure that we continue to work cooperatively with those governments also intent on solving this drug crisis.

This will not be an easy process, and the results will not be immediate. But over time, we hope that the flow of drugs across our borders will be diminished.

Before I yield the floor, I want to address one concern that has been raised about due process for American citizens under this bill. Some have expressed a concern that this bill would leave U.S. citizens without redress for blocked assets, in possible violation of their due process rights. Such an outcome is certainly not what we are trying to accomplish with this bill, and I have been assured by the Treasury Department that avenues of redress will remain open to United States Citizens.

According to Richard Newcomb, the Director of Foreign Assets Control (OFAC), the entity responsible for carrying out the provisions of this bill:

> Even when assets are properly blocked under U.S. law, a U.S. citizen can petition OFAC for a license unblocking the U.S. Citizens interest in blocked assets. OFAC has a long-established policy of utilizing its licensing authority in sanctions programs to minimize adverse impact on U.S. persons while vigorously implementing the sanctions against targeted foreign persons.

Second, according to Newcomb, OFAC will have the ability under section 805(b) of this Act to completely unblock assets:

> If the U.S. citizen believed that its interest in the foreign person's assets is mistakenly or wrongfully blocked, that U.S. citizen could petition OFAC to have the interest unblocked.

Finally, ''Also, as section 805(f) must be read to avoid any Constitutional problems, a U.S. citizen would not be precluded from that section from pursuing any Constitutional claims.''

In other words, Mr. President, U.S. citizens are now, and will continue to be, offered significant protections against wrongful blocking or seizure of their assets. The Treasury Department has assured us that nothing in this bill will eliminate a U.S. citizen's absolute, Constitutional right to due process, and nothing in this bill attempts to do so. The clear purpose of the bill is to seek out foreign drug kingpins and cut off their access to the American economy.

I'd like to thank Senator COVERDELL for working so tirelessly with me on this bill, and I thank my colleagues on both sides of the aisle for supporting our efforts. I yield the floor.

Mr. KENNEDY. Mr. President, for the record, I want to ensure that congressional intent on the Secretary of Health and Human Services' organ transplantation rule is clear. The provision in the tax extender bill, which provides for a 90 day delay with a required 60 day comment period, does not reflect the views of the Health, Education, Labor, and Pensions Committee. Rather, congressional intent is expressed by the provision in the Consolidated Appropriations bill, which simply delays the effective date of the regulation by 42 days. This compromise assures that the transplant community and affected patients will have one final chance to discuss this issue, and that the Secretary shall then proceed with the regulation. Therefore, the provision in the Consolidated Appropriations bill should have legal effect, notwithstanding the provision in the tax extender bill.

I ask unanimous consent a statement of Administration Policy be printed in the RECORD.

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

STATEMENT OF ADMINISTRATION POLICY ON H.R. 1180—TICKET TO WORK AND WORK INCENTIVES IMPROVEMENT ACT

> Today, the Senate is expected to vote on the conference report to accompany H.R. 1180, the Ticket to Work and Work Incentives Improvement Act of 1999. The President has a deep and long-standing commitment to empowering and promoting the independence of people with disabilities.

H.R. 1180 would give people with disabilities a new chance to work without fear of losing their Medicare and Medicaid coverage. This bill also would create a demonstration program that provides people who are not yet too disabled to work the opportunity to ''buy into'' Medicaid to help them keep working. In addition, it would enhance opportunities for Social Security disability beneficiaries to obtain vocational rehabilitation and employment services from their choice of participating providers. The Administration strongly supports these provisions that will enable more people with disabilities to work.

The Administration is deeply troubled that H.R. 1180 includes a provision concerning the organ transplantation rule of the Department of Health and Human Services that would provide for a 90-day delay in the rule, including a required 60-day comment period. This provision is in conflict with the provision in the Consolidated Appropriations bill that would provide for a 42-day delay. The Statement of the Managers for the Consolidated bill makes clear their intent that there be no further delay following the 42-day period. The provision in the Consolidated bill represents the true compromise that resulted from negotiations involving all parties. The Administration agreed to and supports the compromise provision in the Consolidated bill and believes that the rule should be issued without further delay after the 42-day period expires.

H.R. 1180 contains several time-sensitive provisions that extend expiring tax laws. The Administration supports many of these provisions, including the extension of alternative minimum tax provisions, the research and experimentation tax credit, the qualified zone academy bond authorization, the brownfields provisions, and the District of Columbia homebuyers credit. Although the extension of certain expiring tax laws is essential, the failure to fully offset the revenue losses resulting from these provisions is unfortunate. The Administration also is disappointed that H.R. 1180 includes the special allowance adjustment for student loans because it exposes the Federal Government, rather than lenders, to substantial financial risk due to the difference between Treasury and commercial paper borrowing rates.

TICKET TO WORK AND WORK INCENTIVES IMPROVEMENT ACT OF 1999—CONFERENCE REPORT

The PRESIDING OFFICER. The clerk will report the conference 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. 1180, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

(The conference report is printed in the House proceedings of the RECORD of November 17, 1999.)

The PRESIDING OFFICER (Mr. ROBERTS). Who yields time?

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. I ask the Chair, what is the status?

The PRESIDING OFFICER. The time until 5 o'clock is equally divided between the Senator from Delaware and the Senator from New York.

Mr. KERREY. The Senate is currently on the conference report for tax extenders?

The PRESIDING OFFICER. The Senator is correct.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2000—CONFERENCE REPORT—Continued

Mr. KERREY. Mr. President, I ask unanimous consent that that conference report be temporarily set aside so we can have a voice vote on the intelligence conference report.

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

Mr. KERREY. I urge adoption of the conference report on intelligence.

The PRESIDING OFFICER. The question is on agreeing to the conference report on H.R. 1555.

The conference report was agreed to.

Mr. SHELBY. I move to reconsider the vote.

Mr. KERREY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The distinguished majority leader is recognized.

Mr. LOTT. I know we have this very important legislation involving work incentives for our disabled citizens that—

Mr. MOYNIHAN. May we have order.

The PRESIDING OFFICER. The Senator from New York is exactly correct. The Senate is not in order. We will be in order. The Senate will be in order. Will Senators to my right please cease all audible conversation.

The majority leader.

Mr. LOTT. Thank you, Mr. President. And I thank the Senator from New York.

DAIRY COMPACTS

Mr. LOTT. We do need to have a colloquy now, before we begin the final debate on this very important work incentives legislation on the matter of dairy and the dairy language in the appropriations bill. There is no use at this point of me going back and recounting all that has gone on in us reaching the point where we are in the language in this bill.

There are a lot of Senators on both sides of the aisle who believe that the Northeast Dairy Compact should have been included. There are Senators who think that portions of the bill H.R. 1402, known as the 1–A, should have been included. There are other Senators who believe equally as strongly that neither of those should have been included in this bill. I must say, I am in that group.

I do not think what we have come up with on dairy is where we should leave it. It was something that was laboriously worked out. I tried my very best to find some way that we could come up with something that was in the best interests of dairy, the consumers, something that was acceptable to Senator GRAMS, Senator JEFFORDS, Senator KOHL, Senator WELLSTONE, and Senator FEINGOLD, but there was no way to find a solution with which all sides could be content. Regardless of how this agreement was reached, we are here, and it will be in law. But I do not think we should leave it on this line.

I do not think compacts are the answer, personally. I believe it very strongly. I do not think that trying to expand it—more compacts—and have the kinds of controls you have now by the Government, or will have in this by the Government, is the answer.

So I find myself philosophically very sympathetic to Senator GRAMS and Senator KOHL and Senator DOMENICI and Senator FITZGERALD, but I also know of the position of the Senate on this issue, and Senator JEFFORDS and Senator LEAHY were able to produce a majority of the Senate, although neither side could produce a 60-vote margin to break a filibuster.

So all I want to say today is that while this legislation, I believe, is going to pass, we should not stop at this point. We should look for a better way to do this. We should look for a way to get away from compacts and a way to get away from the type of Government controls we now have.

Do I have a magic solution? Can I guarantee by the first week in February this will be resolved? No. I have been wrangling around with this for 20 years, as the Senator in the Chair, who was chairman of the Agriculture Committee, tried mightily and could not find the solution.

But I am committed here today to work with those who believe we should not be doing this to find a way to do it better. I know the Senators on the other side will fight tenaciously against that, but I want the RECORD to reflect my true feelings on this and reflect my commitment that we are not going to leave it on this line.

I yield the floor.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The distinguished Democratic leader is recognized.

Mr. DASCHLE. Mr. President, I associate myself with the remarks made by the distinguished majority leader. He noted that this is a matter of great import to many Senators, including those from the Northeast. They have made their position known, and I respect that position.

I have also indicated to them personally, and I have said publicly, that I do not support compacts. I do not support the Northeast Dairy Compact. I do not believe it is good economic policy. I think the process that allowed the Northeast Dairy Compact in H.R. 1402 to be inserted in the budget process was flawed and wrong and unfair. This isn't the way we ought to deal with complex and extraordinarily important economic policy affecting not hundreds or thousands but millions of rural Americans.

I oppose compacts in any form, but I especially oppose them when they are

loaded into a bill without the opportunity of a good debate, without the opportunity of votes, without the opportunity of amendment.

We will come back to this issue. We must revisit this question. We must find a way by which to assure that all views are taken into account, and all sections of the country are treated fairly.

In this case, the two Senators from Wisconsin in particular, and the Senators from Minnesota, WELLSTONE and GRAMS, were not treated fairly. I do not fault anybody. These things happen. Senator LOTT and I have to deal with a lot of different challenges and issues. He and I have admitted that we wished this could have been done differently. Those four Senators were not treated fairly. I applaud them for coming to the floor to express themselves, and to say in as emphatic a way as they can, as eloquently as they have, how important this matter is to them and how determined they are to see it resolved.

My hat is off to them. I thank them. I also thank them for their cooperation in working with us to come up with a way to resolve this. It is one thing to throw things and to stomp up and down and to cause all kinds of havoc. Anyone can do that. But it takes courage, it takes character, it takes class to say, look, in spite of the fact that we were not treated fairly, we are going to work with you to assure that people in other circumstances will be treated more fairly. I thank them for that.

Again, I appreciate the majority leader's comments in acknowledging the unfairness of this and ensuring that we will deal with it appropriately at a later date.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. LUGAR. Mr. President, I enter this colloquy because I want to give a little bit of historical perspective, as chairman of the Agriculture Committee.

Mr. LOTT. Will the Senator yield briefly.

Mr. LUGAR. Yes.

Mr. LOTT. I ask unanimous consent that this colloquy extend for not to exceed 10 more minutes.

The PRESIDING OFFICER. Is there objection?

Mr. MOYNIHAN. Mr. President, it may take a little longer. We are in an accommodating mode, thanks to our colleagues.

Mr. REID. If I could say to the majority leader, we have a number of people, Senator LUGAR, Senator GRAMM, Senator BYRD, who——

Mr. LOTT. I think it would help if I withdraw that and urge my colleagues, be profound but succinct.

The PRESIDING OFFICER. The distinguished Senator from Indiana has the floor.

Mr. LUGAR. The history of this situation goes back to the farm bill of 1996. At that time, the dairy provisions were the final issue to be compromised. At that time, the House and the Senate agreed upon a New England dairy compact for 2 years. The 2 years were to end September 30, 1998. During that time, the USDA was charged with the need to reform the entire dairy system and reduce the number of the arrangements for pricing from roughly 38 to 13.

USDA acted this year. The Secretary promulgated some reforms that moved toward more of a market system. Likewise, the Secretary did not make further comment about the compacts because, under the law, they were supposed to be gone at this point. Obviously, they have not disappeared. A similar legislative predicament last year gave a wedge for the compacts to continue for another year in New England. Obviously, as the leaders have described it, that situation has occurred once again.

Let me say, as chairman of the Agriculture Committee, we would like to reclaim the issue. It is in our jurisdiction. It is not in the jurisdiction of the people who worked this out. They had no right to do this. They have been widely condemned for doing it. There has been no debate on the compacts in our committee or on the floor, except for the ag bill. And they should have been gone by September 30, 1998, under those provisions. Likewise, although the House did decide to disagree with the Secretary of Agriculture, the Senate did not. The Senate did not have debate on this and, the fact is, the leadership of the committee wrote to commend our Secretary of Agriculture in a bipartisan way.

Let me reassure the distinguished Senators from Wisconsin and Minnesota that the Agriculture Committee of the Senate will be eager to take up legislation that deals definitively with this situation. It will require a majority of the committee and a majority of this body and, likewise, some cooperation from the House. But that is the proper way to proceed. A suggestion has been made that we ought to be heard as a Senate. I suggest that that is the way we will follow.

We will entertain legislation with regard to these issues at the earliest possible time and ask for the support of Senators who are here on the floor involved in this colloquy to help us in that quest.

I thank the Chair.

The PRESIDING OFFICER. The distinguished Senator from Nevada is recognized.

Mr. REID. Mr. President, I yield to the Senator from West Virginia.

Mr. BYRD. Mr. President, as ranking member of the Senate Appropriations Committee, let me say a few words. I would like to say more about this man from Wisconsin but time constraints will not allow me to do that.

He is the Stonewall Jackson of Wisconsin. He stands like a stone wall. If I had the voice of Jove, I would shout from the ends of the earth. Yet I would not be able to move this man, HERB KOHL, when he takes a determined stand. He has been talking with me time and time again about this issue that is so important to him and the people of Wisconsin. He has been absolutely indefatigable; he has been unshakable, and I salute him. He has stood up for the people of Wisconsin. That is what I like about him. He stands for principle. He stands for his people.

I have been criticized many times for standing for my people in West Virginia. Who sends me here? They do. The distinguished Senator from Wisconsin feels the same way. He is courteous; he doesn't talk very much or very loud; but he always listens. Always, when I have had a problem affecting my State in particular, he has listened. I sat down in his office with him and talked with him. So I listen to him. I salute him. The people of Wisconsin have a real treasure in HERB KOHL, and I have a real treasure in HERB KOHL as a friend. I want him to know that at any future time when this issue comes up, he knows the number of my office, the number on my telephone. I will be glad to see him, talk with him, and help him in his fight.

The PRESIDING OFFICER. The distinguished Senator from Minnesota is recognized.

Mr. GRAMS. Mr. President, I come to the floor today stunned by the addition of harmful dairy provisions in the final appropriations bill. This omnibus bill contains another extension of the Northeast Dairy Compact for 24 months—which I consider the most brazen attempt in my memory as a member of Congress to steal and move an industry from one region of the country to another. This economic power grab is alternatively characterized as a matter of states' rights, a way to guarantee a fresh supply of milk to local consumers, a means to ensure lower-priced milk to consumers, and a means to help the small family farmer survive. All of these arguments are false—a thinly veiled disguise to cover the truth, which is that this is an unvarnished economic power grab of major proportions.

But first, I would like to explain what dairy compacts are, and explain why they are so destructive to the heart of dairy production in America and the Upper Midwest. The Northeast Dairy Compact raises the price of Class I fluid milk above the prevailing federal milk marketing order price within the participating states, and, I might add, above what the market would pay. Milk processors have to pay the higher price for the raw milk they process, and this higher price is passed along to the consumer at the grocery store. With higher prices, consumption goes down, and children are the biggest losers. I don't argue against a fair price or honest price—for any dairy farmer in Minnesota or Vermont or any other state. But I cannot support price- fixing schemes that legislatively transfer market share.

The Northeast Compact was authorized in 1996 during consideration of the larger Federal Agriculture Improvement and Reform (FAIR) Act. This controversial issue was inserted in the conference committee, avoiding a separate vote, after the measure had been overwhelmingly defeated on the floor. While most of the FAIR Act was designed to help farmers compete in world markets and reduce government involvement in agriculture, the Northeast Interstate Dairy Compact established a regional price-fixing cartel within our very own country. The Northeast Dairy Compact has harmed dairy farmers in Minnesota, and this kind of unfair subsidy should be terminated. We should not be passing laws that will have such a harmful impact on any American. This compact does.

When this issue came to the fore, compacts were roundly condemned in the major newspapers of the compact region. The New York Times, Boston Herald, the Connecticut Post, and the Hartford Courant all weighed in against the cartel, in addition to publications such as USA Today and the Washington Post.

Again, compacts were hardly consensus legislation to begin with. The House refused to put the provision in its broader farm bill. And I must reiterate, the Senate voted on the floor to strip the Compact language from its bill. Despite these defeats, the compact provision was slipped into the bill in conference and signed by the President. The Compact legislation could not withstand the scrutiny of a fair debate on the floor, and had to be muscled in at the last minute in conference, just as we've seen with this attempted extension today. Knowing that this scheme was a bad idea from the start, Congress limited the life of the compact, and that is why compact proponents asked for an extension and could only achieve an extension sneaked into an omnibus bill as we are about to head out of town for the session.

Retail prices of milk jumped immediately after the higher Compact price was implemented. As predicted, the milk produced in New England increased by four times the national rate of increase in a six-month period following Compact implementation. The surplus milk was converted into milk powder, leading to a 60% increase in milk powder production. That surplus directly harms dairy farmers in Minnesota and Wisconsin, driving down prices and demand in the Midwest.

Soon after implementation, the Northeast Compact had to begin reimbursing school food service programs for the increases in cost caused by the milk price hikes; an admission that prices have gone up and consumers are being affected. However, low-income families that need milk in their diet are not being reimbursed by the Compact for their increased costs. Milk is a food staple, and one of the healthiest foods we have. Are we going to permit the extension of this milk tax that hits low- income citizens hardest? Are we going to continue a food tax on the group of citizens who spend the highest percentage of their income on food? What's next, a special tax on bread, eggs, ground beef, or potatoes? But that won't happen—Why? Because it would be unfair, just as this compact cartel is unfair. Consider the low-income families with small children and the elderly on fixed incomes in your state and ask if this is the population you want bearing the brunt of this regressive milk tax.

Despite all of the discrediting information about dairy compacts, members continue to contemplate extending for the second time this bad policy that was initially only to be ''temporary'' assistance to Northeast producers. Everyone who truly understands this issue admits that compacts are harmful for consumers and for American agriculture, but somehow we can't muster the political will to say no to the entrenched interests that support the compact. Thus, we keep hitting the snooze button—preferring to ''temporarily'' extend bad policy rather than addressing it on a policy basis. What is even more egregious is other regions of the country are promoting compacts for themselves to tap into these goodies at the expense of other regions of the country such as the Upper Midwest. And again would force consumers to pay unfair high prices for milk.

This is really Economics 101. If you artificially raise the price received for a commodity, you can count on more being produced. Where does the excess go? It goes into areas where there isn't a floor price, and that excess production depresses the price that producers in my state receive. It's really not that hard to understand, despite the sentimental arguments that compact supporters use to cloud the real issues at play in this debate. Again, we are trying to knock down or reduce trade barriers around the world to open markets and give our farmers a level playing field to compete, but would erect these same barriers to trade inside our own borders that will not allow dairy farmers in the Midwest to fairly compete.

As I said earlier, I must address some of these urban myths about the benefits of compacts, myths that are so often repeated around here by colleagues that they have become difficult to distinguish from the truth. One of these claims is that compacts are somehow a matter of ''states' rights,'' and that compacts make an important contribution toward devolving power back to the states.

The fact is that regulation of interstate commerce is a power specifically delegated to Congress in Article I, Section 8 of the Constitution, which states that Congress shall have power ''to regulate commerce with foreign nations, and among the several states, and with the Indian tribes.''

Regulation of interstate commerce was one of the chief reasons our country's founders abandoned the Articles of Confederation and moved to adopt the Constitution. I consider it one of the great ironies of this debate when I hear colleagues claim that the dairy compact issue boils down to ''states' rights.''

Professor Burt Neuborne, a constitutional law professor at the New York University School of Law, in testimony before a subcommittee of the House Judiciary Committee, noted that the chief motive for the Founding Fathers' decision to abandon the Articles of Confederation in favor of the Constitution was to foster a free market of trade within the United States. Under the weaker Articles of Confederation that entrusted commerce powers in the states, states enacted price controls to protect high-cost producers from competition from other regions of the country. The Constitution corrected this problem by empowering Congress to regulate interstate commerce. According to Professor Neuborne,

> At the close of the Revolution, the thirteen original states experimented with a loose confederation that delegated power over foreign affairs to a national government, but retained power over virtually everything else at the state and local level. The lack of a national power to regulate interstate Commerce led to the eruption of a series of trade wars, pitting states and regions against one another in a mutually destructive spiral . . .

United States Supreme Court Justice Robert H. Jackson, reviewing the history of the Commerce Clause in a 1949 opinion, stated that:

> The sole purpose for which Virginia initiated the movement which ultimately produced the Constitution was 'to take into consideration the trade of the United States; to examine the relative situations of trade of said States; to consider how far a uniform system in their commercial regulations may be necessary to their common interest and their permanent harmony' and for that purpose the General Assembly of Virginia in January of 1786 named commissioners and proposed their meeting with those from other states. The desire of the Forefathers to federalize regulation of foreign and interstate commerce stands in sharp contrast to their jealous preservation of the state's power over its internal affairs. No other federal power was so universally assumed to be necessary, no other state power was so readily relinquished. [As Madison] indicated, ''want of a general power over Commerce led to an exercise of this power separately, by the states, (which) not only proved abortive, but engendered rival, conflicting, and angry regulations.''

Continuing to quote again from Professor Neuborne,

> James Madison noted that the single most important achievement of the Constitutional Convention was to rescue the nation from a continuation of the parochial trade wars that had marred the first ten years of its existence and threatened its future permanent harmony. . .. Congress should reflect on the fact that Madison's understanding of the relationship between economic protectionism and the erosion of political unity was brilliantly prescient. One of the Founders' enduring insights was that regional economic protectionism is ultimately corrosive of national political unity. To prevent economic

regionalism, the Founders imposed a constitutional prohibition on state and regional efforts to discriminate against goods and services produced elsewhere in the nation. To tamper with that constitutional prohibition is to tamper with the mainspring of the nation's political and economic fabric.

Professor Neuborne's research on the topic of interstate compacts, which originate under Congress' grant of power in Article I, Section 10, revealed that prior to the Northeast Regional Dairy Compact, Congress had never granted the compact power to enable states to engage in economic protectionism. Two hundred ninety-nine times before, the compact power had been used for a constitutionally legitimate purpose. Only now, with the advent of the dairy compact, has Congress ever contorted the meaning of Article I, Section 10 as an opportunity to set up a protectionist, multi-state cartel, in direct conflict with the Commerce Clause of the Constitution.

The Supreme Court has repeatedly ruled that by granting to Congress the power to regulate interstate commerce via Article I, Section 8, the Constitution carries with it a negative implication precluding the states from engaging in protectionist schemes that favor local economic interests at the expense of national competitors.

Mr. President, are we not in fact returning to the very types of behavior that the Constitution was in large part designed to remedy? Are we really willing to pit region against region, and create protectionist regimes, under the guise of dairy compacts, even within our own country?

The next pro-compact argument I would like to address is the claim that the compact is necessary to guarantee an ''adequate supply of fresh, locally produced milk'' to consumers. As I have said before, I believe the constant refrain that compact supporters are merely trying to guarantee an ''adequate supply of fresh, locally produced milk'' is a calculated deception designed to mislead consumers into believing that without this legislation, there may not be a consistent supply of milk in the grocer's dairy case. This is simply false our nation produces three times more milk than it consumes as a beverage. And I should note that Minnesota farmers have not come to the federal government asking for pricing advantages so they can grow oranges or lemons and guarantee Minnesota consumers a quote ''adequate supply of fresh, locally produced citrus.'' Minnesota farmers want to produce what they produce best, which are dairy products, and they can deliver them to the consumer much cheaper, too.

In fact, some compact supporters have the audacity to claim that without a compact, the region would pay more for milk as high shipping costs for imported milk was factored into the price. This is also false. If local producers can sell a product for less than their competitors, then they would have no need of a compact. They could keep their markets by beating the price of the competition. But the truth is, high quality milk can be trucked into New England at the peak of freshness and at less cost than it can be produced in most New England states.

Compact supporters also claim that the compacts are necessary to save the small, family dairy farm. Interestingly enough, according to USDA figures, the average dairy herd size is 85 head in Vermont, while in Minnesota it's 57 head. This means that herd sizes in Vermont are almost 50% larger than those in Minnesota. So much for the idea that the compact is protecting dairy producers from competing against large, Midwestern dairy farmers. This is just one of the distortions that I have had to deal with in this dairy debate, and I'm tired of the hard-working dairy farmers in Minnesota being labeled as, quote, ''corporate dairy farmers.'' The average Minnesota dairy farmer grazes a 57-head herd on 160 acres. I know Minnesota dairy farmers don't want to consolidate into larger and larger operations; they just want a level playing field where they can earn enough to support their families and continue to do something they love to do. I would ask my opponents to please not cloak the dairy cartels with the mantle of supposedly helping the little guy against encroaching agribusiness conglomerates. The hard evidence shows that on average, the wealthy, large producers are not, I repeat, not, in the Midwest, and the rich will only get richer if a compact extension gets rammed through the Senate.

Mr. President, not only are certain members of this Congress trying to impose expensive dairy compacts on the American consumer, but they are also trying to strong-arm through milk marketing order changes that adversely impact both Upper Midwest producers in the dairy heartland of America and low-income consumers. I also want to review how we have arrived at this point today where Congress is trying not only through compacts but through the milk marketing order system, to blatantly seize market share from dairy producers in one area of the country and give it to producers in another. This bill not only hits Midwest producers once, but twice.

The current milk marketing system requires processors to pay higher minimum prices for fluid milk the further the region is located from Eau Claire, Wisconsin. To reform this antiquated, Depression-era method for supplying milk to consumers, which basically picks winners and losers in the dairy industry, Congress, through the 1996 FAIR Act, required USDA to significantly reduce the number of milk marketing orders, and transition to a more market-oriented system of milk distribution. After many months of study and having received comments from hundreds of market participants, USDA proposed Options 1–A and 1–B. The Option 1–A proposal made minimal changes to the old marketing order pricing system, while Option 1–B contained some basic free market reforms and modernizations of the system. The Upper Midwest did not like what it saw in 1–B, actually, and liked the compromise even less, but it was a small step in the right direction, and we supported it as a compromise.

The compromise came after the USDA received testimony concerning the two alternatives, and, as I said previously, the final rule takes steps toward simplifying and modernizing the milk marketing order system. As an Option 1–B supporter, I hoped for a proposal closer to 1–B, but accepted the need for compromise and, again, supported it. Implementation of the new compromise orders has unfortunately been postponed by a lawsuit in federal court.

Option 1–A is basically no reform, and would ignore the direction of Congress in the FAIR Act. It would increase prices for consumers, affecting most the low-income consumers that spend a high percentage of their wages on food. Option 1–A also keeps in place a regionally discriminatory milk pricing system that benefits producers in some parts of the country at the expense of dairy farmers in other regions, much like compacts. Again, it's a government program that picks winners and losers, not allowing the market to set the prices. It is opposed by free market taxpayer advocacy groups, consumer groups, regional producer groups, and processor groups, and it does nothing to protect the nation's supply of fresh fluid milk. Our nation produces an abundance of milk that is sufficient to supply consumers' needs.

Secretary Glickman, writing about the final rule, said that:

> USDA's own analysis shows that nationally, dairy farmers will realize virtually the same cash receipts under the new, fairer plan as they do now, and when aggregated, the all-milk price will remain essentially unchanged from that under the existing program, which virtually all sides agree sorely needs changing[.]

Moreover, Agriculture Committee Chairman LUGAR said that the final compromise rule ''is a good first step toward a policy that places the nation's dairy industry in a position to better meet the challenges of the global markets of the new century[.]''

What we also need to ask ourselves is why are we considering these controversial issues without going through the committee process, with full hearings and testimony? The Agriculture Committee has jurisdiction over milk marketing orders; nonetheless, we are here today trying to circumvent that jurisdiction.

Again, the final rule is a compromise, not the best for either 1A or 1B advocates but a middle ground. We should not rush to reverse a process that took months to complete in order to replace it with 1A. Adoption of 1A would in effect maintain the status quo that, again, heavily favors some dairy farms at the expense of others. And please

don't look at this debate as a mere balance sheet of who wins and who loses, or count votes that way. Remember that the Upper Midwest has been at a price disadvantage for more than sixty years, and this reform was only a modest, and, in fact, inadequate, attempt to correct the unfairness. Compacts are bad enough, but retaining these failed dairy policies of the past on top of that is incomprehensible.

Currently 85% of the milk produced in the Midwest goes into manufacturing. When other regions of the country receive higher Class I differentials, the excess production spills into Midwestern markets and lowers the prices that our producers receive. Artificially inflated prices will always, always, always increase production. You can count on it like the sun rising in the morning. And by artificially inflating milk prices in areas of the country that are not particularly suitable to dairy production, Congress is literally trying to micro-manage where America's milk will be produced, and to take away dairy markets from the Upper Midwest.

No other product receives the same kind of discriminatory pricing treatment that milk does in our country. The Upper Midwest can produce milk for a third less than some regions of the country. Why should the family farmers in the Upper Midwest not be allowed to benefit from the comparative advantage they have in milk production?

Some will claim that the compromise reform will cost the dairy farmers across the country $200 million. This is not true. Actually, according to a USDA study, net farm income will be higher under the compromise rule in comparison to the status quo. And the Food and Agricultural Policy Research Institute at Iowa State, an agricultural policy research group, concluded that 60% of the nation's dairy farmers would receive more income under the USDA plan.

Some supporters of H.R. 1402 (the legislation upon which these provisions now before us are based) also make the same argument as dairy compact proponents that if we do not implement H.R. 1402 then milk will be produced by agribusiness, or that further farm consolidations will occur. Going back to the USDA figures, North Carolina, whose congressional delegation has argued strenuously for the reversion to Option 1A, has an almost 20% larger per head average dairy farm size than my home state of Minnesota. Of course, Minnesota is part of one of the regions of the country that the opposition tries to demonize as the center of corporate dairy farming. Proof that this is not a battle between, quote, ''small family dairy farms'' and large Midwestern dairy farms only gets more striking. New York, a state that has also seen significant political support for H.R. 1402, has an average herd size per dairy farm that is 37% larger than Minnesota's. Georgia's average herd size is 72% larger than Minnesota's, and Florida's average herd size is four times larger than my home state's. Like the dairy compact argument, so much for the idea that we are saving the family farmer through passage of H.R. 1402.

As an aside, because of the blatant unfairness of the system, and because the efforts of Upper Midwesterners to compromise in good faith have been ignored, forcing us to fight these last minute riders and strong-arm tactics, I have recently introduced legislation to totally deregulate the milk marketing order system, effective upon the date of enactment. This milk marketing order system is a relic from the past. It's a byzantine arrangement of complicated pricing formulas that looks like something conceived in 1980s Eastern Europe. It's time to tear this entire decaying, outdated infrastructure down, and start anew with an even playing field on which all producers can compete. That's what my legislation does, and I ask my colleagues who believe in fair trade and a fair shake for hard working farmers to sign on as cosponsors.

Mr. President, the dairy compact and the other dairy provisions attached to this legislation are anti-competitive, anti-consumer, unprincipled, and an affront to the family dairy farmers in my state. To be candid, I'm thoroughly disgusted by this entire turn of events. We have sacrificed any basic sense of fairness during this process. These provisions have been added at the last minute, behind closed doors because they won't survive the scrutiny of public debate. Because of the blatant injustice that is being done to Minnesota farmers, I am committed to joining my Upper Midwest colleagues in doing all I can do to ensure that this legislation does not reach the President's desk.

Mr. President, I would now like to read several newspaper editorials that have been written across the country in opposition to dairy compacts and H.R. 1402.

To begin, from the March 15, 1997 edition of The New York Times:

Agriculture Secretary Dan Glickman blundered last year when he approved a dairy cartel in the Northeast that would jack up consumer prices by perhaps 25 percent. . . . The Dairy cartel, also called a compact, would control the production and distribution of milk in New England, raising its price by between 13 and 35 cents a gallon. That would pump money into the bank accounts of the region's 3,600 dairy farmers by pushing prices back up to last year's sky-high levels. But it would hit 13 million consumers in Maine, Vermont, New Hampshire, Connecticut and Rhode Island with an added cost of up to $100 million. Poor parents, who spend about twice as much of their income on food as do non-poor families, would suffer the most. Food stamps would buy less milk and other dairy products. High milk prices would also raise the cost of national, state and local nutrition programs. With Washington cutting money for welfare, food stamps and other poverty programs, this is no time to impose needless costs on the poor. It will be hard for Mr. Glickman to admit he erred when he approved the cartel. But it would be even harder on parents to pay more for their children's milk.

From the March 2, 1998 USA Today:

Imagine being a widget maker in Georgia or New Hampshire with a federal guarantee that assures you a higher price for your product than widget makers in Wisconsin or Iowa. Sounds incredible, huh?

Imagine being a cattle raiser in Florida or Oregon with a guaranteed price for your beef that's better than what ranchers in Texas or Nebraska can get. Impossible? Yes—but only because you're producing widgets or hamburger. If you're in the milk industry, it's business as usual.

Pressured by the dairy industry, the government maintains a Depression-era formula that makes some cows (and their owners) more equal than others, depending on where they live. Millions of consumers and taxpayers pay the price; higher milk costs for themselves, higher taxes for government-bought milk for schools and other programs. . . .

Apologists for government control claim the program is necessary to keep farmers in business and assure a supply of milk. The number of dairy cows plunged from 23.6 million in 1940 to 9.4 million in 1996; farms with dairy cows dropped from 4.7 million in 1940 to 155,300 in 1992. But the milk produced per cow has nearly quadrupled. U.S. milk production is up from 109 billion pounds in 1940 to a projected 162 billion pounds in 2000, despite a 60% reduction in the number of cows. And while sales of cheese, cream and speciality products like eggnog and yogurt are up, U.S. demand for liquid milk has been essentially flat for more than 20 years.

Yet dairy farmers continue to get special privileges, eluding even the 1996 ''Freedom to Farm'' law that committed the government to phasing out price supports and market manipulation for corn, soybeans, wheat and other commodities. . . . Aggressive dairy lobbies in state capitals from Louisiana to New York are pressing to form or enlarge new regional compacts that permit even more manipulation of milk prices at the consumer's expense—adding up to 15 or 20 cents a gallon. That's on top of the indefensible marketing orders, which inflate retail milk prices by at least $1.5 billion a year for a program that isn't needed. Congress abolished ''welfare as we know it'' for mothers and children. Welfare for cows and dairy farmers should end as well.

The next editorial shows that though the compacts are ostensibly put in place to help small dairy farms, they have failed to do so, and exist as subsidies to large New England operations. Following are excerpts from a July 19, 1999 Boston Globe editorial:

Dairy farming in New England, especially in Massachusetts has been a chancy proposition for small, family-run operation. . . . Congress, which must soon decide whether to extend the system's enabling legislation, should modify it to focus more closely on smaller farms rather than lavishing money on larger operations that are fully capable of competing in a tough economic environment. Congress should also resist the temptation to expand the system to other parts of the country. . . .

The rescue effort now in place is a federally sanctioned system of mandated price supports, which amount to about 14 cents a gallon. In Massachusetts this generates $40 million annually, but only $2 million goes to Massachusetts farmers, with most of the balance going to Vermont farms, many of which are larger and have lower costs. Massachusetts's agriculture commissioner, Jay Healy, has proposed limiting the subsidy to a fixed level of production, about 1.5 million gallons of milk annually, which is typical for smaller farms.

Concluding with an excerpt from the editorial, it says:

Even the New England system provides more subsidies than are needed to achieve its objective. The funds that now go to larger farms would be more effective if they were used to increase small-farmer subsidies, typically $3,000 to $4,000 per farm.

Now, I must disagree with the editorialist's assessment that the subsidies should be continued, but I find it very significant that even in New England they recognize that since the subsidy does not specifically target the smaller farms, it disproportionately helps the larger operations because the subsidy is based upon the volume produced. It should not be surprising that efforts to cap the subsidy to a fixed level of production have been successfully resisted by the large dairy farms in New England.

The next editorial I will read is from the April 27, 1999 edition of the Houston Chronicle:

The Texas House of Representatives recently approved a bill that seeks to raise milk prices and deprive Texans of the benefits of competition. The Senate need not reflect long before rejecting it. House Bill 2000 would require Texas to join the Southern Dairy Compact, which sets the minimum price for milk paid to producers in its member states. The minimum price inevitably would be higher than the price Texans pay in a competitive market.

I should note at this point that Congress has not in fact authorized the Southern Dairy Compact, and if common sense, prevails, it won't. Congress has arbitrarily chosen New England consumers to pay the milk tax, and New England producers to receive it.

Again continuing with the Houston Chronicle article:

Texas dairy farmers are producing all the milk that Texas families and dairy product manufacturers need and more. There is no reason why state government should make families pay more for the milk, ice cream and other dairy products they buy. The state purpose of House Bill 2000 is to preserve family dairy farms and ensure a supply of fresh milk. But history shows that milk price controls heighten the financial advantage enjoyed by the largest producers without sustaining uneconomical small farms.

Furthermore, anyone who thinks Texas needs added government regulation to provide a reliable milk supply has not seen the dairy cases at the supermarket that are filled to overflowing with milk and dairy products of every description. Why change a system that provides ample supply and variety at the lowest possible price? Adding Texas to the Southern Dairy Compact would do little to help Texas milk producers, but it would deprive Texas dairy product manufacturers of an advantage they enjoy over competitors in state where the price of milk is controlled.

This bill is bad for consumers, bad for manufacturers and bad for the taxpayers who pay for or subsidize milk consumed by schoolchildren, prisoners, patients in public hospitals and food stamp recipients. Few bills could provide more reason to reject them than the authors of House Bill 2000 have provided.

The next editorial is from the June 15, 1999 edition of the Philadelphia Inquirer:

In 1996, Congress revamped federal farm laws, intending to ratchet down government's intrusion in agriculture. But a bill now pending would use that law to create regional cartels that would set artificially high prices for milk. Pennsylvania consumers should be lobbying lawmakers against this move. Despite the fact that the state's outdated milk-board system already sets minimum milk prices—but no maximum—the legislature last week allowed Pennsylvania to join the cartel known as the Northeast Interstate Dairy Compact.

Consumers here who consistently pay more for milk than in neighboring states should wince at the prospect of a regional price-fixing body imposing still higher prices. Here's how it works: Congress established the Northeast compact under the 1996 act, an agreement among six New England states to prop up milk prices in an effort to save small dairy farms. When milk prices on the open market fall below a ceratin target price, the compact states tack a surcharge onto milk. The extra revenue is passed back to farmers; the higher milk price gets passed along to consumers.

The compact is set to expire October 1, but a bill introduced in April would make it permanent and expand it to include six more states, including Pennsylvania. What's worse, the bill also would establish a Southern Dairy Compact, which could include up to 15 more states. Already the Northeast compact has raised milk prices by almost 20 cents a gallon since its inception. By federal and state law, the compact could raise milk prices in Pennsylvania by about 70 cents a gallon, consumer groups warn. The logic behind the original legislation, to save small dairy farms, had some appeal. Dairy farms nationwide have been going out of business, usually because they are acquired by larger producers, at an average rate of 5.1% a year in the 1990s, experts say.

But that doesn't prove the compact would protect small farmers; it may hurt them. Larger dairy farms which produce the most milk reap the most benefit in subsidies from the compact. Alarmed by the potential harm both to middle-class consumers and low-income families, various groups are protesting the new bill. Nutrition and consumer groups, government-spending watchdogs and milk processors and retailers all have lined up against the concept. Congress should reject this attempt to extend the counterproductive intrusion on the workings of the free market. Let the milk cartel die.

The following editorial is from the January 5, 1999 issue of Newsday:

Despite a few new consumer protections that made the deal acceptable to the Democratic Assembly, the state should not have allowed New York's dairy farmers to join a regional milk cartel. This sour stuff will keep the wholesale price of milk artificially high, forcing processors and retailers to pass the cost on to consumers. The hit will fall hardest on the poorest parents who buy milk for their children. And it's not clear now much it will help the small farm owners most in need.

Besides, there are other ways to help dairy farmers that wouldn't necessarily push up milk prices in markets. The state, for instance, could cut or subsidize a variety of taxes about which farmers have complained. Meanwhile, wholesale milk prices are at a record high, easing some pressure on farmers. Entrance into the Northeast Interstate Dairy Compact would tie New York's farmers into a New England cartel designed to keep prices higher when they otherwise would collapse. Rather than benefit from lower prices, consumers would pay the higher ones when wholesale prices soar. And the law's cap on retail prices is so high that, barring severe inflation, it won't ever be reached. Schools are protected but not other nonprofits. Now, there's only one way to stop this deal. Congress has to approve it. It shouldn't.''

This next editorial is from the April 4, 1999 edition of The Atlanta Journal-Constitution:

Since the federal Freedom to Farm Act was passed in 1996, the U.S. government has been trying to wean the nation's farmers, including the dairy industry, from government price supports and other subsidies that interfere with the workings of the free market. Unfortunately, the dairy industry is trying to undo that progress by pressuring Congress and states such as Georgia to approve interstate dairy compacts. If the industry succeeds in that lobbying campaign, consumers will have to pay higher prices for a basic food commodity essential for good health.

The compacts, if approved would essentially establish legal cartels for dairy farmers and allow the cartels to set milk prices higher than the market would otherwise allow. In Georgia, dairy farmers have rammed through the recent session of the General Assembly a bill allowing them to join the Southern Dairy Compact. The same bill was passed a year ago by the General Assembly but was vetoed by Gov. Zell Miller, who noted that it might be unconstitutional and would certainly raise costs for consumers. The decision whether to sign the latest bill rests with Miller's successor, Roy Barnes.

Barnes was elected last year in part by portraying himself as a consumers' advocate. If he honors the philosophy, he too should recognize the dairy compact as nothing more than a back-door tax increase and veto it accordingly. Government should not use its power to guarantee any business or industry a profit.

A dairy compact already exists in New England. After it was enacted in 1997, the price of milk rose from $2.54 and fluctuated to a high of $3.21 a gallon. Milk prices there initially jumped about 20 cents a gallon, enough to generate an additional $46.7 million for dairy farmers in less than two years. Not surprisingly, New England dairy farmers see the compact as a safety net designed to prevent their profits from dropping too dramatically.

Those who actually pay higher prices, however, see it as little more than a special-interest tax increase that will only hurt consumers, particularly the poor, the elderly and those on fixed incomes. Milk prices go up and down monthly all over the country, but when prices drop significantly in the spring and fall, they only drop slightly in dairy compact states. The savings to the consumer is lost so the dairy farmer can keep a high return on the product.

''It socialism. It's a controlled economy,'' said John Schnittker, an economist with Public Voice for Food and Health Policy. ''Compacts are a really bad deal for consumers. They add about 22 cents a gallon to today's milk price. And they keep paying high prices when prices all over drop.' Nine southern states besides Georgia have already approved creation of a Southern Dairy Compact to mimic the protectionism found in New England. However, that and other proposed compacts must still be approved by Congress, which also has to decide whether to renew the New England Dairy Compact.''

Congress should reject both these proposals as unnecessary, counterproductive intrusions on the workings of the free market. However, if Barnes signs the Georgia law and Congress approves the Southern compact, Georgia consumers are stuck. The state can

withdraw from the compact only through passage of another law by Congress and then only after a one-year waiting period. Approval of dairy compacts in the South would not suspend the law of supply and demand. It would only distort it. Some economists predict that as a result of higher prices, dairy compacts would reduce milk consumption by 8 percent nationwide. Those most vulnerable would be families with young children, who in many cases are already struggling to make ends meet.

Georgia's dairy industry is going through a painful consolidation. The state lost 117 dairy farms over the past four years, and farmers warn that without government protection, more and more milk will have to be imported from other states. However, dairy farms in neighboring states have also been disappearing; the trend toward consolidation is nationwide. Furthermore, milk from Alabama or Tennessee tastes the same as Georgia milk, and today's technology allows quick transport to prevent milk products from spoiling.

Free enterprise, competition and the open market have been the economic pillars of the United States' economy for more than 200 years. Every experiment at subsidizing an industry has proven to be a failure, particularly in agriculture. Gov. Roy Barnes should protect Georgia consumers and families by vetoing that state's entry into the Southern Dairy Compact. And Congress should dismiss the entire concept as an unnecessary infringement on free enterprise.

I also want to share with my colleagues some editorials concerning the milk marketing order system.

This editorial is from The Dallas Morning News, dated September 14, 1999. It says:

Minnesota Gov. Jesse Ventura wants Beaumont, Texas to be the center of the dairy universe instead of Eau Claire, Wisconsin. Mr. Ventura knows that there are no dairy cows in Beaumont. Nevertheless, his logic is faultless. That's because federal farm policy dictates that the farther a dairy farmer lives from Eau Claire, the more milk processors must pay him for his milk. Minnesota profits little from the arrangement because it borders Wisconsin. But it is 1,200 miles from Beaumont. So making Beaumont the new Eau Claire makes sense for Minnesota's hard-pressed dairy farmers.

In truth, Mr. Ventura favors a free market in agriculture. His facetious advocacy for Beaumont is designed to focus public attention on absurd federal dairy policies, which punish efficient producers and gouge consumers. The United States needs to abandon the Depression-era thinking that led it to calculate milk prices based largely on dairy farms' proximity to Eau Claire. Times have changed; U.S. agricultural policy remains mired in the 1930s.

Unfortunately, Congress seems poised to revoke the few tentative reforms that it passed in 1996 and to expand and give extended life to a program that would create consumer-antagonistic milk cartels in sections of the country. A simplified milk-pricing system is supposed to go into effect on October 1. And federal price supports are supposed to end on Dec. 31. But a key congressional committee has approved a bill that would stifle both of these reforms. Another congressional committee is expected to vote soon on a bill that would expand a milk cartel of six northeastern states to as many as 27 states; if Congress does nothing, the cartel would disappear on October 1.

Congress should leave the reforms in place and let the milk cartel ride into the sunset. Monkeying with the free marked has raised prices for consumers and hasn't kept marginal dairy farms from going bankrupt.

This next editorial is from the July 29, 1999 Chicago Tribune:

The U.S. justifiably accuses Europe of protectionism when it comes to beef and bananas. But when lamb and milk are on the menu, the accuser stands accused. The Clinton administration just slapped tariffs on lamb imports from Australia and New Zealand to protect U.S. sheep producers. That's outrageous and makes a mockery of the case the U.S. is trying to build that phasing out agricultural subsidies must be a priority when the next round of World Trade Organization negotiations is launched in Seattle this November.

But as outrageous as the lamb tariffs are, they pale in comparison to the mischief currently afoot in Congress to extend and expand what can only be called domestic protectionism in milk pricing. Who needs the rest of the world for a trade war? If some in Congress have their way, we'll soon have our very own All-American trade war, pitting the Midwest against the Northeast and the South while needlessly raising milk prices for consumers.

The facts are these: As part of the 1996 Federal Agriculture Improvement and Reform (FAIR) Act, the decades-old milk price support program was to be phased out over three years and the Department of Agriculture was ordered by Congress to reform its unfathomable pricing system. The farm bill also created a ''temporary'' milk cartel among six New England states—which account for all of 3 percent of U.S. milk production—to keep less expensive milk out of that region. The rationale was that small family-owned dairy farms in those states needed an adjustment period to prepare them for free-market competition come October 1999 when the cartel would expire.

Now there is an effort in Congress to roll back the USDA pricing reforms, to extend the life of the New England cartel beyond October and expand it to include six other states, including New York and Pennsylvania. And 15 southern states say that, in order to compete with their brethren to the north, well, they're going to need a cartel of their own. Follow the map west to see where this is headed. There are about 9,000 dairy farmers in America—40,000 of them are in the upper Midwest and, at some point, why shouldn't they have a cartel too? And, of course, the West will need one to compete with all the others. Don't do it, Congress. The FAIR Act properly and at long last got Washington out of the milk business. Let the market work.''

This editorial is from the April 3, 1999 edition of the Boston Herald:

The federal government is reorganizing its milk cartels, and that made news this week. Every bit of attention that can be focused on this absurd system of price controls ought to be considered help, no matter how small, toward eventual abolition. The Agriculture Department has a new set of price-setting formulas, which it estimates will reduce the national average price by 2 cent a gallon, and is consolidating regional cartels to make 11 cover the country instead of the previous 31.

Nothing fundamental will change. The ''marketing order'' regions are protected markets for farmers—all dairies in one must pay the same government-dictated price to farmers. It is illegal to ship milk from one region to another. Nothing else in the economy is sold like this—not even essentials like gasoline or shoes. The effect is to keep prices higher than they would be otherwise and transfer wealth from families with children to dairy farmers. The farmers, the productivity of whose cows just keeps increasing, argue in essence they ought not to be driven out of business by economic forces.

If we accepted that as a principle, we'd be subsidizing manufacturers of gas lamps and buggy whips.

This editorial is from the July 17, 1999 edition of The Kansas City Star:

In 1996, Congress ordered the administration to simplify the pricing of milk. That's easy enough: Stop regulating it. But this is the farm sector, and a free market in milk is somehow inconceivable. Instead, milk prices are calculated from rules and equations filling several volumes of the Code of Federal Regulations.

The administration's proposed reform would reduce the number of regions for which the price of wholesale milk is regulated from 33 to 11. Fine, but it would also perpetuate the loopy, Depression-era notion that the price of milk should be based in part on its distance from Eau Claire, Wisconsin. Under current policy, producers farther away from this supposed heart of the dairy region generally receives higher premiums, or ''differentials.''

The administration called for slightly lower differentials for beverage milk in many regions, but in Congress even this minuscule step toward rationality is being swept aside. The House Agriculture committee has substituted a measure that essentially maintains the status quo. Similar moves are afoot in the Senate.

Worse, some dairy supporters are working to reauthorize and expand the Northeast Interstate Dairy Compact, a regional milk cartel, and allow a similar grouping for Southern states. Missouri's legislature, by the way, has already voted to join a Southern compact, even though it would result in higher prices for consumers. The Consumer Federation of American reports that the Northeast Compact raised retail milk prices an average of 15 cents a gallon over two years.

Kansas lawmakers gave tentative approval to participation in a compact but would have to act again to make the decision final. Dairy producers concerned about the long view should be worried. Critics point out that the higher milk differentials endorsed by the House Agriculture Committee may well lead to lower revenue for many producers. This is because the higher prices will encourage more production, driving down the ''base'' milk prices and negating the higher differential.

The worse idea in this developing stew is the prospect of dairy-compact proliferation. A compact works like an internal tariff. Because the cartel prohibits sales above an agreed-upon floor price, producers within the region are protect from would-be-outside competitors. Opponents point out that more regional compacts—and the higher prices they support—will breed excessive production, creating surplus dairy products that will be dumped in the markets of other regions. This will prompt other states to demand similar protection, promoting the spread of dairy compacts.

Ultimately, as in the 1980s, political pressure will build to liquidate the dairy surplus in a huge, multibillion-dollar buyout of cheese, milk powder and even entire herds . . . Congress should permit the Northeast Compact to ''sunset,'' or expire, which will occur if the lawmakers simply do nothing. In fact, doing nothing to the administration's proposal seems the best choice in this case, or more properly, the least bad. Perhaps some day Washington will debate real price simplification, as in ditching dairy socialism and letting prices fluctuate according to supply and demand.

This editorial is from the September 14, 1999 edition of the San Antonio Express-News:

During the Depression, when it was impractical to truck milk long distances from dairy farms to processing plants, Congress devised a system of price supports that flattened the price farmers—and consumers—paid for milk. That system, still in place, pays dairy farmers more for milk the farther they are from Eau Claire, Wisconsin, the ''center,'' said Congress in the 1930s, of the dairy industry.

While refrigerated trucks and modern dairy farms make the system arcane, Congress preserved it until 1996, when it ordered the Agriculture Department to phase it out. Price supports are scheduled to end December 31. However, Congress is toying with keeping them and adding to the mess by creating a new dairy compact.

There already is a Northeast compact, designed to help family farms. However, it helps large dairy farms more than small ones and adds from 50 cents to $1 to the price of a gallon of milk. This not only negatively impacts families, but also child nutrition programs. The Northeast dairy compact also was supposed to die December 31, but some members of Congress now want to create a Southern compact . . . Let the dairy price supports expire and don't create a new Southern dairy compact.

This editorial is from the September 20th edition of the Florida Time-Union:

There is a good lesson to learn as reformers in Congress continue efforts to end milk subsidies. The lesson is that a government handout, once in place, is as close to having eternal life as anything on earth. Millions of consumers would benefit from the end of dairy price supports and milk marketing orders, but hundreds of wellheeled milk magnates would have a little taken off the bottom line, perhaps.

Every product that contains any milk costs more because of them. Like most subsidies, it involves a double cost: higher taxes and higher prices. Even those who are lactose intolerant are injured by the subsidies. For example, taxpayers get hit hard when they buy milk for the Women, Infants and Children program and school lunches.

People with food stamps get hurt because they pay more for milk and therefore have less for other staples. The industry's lobbyists stalk the halls of Congress carrying tales of woe about the diminishing number of dairy cows. Yet, they rarely talk about the nearly four-fold increase in milk from each cow that occurred between 1940 and 1996.

The federal government got into the dairy business in 1933. Citizens Against Government Waste notes that the excuse was to relieve the existing national economic emergency by increasing agricultural purchasing power.

Call Washington: The Great Depression has ended.

Price supports and marketing orders are part of a . . . system rivaling anything devised in the old Kremlin's central planning office. They cut off the dairy farmer from the realities of the market, causing overproduction and waste, with the government trying to clean up its mess by buying huge stockpiles of cheese or even entire dairy herds. Price supports are winding down because of the 1996 Farm Bill, but marketing orders remain.

Clinging to the days when long-distance refrigeration was a potential problem, the order include differential pricing based on how far manufacturing plants are from Eau Claire, Wisconsin, which makes that hamlet the center of the dairy universe for no logical reason. That translates into 35 cents more per gallon of milk for Florida residents, Citizens Against Government Waste says. Parents can do the math.

Lobbyists succeeded in muddying the 1996 bill. Congress should now revisit the law and improve on the improvements. There simply is no rational reason for the federal government to set the price of milk. End the milk tax.

This one is from the September 24, 1999 of the Christian Science Monitor:

No one can dispute the difficulties many family farms face today, problems farmers have struggled with this entire century. For many, farming is more than just earning a living, it's a way of life and a connection with the land. The nation, too, has a stake in preserving farms. But at what price? It's mistake to argue that agriculture can be insulated from shifting market forces forever. Government can help farmers adjust but not always survive.

This week saw Congress swing backward in its own mandate to update a federal system of setting milk prices that currently props up many dairy farms. It's not a minor issue: Dairy sales make up roughly 10 percent of American farm income. The House voted Wednesday to block the Agriculture Department (USDA) from modernizing the 1937 pricing system in which dairy farmers get higher prices for raw milk the farther they live from Eau Claire, Wisconsin. (Then considered the ''center'' of dairy farming). The idea back then was to ensure fresh milk supplies nationwide. But with modern refrigeration and transportation, it's obsolete.

A 1996 law handed USDA the job of devising and implementing a new system since Congress, representing competing interests, couldn't get it done. The 1937 system expires October 1. While the USDA plan is more market-friendly, it's only a first step. It simplifies pricing and narrows disparities between efficient Midwestern farmers and less-efficient ones elsewhere that can get up to $3 more per 100 pounds of milk. But in doing so, it would remove a $200 million, consumer-paid subsidy, potentially driving many Northeastern and Southern dairy farmers out of business.

The House scrapped the Eau Claire system, but left in place pricing that hurts consumers, who pay artificially high prices for milk. The Senate shouldn't follow suit; if it does, the President should veto the bill. Meanwhile, Vermont's senators are spearheading an effort to renew the federally authorized Northeast Dairy Compact, which is expiring. Separate from the USDA pricing system, the compact allows regional officials to set higher prices for milk. Some Southern senators want a similar cartel.

Yet all this price-fixing has failed to halt the decline of inefficient dairy farms. Between 1992 and 1998, the number of dairy farms fell about 5 percent a year to 91,508. Price-fixing only drags out the difficult process at consumer expense.

This editorial is from the April 29, 1999 of the Cincinnati Enquirer:

Three years ago, Congress busted its bib-overall buttons with pride after it planted a few seeds of agricultural reform in the Freedom to Farm Act. Problem is, nobody's remembered to water them since. That neglect is placing a huge economic burden on farmers, says Representative John Boehner.

The bill, co-written by Mr. Boehner, began to phase out some farm subsidies over seven years to create a free-market structure for agriculture that reflected America's economic reality. So far, so good. But the other part of the deal, Mr. Boehner points out, was the federal government was supposed to help farmers through the transition by opening new markets for their goods, cutting estate taxes and easing the regulatory burden on farmers.

What's happened? Nothing, of course. President Clinton has made some occasional noises about the need to ''tear down barriers, open markets and expand trade,'' but administration officials conveniently forgot that part—and Congress hasn't been exactly diligent in reminding them. In fact, the White House only made matters worse—notably with a new set of costly federal environmental mandates on farmers announced last month. . . .

On Tuesday, Mr. Boehner sounded the alarm on legislative efforts to renew one interstate price-fixing dairy compact and to create a new one. Such deals ''are bad for consumers, bad for farmers and bad for the future of American agriculture,'' he said. It would be another step backward from free-market reform—a troubling turn of events. And so the Freedom to Farm Act itself has been left to take the rap for farmers' woes—low prices resulting from a record harvest, coupled with overseas financial crises. The news is terrible: Kansas farm income plunged 72 percent last year, the Kansas Farm Management Association announced Tuesday.

''Farmers today are having a tough time, and Washington's inaction on this forgotten side of Freedom to Farm is making it even tougher,'' says Mr. Boehner, who's virtually alone in criticizing this federal foul-up. ''It is fundamentally wrong for the Clinton administration to make Freedom to Farm the scapegoat for its own failure to deliver on its promises to farmers.''

He says Mr. Clinton ought to help Congress with trade, estate-tax and regulatory relief legislation instead of throwing up roadblocks and imposing new sets of rules on farmers. Mr. Boehner is right, and his colleagues should join him in putting the pressure on the White House. As reforms go, Freedom to Farm was pretty tame, a watered-down compromise that left a lot of pet projects intact.

But it did manage to break federal precedent, by starting to reverse 60 years of Depression-era subsidies and controls that made little sense once America recovered from economic devastation. Now, those modest gains are in danger from a rule-happy, control-freak administration, enabled by a complacent Congress. . . .

Finally, the last editorial I'm going to read is from Wednesday's edition of the Washington Post. It says:

This is a Congress that began with lofty discussions of saving Social Security, modernizing Medicare, etc. But all legislatures come back to the fundamentals in the end. Among the few issues that remained as the two chambers were completing their work—right up there with U.N. dues and Third World debt relief—was milk price supports.

Somewhere in the final mega-bills will be provisions allowing New England to maintain a dairy compact that keeps milk prices artificially high, and abandoning a modest reform that Congress itself virtuously ordered a few years ago reducing such supports elsewhere in the country. These provisions are brought to you by people who in other contexts present themselves as foes of government regulation. But they like it well enough when it produces what they want—extorting higher prices for milk, for example.

In the Freedom to Farm Act of 1996, while reducing supports for other crops, Congress called for a study of the milk marketing order system, which props up prices at the checkout counter. The study produced a recommendation that the system be preserved

but eased. Even that seems too much for the milk folks in Congress. Though the issue was still in play, it appeared last night they would succeed in keeping the old system intact. It's just like the emergency aid they've doled out to producers of other crops in the past two years, repealing by another name the reduced supports in Freedom to Farm. Meanwhile, the New England compact, which was due to expire, will be allowed to remain in effect for two more years.

The result will be to transfer hundreds of millions of dollars from consumers to inefficient producers who couldn't otherwise compete. By definition, most of the benefit will go to larger producers. The impact will be disproportionately felt by lower-income consumers. It will be evident inside government feeding programs as well, including that for low-income women, infants and children; the available dollars will buy less. It's a fitting testament to the instincts of a Congress that, from the standpoint of the public interest, can't go home soon enough.

Mr. President, the editorial boards have got it right this time, and now is the time to end these distortions and fundamental unfairness in dairy markets before it gets worse.

Mr. President, I wanted to take a moment to thank the majority leader and the Democratic leader for taking the time to work with us. I appreciated all their help and support in working with my colleagues, Senators KOHL, WELLSTONE, and FEINGOLD. We don't see eye to eye on every issue, but on something as important to our States as this, I appreciated the opportunity to work with them.

I want to say that any Senator who has one ounce of support for the capital market, the free market system, they could not support this part of the dairy provisions. The Northeast Dairy Compact and the bill, H.R. 1402, is unacceptable. I am not happy with this bill, but I am glad the majority leader has recognized the problem and has offered to work with us in the months ahead. I appreciate that. When we look at Freedom to Farm—the bill that passed—it says we should compete in the open marketplace, go head to head. The best person and the best farmer who can be competitive is going to win.

Now, we should not be pitting our dairy farmers one against the other through an unfair, archaic Government program. Let our dairy farmers compete head to head in the marketplace, but let's not have Government pick winners and losers. I have worked closely with Senator JEFFORDS from Vermont. I told him, after we had a vote on the floor dealing with the Northeast Dairy Compact, I wasn't satisfied with that, as well, and we needed to get together and work out something where our dairy farmers are not put at a disadvantage, one against the other.

Again, I appreciate all the efforts that have been put into this. I look forward to working with all our colleagues next year to try to bring some kind of fairness to this dairy program, as we have done with other farmers. We should not leave dairy unanswered. I thank everybody for their help, and I look forward to working with colleagues to make sure we can work out a fair bill that will satisfy everybody when it comes to dairy.

I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Texas is recognized.

Mr. GRAMM. Mr. President, what we have before us is not the answer to our prayers, but it is what we call in politics ''consensus.''

Margaret Thatcher said of consensus:

To me, consensus seems to be the process of abandoning all beliefs, principles, values, and policies in search of something in which no one believes.

Well, I would like to say to our dear colleagues, Senator KOHL and Senator GRAMS, that I do not support dairy compacts. There are two sides to every issue, and I know we have people on both sides. In this case, however, at least in my mind, there is a right side and a wrong side. Dairy compacts would make a Soviet commissar blush. The idea of allowing a regional group of producers to conspire, with Government support, and set prices is an absolute outrage. We ought to be ashamed of it, especially having passed Freedom to Farm.

I share the outrage of my two colleagues. I just want to say to Rod GRAMS and Herb KOHL, on this issue, not only did they fight for their States but for every consumer across this country. Senator BYRD, if the great general had been from Wisconsin it would have been a much shorter war, from a historians point of view, and that would have meant a much better outcome from a humanitarian's point of view. In any case, we have had people here who stood up and fought for what they believed in, what was right for their States. In this body we still honor those people. I commend both Senator KOHL and Senator GRAMS.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I have had the good fortune, in the past several days, to work to resolve many issues. We have made some progress. I want to say that what we have seen in the last few days could not be a better illustration of what politics and Government is all about. I say that in a positive fashion. We have had people from the State of Wisconsin and the State of Minnesota fighting for what they believe is right. The Constitution was developed to protect the minority, not the majority. The majority can always protect themselves.

The Constitution is set up, especially through the Senate, to always protect the minority. That is what they were doing, protecting themselves. They, in effect, didn't get a fair deal in this omnibus bill.

About the Senator from Wisconsin, there have been a number of things said, especially by the Senator from West Virginia. I underscore and applaud that. We have to make sure the other Senator from Wisconsin is also recognized. They have both been stalwarts in this battle.

I direct everybody's attention to yesterday's CONGRESSIONAL RECORD. On page S14794, there was a statement made by Senator KOHL. If anyone is ever concerned about what the free enterprise system is all about, read what Senator KOHL said yesterday on the Senate floor. That is what this debate has been all about—about the free enterprise system in this great country of ours.

In effect, what the Senators from Wisconsin have been fighting about is whether or not the free enterprise system is going to be circumvented by a cartel, a deal that has been, in effect, condoned, underlined, and set forth by the Federal Government. It should not be. So I direct everyone's attention to this. I appreciate very much the cooperation of the Senators from Wisconsin and especially the Senator from Minnesota, Mr. WELLSTONE. He has fought long and hard, and he has been on this floor for the last several days. To my friends from Minnesota and Wisconsin, I appreciate their recognizing that they have rights. They have done everything they could to protect their rights under the Constitution.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I am going to defer to Senator KOHL, and I will follow him and Senator FEINGOLD. I have literally 30 seconds.

I yield to Senator KOHL.

Mr. KOHL. Mr. President, I sincerely thank all of my colleagues who have spoken up this afternoon. It has been remarkable to hear Senators from both sides of the aisle express themselves in such a heartwarming way, and I think in such a fair and clear way with respect to this country of ours and how our economy works and how it is intended to work.

It is remarkable to me that all these leaders have made clear that while we are passing dairy legislation this afternoon, it is of necessity, and not because they and we believe in the specifics of that legislation. It is heartwarming for me to know that when we come back next year, we apparently have common agreement on both sides of the aisle that we are going to work together to come up with dairy legislation that more clearly and fairly represents the interests not only of the different parts of our country in terms of our States and regions but more clearly represents the real intentions of our Constitution with respect to how this economy is supposed to work and how the free enterprise system is supposed to work.

It has been a long, hard fight for myself, Senator FEINGOLD, Senator WELLSTONE, Senator GRAMS, and others. Certainly, what happened here this afternoon, in my opinion, justifies that fight and leaves me feeling very good about my colleagues on both sides of the aisle and feeling very optimistic about the things we can look forward to next year.

I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I thank all the people that have participated in the colloquy for their kind words about our effort and for coming to the floor to say it. My primary purpose in rising at this point is to praise my senior colleague, Senator KOHL.

The words that have been said about many in this effort are true. But I want everyone to know that this was not an effort that he initiated a week ago, or 2 weeks ago, or 2 years ago. Every single day since I have been in the Senate I have found working with Senator KOHL on this critical issue to be one of the best opportunities to work with another Senator together for our State. This has been certainly the most dramatic example. But it is an example also of the tenaciousness that Senator KOHL has on behalf of our dairy farmers.

Both he and I spent our entire youth in Wisconsin. He and I both know that in 1950 there were 150,000 dairy farms in this Wisconsin. Now there are less than 23,000. Over that time you begin to realize that some of the old dairy policies maybe once worked but now, frankly, are absurd. The notion of having this difference between the class I milk across the country based on issues that refrigeration and transportation that stopped existing decades ago makes no sense. The idea of a dairy cartel in one part of the country and a system that is supposed to be based on national economy and free enterprise is also ridiculous.

We know this Congress asked that the Department of Agriculture take a look at these issues, and said: What do you think we ought to do? They came back with a conclusion to narrow those differentials and get rid of the compact. Over 90 percent of the producers in the country said that is the right idea. That is why Senator KOHL and I fought so hard, because it wasn't just our idea. It wasn't just Wisconsin. It was a national consensus.

Unfortunately, I think this Congress has very inappropriately overturned that. And Senator KOHL and I will not give up until we have had the opportunity to reverse this unfortunate decision.

But I want to join with my senior colleague in thanking everyone for their courtesies on this. We obviously could have taken this to an even greater extent, and we realize the issues that are involved in that. This is a very important issue to not only Wisconsin, but to Minnesota, and to other States. We certainly will be back early next year to continue the battle.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, first of all, I also would like to thank all of my colleagues. I appreciate their comments.

I think the only thing I say that might be a little different is I remain pretty skeptical, to be honest. I am glad to hear what my colleagues have said. I think that is real progress. We are talking about working together. I think we are very committed—I say this to Senator KOHL, to Senator FEINGOLD, and to Senator GRAMS—to making sure that working together leads to a product. We have to change what we have right now because the compact blocking the milk marketing order reform has a disastrous impact on our dairy farms.

I come from a State where we lose about three dairy farms a day. I appreciate the comments that have been made. I know the Senators who have made them have made them in good faith. That gives me confidence. On the other hand, given what has happened, permit me to be skeptical until we see the product. The proof is in the pudding.

Finally, since my colleague from Texas mentioned the Freedom to Farm bill—what some of us call the ''freedom to fail'' bill —I think dairy is part, just part of it. We have to write a new farm bill. We have a failed farm policy. We have to change this. We are going to press hard to do so.

Thank you very much. I yield the floor.

Mr. JEFFORDS. Mr. President, I must set the record straight with regard to the Northeast Interstate Dairy Compact. Rarely in all my years in Congress have I witnessed such ill-considered comment and media hysteria as has occurred over the Dairy Compact in these last few days.

I recognize that my Senate colleagues from the Midwest are, very understandably, raising the dairy issue to a new level of concern and I welcome the opportunity to respond to their call for productive changes in our dairy policy. As for my media friends, I appreciate the heightened scrutiny of our dairy policy, because we in the northeast share a common concern with our Midwestern Senate colleagues over the current state of our nation's dairy policy.

To my Senate colleagues from the Midwest: I have worked on the dairy issue for all of my twenty-four years in the Congress. More than most, I appreciate the complexity and difficulty of this issue. There is nothing I would like more than to join with you in common cause to improve our nation's dairy policy.

But let us be frank with each other. The key issue that has divided us in all my time here, and which continues to divide us, is your insistence that the Midwest should somehow be seen as the source of our nation's supply of fluid, or beverage, milk.

This insistence has been and still remains simply contrary to the overwhelming will of this Congress. And this is not just an issue that divides the northeast and the Midwest; this is an issue that divides the Midwest from the rest of the country.

The universal constituencies of every member of Congress, from every region including your own, demand a local supply of fluid milk. This is not a free market issue, not merely an issue of the best interests of dairy farmers.

The real issue is the very nature of our basic food supply and so extends way beyond the mere interest of a single constituent group. Regionally and on behalf of the nation as a whole, the Congress simply will not yield to the destruction of our local supplies of fresh, wholesome drinking milk, and the inevitable result of the consumption of reconstituted milk.

For now and for the foreseeable future, our nation's dairy policy will be based on the maintenance of local, regional supplies of fluid milk. You must recognize that we cannot compromise on this issue.

This fact must and will define our national policy. The Midwest will never be called upon to provide the supply of fluid milk for the rest of the country.

And so I call upon my Senate colleagues from the Midwest to look elsewhere than to reformation of the fluid marketplace for a solution to the problems your dairy industry faces. I make this call in the spirit of cooperation and with a positive spirit.

To my media friends: I welcome this opportunity to respond to the specifics of the various misstatements and misinformation contained in the most recent descriptions of the Dairy Compact. Before doing so, I would like first to highlight for you a simple and incontrovertible fact about the Dairy Compact:

Twenty-five of our fifty states have now passed dairy compact legislation patterned after the original compact language first adopted by the Vermont legislature in 1987. This means that twenty-five legislatures and twenty-five governors (more, if you count the number of governors who have supported the bill over the years) have committed their active support to this unique legislation.

With this important fact in the background, I would like to respond to the charges and assertions that have recently been raised against the Dairy Compact.

For purposes of this discussion, I will address directly the substance of the editorial that appeared yesterday in the Wall Street Journal. To summarize the editorial, the Dairy Compact is a ''price fixing cartel'' which benefits ''inefficient'' Vermont dairy farmers unfairly at the expense of their more efficient Upper Midwest counterparts.

To compound this misery, the Compact unduly burdens milk consumers in the northeast, particularly the most vulnerable ''poor children'', ''to the tune of 20 cents a gallon.''

Now I would like first generally to ask this body: Who in their right mind would support such a clearly wrongheaded policy as so characterized by the Wall Street Journal? Who could support any measure which pits a relatively small number of farmers

against a vastly greater constituency of consumers, and which disadvantages our most vulnerable citizens?

Certainly not the twenty-five state legislatures and governors which have adopted Compact legislation. And certainly not the 40 Senators and over 160 House Members who co-sponsored legislation to approve Compact legislation here in the Congress.

Certainly not the Compact's bi-partisan supporters in the Congress and around the country, who represent the country's most rural and most urban constituencies. And such an initiative could never have been embraced simultaneously by our nation's most divergent regions—the northeast and the deep south.

Just look at the list of co-sponsors here in the Senate. Senator JESSE HELMS joins Senator TED KENNEDY. Senator SCHUMER from New York is a co-sponsor along with Senator THURMOND from South Carolina. Need I say more about the diversity of support for the Compact?

And so I call upon the media to look at the Compact with a fresh gaze. If you will do so, I think you will find that the reason for this unusual if not truly unique support for the Compact is really quite simple: The Compact manages to respond simultaneously to all of the divergent interests at play in today's dairy marketplace.

The Compact does not just respond to the needs of dairy farmers. Consumers, processors, retailers, as well as farmers, all find their place in the regulatory process created by the Compact.

Because the consumer ultimately pays, the consumer controls the decision as to whether the price should be raised. Perhaps most importantly, because the Compact is made up of individual sovereign states, the sovereign right of each state to control its own regulatory fate is ultimately protected by the Compact.

In short, the Compact truly promotes the public interest. Let me see if I can further advance the discussion by clearing up at least some of the cloud of confusion which the Journal and others have cast around the Compact.

Let's begin with the claim that the Compact is a ''price-fixing cartel''. Along with the Journal, the Washington Post also yesterday referred to the Compact as a ''cartel'' in an editorial. And our supposed ''newspaper of record'', The New York Times, has repeatedly described the Compact as a cartel in its coverage of the Compact.

For the benefit of all these erudite commentators whose stock in trade is the precise use of the English language, let's consider the dictionary definition of a cartel. Webster's dictionary defines ''cartel'' as follows

(1) a written agreement between belligerent nations; (2) a combination of independent commercial enterprises designed to limit competition; (3) a combination of political groups for common action.

The definition contained in the Random House dictionary similarly describes a ''cartel'' as:

(1) an international syndicate, combine, or trust generally formed to regulate prices and output in some field of business; (2) a written agreement between belligerents, esp. for the exchange of prisoners; (3) (in French or Belgian politics) a group acting as a unit toward a common goal; (4) a written challenge to a duel.

Notwithstanding use of this term by our most respected media commentators, it becomes quickly obvious that the Compact in no way shape or form resembles such a ''cartel.''

Indeed, were I to challenge these commentators to a duel in writing, that absurd challenge would actually be a more accurate use of the term cartel than is their use of the term to describe the Compact.

I guess our political commentators have now tilted so far away in their zeal to embrace the so-called free market that they recognize no role for the government in regulating the marketplace. Or, I guess, they simply no longer trust the government.

Even so, is their distrust of government so great that they cannot give even simple recognition to the simple distinction between businesses price-fixing for private gain and states regulating in the public interest?

Such regulation in the public interest, which provides the basis for the Compact, is central to our system of government. Even the most ardent free-marketeers recognize the need for the government to play at least some role in the policing of the marketplace in the public interest.

The basic function of the Compact is this: To determine whether the price received by dairy farmers must be adjusted in the public interest. Not solely in the interest of farmers, but in the public interest of all those who participate in the fluid milk marketplace—processors, wholesalers, retailers and consumers, including low-income consumers.

Adjustment may mean an increase in price, or simply stability in price. Presently, the Compact provides for both some increase in price as well as price stability.

I will address the various concerns raised by the increase in price in a minute, but first I would like to address the issue of price stability, because it brings home the fact that the Compact serves the larger public interest, of which farmers comprise only one part.

Various stories have alluded to the problem of erratic wholesale prices and their adverse impact on consumers.

Indeed, nobody really benefits, other than retailers, from an increasingly market-driven farm price for milk. This is an issue addressed by the Compact. The Compact, in the public interest, provides for price stability, to the benefit of all market participants. (Even retailers.)

Now about the increase in price resulting from operation of the Compact in New England. Here are some simple numbers. Over the last two years, the Compact has raised the price of farm milk by no more than ten cents per gallon. No more than ten cents. Not twenty cents, as we have heard over and over and over and over. As they say, you could look it up, so let me repeat: Ten cents. Period.

And that is just the impact on the farm price. What of the impact on consumer prices. You can look this up, as well. If you do so, you will find that prices in New England are actually lower than in the corresponding New York City market, where the Compact is not in place.

And what of the impact on ''poor children''? Under current operation of the Compact, the WIC program and the School Lunch Program are both exempt. There is no impact on participants in these programs. Let me repeat: No impact on participants in the WIC and School Lunch programs. Period.

In conclusion, let me again speak directly to my troubled colleagues from the Upper Midwest.

As we look to the new millennium and our future, I wish my Midwestern colleagues again to understand that I will strive to work with them in common purpose. Our farmers from the northeast and Midwest are so similar. They are among the yeoman farmers who built this country so proud. We must be responsive to their common plight. Surely we should be able to reason together based on those issues we share in common rather than continue to dispute over issues which divide us.

In all the recent discussion about the Dairy Compact, one key fact seems to have gotten overlooked. Twenty-five of our fifty states have now passed dairy compact legislation. One-half of the states have embraced the Compact idea.

This means that twenty-five state legislatures and twenty-five governors (more, if you count the number of governors who have supported the bill over the years) have adopted the Compact approach as the best way to solve the dairy issue we all find so vexing.

I call upon my colleagues, especially those Members on my side of the aisle, to give due deference to the rights of the states to assist the Congress in defining policy. The states have spoken and are telling us that the free marketplace does not work with dairy pricing. We should listen to their wise counsel.

These Interstate Compacts are not all about dairy policy, but about the rights of states to work together under the compact clause of the constitution. It's a states right issue that deserves to be heard and understood. I hope my colleagues will take the time to understand the law and the purpose of this important state initiative.

I fully believe that those Members who have today spoken against them may see Dairy Compacts in a new light if they will view them from the perspective of the states which have adopted them. Instead of seeing cartels, they will see a regulatory framework that operates in the public interest. Instead of seeing a system of price

supports that works only for dairy farmers, they will see a regulatory mechanism that benefits all the citizens of the states—consumers, processors and farmers, alike.

This is the way our federalist system is supposed to work—the states talk and we listen. As an issue of states rights, I urge the Judiciary Committee to take this issue up when next we consider it.

TICKET TO WORK AND WORK INCENTIVES IMPROVEMENT ACT OF 1999—CONFERENCE REPORT—Continued

Mr. ROTH. Mr. President, I am pleased with the progress we have made in two very important areas on issues that will affect the lives of Americans everywhere. This legislation—the Ticket to Work and Work Incentives Improvement Act of 1999—will go a long way toward improving the quality of life for millions of Americans with disabilities. At the same time, important provisions within this legislation—provisions that extend important tax and trade relief provisions—will bring meaningful relief and increased opportunities to individuals and families. The Ticket to Work and Work Incentives Improvement Act will help Americans with disabilities live richer, more productive lives. Its core purpose is to assist disabled individuals in returning to work. It removes the real risk many people with disabilities face of losing their health insurance, and it provides new ways of helping them find and keep meaningful employment.

Is there any question how important this is?

Millions of Americans with disabilities are waiting for the vote. They are waiting to be freed from a disability system that stifles initiative and thwarts productivity rather than rewarding them—a system that tells individuals with disabilities that if they leave their homes and try to find productive employment they will lose their access to health insurance. The current system isn't right, Mr. President. It isn't productive. And it certainly is not ennobling.

Under current law, if a person with a disability wants to return to work—even taking a job with modest earnings—he or she will jeopardize access to insurance coverage through the Medicaid and Medicare programs. And as many individuals with disabilities have difficulties securing private sector insurance coverage, losing access to Medicaid or Medicare is not an option. In fact, it's a tragic consequence for many people with medical conditions that demand ongoing treatment. As a result, the only recourse these individuals have is to forego the opportunity to work—to build and grow professionally and personally—and to stay at home.

No one, Mr. President, should be forced to choose between health care and employment. Robbing an individual of the opportunity to work becomes a double tragedy in the life of someone who is living with a disability. It's been said that work is the process by which dreams become realities. It is the process by which idle visions become dynamic achievements. Work spells the difference in the life of a man or woman. It stretches minds, utilizes skills and lifts us from mediocrity.

No one should have to choose between health care and work, and passage of the Work Incentives Improvement Act will make that choice unnecessary. By acting on this legislation today, the Senate will offer new promise to millions of Americans with disabilities. This legislation will help promote their independence and personal growth. It will help restore confidence and meaning in their lives—and greater security in the lives of their families.

But this legislation is not about big government. We do not tell the states what they must do. There are no mandates. And we do not tell individuals with disabilities what they must do. We create options. We create choices. And choice is the essence of independence, isn't it?

The unemployment rate among working-age adults with severe disabilities is nearly 75 percent. What a tragic consequence of errant public policy that discourages those who can and want to work from attaining their desires. It's my firm belief that this number will come down—it will come down dramatically as we pass this law allowing them to return to the workplace. My belief is based in part on the fact that over 300 groups of disability advocates, health care providers, and insurers endorse this change and are anxiously waiting for us to act.

These groups and individuals are not the only Americans watching what we do here today. Along with them, are countless other who are looking to this legislation to extend important tax and trade relief provisions that are included in the work incentives bill.

These provisions are ''must do'' business. Like appropriations, extenders are provisions that we have an obligation to address before we conclude this session. They are necessary fixes to our Tax Code, and will go a long way toward helping families and creating greater economic opportunity in our communities.

Among the important provisions contained in these extenders is one that excludes nonrefundable tax credits from the alternative minimum tax (''AMT''). This change alone will insure that middle-income families receive the benefits of the $500 per child tax credit, the HOPE Scholarship credit, the Lifetime Learning credit, the adoption credit, and the dependent care tax credit. In this legislation, such relief is extended through December 31, 2002.

Another important provision in this legislation extends and expands the tax credit for production of energy from wind and closed loop biomass. This important alternative energy provision expired on June 30, 1999. In this legislation, the tax credit is expanded to cover poultry litter-based biomass, and it is extended through December 31, 2001. For my home State of Delaware and many other poultry producing regions, this provision provides an important option for the disposition of poultry litter in a way that will be beneficial and productive.

Other important expiring tax provisions included in this legislation are a 5-year extension and enhancement of the research and development tax credit and the tax-free treatment of employer-provided educational assistance. I can't overstate how important the R&D credit is to the high-tech community and many other important leading American economic sectors. The extension offered in this legislation will give businesses the certainty they need and will result in more and higher paid jobs for American workers. And as far as employer-provided educational assistance, I've made it clear that my goal is to make this provision permanent and expand it to graduate education. I know this is an important goal for Senator MOYNIHAN as well. Over one million workers will benefit from this extension, and under this legislation, the provision is extended through the end of 2001 for undergraduate education.

But, Mr. President, important extenders do not stop here. This legislation will also extend incentives designed to help Americans move from welfare to work through the end of 2001. These incentives include the work opportunity tax credit and the welfare to work tax credit.

Other extenders include the active finance exception to Subpart F—a provision that puts our banks, insurance, and securities firms on equal footing with their foreign competitors in overseas markets—and five other important tax provisions that are scheduled to expire. These provisions, which are extended through the end of 2001, include the ''brownfields'' expansing treatment of environmental cleanup costs. In addition, the school repair and renovation costs of some school districts are met by an extension of the qualified zone academy bond program.

But the provisions included in this legislation are not limited to tax relief. We also include some important trade issues. For example, we extend the Generalized System of Preferences, as well as Trade Adjustment Assistance programs. Both of these trade provisions are extended through the end of 2001. Beyond these, there are several revenue raising provisions that we've included. Most of these, I am pleased to report, close loopholes in the Tax Code raising some $3 billion in return.

When all is said and done with this legislation, Mr. President, I am pleased that the tax relief in this bill amounts to a net tax of $15.8 billion over 5 years and $18.4 billion over 10.

There's no question that what have before us is a dynamic piece of legislation. From providing hope and opportunity to Americans with disabilities to extending and expanding important tax provisions for individuals and families, this is a comprehensive package. It has been carefully constructed, debated, and addressed in conference. It include that efforts of many of our colleagues and countless hours of staff work.

I want to thank several Senators who have worked closely with me over the past year to bring the work incentives bill to the floor—Senators MOYNIHAN, JEFFORDS, KENNEDY, and BUNNING. Passage of the Work Incentives Improvement Act has been one of my top health care priorities during this Congress. It would have been impossible without close, productive, bipartisan cooperation. Likewise, the effort we've made to address the important tax and trade extenders. Without the work and cooperation of my distinguished friend and the Finance Committee's Ranking Democratic Member, Senator MOYNIHAN, we wouldn't be here today with a conference agreement.

In closing, let me also mention that there are two provisions in this bill outside the Finance Committee's jurisdiction, one dealing with the organ donor and the other dealing with a NOAA procurement matter. I ask my colleagues to join us in seeing that all of these important provisions are passed into law.

The PRESIDING OFFICER. The distinguished Senator from New York is recognized.

Mr. MOYNIHAN. Mr. President, I do wish there were more Members present that we might rise in a general applause to the Senator from Delaware, chairman of the Finance Committee. I refer to him as our revered colleague. This legislation could not be here, most of it would not have been conceived, without him. It is a triumph against what has become our procedures that it is here today and will shortly be approved.

Millions of Americans who will not know that he has done this will benefit from what he has done, and that, for him, will be sufficient knowledge and reward. I want to say that.

I don't want to speak at length because other Senators wish to join in this matter. I simply make two points. One is how very much I appreciate the chairman's mention of the importance of providing employer education assistance for graduate students. Go to any major metropolis in this country, any area where there is a college, and find night schools where young America and not so young come to acquire further skills and greater economic capacity.

Nothing could be more clearly in our national interests. It will go on whether we have a tax credit or not, but on the margins, it is important, first, recognizing the need for new skills, recognizing the need for developing new areas. Send our own employees to graduate school. Let them get this further degree while they are on the job, come back, be promoted, earn more, and be more valuable.

I spoke with our friend, the House majority leader, Mr. ARMEY. Of course he is a distinguished economist. He noted the last 5 years he was teaching, he was teaching at night school and teaching people who wanted to be there. They didn't have to be there to play soccer—put it that way.

I would secondly like to note, and I know the chairman would agree, absent from our measure today are two matters reported from the Committee on Finance: The Africa Growth and Opportunity Act of 1999 and the Caribbean Basin Initiative. They came out of the Finance Committee as near matter unanimous as can be—under our chairman, things come out of our committee unanimous. We did not suceed given the complexities of these negotiations this time. We will be back. I hope these matters will be addressed. I know on our side of the aisle, if you will, in the House, Representative Rangel, the ranking member in Ways and Means, my counterpart, very much hopes this will happen, and so do I.

Mr. President, I would briefly note, for the RECORD, some important provision in this legislation.

With regard to tax extenders, this bill extends the research and experimentation credit for five years and it extends all other provisions through December 31, 2001. Extending these provisions as long as possible was simply the right thing to do—providing certainty to employers and workers.

Might I add that some of these provisions are vitally important to working families. If we do not, for instance, pass the alternative minimum tax provision, approximately 1.1 million Americans will lose part or all of the $500 child credit, the HOPE scholarship credit, or other non-refundable credits. We also, rightfully so, extend the Welfare-to-work and the Work opportunity credits.

I would also like to clarify two matters with respect to a provision based on S. 213, which I introduced on January 19, 1999—and which is known as the rum cover-over provision. I am very pleased that we were able to increase from $10.50 to $13.25 the amount of excise taxes on rum that is transferred to Puerto Rico and the Virgin Islands. Unfortunately, procedural obstacles required a delay in most of the transfer from fiscal year 2000 to fiscal year 2001. Instead, up to $20 million will be transferred 15 days after enactment. The remainder of the amount will not, however, be transferred until after September 30, 2000. However, our distinguished Finance Committee Chairman, Senator ROTH, and Chairman ARCHER from the House Ways and Means Committee have made a commitment that, to the extend possible, the delayed payments will be accelerated, or interest on the delayed amounts will be provided for in the Africa and CBI legislation next year.

With respect to the second matter, the rum cover-over provision, as passed by this body on October 29, 1999, included an additional transfer of 50 cents from the government of Puerto Rico to the National Historic Conservation Trust of Puerto Rico—the purpose of which is the protection and enhancement of the natural resources of Puerto Rico. Unfortunately, the 50 cent transfer is not included in the legislation before us today. However, it is my understanding that the Governor of Puerto Rico, the Honorable Pedro Rossello, has made the commitment to transfer one-sixth (45 cents), of the increase provided by this legislation, to the Trust. I applaud the Governor for his commitment.

I am also very pleased that this legislation would remedy some of the barriers and disincentives that individuals enrolled in Federal disability programs face in returning to work. Many disabled Americans do not return to work because they must lose their health care coverage and because they have inadequate access to employment and rehabilitation services.

In 1986, we took our first step to remove obstacles facing disabled Americans who want to work. Our former Finance Committee Chairman and Majority Leader—Senator DOLE—introduced the Employment Opportunities for Disabled Americans Act to make permanent a demonstration project that enabled Supplemental Security Income—or ''SSI'' recipients to maintain Medicaid benefits during a transition to work. I was an original co-sponsor of the bill which was enacted on November 11, 1986. Building on that first step and other subsequent initiatives, Senators JEFFORDS, KENNEDY, ROTH and I introduced this work incentives bill in the Senate on January 28th of this year. The legislation has enjoyed overwhelming bipartisan support, passing the Senate 99–0 on June 16th and the House 412–9 on October 19.

The bill addresses an issue of paramount concern: how to encourage disabled individuals to return to work. Currently, less than one-half of one percent of individuals receiving disability benefits now leave the rolls and return to work. A survey by the National Organization on Disability found that only 29 percent of all disabled adults are employed full-time or part-time, compared to 79 percent of the non-disabled adult population. The disabled find it difficult to work because if they earn income above a certain level, they lose their disability benefits and their health care coverage. In fact, witnesses testifying before the Finance Committee cited the potential loss of health care coverage as the primary obstacle between the disabled and their ability to work.

This legislation tries to remove this barrier by guaranteeing that working individuals with disabilities can maintain their Medicare and Medicaid coverage for a longer period of time. Under

current law, Social Security disability beneficiaries, who go back to work and earn a modest income, may only continue their Medicare coverage for four years. This legislation would permit disabled workers to retain their Medicare coverage for an additional four and a half years.

Two important Medicaid provisions are included in this bill. The first would permit more lower-income disabled workers to pay premiums and buy into the Medicaid program. The second establishes a demonstration project that would provide Medicaid coverage to persons likely to become disabled without medical treatment. This is good common-sense policy: providing preventive health coverage to working individuals with serious medical conditions before such conditions worsen to a disabling level.

This legislation does more than just extend greater health care coverage to the disabled. Through a program called ''Ticket to Work,'' it would make it easier for disabled workers to access coordinated vocational rehabilitation and employment assistance services. It provides grants to States to develop the program infrastructure and to perform the outreach necessary to help disabled individuals to work. The legislation would also ensure that a mere return to work does not automatically trigger eligibility reviews that could result in being removed form the disability rolls. In addition, it would streamline the process for individuals to be reinstated for disability benefits, if they are unable to continue working.

Lastly, the bill funds Social Security demonstration projects on how best to encourage disabled individuals to return to work. For example, one innovative project will determine whether a sliding-scale reduction of disability benefits by $1 for every $2 earned would make it easier to go back to work. Such a result seems far more reasonable than the current situation where workers who earn income above a statutory limit lose their disability benefits entirely.

The overwhelming support for his legislation is not surprising given its simple and universal goal: providing disabled Americans the opportunity they deserve to work and contribute to the fullest of their ability. For Americans with disabilities, enacting this legislation would take a great step forward in removing the many barriers they face in returning to work.

Before I conclude, Mr. President, I did want to mention that regrettably, this bill includes an extraneous provision delaying implementation of a new regulation to improve the Nation's system of allocating human organs for transplant.

Mr. President, I thank the Chairman for his commitment to this tax extenders and work incentive legislation. I would also like to thank the staffs of the Joint Committee on Taxation, the Senate Finance Committee and the House Way and Means and Commerce Committees. Now, let's go home.

Mr. ROTH. I yield 5 minutes to the distinguished Senator from Vermont.

The PRESIDING OFFICER. May the Chair ascertain how many minutes?

Mr. ROTH. I yield 5 minutes.

The PRESIDING OFFICER. The distinguished Senator from Vermont is recognized for 5 minutes.

PRIVILEGE OF THE FLOOR

Mr. JEFFORDS. Mr. President, first I ask unanimous consent Lu Zeph and Tom Valuck, fellows on my staff, be granted the privilege of the floor during consideration of the conference report.

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

Mr. JEFFORDS. Mr. President, I see the Senator from Iowa, with whom I have worked all these years, was here just a moment ago. I would like to wish him a happy 60th birthday. I am sure all of us would like to join in that, and I will move on now and get to the purpose of being here today.

Mr. President, I am thrilled that the Senate will soon send to the President the Work Incentives Improvement Act of 1999. This landmark legislation will open doors to jobs across the country for disabled Americans.

As we all know, the Federal Government often sets policies with the best of intentions, and the least of common sense. There are lots of examples, but today's policy for disability benefits takes the prize.

If you are disabled and don't work, you have access to federally funded health care. If you are disabled and you do work, you lose access to federally funded health care. Does it make any sense to you? No, it does not to me, either.

Access to health care is important to everyone, of course, but to severely disabled people it is absolutely vital for the everyday needs of life. And the price tag for this care can be astronomical.

Three years ago, this paradox was brought to my attention, and I began the process of trying to figure out how we could solve it.

I realized that, unless and until we gave individuals with disabilities access to health care, they would not, could not work to their full potential. That is why I am so proud that we are on the verge of changing the law that will, at last, change the lives of 9.5 million individuals with disabilities who have been waiting, pleading that we take this step.

These millions of Americans want and will use the job training and job placement assistance that this legislation authorizes. They will benefit from the advice and guidance that will be available on the complicated work incentives options in Federal law. They will go to work, work longer hours, work more hours, and seek advancement knowing that their health care will be there when they need it.

For those who look beyond what this legislation means in human terms, to its monetary applications, I say, you will see results. The taxpayer rolls will expand. Use of Federal and State public assistance programs will decrease. Data on the health care needs and costs of working individuals with severe disabilities will be collected. Private employers and their insurers will have data from which they may calculate risks and craft health care insurance options for employees with disabilities.

This conference report represents sound federal policy. Last night our colleagues in the House, on a vote of 418 to 2, endorsed this policy. We must do the same. Let us celebrate and confirm the consensus we have achieved. Individuals with disabilities are waiting to show us how they are ready, willing, and able to join the workforce, support their families, and contribute to their communities and our national economy.

The action we are taking is the next logical step in our efforts to ensure that disabled Americans can fully participate in our society. In 1975 we guaranteed each child with a disability a free appropriate education through the precursor to the Individuals with Disabilities Education Act. In 1978, we prohibited discrimination based on disability in all services, programs, and employment offered by or through the federal government. In 1988, for the first time, we recognized and addressed the need to provide assistive technology to individuals with disabilities.

And in 1990, we enacted the most comprehensive civil rights law for individuals with disabilities, the Americans with Disabilities Act.

Each of these actions was a building block toward true independence for individuals with disabilities.

But the promise of employment rights under the ADA was an empty one for millions of Americans who couldn't afford to take advantage of their rights. Today, we are making good on that promise.

I want to again commend the principal cosponsors of this legislation, Senators KENNEDY, ROTH, and MOYNIHAN for their incredible contributions. Five months ago, the four of us joined President Clinton in a room just off the Senate floor to call for enactment of this legislation.

I was confident then that the day would soon come, and I am elated that it finally has. It is the end of the session, we are all tired, and some tempers are frayed. But Mr. President, as we conclude our work for the year and return to our states, this is one accomplishment of which we can all be proud.

The PRESIDING OFFICER. Who yields time?

The distinguished Senator from New York.

Mr. MOYNIHAN. Mr. President, I have the pleasure to yield up to 15 minutes to my good and old friend, the senior Senator from Massachusetts, who has been so instrumental in this matter.

The PRESIDING OFFICER. The distinguished Senator from Massachusetts is recognized for up to 15 minutes.

Mr. KENNEDY. Mr. President, I join with Senator MOYNIHAN and Senator ROTH in commending our colleagues on the Finance Committee for their strong work in helping bring us to where we are today. I thank them for their leadership.

I would especially like to acknowledge Senator JEFFORDS, who has been instrumental in the development of the legislation. And I, all of us on this side and throughout the Senate and across the country always recognize the real leader on all of the disability issues, our friend from Iowa, Senator HARKIN, who has had a lifetime of commitment on the issues of promoting the interests of disabled Americans. The Senate will welcome his comments this afternoon.

Today, Congress will complete action on the Ticket to Work and the Work Incentives Improvement Act, and this important legislation will go at long last to the White House. When President Clinton signs this bill into law, he will truly be signing a modern Declaration of Independence for millions of men and women with disabilities in communities across the country who will have a priceless new opportunity to fulfill their hopes and dreams of living independent and productive lives.

We know how far we have come in the ongoing battle over many decades to ensure that people with disabilities have the independence they need to be participating members of their communities.

Mr. President, 67 years ago this month we elected a disabled American to the highest office in the land. He became one of the greatest Presidents, but Franklin Roosevelt was compelled by the prevailing attitudes of his time to conceal his disability as much as possible. The World War II Generation began to change all that. The 1950s showed the Nation a new class of people—people with disabilities—as veterans returned from the war to an inaccessible society. Each decade since then has brought significant progress.

In the 1960s, Congress responded with new architectural standards so we could build a society of which everyone could be a part.

The 1970s convinced us that full participation in society was needed, not only for disabled veterans but for disabled children and family members and for those injured in everyday accidents. Congress responded with a range of federally funded programs which improved the lives of people with mental retardation, supported the rights of children with disabilities to go to school, ensured the right of people with disabilities to vote, and gave people with disabilities greater access to health care.

The 1980s brought a new realization that when we are talking about assisting people with disabilities, we must not look only to Federal programs, but to the private sector as well. Congress again responded by guaranteeing fair housing opportunities for people with disabilities, by ensuring access to air travel, and making telecommunication advances available for people who are hard of hearing or deaf.

The 1990s brought us the Americans with Disabilities Act, which promised every disabled citizen a new and better life, in which disability would no longer put an end to the American dream.

But too often, for too many Americans, the promise of the ADA has been unfulfilled. Now, with this legislation, we will finally link civil rights clearly with health care. It isn't civil and it isn't right to send a person to work without the health care they need and deserve.

As Bob Dole stated in his eloquent testimony to the Finance Committee earlier this year, this issue is about people going to work—''it is about dignity and opportunity and all the things we talk about, when we talk about being an American.''

Millions of disabled men and women in this country want to work and are able to work. But they have been denied the opportunity to work because they lack access to needed health care. As result, the Nation has been denied their talents and their contributions to our communities.

Current laws are an anachronism. Modern medicine and modern technology make it easier than ever before for disabled persons to have productive lives and careers. Current laws are often a greater obstacle to that goal than their disability itself. It's ridiculous that we punish disabled persons who dare to take a job by penalizing them financially, by taking away their health insurance lifeline, and by placing other unfair obstacles in their path.

Currently, there are approximately 9 million working-age adults who receive disability benefits, many of whom could take jobs if they could keep their governmentally financed health benefits. A national survey earlier this year showed that, while 76 percent of people with disabilities wanted to work, nearly 75 percent are unemployed. Of those receiving benefits, only ½ of 1% leave the disability roles to return to work.

Disability groups have estimated that about 2 million of the 8 million would consider forgoing disability payments and take jobs as a result of this legislation.

The estimated cost of this new program would be recouped if only 70,000 people leave the disability benefit roles. If 210,000 of them take jobs, the government would actually save $1 billion annually in disability payments.

That 210,000 constitutes only 10% of the number of people who the disability community believe will avail themselves of this program. If their estimates are even close to accurate, the savings to the Federal Government could eventually approach $10 billion per year. Far more important that the savings is the impact on people's lives. It is about dignity. It is about opportunity that is by far the most important charge.

Today is a new beginning for persons with disabilities in their pursuit of the American dream. This bill corrects the injustice they have unfairly suffered.

The Work Incentives Improvement Act removes these unfair barriers to work that face so many Americans with disabilities:

In makes health insurance available and affordable when a disabled person goes to work, or develops a significant disability while working.

It gives people with disabilities greater access to the services they need to become successfully employed.

It phases out the loss of cash benefits as income rises, instead of the unfair sudden cut-off that workers with disabilities face today.

It places work incentive planners in communities, rather than in bureaucracies, to help workers with disabilities learn how to obtain the employment services and support they need.

Many leaders in communities throughout the country have worked long and hard and well to help us reach this milestone. They are consumers, family members, citizens, and advocates. They showed us how current job programs for people with disabilities are failing them and forcing them into poverty.

In all the time I have been in the Senate, I doubt if there has really been a single piece of legislation that has so coherently reflected the common concerns of a constituency and all of that constituency worked so effectively on recommendations to the Congress of the United States.

We have worked together for many months to develop effective ways to right these wrongs. And to all of them I say, thank you for helping us to achieve this needed legislation. It truly represents legislation of the people, by the people and for the people. It is all of you who have been the fearless, tireless warriors for justice.

When we think of citizens with disabilities, we tend to think of men and women and children who are disabled from birth. But fewer than 15% of all people with disabilities are born with their disabilities. A bicycle accident or a serious fall or a serious illness can suddenly disable the healthiest and most physically able person.

In the long run, this legislation may be more important than any other action we have taken in this Congress.

I say that very sincerely. In the long run, this legislation may be the most important piece of legislation we have passed in this Congress. Its offers a new and better life to large numbers of our fellow citizens. Disability need no longer end the American dream. That was the promise of the Americans with Disabilities Act a decade ago, and this legislation dramatically strengthens our fulfillment of that promise.

This bill has a human face. It is for Alice in Oklahoma, who was disabled because of multiple sclerosis and receives SSDI benefits. She will now be able to get personal assistance to work

and live in here community. No longer will she have to use all of her savings and half of her wages to pay for personal assistance and prescription drugs. No longer will she be left in poverty.

This bill is for Tammy in Indiana, who has cerebral palsy and uses a wheelchair and works part-time at Wal-Mart. No longer will she be forced to restrict her hours of work. Her goals of becoming a productive citizen will no longer be denied—because now she will have access to the health care she needs.

This bill is for Abby in Massachusetts, who is six years old and has mental retardation. Her parents are very concerned about her future. Already, she has been denied coverage by two health insurance firms because of the diagnosis is of mental retardation. Without Medicaid, her parents would be bankrupted by her current medical bills. Now when Abby enters the work force, she will not have to live in poverty or lose her Medicaid coverage. All that will change, and she will have a fair opportunity to work and prosper.

This bill is for many other citizens whose stories are told in this diary, called ''A Day in the Life of a Person with a Disability.''

Disabled people are not unable. Our goal in this legislation is to banish the stereotypes, to reform and improve existing disability programs, so that they genuinely encourage and support every disabled person's dream to work and live independently, and be a productive and contributing member of their community. That goal should be the birthright of all Americans—and with this legislation, we are taking a giant step toward that goal.

A story from the debate on the Americans with Disabilities Act illustrates the point. A postmaster in a town was told that he must make his post office accessible. The building had 20 steep steps leading up to a revolving door at the only entrance. The postmaster questioned the need to make such costly repairs. He said, ''I've been here for thirty-five years, and in all that time, I've yet to see a single customer come in here in a wheelchair.'' As the Americans with Disabilities Act has proved so well, if you build the ramp, they will come, and they will find their field of dreams. This bill builds new ramps, and vast numbers of the disabled will now come—to work.

The road to economic prosperity and the right to a decent wage must be more accessible to all Americans—no matter how many steps stand in the way. That is our goal in this legislation. It is the right thing to do, and it is the cost effective thing to do. And now we are finally doing it.

Eliminating these barriers to work will help disabled Americans to achieve self-sufficiency. We are a better and stronger and fairer country when we open the door of opportunity to all Americans, and enable them to be equal partners in the American dream. For millions of Americans with disabilities, this bill is a declaration of independence that can make the American dream come true. Now, when we say ''equal opportunity for all,'' it will be clear that we mean all.

No one in America should lose their medial coverage—which can mean the difference between life and death—if they go to work. No one in this country should have to choose between buying a decent meal and buying the medication they need.

Nearly a year ago, President Clinton signed an executive order to increase employment and health care coverage for people with disabilities. Today, with strong bipartisan support, Congress is demonstrating its commitment to our fellow disabled citizens. But our work is far from done.

This bill is only the first step in the major reform of the Social Security disability programs that will enable individuals with disabilities to have the rights and privileges that all other Americans enjoy; 54 million Americans with disabilities are waiting for our action. We will not stop today, we will not stop tomorrow, we will not ever stop until America works for all Americans.

Mr. President, in these final moments, I especially commend President Clinton, Vice President Gore, and Secretary Shalala. President Clinton made this one of his top priorities over this year and during these final negotiations. He understands the importance of this legislation, and this was a matter of central importance to him and his Presidency.

I also thank John Podesta and Chris Jennings who saw this through to the very end.

I commend the many Senate staff members whose skilled assistance contributed so much to the achievement: Jennifer Baxendale, Alec Vachon, and Frank Polk of Senator ROTH's staff; Kristin Testa, John Resnick, Edwin Park, and David Podoff of Senator MOYNIHAN's staff; Pat Morrissey, Lu Zeph, Chris Crowley, Jim Downing, and Mark Powden of Senator JEFFORDS' staff; Connie Garner—a special thanks to Connie Garner—Jim Manley, Jonathan Press, Jeffrey Teitz, and Michael Myers of my own staff; and the many other staff members of the Health Committee and the Finance Committee.

No longer will disabled Americans be left out and left behind. The Ticket to Work and the Work Incentives Improvement Act of 1999 is an act of courage, an act of community, and, above all, an act of hope for the future. I urge its passage, and I reserve the remainder of the time of the Senator from New York.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER (Mr. GRAMS). The Senator from Delaware.

Mr. ROTH. Mr. President, I yield 10 minutes to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico is recognized for 10 minutes.

Mr. DOMENICI. Thank you very much, I say to Senator ROTH.

I might say, on the bill that we are speaking to, the Ticket to Work and Work Incentives Improvement Act, I do not know how many Senators have ever had a disabled person who is holding a job and getting a paycheck. Come and see them. A disabled person who is holding a job and just got a paycheck—and you get to visit with them—they are glowing. They are filled with pride that they are able to work. Actually, it is the best therapy in the world for a disabled person to have a job.

I happen to know that from personal experience in my own family. But I have seen it in scores of faces of people who come and tell me as disabled people that they are working and they are getting a paycheck.

The U.S. Government, probably because it did not understand what it was doing, decided that we would help disabled people who were not working with health insurance, either under Medicare or Medicaid. Then what a cruel hoax, as soon as they started working and making sufficient money, as low as $700 a month, they started losing their health care coverage, and they began to wonder and their parents began to wonder, why did they ever take a job?

For some, they did not even make any net profit out of getting a job. Because if they are cut off from health care, some of them have to pay their entire paycheck to take care of their illness. That is just not right. Frankly, it was a hard issue in terms of drafting something that could work, and I compliment everybody that worked on this bill. I think it is a very important day today.

In fact, I am sorry it is getting passed along with a great deal of other legislation because the importance of it might very well get lost. Sometimes a long debate on a bill is meritorious, for the country finds out what we are doing. They are not necessarily going to find out about this bill because we did not use a lot of time today. But I asked the distinguished chairman if I could use a few moments and he gave it to me. Now, if the Senate would bear with me, I just want to take the remaining time I have, and how much is that?

The PRESIDING OFFICER. The Senator has 7 minutes remaining.

THE BUDGET

Mr. DOMENICI. I am going to take a few moments to thank a few people and summarize the budget bill that we are going to pass this evening, hopefully.

I want to thank the White House for their cooperation in coming to an agreement with reference to the appropriations bill and all of those things that are in the so-called omnibus package.

In particular, I want to thank the director of the Office of Management and Budget, Mr. Lew. The last evening

when we were about to depart and part company and say we will go our own ways, they asked me if I would meet with Mr. Lew, and if we could see if we could work something out. We are here today with a bipartisan bill because we did work something out.

I thought it was the very best thing we could do. Frankly, I am proud of it. I wish it could have been done sooner. I am hoping that next year we will get the appropriations bills done perhaps 6 to 7 or 8 weeks sooner than we did this year. But I want to start by quoting from the New York Times, not necessarily a newspaper that thinks what Republicans do is necessarily good, as I do, but they said in their editorial, on their editorial page, the following thing about this budget bill that we are going to have before us:

There are modest spending increases in some of the President's priority areas like education but over all the Republican approach of spending restraint has shaped this budget.''

I am very proud of that. I think that is true because what we have done is we have kept the faith with those who want a balanced budget. This budget proposal ensures a balanced budget without using Social Security trust fund money.

I ask parenthetically for those who still doubt that because they do not have a Congressional Budget Office letter that says it, if the President of the United States would be asking Democrats to vote for this measure if he and his OMB Director thought it was using Social Security trust fund money? I think the answer is no. They know it does not. I know it does not. And I can promise the Senate, come February or March, when you reestimate everything, it will not be using the Social Security trust fund money.

I think that is the new discipline that has been imposed on our economy and our fiscal policy. It is a brand new event to say we are not going to spend Social Security money, and it is the best thing we can do for the American economy because, Senator MOYNIHAN, to the extent we do not spend it, we reduce the public debt. So for those who are wondering about the public debt, the public debt is reduced dollar for dollar when you leave Social Security surpluses alone year by year as they accumulate and do not spend them.

Now, let me tell you a dramatic statement about our current fiscal policy. Who would think a budget chairman could stand on the floor and say to the Senators who are listening, we will pay down the publicly-held debt by $130 billion? Think of that—$130 billion. If that does not mean that as soon as we saw surplus we did not run out and spend it, then I do not know what it means.

Frankly, I think my good friend, Senator GRAMM from Texas, is correct; in about 30 or 40 years, when they look back on this period in time, they are going to say: Incredible. With the kind of surpluses that existed, not a single new entitlement program of major proportion was started, and not a single new American spending program was started because the accumulations went into the Social Security trust fund instead of being used to pay for more Government.

I am proud of that. I think it is the best medicine for growth and prosperity in the future.

It holds Government spending, as we calculate it overall, to about 3.3 percent this year over last year—that includes entitlements and appropriations—a very interesting number.

In the 1970's, it was 11 percent growth.

In the 1980's, it was 8 percent growth.

For those who in editorial comments across this land call this a bloated budget, let me suggest, the fiscal policy of the United States which has the Government growing less than the economy is growing is not bad fiscal policy. That is about where we are now under the culmination of this budget process for this year.

In the meantime, when we passed the budget resolution in April of this past year, we said we wanted to do some very important things.

First, we wanted to increase the flexibility in education programs. It does not matter how much the President or others claim that the President won the education battle. The truth of the matter is, Republicans put more money in education than the President asked for.

For the first time we have flexibility. Twenty percent of the money that was going to go to teachers directly, and targeted and for nothing else, can be flexibly used by school districts. And the philosophical battle of the future will be flexibility of education funds with accountability versus the targeting and direct aid in very numerous and numbers of targeted mandates that Government says one size fits all. You all use it this way, or you cannot use it at all.

We suggested in our budget resolution that we should put more money into research on the dread diseases that affect our people and mankind. We increased NIH $2.3 billion, which is $2 billion more than the President asked for, for dreaded diseases like cancer, Alzheimer's, and the whole list.

Mr. MOYNIHAN. Food allergies.

Mr. DOMENICI. Allergies—all kinds of things.

We believe the breakthroughs will come in the next the millennium from this kind of investment. We are proud of it. We increased national defense—if you take out emergencies—by $13.5 billion, and increased the pay for the military at a very significant rate, which was long overdue and much needed.

In addition, also in this bill, we have taken care of the shortcomings in Medicare that came from the Balanced Budget Act. And $16 billion goes into that in the next 5 years, including $2.1 billion to replenish skilled nursing home payments. Also, the therapy caps have changed. There are slower reductions in payments for teaching hospitals, and a long list of changes.

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:

MEDICARE AND MEDICAID PROVISIONS SUMMARY

[Nov. 18, 1999, CBO estimates, in billions of dollars]

	2000	2000–2004	2000–2009
Increase Skilled Nursing Facilities Payments	0.3	2.1	2.1
2 Year Moratorium on Therapy Caps	0.2	0.6	0.6
Slow Reductions for Teaching Hospitals	0.2	0.6	0.6
Hospital Outpatient Department Payments	0.3	5.3	11.1
Rural Hospital Provisions	0.0	0.8	1.7
Delay 15% Home Health Reduction	0.0	1.3	1.3
Medicare+Choice Payments	0.0	1.9	2.5
Miscellaneous Medicaid and S–CHIP	0.1	0.9	1.6
Other	0.1	2.5	5.5
Total	1.2	16.0	27.0

1. Nursing homes

Increases payment rates for medically complex cases by 20% from April 2000 to September 2000.

Increases all payments by 4% in 2001 and 2002.

Allows use of higher of federal or current rate at each facility.

2. Therapy caps

Provides a 2 year moratorium on further implementation of the $1,500 therapy caps.

3. Teaching hospitals

Freezes the indirect medical education (IME) add-on rate at 6.5% in 2000 (same as 1999).

Phases-in further reductions more slowly than the Balanced Budget Act schedule.

4. Hospital outpatient departments

Clarifies that the outpatient department prospective payment system should not include an initial 5.7% cut.

Provides temporary protection to hospitals so that payment rates can fall no more than defined percentages from their 1996 levels.

5. Rural hospitals

Provides a five year extension of the Medicare dependent hospital program, and several miscellaneous expansions to the critical access hospital program.

6. Home health

Delays implementation of the 15% cut until October 1, 2001.

7. Medicare+Choice

Phases-in risk adjustment slowly over the period 2000 to 2003 and increases the update by 0.2 percentage point in 2002.

8. Medicaid Disproportionate Share Hospitals (DSH)

Permanently increases the allotment for New Mexico by $4 million per year beginning in 2000.

Many people in the Senate deserve to be thanked for putting this entire appropriations package and budget together. To name a few, I thank the distinguished senior Senator from Alaska, Mr. TED STEVENS, who chairs the overall Appropriations Committee. What a job he had, and what a job he did. And Senator ROBERT BYRD, ranking member, what a difficult job he had. We are here with a bipartisan budget agreement this afternoon because he and other Democrats worked with Republicans to get it done.

Last but not least, I thank the majority leader, who tried very hard to

understand what we were doing, and worked with us. He now is a budget expert. That is good. From time to time, I am very glad we can take matters into his office and he understands it thoroughly.

With that, I yield the floor.

TICKET TO WORK AND WORK INCENTIVES IMPROVEMENT ACT OF 1999—CONFERENCE REPORT—Continued

PRIVILEGE OF THE FLOOR

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that Kyle Kinner, a presidential management intern with the Finance Committee minority staff, be granted the privilege of the floor during the consideration of this conference report.

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

Mr. MOYNIHAN. I have the great pleasure to yield 5 minutes to my friend from Illinois, Senator DURBIN.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 5 minutes.

Mr. DURBIN. I salute Senator ROTH, Senator MOYNIHAN, Senator KENNEDY, Senator JEFFORDS, Senator HARKIN, and others who worked so hard on this Work Incentives Improvement Act.

A close friend of my family had a son who was mentally ill. This young man wanted more than anything to go to work. He knew if he did so, he would lose the protection of health insurance. So he was held back from that opportunity. I don't believe he was better for that. I don't believe America was better for that.

This bill addresses that challenge and says that as the disabled go to work, they will still be able to use Medicaid and Medicare to protect themselves with health insurance even as they earn some income. That is only just. It opens up an opportunity that currently is not there. I am happy to be a supporter of this legislation. I look forward to voting for it when it comes to the floor.

There is some reservation in my mind about the bill that is before us, not because of the provision I just mentioned, nor because of the extension of certain tax credits and benefits, but, rather, because of the language in this bill relating to organ donation.

This is the challenge we face in America. If you are an American grievously ill, in need of an organ transplant, your chances of survival depend more than anything on your address and how much money you have. You could be the most seriously ill person in some State in this Union and be overlooked and bypassed in favor of another patient in another State who is not as seriously ill and might be able to wait. That needs to change. That is certainly not a fair or American way.

The rules we are trying to promulgate to make that change have been the source of great controversy on Capitol Hill. It is sad when it comes to a point where Members of the House and Senate are deeply involved in a debate over the availability of organs for donation to those who need a transplant to live.

In my State of Illinois, over the last 3 years, 97 people have died waiting for organ transplants at the University of Chicago. I see my colleague from the State of Pennsylvania, Senator SANTORUM, where 187 people died waiting at the University of Pittsburgh. My colleagues, Senator MOYNIHAN and Senator SCHUMER, know that 99 people died waiting at Mount Sinai in New York. In the last week alone, two people have died at one of the Chicago transplant centers because an organ did not become available.

If you are an American who needs a liver transplant to survive and you live in the following States, you have much less chance of receiving the transplant: Arizona, California, Colorado, Connecticut, Illinois, Massachusetts, Maryland, Michigan, New York, or Pennsylvania.

This is not a fair system. It is a system which cries out for justice and one that cries out for the politicians to step aside. Let the medical community find the best and most efficient way organs can move to the people who need them to live, instead of getting caught up in some special interest tangle here or political dogfight. It is sad that we are now in a situation on this bill where we have not resolved this contentious issue. I sincerely hope all parties will come together, and soon, to make certain that changes are made to make the system fairer. We know, by the people we represent, that this is literally a life-or-death argument.

Kathryn Krivy lives in Chicago. She runs the wellness clinic at the Northwestern Memorial Hospital. She is desperately in need of a new liver. She has developed primary biliary cirrhosis, a very rare autoimmune disease that is incurable. She has been on the transplant list in Chicago for over 2 years, but currently, because of the delay, she has decided to sign up at the Mayo Clinic in Minnesota because it is much more likely she can receive a transplant in a shorter period of time. She has the knowledge and the resources to make that decision, but many of the poorer people in America waiting for an organ transplant do not have that luxury.

We should not reach the point in America where something as basic as the gift of life, an organ donation, depends on your home address. That is exactly what has occurred. An estimated 66,000 potential organ recipients are waiting their turn. Only 20,000 will see an organ transplant this year. Nearly, 5,000 Americans will die each year, at least 13 every day, while awaiting organ transplants. Of those, it is estimated that 300 to 1,000 Americans, maybe up to 3 a day, might be spared if this system were fairer and were revised. Unfortunately, that is not the case.

Though this is an excellent bill which I support, I believe it is a sad commentary that we have reached this state of affairs. I hope in the next session of Congress we can bring justice to organ donation.

I yield the floor.

Mr. ASHCROFT. Mr. President, today the United States Senate completes its business for calendar year 1999 by passing two important bills: H.R. 3194—the final spending bill, and H.R. 1180—the Work Incentives Act, which provides new opportunities for disabled individuals to enter the work force and includes $18 billion dollars in tax cuts. I am pleased to announce my support for both these bills.

The Chairman of the Senate Budget Committee has eloquently explained how this budget agreement keeps faith with the Republican pledge that no Social Security trust fund monies be used to pay for other government programs.

Last year, for the first since 1960—during the Eisenhower Administration—we balanced the budget without counting the Social Security surplus. Mr. President, for the first time in 39 years the government did not divert money from the Social Security Trust Fund to pay for other programs.

As a result of the spending plan pursued by this Republican Congress, which called for protection of Social Security, increased spending on education and defense, and reduction of the national debt, we have begun to put our fiscal House in order.

When I was elected to this body in 1994, the incoming 104th Congress inherited a projected four-year budget deficit of $906 billion. Now, through the hard work and discipline of this Congress, the tables have turned. That actual four-year period produced a net budget surplus of $63 billion—a turnaround of $969 billion, just a shade under a trillion dollars. With the passage of the final FY 2000 appropriations bill, we will continue on that path, reducing our national debt by $140 billion dollars in the current fiscal year.

Unlike last year's omnibus appropriations package that increased spending by almost $14 billion, this Congress successfully obtained offsets for all of the President's new spending, including an across-the-board cut that will help eliminate government waste and excess. In addition, despite President Clinton's best efforts, the offsets do not include a tax increase.

At the beginning of this year, I said that the Congress' primary responsibility was to protect the Social Security surplus. With the passage of this budget, we have accomplished that goal. In addition, not only have we avoided a tax hike, but we have also given the American people an $18 billion tax cut through the provisions contained in H.R. 1180—the Work Incentives Act.

I am pleased that the final bill includes over $2 billion in additional education spending over last year and gives local school districts more flexibility in how they spend that federal

assistance. The appropriations bill also contains an increase of $1.7 billion for veterans spending above President Clinton's request, as well as an increase in funding for national defense that includes a boost in pay and benefits for our soldiers, sailors, and airmen.

But this bill does not just fund these important priorities, it also provides real cuts in government waste and abuse. The legislation includes a 0.38% across the board reduction that is essential to maintaining our fiscal discipline and protecting Social Security.

Included in this package are provisions to address some unintended consequences of the Balanced Budget Act of 1997 to protect Medicare recipients and providers. This bill includes $16 billion over 5 years to ensure that senior citizens can continue to receive quality health care.

These Medicare changes will help Medicare patients in hospitals—particularly rural, teaching, and cancer hospitals—skilled nursing facility residents, home health care recipients, and seniors who wish to receive their health care through the innovative Medicare+Choice program rather than through the conventional fee-for-service mechanism. I have traveled around Missouri and heard from countless doctors, patients, nurses, and other health care providers about the necessity of these changes. These provisions are good for the seniors in Missouri and across the Nation.

The package also provides for State Department Reauthorization, including language I authored that requires the State Department to publish a report documenting American victims of terrorist attacks in Israel, Gaza, and the West Bank.

In addition, the almost 400,000 Missouri households that are satellite television viewers will be pleased that this bill includes language that will allow them to continue receiving local programming. The Satellite Home Viewer Act will give real price competition and choice in video programming to all Missourians.

Finally, Mr. President, I am pleased that unlike last year, when we lumped all the bills together, allowing $14 billion in extra spending into one package, this year we finished our work on each of the bills, and negotiated each bill on its individual merits. While this bill is an omnibus package for procedural reasons, it was not negotiated as an omnibus package. Every provision was negotiated according to regular order, and as a result, we were able to succeed in our goal of protecting Social Security.

Mr. WELLSTONE. Mr. President, I rise to support this conference report and I say, Mr. President, that I am very happy to have been an original cosponsor of the Work Incentives Improvement Act of 1999.

People all across Minnesota who have contacted my office know the importance of the Work Incentives Improvement Act and how it will further expand the possibilities opened up by the Americans with Disabilities Act which was enacted in 1990. Thanks to the ADA, many people with disabilities in Minnesota and around the country are working, but others still cannot accept jobs because they would lose their health care coverage. This Act will allow them to fulfill their dreams for employment and to be productive citizens.

This legislation has enjoyed overwhelming bipartisan support—with 79 Senate cosponsors. It would make it easier for those receiving disability benefits through Social Security programs to go to work without losing their Medicare or Medicaid health benefits. The legislation also encourages the disabled to seek paid employment by gradually reducing their cash benefits as income increases, rather than cutting them off completely.

Let's look at the current situation for disabled individuals who seek employment and require health insurance coverage. For some of these people, employer-based coverage is unavailable because they are self-employed or because their disabilities prevent them from working full-time. For others, coverage is unaffordable because of copays and co-insurance for repeated, ongoing treatments. For those offered affordable employer insurance, these plans generally cover only primary and acute care, not the specialized medications, equipment, supplies and other long term care needs that individuals with disabilities unfortunately require.

Last year, in the Spring of 1998, the Minnesota Consortium for Citizens with Disabilities surveyed 1200 Minnesotans who have disabilities and found the vast majority were ready to go to work if their current health care benefits remained intact.

Here are two examples from Minnesota:

Let me tell my colleagues about Steve. Steve is a middle-aged adult with advanced Limb Girdle Muscular Dystrophy. He is married, has two grown children, and owns his own home in rural Minnesota. As the manifestations of his condition progressively worsen, Steve has struggled to remain self-sufficient as long as possible using all of his personal resources. Steve's desire to remain an independent contributing member of society is evident in his efforts to develop the skills that enable him to work from home in a computer-based business. Steve is on SSDI making him eligible for Medical Assistance that pays for his health care needs. He is growing weaker and cannot afford to lose his medical assistance eligibility. Steve has a fledgling publishing business; ghost-writing and copy-writing. He crafts sales ads and creates direct mail advertising packages. Steve uses the Internet to market his services. He uses his website as a forum for other authors to advertise their books. He sells space as one would a classified ad. Steve is becoming involved with e-bay auctioning focusing onbooks—first editions and autographed copies. Steve says the Work Incentives Improvement Act is his only opportunity to become financially independent. ''If a person in my position is at risk for all of the medical expenses that one could incur, that is a big incentive not to try to get ahead. I still have my pride, my ego, the desire to rise above.''

Another Minnesotan whose story I would like to tell is Jean. Jean is in her mid-forties and has had Charcot-Marie-Tooth Disease since early childhood. Her muscles have wasted away from her elbows to her finger tips and from her thighs to her toes. She has trunk weakness and uses a power wheelchair for mobility. Jean works in an office as a clerk-typist using a pencil held between her two hands to strike the computer keys and a trackball to navigate her computer. Jean's career is limited by not being able to accept raises, declining wage rewards for the continuing education and skills she has gained, because if she accepted these well deserved raisers, she would exceed Supplemental Security Income's (SSI) earnings threshold of just $500/month and lose her eligibility for medical assistance. ''It just seems unfair that people with disabilities don't have the same opportunities to advance in their careers. Why can't we earn enough money to live in a house? To purchase a van with a lift? To travel?''

These are but two of the thousands of disabled Americans who, with guaranteed continued health care coverage—coverage they already have—would be able to lead more productive lives, productive for themselves, for their families and for their communities. In my state there are not enough workers to meet the needs of Minnesota employers. and I know it is also the case in many communities around the country. According to the Disability Institute, in 7 years Minnesota will need 1 million new workers. The Work Incentives Improvement Act will help match the needs of Minnesota's disabled community with Minnesota employers. That is what I call a real win-win situation.

When President Bush signed the Americans with Disability Act in 1990, he noted that when you add together all the state, federal, local and private funds, it costs almost $200 billion annually to support people with disabilities—to keep them dependent. The ADA was the first giant step forward to allow Americans with disabilities to be independent. The Work Incentives Improvement Act of 1999 which we have before us today is another giant step along the same path, and today I am happy to say that we will be taking that step.

Mr. FRIST. Mr. President, yesterday, the House and Senate Conference Committee reached agreement on the Ticket to Work and Work Incentives Improvement Act of 1999, which addresses

a fundamental inequity for individuals with disabilities.

As a heart and lung transplant surgeon, I witnessed unfair discrimination against patients with disabilities. After a successful transplant, several of my patients were faced with a serious dilemma. They had to choose between keeping their health insurance coverage or returning to work. Under current law, if these patients choose to return to work and earn more than $500 per month, they lose their disability payments and health care coverage provided through Medicare and Medicaid as part of their Social Security Disability Insurance (SSDI). This is health care coverage that they simply cannot get in the private sector, as it is extremely difficult for individuals with severe disabilities to obtain coverage due to their medical history.

Let me illustrate the profound impact this dilemma has had on our disabled Americans. Today, the unemployment rate among working-age adults with disabilities is nearly 75 percent. Only 7% of disabled Americans—318,728 of the 4.2 million non-blind individuals with disabilities—were working in 1997, according the General Accounting Office. Many persons with disabilities who currently receive federal disability benefits, such as SSDI and Supplemental Security Income (SSI), want to work; however, less than one-half of one percent of these beneficiaries successfully forego disability benefits and become self-sufficient. If disabled individuals try to work and increase their income, they lose their disability cash benefits and their health care coverage. The loss of these benefits is simply too powerful of a disincentive to return to work.

In addition, more than 7.5 million disabled Americans receive cash benefits from SSI and SSDI. Disability benefit spending for SSI and SSDI totals $73 billion a year, making these disability programs the fourth largest entitlement expenditure in the federal government. If only one percent—or 75,000—of the 7.5 million disabled adults were to become employed, federal savings in disability benefits would total $3.5 billion over the lifetime of the beneficiaries. Removing barriers to work is not only a major benefit to disabled Americans in their pursuit of self-sufficiency, but it also contributes to preserving the Social Security Trust Fund.

This legislation is critical to the health and well-being of our disabled Americans. It will create new opportunities for individuals with disabilities to return to work while allowing them to maintain their health insurance coverage and disability benefits. In particular, this bill expands new options to states under the Medicaid program for workers with disabilities; continues Medicare coverage for working individuals with disabilities; and establishes a ticket to work and self-sufficiency program.

I would like to thank Senator JEFFORDS for his leadership on this critical issue. I would also like to thank Senators LOTT, ROTH, MOYINHAN and KENNEDY and their House colleagues for their dedication toward reaching consensus on this important legislation.

Mr. KOHL. Mr. President, I rise today in support of the Work Incentives Conference Report. As my colleagues know, this conference report contains a number of items that have been joined together in order to accommodate the end of session schedule, and I would like to offer brief comments on several of those items.

With regard to the tax portion of the conference report, I am in support of the compromise that was reached to extend the expired tax credits. Earlier this year, I supported an ambitious tax relief package which extended the credits and contained my child care tax credit and farmer income averaging relief provisions, as well as targeted tax measures to help Americans pay for education and health care and to expand the low-income housing tax credit. Hardworking American taxpayers created the budget surplus, and a significant portion of that surplus should be returned to them, allowing them to keep more of their own paychecks and helping them plan for their future. It is my hope that when we return in the spring, we will rise above partisan concerns and achieve bipartisan progress towards comprehensive tax relief, as well as the challenge of reforming both Medicare and Social Security And we must do so while continuing our vigilance in protecting the balanced budget gains of recent years.

But for today we will content ourselves with the limited extenders package before us. The research and development tax credit promotes innovation and enhances the competitiveness of American business. The work opportunity and welfare-to-work tax credits continue the partnership between the public and private sector to move those in need of a helping hand off of public assistance and into the workforce. I am also pleased that this tax package preserves eligibility to important tax benefits, such as the child tax credit, by protecting against the encroachment of the alternative minimum tax. While I am concerned that the conferees did not offset fully the costs of these provisions and would have preferred a final version along the lines of the bipartisan, and fully offset, Senate bill, this package is modest and urgently needed. It deserves our endorsement.

I am extremely pleased that we are finally taking the final step to enact the Work Incentives Improvement Act into law. I cosponsored this legislation because I believe strongly that it will have a tremendous impact on the lives of people with disabilities.

Currently, over 9 million people receive disability benefits through the SSDI and SSI programs. Only ½ of 1 percent of SSDI beneficiaries, and only 1 percent of SSI beneficiaries ever return to work. Yet we know that many—in fact, the vast majority—of people with disabilities want to work. In study after study, people with disabilities report that the single biggest obstacle to returning to work is the loss of health care benefits that often comes along with their decision to work. Many do not have access to employer-based health insurance and find policies in the individual insurance market prohibitively expensive. Therefore, disabled beneficiaries who want to work are faced with the choice of returning to work while risking their health benefits or forgoing work to maintain health coverage.

This is simply unacceptable. People with disabilities deserve every opportunity to live healthy, productive lives, and we should encourage and support their efforts to work by ensuring that they continue to have access to the health care services they need. I am pleased that the Work Incentives Improvement Act accomplishes that goal. This bill will ensure that millions of people with disabilities have the opportunity to work if they are able—without the fear of losing the health insurance coverage they need in order to live healthier lives and to succeed in their work. I want to commend the bipartisan efforts of Chairman ROTH, Senator MOYNIHAN, Chairman JEFFORDS, and Senator KENNEDY, in making this bill a reality.

Again, I regret that end-of-year pressure has forced us to combine so many unrelated provisions into a single bill. However, I support the conference report for the reasons I have just stated, and I urge my colleagues to vote for its adoption.

Mr. ALLARD. Mr. President, it is with great reluctance that I vote for the Work Incentives Act Conference Report.

A particular provision, Section 408, has been added to this important piece of legislation at a date too late to make further changes. Section 408 was introduced in the House, included in the Conference Report, but never debated in the Senate. I am a cosponsor of the Senate version of this bill.

In an effort to finish the first session of the 106th Congress we have had no time to sound our concerns and make due changes. Section 408 extends the authority of state medicaid fraud units. Not only would this provision mandate more federal control over what has been historically governed by the states, it also calls for investigation and prosecution of resident abuse in non-Medicaid board and care facilities. This provision allows the federal government unprecedented control over the quality of care in private institutions. This is yet another example of government authority exceeding its' boundaries. I have always been a supporter of state's rights and less government control and I feel these regulations are best promulgated by the states. Certainly they should not be promulgated in the final days of the session.

It is my opinion that we must reduce the amount of federal government regulation and not further impede the rights of care providers and state officials to monitor private industry. I make an effort to examine all pieces of legislation to ensure that the end results is objective and does not further burden individuals with undue regulation.

Again it is with great reluctance that I vote for this act. The changes made in the Conference Report at this late date are onerous and threaten the sanctity of private health care providers.

Mr. LIEBERMAN. Mr. President, I rise to express my support for the tax extenders package included in the Work Incentives Act conference report. In the context of our current budget situation of a small projected on-budget surplus for FY 2000, I believe this tax package strikes an important balance between fiscal responsibility and tax relief.

Although I would have preferred a fully offset tax package, I am pleased that the bill is fully offset for FY2000 and partially offset for FY2001, the two years for which most of the tax provisions are extended by law. If two years from now when we reconsider most of these provisions a on-budget surplus does not exist, I will push for an extenders package that is fully offset to ensure that we do not go into deficit as a result of tax relief measures.

The package includes several important provisions that I strongly support. The Research and Experimentation Tax Credit is important for our future international competitiveness. This tax credit provides an important incentive for our companies to research and innovate. I hope that in the near future we will update this credit to reflect current business conditions and to make it a permanent part of the tax code.

The AMT modification, the Worker Opportunity Tax Credit, and the Welfare-to-Work Tax Credit are all important provisions to help low to moderate income earners create more opportunities and to improve their living standards. I am pleased that the Finance Committee decided to include renewal of the Generalized System of Preferences in this tax package. This is a critical program for promoting growth in developing economies and for increasing international trade integration.

I strongly support the provision to extend and modify the tax credit for electricity produced by wind and biomass materials. In order to ensure energy security and address national environmental priorities such as clean air and mitigation of global climate change, it is essential that renewable energy options become more competitive. These tax provisions will ensure that renewable energy technologies will be able to compete more equitably with fossil sources such as coal and oil. However, while this package includes modest extensions and modifications, I am disappointed that the bill does not go further by extending the credit to include landfill methane and other cellulosic feedstocks.

I would like to thank Chairman ROTH and Senator MOYNIHAN for their hard work in getting this package together. It is a fiscally responsible and an appropriate package under our current fiscal situation. I urge my colleagues to support this bill.

Mr. JEFFORDS. Mr. President I am delighted to stand before you today, to speak about an extremely important piece of legislation. The bill we are sending to the President today, a bill I know he is eager to sign into law, will have a tremendous impact on people with disabilities. In fact, this legislation is the most important piece of legislation for the disability community since the Americans with disabilities Act.

My reason for sponsoring this particular piece of legislation is quite simple. The Work Incentives Improvement Act of 1999 addresses a fundamental flaw in current law. Today, individuals with disabilities are forced to make a choice . . . an absurd choice. They must choose between working and receiving health care. Under current federal law, if people with disabilities work and earn over $700 per month, they will lose cash payments and health care coverage under Medicaid or Medicare. This is health care coverage that they need. This is health care coverage that they cannot get in the private sector. This is not right.

Once enacted, the Work Incentives Improvement Act of 1999 will allow individuals with disabilities, in states that elect to participate, continuing access to health care when they return to work or remain working. In addition, those individuals who seek it, will have access to job training and job placement assistance from a wider range of providers than is available at this time. Currently, there are 9.5 million individuals with disabilities across the country who receive cash payments and health care coverage from the federal government. Approximately 24,000 of these individuals live in my home state, Vermont. Once enacted, the Work Incentives Improvement Act will actually save the federal government money. For example, let's assume that 200 Social Security disability beneficiaries in each state return to work and forgo cash payments. That would be 10,000 individuals out of the 9.5 million individuals with disabilities across the country. The annual savings to the Federal Treasury in cash payments for just these 10,000 people would be $133,550,000! Imagine the savings to the Federal Treasury if this number were higher. Clearly, the Work Incentives Improvement Act of 1999 is fiscally responsible legislation.

I began work on this bill 1996. Though it was a long and sometimes difficult task, many hands made light work. Senator KENNEDY, Ranking member on the HELP Committee, joined me in March 1997. Senators ROTH and MOYNIHAN, Chairman and Ranking Member on the Finance Committee signed on as committed partners in December of 1998. Last January, 35 of our colleagues, from both sides of the aisle, joined us in introducing S. 331, the Senate version of this legislation. One week later, in a Finance Committee hearing, we heard compelling testimony from our friend, former Senator Dole, a strong supporter of this legislation. A month later, we marked this legislation out of the Finance Committee with an overwhelming majority in favor of the bill. Finally, on June 15th, with a total of 80 cosponsors, we passed this legislation on the floor of the United States Senate, with a unanimous vote of 99–0.

Four months later, over 35 of our colleagues in the House of Representatives, took to the floor of their chamber, and spoke eloquently for their version of this legislation. Later that day, the bill passed the floor of the House with a vote of 412–9. Since then, the Senate and House Conferees have been working diligently in effort to reach common ground. I am very pleased today, that the differences in policy in the two different bills have been resolved and consensus has been reached on a conference agreement. This agreement does not compromise the original intent of the legislation, retaining key provisions from S. 331.

From my perspective, the Work Incentives Improvement Act of 1999 represents a natural and important progression in federal policy for individuals with disabilities. That is, federal policy increasingly reflects the premise that individuals with disabilities are cherished by their families, valued and respected in their communities, and are an asset and resource to our national economy. Today, most federal policy promotes opportunities for these individuals, regardless of the severity of their disabilities, to contribute to their maximum potential—at home, in school, at work, and in the community.

I have been committed to improving the lives of individuals with disabilities throughout my Congressional career. Providing a solid elementary and secondary education for children with disabilities, so that they will be equipped, along with their peers, to benefit from post-secondary and employment opportunities is crucial. When I came to Congress in 1975, Public Law 94–142, the Education for all Handicapped Children Act, now the Individuals with Disabilities Education Act (IDEA), was enacted into law. IDEA assures each child with a disability, a free and appropriate public education. I am proud to be one of the original drafters of this legislation which has reshaped what we offer to and expect of children with disabilities in our nation's schools.

In addition, I have been committed to providing job training opportunities for individuals with disabilities. In

1978, I played a central role in ensuring access to programs and services offered by the federal government for individuals with disabilities through an amendment to the Rehabilitation Act. I believe that this amendment alone laid the foundation for significant legislation that followed, including the Technology-Related Assistance for Individuals with Disabilities Act of 1988, now the Assistive Technology Act of 1998, both of which I drafted. Most importantly, this legislation opened the doors for the most comprehensive piece of legislation of all, the Americans with Disabilities Act of 1990. This legislation prohibits discrimination on the basis of disability in employment, public services, public accommodations, transportation, and telephone service.

These laws have forever changed the social landscape of America. They serve as models for other countries who recognize that their citizens with disabilities are an untapped resource. In our country, individuals with disabilities are seen everywhere, doing everything. Just this past weekend, thousands of physically disabled individuals participated in the New York City Marathon, as they have been doing for years. The expectations that these people set for themselves and the standards we apply to them have increasingly been raised, and now in many circumstances equal those set and applied to other individuals.

Unfortunately, one major inequity remains. That is, the loss of health care coverage if an individual on the Social Security disability rolls chooses to work. Individuals with disabilities want to work. They have told me this. In fact, a Harris survey found that 72 percent of Americans with disabilities want to work, but only one-third of them do work. With today's enactment of the Work Incentives Improvement Act of 1999, individuals with disabilities will no longer need to worry about losing their health care if they choose to work a forty-hour week, to put in overtime, or to pursue career advancement. Individuals with disabilities are sitting at home right now, waiting for this legislation to become law. Having a job will provide them with a sense of self-worth. Having a job will allow them to contribute to our economy. Having a job will provide them with a living wage, which is not what one has through Social Security.

In addition to continuing health care coverage and providing job training opportunities for individuals with disabilities, this legislation offers many other substantial long-term benefits. The Work Incentives Improvement Act of 1999 will give us access to data regarding the numbers, the health care needs, and the characteristics of individuals with disabilities who work. Furthermore, this legislation will provide the federal government as well as private employers and insurers, the facts upon which to craft appropriate future health care options for working individuals with disabilities. It will allow employers and insurers to factor in the effects of changing health care needs over time for this population. Hopefully, it will even improve the way in which employers operate return-to-work programs. Through increased tracking of data, we will learn the benefits of intervening with appropriate health care, when an individual initially acquires a disability. We will also learn the value of continuing health care to a working individual with a disability. If an individual, even with a severe disability, knows that he or she has access to uninterrupted, appropriate health care, the individual will be a healthier, happier and thus more productive worker.

I would like to take the time now to briefly outline the major provisions which have remained as part of this legislation. The conference agreement retains the two state options of establishing Medicaid buy-ins for individuals on Social Security disability rolls, who choose to work and exceed income limits in current law, as well as for those who show medical improvement, but still have an underlying disability. For working individuals with disabilities, the conference agreement extends access, beyond what is allowed in current law, to Medicare. In addition, the legislation before us today retains several key provisions from S. 331, including, the authority to fund Medicaid demonstration projects to provide access to health care to working individuals with a potentially severe disability; the State Infrastructure Grant Program, to assist states in reaching and helping individuals with disabilities who work; work incentive planners and protection and advocacy provisions; and finally, most of the provisions in the Ticket to Work Program.

In order to control the cost of this legislation, compromises were made. Although the purpose of the State Infrastructure Grant Program and the Medicaid Demonstration Grant Program remain the same, the terms and conditions of these grants were altered in conference. As a result, states are not required to offer a Medicaid buy-in option to individuals with disabilities on Social Security, who work and exceed income limits in current law, prior to receiving an Infrastructure or a Medicaid Demonstration Grant.

Also in Conference, the extended period of eligibility for Medicare for working individuals with disabilities has been changed from 24 to 78 months. During this extended period, the federal government is to cover the cost of the Part A premium of Medicare for a working individual with a disability, who is eligible for Medicare. S. 331 would have extended such coverage for an individual's working life, if he or she became eligible during a 6-year time period.

I would like to note two changes to the Ticket to Work program made during Conference. The new legislation shifts the appointment authority for the members of the Work Incentives Advisory Panel from the Commissioner of Social Security to the President and Congress. In addition, language regarding the reimbursements between employment networks and state vocational rehabilitation agencies was deleted in Conference. The new legislation gives the Commissioner of Social Security the authority to address these matters through regulation.

Although several changes have been made from the original Work Incentives bill, I am still very pleased with what we are adopting today. This is legislation that makes sense, and it will contribute to the well-being of millions of Americans, including those with disabilities and their friends, their families, and their co-workers. Today's vote provides us the opportunity to bring responsible change to federal policy and to eliminate a misguided result of the current system—if you don't work, you get health care; if you do work, you don't get health care. The Work Incentives Improvement Act of 1999 makes living the American dream a reality for millions of individuals with disabilities, who will no longer be forced to choose between the health care coverage they so strongly need and the economic independence they so dearly desire.

In closing, I would like to thank the many people who contributed to reaching this day. I especially thank the conferees, Majority Leader LOTT, Senators ROTH and MOYNIHAN, and in the House, Majority Leader ARMEY, and Congressmen ARCHER, BLILEY, RANGEL, and DINGELL. I also thank their staff who worked so closely in effort to reach this day. From my staff, I thank Pat Morrissey, Lu Zeph, Leah Menzies, Chris Crowley, and Kim Monk. I want to recognize and extend my appreciation to the staff members of my three fellow sponsors of this bill; Connie Garner in Senator KENNEDY'S office, Jennifer Baxendell and Alexander Vachon with Senator ROTH, and Kristen Testa, John Resnick, and Edwin Park from Senator MOYNIHAN'S staff. Finally, I wish to thank Ruth Ernst with the Senate Legislative Counsel for her drafting skill and substantive expertise, her willingness to meet time tables, and most of all, her patience. In addition to staff, we received countless hours of assistance and advice from the Work Incentives Task Force of the Consortium for Citizens with Disabilities. These individuals worked tirelessly to educate Members of Congress about the need for and the effects of this legislation.

Finally, I would like to urge my colleagues in both chambers to set aside any concerns about peripheral matters and to focus on the central provisions of this legislation. Let's focus on what today's vote will mean to the 9.5 million individuals with disabilities across the nation. At last, these individuals will be able to work, to preserve their health, to support their families, to become independent, and most importantly, to contribute to their communities, the economy, and the nation.

We are making a statement, a noble statement and we must do the right thing. Let's send this bill to the President.

Mr. REED. Mr. President, I rise today in strong support of the Ticket to Work and Work Incentives Improvement Act.

I want to pay tribute to my colleagues, Senators KENNEDY and JEFFORDS, who began working on this legislation in the last Congress—effectively building support for this bill from a handful of senators to 79 cosponsors.

I also want to commend Senators MOYNIHAN and ROTH, who have dedicated their time and effort to this important cause. They have kept the debate on this bill focused on the substance, and have prevented it from degenerating into grandstanding or partisan bickering.

But the lion's share of credit should go to the members of the disability community, who have been tireless advocates for work incentives legislation. Without their hard work, we would not be here today. This bill is the product of their grassroots activism—making a common sense idea into a national policy.

As my colleagues know, the major provisions of the Ticket to Work and Work Incentives Improvement Act are infinitely sensible. They would remove the most significant barrier that individuals with disabilities face when they try to return to work—continued access to adequate health care.

Currently, individuals with disabilities face the dilemma of choosing between the Medicare and Medicaid health benefits they need and the job they desire. Mr. President, this is not a choice at all, and it is regrettable.

According to surveys, about three quarters of individuals with disabilities who are receiving Supplemental Security Income (SSI) and Social Security Disability Insurance (SSDI) benefits want to work. Sadly, less than one percent are actually able to make a successful transition into the workforce. A major barrier seems to be the lack of sufficient health care coverage.

By passing this legislation, we will extend eligibility for Medicare and Medicaid and provide a helping hand to individuals with disabilities who aspire to work.

Mr. President, this legislation also takes a step to help workers who are stricken with progressive, degenerative diseases, such as Multiple Sclerosis, HIV/AIDS, and Parkinson's Disease, which can be slowed with proper treatment. With the health coverage buy-in offered under this bill, these workers can continue to hold a job instead of leaving the workforce in hopes of meeting the need requirements for Medicaid coverage.

These citizens can continue to make substantial contributions to the workplace and to society while benefitting intellectually and emotionally.

With the Americans with Disabilities Act, Congress adopted legislation to combat discrimination and remove physical barriers from the workplace. Now, we have the chance to lift yet another barrier to work, the loss of health care coverage.

In my home state of Rhode Island, more than 40,000 individuals with disabilities could benefit from the work incentives bill. Across the country, more than 9.5 million people could be positively affected by this legislation.

Our booming economy has created millions of new jobs, and has brought thousands of Americans into the workforce for the first time. By passing this legislation, we can take another step to help a significant group of Americans participate in our national economic prosperity.

Mr. President, before I yield, I would like to briefly mention my concern about some offsets attached to this measure. As colleagues who have followed this bill know, it seemed as if there was a revolving door when it came to the consideration of offsets during the Conference. Provisions came and went and returned again.

I was pleased that a controversial offset regarding the refund of FHA upfront mortgage insurance premiums was withdrawn. This offset was essentially a $1,200 tax on approximately 900,000 low- and middle-income families and first-time home-buyers, and the conferees were right to omit it from this bill.

Regrettably, the bill retains two other controversial offsets, which I oppose. The first is an assessment on attorneys representing clients with Social Security disability benefits claims. Although the Administration supports this offset, I believe that it will discourage qualified attorneys from taking on these complicated, labor-intensive claims cases—which already offer little remuneration to attorneys. Ultimately, this assessment will hurt those individuals trying to secure their rightful benefits, not the attorneys. I commend the conferees for taking steps to blunt the impact of this provision by capping the fee at 6.3% and requiring GAO to study the cost and efficiency of this and alternative assessment structures. Nonetheless, I still believe that this is an inappropriate offset.

The other offset changes the index for student loan interest rates from the 91-day Treasury bill to the three-month rate for commercial paper. This provision saves a modest amount of money in the short-term. Unfortunately, those savings will not be transferred to students, and the offset will actually put taxpayers on the hook if the markets turn sour. Let me add that this provision flies in the face of an agreement reached in last year's Higher Education Act Amendments. Under that legislation, we were to study the impact of this type of conversion. We are still awaiting the findings of that study, and in the absence of an authoritative conclusion, I believe it is premature to entertain this change in policy. Mr. President, setting these important concerns aside, I believe that the Ticket to Work and Work Incentives Improvement Act is a major victory for all Americans, and we should all support it. I want to again commend the leading Senate sponsors, Senators KENNEDY, JEFFORDS, MOYNIHAN, and ROTH for their tremendous work in bringing this legislation to this point, and I urge all of my colleagues to vote for it.

The PRESIDING OFFICER. Who yields time?

Mr. ROTH. Mr. President, I yield 8 minutes to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 8 minutes.

Mr. SANTORUM. Mr. President, I want to pick up where the Senator from Illinois left off. I think he hit the nail on the head with respect to our concern with a provision in this bill which will create an additional moratorium for the organ allocation regulations to go into effect.

There will be a 90-day moratorium. Senator DURBIN, Senator SCHUMER, Senator MOYNIHAN, Senator SPECTER, and I, and many others have some grave concerns about its impact on thousands of people who are on transplant lists across this country and their ability to get organs in what may be the last few days of their lives. That is, unfortunately, what is going to occur. We are going to delay a system being put into place which would put a priority on the health status of the person on the transplant list as opposed to the residency status of where that person happens to be in the hospital.

It is a battle. It is an economic battle in many respects. And certainly, from some perspectives, I have transplant centers in my State that support these regulations; I have transplant centers in my State that oppose them. I look at it from the unbiased position of, what is in the best interest of the patient? For me, as Senator DURBIN just said, when 3 of the 11 people who will die today because organs are not available, when 3 of them needlessly die because we are transplanting organs that would otherwise go to them into people who are healthier and would not die but for the transplant, then we have something seriously wrong in this country. We have something seriously wrong when geography trumps patient need. That is what the current organ allocation system has.

Why has that occurred? This was a system that was put in place well over 10 years ago, when there were fewer transplant centers and when organs could not survive as long after being harvested. So geography did play an important role because the organ that was harvested had to be quickly transported to a hospital and implanted into the donee. That has changed. Now organs survive for around 4 hours, according to our transplant surgeon, Dr. FRIST, who lectured us on this a little

while ago. Now we have the ability to more broadly spread these organs out so we can reach sicker people. Yet the organ allocation system developed well over 10 years ago still focuses on geography. It may have been applicable at one time. It doesn't work anymore. People are dying as a result of it.

We have 4,000 people on transplant lists; 1,000 will die. And it is incredible to me that those will die unnecessarily—4,000 will die and 1,000 will die unnecessarily—because of our regulations.

We have gone through a moratorium on these regs. I know this is a very controversial issue. It is a controversial issue because of economics. There is no controversy anymore as to what is in the best interest of patients. Last year, when Bob Livingston was able to get a year delay as chairman of the Appropriations Committee, we said, well, the medical evidence will sustain their position that geography is the best way to do this. So we asked for a study—the study of the Institute of Medicine—to determine the findings of a nonpartisan, nonbiased organization. Let me tell you what they came back with:

> On the basis of the analysis of this report, it seems apparent that patients on liver transplant——

That is what they specifically looked at——

> waiting lists will be better served by an allocation system that facilitates broader sharing within broader populations.

The Institute of Medicine says ''broader sharing,'' with geography being a lower priority factor in the decision.

This question was also put forward: Will more people die if we continue this system?

Again, the Institute of Medicine was very clear:

> Increased sharing of organs would result in increasing transplantation rates for status 1 patients, the sickest patients, decreasing pre-transplantation mortality for sicker patients, which is status 2(b), and decreasing transplantation rates for status 3 patients, without increasing mortality.

That is the key. Yes, status 3, the healthier patients, will get fewer organs, but they won't die as a result of that. Yes, status 1 and 2(b) patients will get more transplantations and will live as a result of that, where they otherwise would die.

So it is clear, again, from the medical evidence the Institute of Medicine has put forward that a broader geographic sharing is the way to go. That is what these regulations dictate—that the sicker patients should get these before they die, not healthy patients who would otherwise live or would live for a long period of time without transplants.

The other issue you will hear brought up is that we need geography to be a big factor because it increases the availability of organs, that people want to donate organs in their community. The Institute of Medicine looked at this and found no convincing evidence to support the claim that broader sharing would adversely affect donation rates, or potential donors would decline to donate because an organ might be used outside the immediate geographic area.

I have an organ donor card. I am someone who, upon my demise, wants to be able to give organs to someone else so they might live. I don't care whether it goes to somebody in Pittsburgh, or in Chicago, or in Alabama, as long as it goes to the person who needs it the most.

That brings me to my final point, on which I think we can all agree. This debate is contentious, and the reason for that is, we don't have enough organs. So I just say that we can all agree that we need to do more to encourage organ donation. People are needlessly dying because people and families have trouble at that moment of death—I know how difficult that can be—making the decision to donate the organs of somebody who is brain dead to someone else who can live as a result of that donation. Hopefully, through this discussion, we can also work on how we can broaden the availability of organs so this contentious issue of regional transplant centers will be minimized in the future.

Mr. President, with that, I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. MOYNIHAN. Mr. President, I have the great honor and pleasure to yield 5 minutes to the Senator from Iowa, who is so active in the Ticket to Work legislation.

The PRESIDING OFFICER. The Senator from Iowa is recognized for 5 minutes.

Mr. HARKIN. Mr. President, I thank the ranking member on the committee. I rise in strong support of the Work Incentives Improvement Act. I really want to commend my two colleagues, Senator JEFFORDS of Vermont and Senator KENNEDY from Massachusetts, for their excellent work in getting this very important piece of legislation through. I want to also thank the members of the Finance Committee—in particular, Senator ROTH and Senator MOYNIHAN—for their hard work on this legislation.

For people with disabilities all over this country, this is truly an incredible day. Congress is continuing to fulfill the promise we made to people with disabilities 9 years ago when we passed the Americans With Disabilities Act in 1990. When we passed the ADA, they told Americans with disabilities that the door to equal opportunity was finally open. And the ADA has opened doors of opportunity—plenty of them. Americans with disabilities now expect to be treated as full citizens, with all the rights and responsibilities that entails.

But our work is not finished. Far too many people with disabilities who want to work are unemployed. One of the main reasons they are unemployed is, under the current system, people have to choose between a job and health care. I could not put it any better than a constituent of mine, a young woman by the name of Phoebe Ball. Phoebe just graduated from the University of Iowa. She was shocked when they found that if she took an entry-level job paying $18,000 a year, she would suffer a huge loss—her health insurance.

So Phoebe wrote an article for the newspaper. I will read part of it:

> I want off SSI desperately . . . I want to work. I want to know that I have earned the money I have . . .
>
> My parents and my society made a promise to me. They promised me that I can live with this disability, and I can . . . What is limiting me right now is not this wheelchair, and it's not this limb that's missing. It's a system that says if I can work at all, then I'm undeserving of any assistance, I'm undeserving of the basic medical care that I need to stay alive.
>
> . . . What is needed is a government that understands its responsibility to its citizens . . . then we'll see what we are capable of, then we'll be working and proving the worth of the Americans With Disabilities Act.

I could not say it any better than Phoebe just did. The Work Incentives Improvement Act is a comprehensive bill that will be the answer to Phoebe Ball's dilemma. If only 1 percent—or 75,000—of the 7.5 million people with disabilities, such as Phoebe, who are now on benefits were to become employed, Federal savings would total $3.5 billion over the work life of these beneficiaries. That not only makes economic sense, it contributes to preserving the Social Security trust fund.

The disability community across this country and Members from both sides of the aisle have wholeheartedly endorsed this bill. Rarely do we see such broad bipartisan support. But that is because on this particular issue it is easy to agree—people with disabilities should continue to move toward greater and greater independence.

In that spirit, Senator SPECTER and I introduced the Medicaid Community Attendant Services and Supports Act earlier this week. Its shorthand name is MCASSA. This bill will build on what we are doing today with the Work Incentives Improvement Act. Ten years after the passage of the Americans With Disabilities Act, next year, we are still facing the situation where our current long-term care program favors putting people into institutions.

A person has a right to the most expensive form of care—a nursing home bed—because nursing home care is an entitlement. But if that same person with a disability wants to live in the community, he or she is going to have to face a lack of available services because community services are optional under Medicaid. Nursing home is a mandatory entitlement, but if you want to live in the community, that is optional. Well, the purpose of our bill is to level the playing field and give people with disabilities a real choice.

Our bill would allow any person entitled to medical assistance who would

go to a nursing facility to use the money for community attendant services and support. In shorthand, what our bill says is: Let the Federal money follow the person and not the program. If that person wants to use that money for community-based services and attendant services, that person with a disability ought to be able to use the money that way. If they want to use the money for a nursing home, leave it up to the individual; we should not be dictating where they ought to live and how they ought to live. As is the work incentives bill, MCASSA is rooted in the promise of ADA—equality of opportunity, full participation, independent living, and economic self-sufficiency for all.

I thank the Chair.

I thank the President.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. ROTH. Mr. President, I yield 4 minutes to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 4 minutes.

Mr. SESSIONS. Mr. President, I thank the Senator from Delaware, and I thank him particularly for his interest on this issue and so many other issues that have been before this Senate, including all of the major tax cuts in our country in the last number of years. He has been a key player in that.

The issue before us today involves many different aspects. I believe very strongly that the organ transplant issue is critical for our Nation. We have made such magnificent progress in enhancing the availability of organs, helping people who receive those organs, and increasing the success rate of organ transplants. It has been a continual series of advancements—whether it is medication to avoid rejection, or the skill of a surgeon, and so forth. The key to that has been the magnificent services rendered by organ transplant centers all over the country.

The plan that has been directed and proposed by Secretary Shalala of HHS, which gives her, in fact, the total ability to void and dictate the regulations, that plan has been opposed and is not supported by the overwhelming number of organ transplant centers in this country. They do not believe it will save lives. They do not believe it will help the system to have Washington decide who gets organ transplants.

We have a system that is working and getting better on a daily basis, which is something of which we can be extraordinarily proud.

In Alabama, the University of Alabama at Birmingham is No. 1 in the world in kidney transplants. They are exceptionally skilled at that procedure, and is one of the great organ transplant centers in the world. Others are similar around the country. They are very uneasy about and object to this consolidation of power in the Secretary's office—a person who is not elected by the people, and yet is about to impose regulations on the dispersement of organs in America.

This is a matter that ought to be and by law and right should be done in the U.S. Congress. The House passed a bill quite different from the Secretary's proposal. The committee met in the appropriations, and several Senators who had a view on this came up with a bill giving a 42-day window to change any rule she might pass. We will hardly be in session. We will not be in session in 42 days. Ninety days is the minimum time we can have so that this Congress can fulfill its responsibility to the health and safety of this country by having hearings and passing legitimate legislation on organ transplantation.

I would point out that the chairman of that subcommittee of the committee of which I am a member, Senator FRIST, Dr. FRIST, is one of the great organ transplant surgeons in America. He did the first organ-lung transplant in the history of the State of Tennessee. He will chair that committee. He is going to be fair on this issue.

But there is a congressional responsibility, and the minimum time we can accept is the 90 days that has been proposed.

I thank the Chair.

I hope and I am confident that will be part of this legislation.

Mr. MOYNIHAN. Mr. President, I am happy to yield 3 minutes to my colleague and friend from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 3 minutes.

Mr. SCHUMER. Mr. President, I thank the Senator for yielding time.

I rise, along with my colleagues from Pennsylvania and Illinois, very much against my colleague from Alabama on this important issue.

When somebody donates a liver or lungs or a kidney or a heart, they do not donate it in a particular area. They don't donate it and say: I want the person who lives in the State of Alabama or the State of New Jersey to have it. They donate it to do the most good.

Finally, we have come up with a solution with provisions that are fair—that say it doesn't matter where you live but rather what your need is in terms of getting an organ.

All of a sudden, to my disappointment, in the dark of night a ruling of that position was put into the legislation.

I think this is wrong. When somebody needs a liver in New York, and they need it, and their life depends on the liver, that liver should not go to someone in another State who has at least 3 years to live on their existing organs.

It is so wrong to create geographic divisions. We have learned that. The Secretary of HHS has promulgated regulations which, if I had my way, would be promulgated immediately.

My friend and colleague, who I know is very sincere in this, the Senator from Alabama, and others, put in a provision to delay this for 90 days.

I thank the Senator from Pennsylvania, Senator LOTT, and the Secretary of HHS for trying to compromise this issue so it can be fair to all.

We must and we will continue to fight, those of us who believe that organ donations should go to those who need it the most, and not those who live in a certain geographical area be given those organs.

The system has been supported by the National Academy of Sciences Institute of Medicine. It was developed by medical people and scientists. That is the way it ought to be.

We ought not hold organs hostage to political, geographic, and other divisive considerations.

Again, when somebody donates an organ, a beautiful and selfless act, it ought not be marred by politics. It ought to go to the person of greatest need, no matter where that person lives.

Mr. President, I yield the remainder of my time.

Mr. MOYNIHAN. Mr. President, I am happy to yield 3 minutes to my friend, Senator WELLSTONE.

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

Mr. WELLSTONE. Mr. President, I want to actually start out on a positive note by raising one question.

This Work Incentives Improvement Act is a very important piece of legislation for all the reasons my colleagues have explained. I will go through that in a moment.

I don't understand why there is in this piece of legislation a $1.7 billion subsidy for higher education lenders. I don't understand what that is doing in this piece of legislation. We are talking about whether or not people with disabilities are going to be able to work and maintain their health care coverage. That is what is so important about this legislation. It is incredibly important to the disabilities community in my State and across the country.

I thank Senators KENNEDY, JEFFORDS, ROTH, and MOYNIHAN. But I have to raise this question just for the RECORD.

What are we doing putting a $1.7 billion subsidy in here for higher education lenders? Students could use this money by way of expanding the Pell grant. Students could use the money by way of low interest loans. Students could use the money to make higher education more affordable. But why is this provision being linked to another piece of legislation?

I must say again that when we get back to how we conduct our business, I hope next time we will not put these kinds of provisions together. This is not the way to legislate.

I think it is a great piece of legislation. I am going to support it. But I certainly don't think we should have this $1.7 billion subsidy for the lenders as a part of this bill.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I ask unanimous consent that the voting schedule occur no later than 5 p.m. this evening, and that it be reversed so that the first vote will now occur on the adoption of the Work Incentives conference report, to be followed by the cloture vote, and finally adoption of the appropriations conference report.

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

Mr. MOYNIHAN. Mr. President, in the spirit of the hour, the Democratic side yields the remainder of its time to the distinguished and ebulliently happy majority leader.

Mr. LOTT. Thank you, Mr. President. It is always a great pleasure to work with the Senator from New York. It is even more fun to hear him speak. I am not sure what he said, but it sounded beautiful. I take it as a high compliment as I always do.

For the sake of a colloquy to clarify a section in the work incentives bill, I yield to Senator SANTORUM. We will have a colloquy with Senator SANTORUM, Senator SCHUMER, and myself.

Mr. SANTORUM. Mr. President, there is an issue over the language contained in section 413 of H.R. 1180 and the intent thereof that I ask the majority leader to clarify.

Mr. LOTT. Mr. President, I thank the Senator from Pennsylvania, and the Senator from New York, Mr. SCHUMER, for working with me on this and for their devotion to this important public health issue.

It is one which is important to our country and to the people that need the organ transplants. We have to try to find the best and the fairest way to deal with this issue. I am happy to clarify this issue contained in the legislative measure.

Mr. SANTORUM. I wish to clarify the language in section 413 of H.R. 1180 pertaining to the implementation of the Secretary of Health and Human Service's final rule on organ procurement and the transplantation printed in the Federal Register on October 20, 1999, specifically to ensure that this language allows, but does not require, the Secretary of HHS to revise this rule after the 90-day period beginning on the date of enactment of this act.

Mr. LOTT. Mr. President, the language will delay the rule for 90 days. That is what is required and that was my intent, from the date of enactment of H.R. 1180, in order to facilitate additional public review. It is not the intent of the legislation to cause any unreasonable delay in the formulation of necessary improvements in national organ transplant policies, but rather to permit constructive review of the information that will be available and for the Congress to review it.

Furthermore, I make clear section 413 provides that the rule is not effective until the expiration of the 90-day rule beginning on the date of enactment of this act. During that 90-day period, the Secretary shall publish a notice eliciting public comments on the rule and shall conduct a full review of the comments. At the end of the period, section 413 allows, but does not require, the Secretary to make any revisions in the rule that she deems appropriate.

Mr. SANTORUM. I thank the majority leader for the clarification.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, will the Senator from Pennsylvania yield for a brief statement?

Mr. LOTT. I believe I have the time and I will yield.

Mr. SCHUMER. Mr. Leader and Senator SANTORUM, I have spoken with the Secretary of HHS and she has assured me this clarification has the support of the administration and it is something she, and it, intend to stand by.

Mr. LOTT. I thank the Senator.

Does the Senator from Alabama wish to speak?

Mr. SESSIONS. Mr. President, is it your expectation following the 90-day period during which the Secretary reviews the public comments that as of today we have not had a formal comment period, as I understand it; that the Secretary should inform the Congress of her reasons behind any final decision she would make?

Mr. LOTT. Yes, absolutely. I expect that and I believe she will do that.

Mr. SESSIONS. I wish to say that I know a lot of hard work has gone into this very contentious issue. Some said this had happened in the dead of night. What happened in the dead of night—I serve on the health committee that should be dealing with this—this 42-day rule went in. Our committee never voted on that or had hearings on it.

This at least gives our committee a narrow window of opportunity to try to deal with it. It won't be a full 90 days because we will be out half of that. It will be a narrow opportunity with Senator BILL FRIST chairing it and maybe we can work out some things that make sense. Right now I am very troubled. The overwhelming majority of the transplant centers are not happy with these rules as they are being developed. I think the Congress must speak.

I yield the floor.

Mr. LOTT. Mr. President, if I have time remaining, I yield the floor. I believe we are prepared to begin our series of votes, unless the chairman or ranking member would desire to wrap up.

The PRESIDING OFFICER. All time has expired.

Mr. ROTH. Mr. President, I would also like to quickly thank several staff members who have been working long and hard to make this bill possible.

Let me thank several members of Senator MOYNIHAN's staff—as always, they are skilled professionals who have been our partners working on this bill every step of the way.

In particular, let me thank Jon Resnick, Edwin Park, and David Podoff. And I would like to thank a former member of the Moynihan staff, Kristen Testa, who was there at the very beginning of this bill's legislative life and without whom there would not have been a Work Incentives Improvement Act.

I would also like to thank Pat Morrissey, Leah Menzies, and Lu Zeph of Senator JEFFORDS' office, and Connie Garner on Senator KENNEDY's staff. They have been tireless in their efforts on behalf of this legislation. Jennifer Baxendell and Alec Vachon from my staff worked tirelessly on this legislation and deserve special commendation.

Since this bill's inception, our staffs have worked together closely and well. I would like to thank you all for your dedication and hard work throughout all the many ups and downs this bill has faced.

Mr. President, I would also like to thank the dedicated professionals who worked so diligently to complete this year's tax legislation. First of all, I would like to thank my Finance team—Frank Polk, Joan Woodward, Mark Prater, Brig Pari, Tom Roesser, Bill Sweetnam, Jeff Kupfer, Ed McClellan, Ginny Flynn, Tara Bradshaw, Connie Foster and Myrtle Agent. I would also like to thank John Duncan and Bill Nixon from my personal staff for their commitment to seeing this process through to its successful completion.

I would also like to thank the members of Senator MOYNIHAN'S Finance staff who have helped make this a bipartisan effort—David Podoff, Russ Sullivan, Stan Fendley, Anita Horn, and Mitchell Kent.

It is also important to recognize the professionals of the Joint Committee on Taxation. In particular, I would like to thank Lindy Paull, Bernie Schmitt, Rick Grafmeyer, Carolyn Smith, Cecily Rock, Mary Schmitt, Greg Bailey, Tom Barthold, Ben Hartley, David Hering, Harold Hirsch, Laurie Matthews, Sam Olchyk, Oren Penn, Todd Simmens, Paul Schmidt, Mel Schwarz, and Barry Wold.

I would also like to thank Jim Fransen and Mark Mathiesen of the Senate's Legislative Counsel office who have the thankless job of turning tax policy into statute.

Finally, I would like to thank the Treasury's Office of Tax Policy. In particular, Linda Robertson, Jon Talisman and Joe Mikrut deserve special recognition for their help in this important legislation.

On this occasion I would also like to thank the staff who worked so hard on the Medicare, Medicaid, and SCHIP reform provisions included in the Omnibus Appropriations Act. They have worked incredibly long hours, with real dedication, to develop the strong, consensus product before the Senate today. In particular, let me thank Kathy Means, Teresa Houser, Mike

O'Grady, Jennifer Baxendell, and Alec Phillips on the Majority staff.

I would also like to thank Senator MOYNIHAN's staff for their cooperation and input. Let me thank Chuck Konigsberg, Liz Fowler, Edwin Park, Jon Resnick, Faye Drummond, Kyle Kinner, Dustin May, Julianne Fisher, Jewel Harper, and Doug Steiger.

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. 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 Arizona (Mr. MCCAIN), the Senator from Washington (Mr. GORTON), and the Senator from Oregon (Mr. SMITH) are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon (Mr. SMITH) would vote yea.

Mr. REID. I announce that the Senator from Washington (Mrs. MURRAY), is absent attending a funeral.

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

The result was announced—yeas 95, nays 1, as follows:

[Rollcall Vote No. 372 Leg.]

YEAS—95

Abraham	Edwards	Lincoln
Akaka	Enzi	Lott
Allard	Feingold	Lugar
Ashcroft	Feinstein	Mack
Baucus	Fitzgerald	McConnell
Bayh	Frist	Mikulski
Bennett	Graham	Moynihan
Biden	Gramm	Murkowski
Bingaman	Grams	Nickles
Bond	Grassley	Reed
Boxer	Gregg	Reid
Breaux	Hagel	Robb
Brownback	Harkin	Roberts
Bryan	Hatch	Rockefeller
Bunning	Helms	Roth
Burns	Hollings	Santorum
Byrd	Hutchinson	Sarbanes
Campbell	Hutchison	Schumer
Chafee, L.	Inhofe	Sessions
Cleland	Inouye	Shelby
Cochran	Jeffords	Smith (NH)
Collins	Johnson	Snowe
Conrad	Kennedy	Specter
Coverdell	Kerrey	Stevens
Craig	Kerry	Thomas
Crapo	Kohl	Thompson
Daschle	Kyl	Thurmond
DeWine	Landrieu	Torricelli
Dodd	Lautenberg	Warner
Domenici	Leahy	Wellstone
Dorgan	Levin	Wyden
Durbin	Lieberman	

NAYS—1

Voinovich

NOT VOTING—4

Gorton	Murray
McCain	Smith (OR)

The conference report was agreed to.

Mr. GORTON. Mr. President, had I been present for the vote on the conference report on H.R. 1180, I would have voted ''no.'' I would have done so in spite of my high approval of most of the tax extenders and of many of the work initiative provisions. Nevertheless, the bill included an unwise and ill-considered new tax credit for the use of chicken waste for power production. That provision could never have survived standing alone. It is another unjustified complication in our tax code never considered by either House of Congress. It poisons the entire bill.

Mr. MOYNIHAN. 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.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER (Mr. SANTORUM). The majority leader.

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, I ask unanimous consent that the next two votes in this series be limited to 10 minutes in length.

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

SEASONS GREETINGS

Mr. LOTT. Mr. President, once again, I thank Senators on both sides for their cooperation and for their good work this year and wish you all a Happy Thanksgiving and a Merry Christmas.

I yield the floor.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2000—CONFERENCE REPORT—Resumed

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative assistant read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the conference report to accompany the District of Columbia appropriations bill.

Trent Lott, Ted Stevens, Larry E. Craig, Judd Gregg, Tim Hutchinson, Don Nickles, Mike Crapo, Connie Mack, Slade Gorton, Ben Nighthorse Campbell, Arlen Specter, Pat Roberts, Chuck Hagel, Richard Shelby, Thad Cochran, and John Warner.

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that the conference report accompanying H.R. 3194, an act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2000, shall be brought to a close?

The yeas and nays are required under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Oregon (Mr. SMITH), the Senator from Arizona (Mr. MCCAIN), and the Senator from Washington (Mr. GORTON) are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon (Mr. SMITH) would vote yea.

Mr. REID. I announce that the Senator from Washington (Mrs. MURRAY) is absent attending a funeral.

The yeas and nays resulted—yeas 87, nays 9, as follows:

[Rollcall Vote No. 373 Leg.]

YEAS—87

Abraham	Edwards	Lugar
Akaka	Enzi	Mack
Allard	Feinstein	McConnell
Ashcroft	Frist	Mikulski
Baucus	Gramm	Moynihan
Bayh	Grassley	Murkowski
Bennett	Gregg	Nickles
Biden	Hagel	Reed
Bingaman	Harkin	Reid
Bond	Hatch	Robb
Boxer	Helms	Roberts
Breaux	Hollings	Rockefeller
Brownback	Hutchinson	Roth
Bryan	Hutchison	Santorum
Bunning	Inhofe	Sarbanes
Burns	Inouye	Schumer
Byrd	Jeffords	Sessions
Campbell	Johnson	Shelby
Chafee, L.	Kennedy	Smith (NH)
Cleland	Kerrey	Snowe
Cochran	Kerry	Specter
Collins	Kyl	Stevens
Coverdell	Landrieu	Thomas
Craig	Lautenberg	Thompson
Crapo	Leahy	Thurmond
Daschle	Levin	Torricelli
DeWine	Lieberman	Voinovich
Dodd	Lincoln	Warner
Domenici	Lott	Wyden

NAYS—9

Conrad	Feingold	Grams
Dorgan	Fitzgerald	Kohl
Durbin	Graham	Wellstone

NOT VOTING—4

Gorton	Murray
McCain	Smith (OR)

The PRESIDING OFFICER. On this vote, the ayes are 87, the nays are 9. Three-fifths of the Senators duly chosen and sworn having he voted in the affirmative, the motion is agreed to.

FISHERIES RESEARCH VESSEL

Mr. LOTT. Mr. President, the NOAA budget includes $51.56 million in funds to procure the first of four state-of-the-art fishery research vessels to conduct critical research on our Nation's fishery resources. This is an important step in providing for sustainable fisheries for our fishermen, U.S. trade, and U.S. consumers. It is my understanding that these ships will be some of the most technically complex research vessels in the world. It Is critical that the procurement of thee ships reflect this complexity, and that all U.S. shipbuilders with technical expertise in oceanographic research ships will have the opportunity to offer their expertise to the Government. Is it the Senator's understanding that this solicitation will be open to all U.S. shipbuilders, without set-asides that limit competition?

Mr. STEVENS. The Majority Leader is correct. In providing for the first of these ships to be built, we understood that the public will benefit from free and unrestricted competition on this vessel. The demands placed on our fishery management system dictate that

we procure the most technically sophisticated ship possible from our U.S. shipbuilding industry. The only way to guarantee this result is to conduct a free and open competition among all U.S. shipbuilders and meet with Dr. Baker, the Director of NOAA, who has agreed to homeport this vessel in Kodiak. By locating it mid way between the Gulf of Alaska and the Bering Sea, it will have ready access to the Nation's two largest fisheries.

Mr. CRAIG. Mr. President, my friends from Alaska, Senator MURKOWSKI, and Nevada, Senator REID, have worked hard to protect the mining jobs in their States and in mine, and I extend my thanks to them for working with me to keep the Department of Interior from mindlessly destroying jobs and lives by trying to rewrite the Mining Law. We want to make sure the intent of the provision on mill sites included in the Department of Interior portion of the appropriations bill is clear, and would like to ask your clarification on a few points.

Mr. REID. I thank my friend from Idaho for his hard work. I want to confirm my understanding of one absolutely critical thing with respect to the language in Section 337 protecting plans of operations submitted prior to November 7, 1997. It is my understanding that the language covers revisions, modifications, and amendments to such plans that are made before such plans are fully approved by the BLM or Forest Service. If an as yet unapproved plan of operations was submitted prior to November 7, 1997 and revised earlier this year, for instance, then the proposed operation, as revised, would be protected. It is the operation, not a specific property position—whether mining claims or mill sites—that is protected. This is very important to my State and I ask the chairman to specifically confirm my understanding.

Mr. STEVENS. I can say unequivocally that your understanding is correct. We all know that plans and operations are often revised by the applicant before being finally approved. Indeed, some revisions are required by the BLM or Forest Service during the plan review process. It is the clear intent of the language to protect revisions made prior to the plan's final approval. It is the operation, not a specific property position (whether mining claims or mill sites), that is protected. Anything less would be grossly inequitable and directly contrary to the clear intent of the conference.

Mr. MURKOWSKI. I thank my friends from Alaska and Nevada for that clarification. It is also my understanding that the provision is intended to protect large investments made in mining operations approved by the Department of Interior under its old interpretation of the law. Frankly, it would be shameful for us to endorse the actions of a Federal agency that approves a project, allows the proponent to spend millions of dollars to develop it, and then changes its mind about what the law says and on that basis shuts the operation down. I understand that the provision would protect these enormous investments and the jobs they create from such arbitrary action by the Department of Interior.

Mr. STEVENS. My friend is right. In compromising the House and Senate versions, our intention was to avoid the retroactive application of the Solicitor's opinion of November 7, 1997 and the resulting destruction of existing jobs and investments.

Mr. MURKOWSKI. I thank the chairman for that clarification. Finally, as my friend knows, mining operations are large, complex undertakings, and circumstances change all the time, requiring changes in the plan of operations. Miners must ask the BLM and Forest Service to approve amendments to their plans all the time in order to keep operating. In fact, the BLM and Forest Service often require these miners to amend their plans. I'm concerned that unless these types of amendments to existing plans are protected, the provision we are adopting would be of very little value. The BLM or the Forest Service could simply require an operator of a large existing mine to amend its plan of operations, and then deny the plan amendment and shut down the operation on the basis of the Solicitor's opinion. I would like clarification that amendments to existing plans are protected by the provision.

Mr. STEVENS. I assure my colleague that it was never our intent to shut down existing operations under any circumstances. Applying the opinion to these existing operations through the back door of a plan amendment would undermine the entire provision and make it meaningless. Anybody who knows the mining industry knows that plan amendments are routine. We want operators to be able to amend their plans when necessary to make them better. The provision covers such amendments, and protects them from the legal interpretation contained in the Solicitor's opinion.

Mr. REID. I thank my friends from Alaska, the committee chairmen, for these important clarifications.

Mr. LOTT. Mr. President, for many years I have been working with the Minority Leader, Senator DASCHLE, to develop and enact legislation to provide liability relief for recyclers of scrap metal and other material, under the Superfund program. I am pleased that we have been able to work together to reach a successful resolution on this issue, and that the legislation incorporates the agreement of a broad spectrum of parties.

Mr. DASCHLE. I have appreciated the hard work of the Majority Leader on this issue, and I am pleased that this legislation has been included as part of the omnibus appropriations bill. I hope that this provision will serve to achieve our goal of encouraging recycling.

It is also my understanding that the language of the bill is not intended to exempt from liability parties who had reason to believe that the recyclable material originated from the portion of a DOD, DOE, NRC or Agreement State-licensed facility where source, byproduct or special nuclear material, as defined in the Atomic Energy Act, was processed, utilized or managed. Is it your understanding that the agreement does not cover these materials?

Mr. LOTT. Yes, that is correct.

Mr. DASCHLE. Mr. President, this issue is of great significance to many of my colleagues and to members of the public. In particular, it is of great interest to the Senator from Arkansas, and I deeply appreciate her leadership on this issue.

Mrs. LINCOLN. Mr. President, for the last six years I have worked in Congress to provide relief from liability to legitimate recyclers. Congress never intended to create a disincentive to recycle when it created the Superfund program, and for that reason, I am delighted that this legislation was included in the omnibus appropriations bill.

In addition, I agree with Senator DASCHLE's clarification of the intent of this bill. I am very concerned about the possibility that this legislation could be misinterpreted to relieve from Superfund liability persons who release radioactive material to recyclers, such as those in the steel industry in my home state of Arkansas, who may be unaware of the danger of the products they are receiving, and who could in turn pass it on to consumers. I believe it is critical that we further clarify that this was not intended, and I am hopeful that the Majority Leader and the Minority Leader will work with me to do so.

Mr. DASCHLE. I agree completely with the Senator from Arkansas. Since an explicit provision to this effect was inadvertently omitted, would the Majority Leader agree to address this issue through a technical correction to be enacted at the earliest possible opportunity next session?

Mr. LOTT. Yes. I would be happy to work with the Minority Leader and the Senator from Arkansas early next year to pass a technical correction to this legislation to achieve this goal.

Mr. MURKOWSKI. Mr. President, on November 1 of this year, the Committee on Energy and Natural Resources reported S. 623, the Dakota Water Resources Act of 1999, to the Senate. The legislation amends existing law in an effort to address the water needs of North Dakota. The legislation, as is true of most water related legislation in the arid West, is not without controversy.

Proposals to divert water from the Missouri River to meet agricultural, municipal and industrial, and other needs in North Dakota have a long history. The Missouri, like the Colorado and the Columbia, serves many States and a multitude of interests, including navigation. The Missouri is also important to the management and operation

of the Mississippi. Although there are sufficient resources in each of those Basins to meet all the water related needs if the resources were developed using on-stream and off-stream storage, that development has not occurred and for various reasons, including what I believe are short sighted concerns by national organizations, are not likely to occur in the near term. That being the case, it is not surprising that whenever any Basin State manages to corral all the competing interests in its State and even obtains support from the Administration that other States that could be potentially affected want to examine the agreement and reassure themselves that this particular solution does not come at their expense.

The best way to accomplish that is to bring all the parties together to allow them to review their concerns and work out whatever arrangement will best address their needs. Our Committee did just that several years ago as part of the legislation to settle the water claims of the Colorado Ute Tribes. Once we had revised the agreement in a fashion that was acceptable to the Tribes, the State of Colorado, and the other affected water users, we then had several weeks in intense discussions with the other Colorado River Basin States. I want to point to that process, because it did result in the passage of legislation that was supported by all the parties and provided for the completion of the Dolores and Animas projects.

I rise today to speak and offer reassurance to the North Dakota delegation and the Missouri delegation that the Energy and Natural Resources Committee is committed to assisting these two delegations in working out their difficulties regarding S. 623, the Dakota Water Resources Act of 1999.

I appreciate the hard work and good will expressed by both delegations over the past several weeks, but we have just run out of time in this session of Congress to address the concerns of all affected states. To continue these discussions, I have proposed to my colleagues that when Congress returns next year, the Energy Committee will hold a workshop or other forum so that the Senate can fully identify, discuss, and attempt to resolve the issues that have prevented this legislation from moving this year.

With the assistance of my colleagues, I propose that the Energy Committee staff work with their staffs during the recess and that we convene a meeting during the first week in February to bring all the parties together. Hopefully, if we use the time well during the recess, we can identify who the technical people are who need to be involved so that the delegations will be able to have a constructive meeting. I want to note that Senator SMITH, the Chairman of the Subcommittee on Water and Power, who held the hearings earlier this year on the legislation has indicated that he is also willing to assist in this process.

Mr. DORGAN. I appreciate the Chairman's cooperation and assistance on this bill and his willingness to work with me in the Energy Committee to bring this legislation to the floor. His commitment to convene a workshop to resolve outstanding issues provides the basis for moving forward with this legislation, which would meet the outstanding Federal commitment to our state.

As the Senator from Alaska knows, North Dakota has significant water quality and water quantity needs that must be addressed. In many parts of my state, well water in rural communities resembles weak coffee or strong tea; it is unfit for drinking and other domestic uses. Several parts of my state, including the Red River Valley, do not have access to reliable sources of water. This bill is designed to address those needs and help provide clean, reliable water to families and businesses across North Dakota. When the Senate attempted to consider this legislation in recent days, objections were registered by other Senators who had concerns about the bill. In response, Senator CONRAD and I have worked with those Senators to address their concerns.

I am certain that with the Chairman's assistance and that of Senator SMITH we will be able to resolve these concerns expeditiously.

Mr. BOND. I too, extend my thanks to the Chairman of the Energy Committee for his willingness to help us on this very complex and difficult issue. Missouri, and other States in the Missouri River Basin are dependent on the flow of the Missouri River. Any legislation that affects this flow must be thoroughly vetted by the people in our state who have the knowledge and the expertise. Since this legislation came up at the end of the session with no time for debate on the Senate floor, we appreciate the opportunity the Chairman is providing us to bring together those people from our States who know this issue well. A forum with the free exchange of ideas is an excellent way to air very serious concerns as well as explore possible solutions that can make this a win-win situation for everyone. Representatives of the Missouri Basin States are currently in deep negotiations to discuss water flow. This forum should be held in the context of those negotiations.

Mr. ASHCROFT. I would like to associate myself with the remarks of my colleague from Missouri. We in Missouri are just as protective of our water as any other State in the Missouri River Basin, or for that matter, the rest of the United States. Before either of us can agree to any legislation that has the potential to affect our State, we must have the opportunity for our state experts to go over this legislation with a fine-tooth comb. I welcome the chance that the Senator from Alaska has offered and I know our state water experts will be happy to participate. As I have repeatedly stated, I am willing to work with my colleagues to try to resolve any concerns in a manner that will fully protect the interests of Missouri.

Mr. CONRAD. I also appreciate the Senator's continued willingness to work with us. We will continue to work in good faith to develop a bill that can be passed by the Congress.

I want to be absolutely clear that it is not our intent or that of anyone in North Dakota to harm any of our neighbors. This legislation significantly reduces the amount of irrigated acreage from that authorized by current law and completely eliminates any irrigated acreage from this project in the Hudson River drainage. We have significantly increased the levels of review by both the State Department to ensure compliance with the Boundary Water Treaty and by EPA to ensure compliance with the Clean Water Act on any trans-basin diversion that might occur. There is no guarantee that such a diversion will actually occur. I also want to make it clear that we are willing to discuss the timing, amount, and source of any diversions to ensure that the legitimate needs of our neighboring Basin States are met. The Chairman's offer is helpful and I hope that with a full and frank discussion we will be able to fully resolve all concerns.

Mr. BINGAMAN. I agree with this proposal. I want to assure my colleagues that I will work with the Chairman to provide a forum to allow the North Dakota and Missouri delegations, along with adjacent states, to resolve their concerns.

C–BAND INDUSTRY

Mr. STEVENS. Mr. President, I would like to engage the Senator from Utah, the chairman of the Judiciary Committee, in a colloquy.

As the Senator knows, the C–Band industry is declining and the conferees correctly exempted existing C–Band consumers from numerous provisions in this bill at my request. It is my understanding the conferees sought to exempt the C–Band industry from the program exclusivity rules that we are applying in the satellite bill. Complying with the program exclusivity rules would be technically and economically unreasonable for the C–Band industry and would only deprive C–Band consumers with some of their favorite programming.

Mr. HATCH. Yes, the Senator from Alaska is correct; that was the intent of the conferees. And, I appreciate the Senators concerns and pledge to work with him to ensure that when the FCC promulgates these rules, the C–Band industry is exempt and C–Band consumers are protected.

Mr. STEVENS. I thank the Senator.

Mr. GRASSLEY. I would like to ask the distinguished Chairman of the Committee on Finance a question regarding a tax provision which Congress adopted this summer as part of the vetoed Taxpayer Refund and Relief Act of 1999.

Mr. Chairman, section 1005 of that Act would have provided that the principles of section 482 should be used to determine whether transactions between tax-exempt organizations and related non-exempt entities give rise to unrelated business income tax. This provision was needed to insure that legitimate arms length transactions between these entities are not penalized.

Unfortunately, it appears that this session will end without our having another opportunity to once again enact this vitally needed protection for the tax exempt community. As a result, I would like to ask the distinguished Chairman whether he would agree that this provision should be included as a high priority in the first tax vehicle that we adopt in the second session.

Mr. ROTH. I can assure the distinguished Senator that the enactment of this provision, which has already been agreed to by both the House and Senate, is a high priority for our next tax bill.

Mr. NICKLES. I want to join my distinguished colleague from Iowa in his remarks, and also thank our distinguished Chairman for his commitment to enact this provision next year. Tax exempt organizations provide critical services to our communities, and this provision will make it far easier for them to continue to perform these important functions.

Mr. ROTH. I look forward to working with both the Senators from Iowa and Oklahoma next year to provide the relief that this provision would give to the many fine exempt organizations that are awaiting its enactment.

NURSE ANESTHETISTS

Mr. HARKIN. In 1994, the Health Care Financing Administration issued a draft regulation deferring to State law on the issue of physician supervision of certified registered nurse anesthetists (CRNA's). This action was followed –in 1997 by a proposed HCFA rule deferring to State law on this issue. HCFA's rule has been subject to great scrutiny and numerous studies. Nevertheless, HCFA has to date failed to issue its final rule on the matter, and defer this issue to State law. Would the distinguished Chairman of the Senate Labor, Health and Human Services, and Education Appropriations Subcommittee agree with this assessment?

Mr. SPECTER. I agree with my distinguished colleague, the ranking subcommittee member. States should have the authority to regulate CRNA's in the same manner as States regulate other health care providers. There is a wealth of information already in existence that supports the view that the issue of supervision should be left to the States, just as HCFA has proposed.

Mr. HARKIN. Therefore, we agree that HCFA's proposed rule has been extensively researched and that HCFA should move forward expeditiously.

Mr. GORTON. I join with my distinguished colleagues to agree that HCFA should move forward expeditiously to resolve this issue.

Mr. SPECTER. Absolutely, HCFA should do what it has initially proposed several years ago and defer to State law on this issue.

Mr. GORTON. I thank the Senators. I look forward to working with them both to resolve this matter.

Mr. HOLLINGS. As you know, I initially objected to the movement of this legislation because of my concerns about the manner in which it preempted state law. As introduced, this bill would have nullified any ability of state legislatures to adopt the Uniform Electronic Transactions Act, (UETA), in a manner that varied from the provisions of the bill, or in a manner that reserved the right of states to adopt UETA in conformance with their consumer protection laws. When the bill was reported by the Commerce Committee, provisions were included to provide states this flexibility. Since the reporting of the bill, the preemption language has been amended to provide that to avoid adherence to the federal law, a state must adopt UETA ''in the form, or any substantially similar variation'' as provided to the states by the National Conference on Uniform State Law.

Do you agree that notwithstanding this change, the purpose and intent of the preemption provisions, either pursuant to the definitions in the bill or otherwise, have not changed? And that the legislation, in its current form, is intended to permit states the flexibility of adopting and enacting UETA in a manner and form that ensures its conformance with state consumer protection laws?

Mr. ABRAHAM. Yes, Senator Hollings, that is certainly the intent of the legislation in its current form, but I would note that there must be a modicum of common sense involved in this approach. It is expected that states will pass consumer protection provisions in conjunction with the Electronic Transactions Act. It is important, however, that states not use the heading of ''consumer protection'' to enact changes which are inconsistent with the spirit of UETA and which threaten to undermine the uniformity which UETA is intended to convey. I believe the current language realizes these important goals.

Mr. HOLLINGS. I would like to address another change to the bill since its reporting by the Committee. As you know, the legislation has been amended to incorporate language providing that the bill applies to the business of insurance. This language has the effect of permitting the validation of insurance contracts pursuant to electronic commerce. As you know, state insurance commissioners have expressed reservations about this provision. There is concern that the provision could potentially adversely affect the ability of states to maintain their full regulatory authority over these transactions. Do you agree that insurance companies that enter into agreements via electronic commerce are still required to meet all other state insurance regulatory requirements?

Mr. ABRAHAM. I agree wholeheartedly. The purpose of this section is to permit insurance companies to use electronic signatures in the same manner and extent as other market participants. Under no circumstances is the legislation intended to allow insurance companies to evade state insurance regulations.

Mr. BURNS. As the sponsor of the low power television provisions contained in the Intellectual Property and Communications Omnibus Reform Act of 1999, I would like to take this opportunity to clarify one of the provisions. Specifically, I want to ensure that a qualified low power television (LPTV) station in New York City serving the Korean-American community on Channel 17 (WEBR(LP), formerly W17BM) is not prohibited from obtaining Class A licensing as a result of Sec. 5008(f)(7)(C)(ii) of the Act.

As drafted, Section 5008(7)(C)(ii) requires a qualified LPTV station to demonstrate the it will not interfere with land mobile radio services operating on Channel 16 in New York City in order to obtain the Class A license. However, in 1995, the Commission authorized public safety agencies to use Channel 16 in New York City on a conditional basis pursuant to a waiver of the Commission's rules. The Order granting that waiver specifically stated that the low power television station on Channel 17 would not have any responsibility to protect land mobile televisions on adjacent Channel 16. Do you agree with my understanding of Section 5008(f)(C)(ii), namely that this section is not intended to prevent that low power station's qualification for the Class A license?

Mr. HATCH. Yes, it is also my understanding that the low power station on Channel 17 in New York City should not be precluded from the Class A license due to Section 5008(f)(7)(ii). The interference that is currently permitted by the Commission is intended to continue. Is this also your understanding Senator Moynihan?

Mr. MOYNIHAN. Yes, it is. Otherwise, the Channel 17 LPTV station in New York City will be permanently deprived of a Class A license, notwithstanding the fact that it exemplifies exactly the type of low power station that should have the opportunity to achieve Class A status. WEBR(LP) has a demonstrated strong commitment to the local Korean community in New York, providing locally originated programming 24 hours a day, 7 days a week. This station's worthwhile service to the community has been a benefit to the public good, and this legislation should not thwart such service from continuing.

THE SCOPE OF COMPULSORY LICENSES FOR TELEVISION BROADCAST SIGNALS

Mr. HATCH. Mr. President, the measure before us contains some technical amendments to various provisions of the Copyright Act, including sections

111 and 119, which deal with the cable and satellite compulsory licenses, respectively. It is important to emphasize that these technical amendments make no change whatsoever in the key definitional provisions of these two compulsory licenses. Section 111(f) defines ''cable systems,'' and section 119(d)(6) defines ''satellite carrier.'' Neither of these definitions is changed by the measure before us.

Mr. LEAHY. Will the Senator from Utah yield for a question?

Mr. HATCH. I am glad to yield to my friend from Vermont.

Mr. LEAHY. I thank the Senator with whom I worked on this important legislation. Does he agree that these definitions should be interpreted in exactly the same way after enactment of this legislation as they were interpreted before its enactment?

Mr. HATCH. The Senator is correct. In other words, if a facility qualified as a ''cable system'' under section 111(f) prior the enactment of this measure, it should also qualify after enactment. Conversely, if a facility did not meet the definition of ''cable system'' before this measure was enacted, it still would not meet that definition after enactment, and therefore the operations of that facility could not rely upon the cable compulsory license established by section 111. And an entity which was not entitled to claim the section 119 compulsory license because it did not meet the definition of a ''satellite carrier'' prior to enactment of the measure before us would be in exactly the same position after enactment, that is, it could not claim the satellite compulsory license under section 119.

Mr. LEAHY. I appreciate that response.

Mr. HATCH. I would point out that none of this is affected by the fact that in any earlier version of this legislation, there were technical amendments that would have affected these definitions. Those particular amendments do not appear in this legislation, and neither their inclusion in the earlier version nor their omission here has any legal significance. Would the Senate from Vermont agree with that statement?

Mr. LEAHY. I would, and I would hope that both the Copyright Office and the courts would take the same approach. In that regard, I would ask my friend from Utah, the chairman of the Judiciary Committee, for his understanding of the current state of the law concerning the availability of these compulsory licenses to digital online communications services?

Mr. HATCH. In reply to that question, I would say that certainly under current law, Internet and similar digital online communications services are not, and have never been, eligible to claim the cable or satellite compulsory licenses created by sections 111 or 119 of the Copyright Act. To my knowledge, no court, administrative agency, or authoritative commentator has ever held or even intimated to the contrary.

Mr. LEAHY. Is the distinguished chairman aware of the views of the Copyright Office on this question? After all, since the Copyright Office administers these compulsory licenses, their views are of particular importance.

Mr. HATCH. The Copyright Office studied this issue exhaustively in 1997 and came to the same conclusion which I have just stated. In fact, in undertaking the study, the Copyright Office asked the fundamental question whether a statutory license should be created for the Internet. The underlying assumption of the question was that there was not, and never was, a statutory license applicable to the Internet. In response, there was little or no comment challenging that assumption. And I would point out that valid exercises of the Office's statutory authority to interpret the provisions of these compulsory licensing schemes are binding on the courts.

Mr. LEAHY. I recall the Copyright Office's 1997 study, entitled ''A Review of the Copyright Licensing Regimes Covering Retransmission of Broadcast Signals,'' which concluded that no existing statutory license authorizes retransmission of television broadcast signals via the Internet or any online service. We held a hearing on that report. I recently received a letter from the Register of Copyrights reaffirming this interpretation. Indeed, in that letter, dated November 10, 1999, the Register stated that ''the compulsory license for secondary transmissions of television broadcast signals by cable systems does not apply to digital online communication services,'' and specifically that ''the section 111 license does not and should not apply to Internet transmissions.''

Mr. HATCH. I also received such a letter from the Register. And along the same lines, I have received a letter on this issue from one of America's most distinguished copyright scholars, Professor Arthur Miller of Harvard Law School. Professor Miller's interpretation of the scope of eligibility for these compulsory licenses under current law appears to be very similar to the Register's, and his letter also underscores the point I was making earlier, that there is no legal significance to the fact that this legislation omits certain technical amendments to the definition of ''cable system'' and ''satellite carrier'' that appeared in earlier versions of this legislation. I ask unanimous consent that these letters be printed in the RECORD.

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

THE REGISTER OF COPYRIGHTS
OF THE UNITED STATES OF AMERICA,
Washington, DC, November 10, 1999.

Hon. ORRIN G. HATCH,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, DC.

DEAR SENATOR HATCH: I am writing to you today concerning pending proposals regarding the Satellite Home Viewer Act, and particularly the compulsory copyright licenses addressed by that Act. As the director of the Copyright Office, the agency responsible for implementing the compulsory licenses, I have followed the actions of the Congress with great interest.

Let me begin by thanking you for all your hard work and dedication on these issues, and by congratulating you on your success in achieving a balanced compromise. Taken as a whole, the Conference Report on H.R. 1554, the Intellectual Property and Communications Omnibus Reform Act of 1999, represents a clear step forward for the protection of intellectual property. I particularly appreciate your support for provisions that improve the ability of the Copyright Office to administer its duties and protect copyrights and related rights.

I was greatly concerned when I heard the statements of Members on the floor of the House suggesting that in the final few legislative days of this session, subsection 1011(c) of the Conference Report should be amended or removed. Section 1011(c) makes unmistakable what is already true, that the compulsory license for secondary transmissions of television broadcast signals by cable systems does not apply to digital on-line communication services.

It is my understanding that some services that wish to retransmit television programming over the Internet have asserted that they are entitled to do so pursuant to the compulsory license of section 111 of Title 17. I find this assertion to be without merit. The section 111 license, created 23 years ago in the Copyright Act of 1976, was tailored to a heavily-regulated industry subject to requirements such as must-carry, programming exclusivity and signal quota rules—issues that have also arisen in the context of the satellite compulsory license. Congress has properly concluded that the Internet should be largely free of regulation, but the lack of such regulation makes the Internet a poor candidate for a compulsory license that depends so heavily on such restrictions. I believe that the section 111 license does not and should not apply to Internet transmissions.

I also question the desirability of permitting any existing or future compulsory license for Internet retransmission of primary television broadcast signals. In my comprehensive August 1, 1997 report to Congress, *A Review of the Copyright Licensing Regimes Covering Retransmission of broadcast Signals,* Internet transmissions were addressed in Chapter VIII, entitled ''Should the Cable Compulsory License Be Extended to the Internet?'' the report concluded that it was inappropriate to ''besto[w] the benefits of compulsory licensing on an industry so vastly different from the other retransmission industries now eligible for compulsory licensing under the Copyright Act.''

The report observed that ''Copyright owners, broadcasters, and cable interests alike strongly oppose . . . arguments for the Internet retransmitters' eligibility for any compulsory license. These commenters uniformly decry that the instantaneous worldwide dissemination of broadcast signals via Internet poses major issues regarding the United States and international licensing of the signals, and that it would be premature fur Congress to legislate a copyright compulsory license to benefit Internet retransmitters at this time.'' the Copyright Office believes that there would be serious international implications if the United States were to permit statutory licensing of Internet transmissions of television broadcasts.

Therefore I urge that no action be taken to remove or alter section 1011(c) of the Conference Report. At this point, to do so could be construed as a statement that digital online communication services *are* eligible for

the section 111 license. Such a conclusion would be reinforced in light of section 1011(a)(1), which replaces the term ''cable system'' in section 111 of Title 17 with the term ''terrestrial system.'' In the absence of section 1011(c), section 1011(a)(1) might incorrectly be construed as implying a broadening of the section 111 license to include Internet transmissions.

The Internet is unlike any other medium of communication the world has ever known. The application of copyright law to that medium is of utmost importance, and I know that you have personally invested a great deal of time and energy in recent years to assure that a balance of interests is reached. Permitting Internet retransmission of television broadcasts pursuant to the section 111 compulsory license would pose a serious threat to that balance.

Please feel free to contact me if I can be of any assistance in this matter. Thank you.

Sincerely,

MARYBETH PETERS,
Register of Copyrights.

HARVARD LAW SCHOOL,
Cambridge, MA, November 15, 1999.

Hon. ORRIN G. HATCH,
Chairman, Judiciary Committee,
U.S. Senate, Washington, DC.
Hon. HENRY J. HYDE,
Chairman, Judiciary Committee,
House of Representatives, Washington, DC.

DEAR CHAIRMEN HATCH AND HYDE: I am writing to you to express my views on a proposal to amend the cable and satellite compulsory licenses in Sections 111 and 119 of the Copyright Act. I have taught Copyright Law at Harvard Law School, as well as Michigan and Minnesota, for over thirty-five years and have written extensively and lectured throughout the world on this area of the law. In addition, I was very active in the legislative process that led to the Copyright Act of 1976 and was appointed by President Ford and served as a Commissioner on the Commission for New Technological Uses of Copyright Works (CONTU).

The Conference Report on H.R. 1554, the Intellectual Property and Communications Omnibus Reform Act of 1999, included amendments to Sections 111 and 119 to state explicitly that digital online communication services do not fall within the definitions of ''satellite carrier'' and ''terrestrial system'' (currently ''cable system'') and, therefore, are not eligible for either compulsory license. I understand that Congress is currently considering deleting these amendments or enacting legislation that would not include them. I believe that the amendments were wholly unnecessary and that the deletion or exclusion of them will have no effect on the law, which is absolutely clear: digital online communication services are not entitled to the statutory license under either Section 111 or Section 119 of the Copyright Act.

A compulsory license is an extraordinary departure from the basic principles underlying copyright law and a substantial and significant encroachment on a copyright owner's rights. Therefore, any ambiguity in the applicability of a compulsory license should be resolved against those seeking to take advantage of what was intended to be a very narrow exception to the copyright proprietor's exclusive rights. As the Fifth Circuit Court of Appeals has noted in a case involving another compulsory license: the compulsory license provision is a limited exception to the copyright holder's exclusive right to decide who shall make use of his (work). As such, it must be construed narrowly, lest the exception destroy, rather than prove, the rule.

Fame Publishing Co. v. *Alabama Custom Tape, Inc.*, 507 F.2d 667, 670 (5th Cir. 1975).

In this situation, however, there is absolutely no ambiguity as to the correct construction of the cable and satellite compulsory licenses. Neither the language of the Copyright Act, nor any statement of Congressional intent at the time of their enactment, nor any judicial interpretation of Section 111 or Section 119 in any way suggests that these compulsory licenses could apply to digital online communication services. And, as far as I know, the representatives of these services have not offered any substantive argument to the contrary—with good reason. No reasonable person—or court—could interpret these statutory licenses to embrace these services.

And if there was any doubt left in anyone's mind, the federal agency charged with interpreting and implementing these statutory licenses, the United States Copyright Office, has addressed this issue directly: retransmitting broadcast signals by way of the Internet is clearly outside the scope of the current compulsory licenses. In fact, the Copyright Office recommended in 1997 that Congress not even create a new compulsory license, concluding that it would be ''inappropriate for Congress to grant Internet retransmitters the benefits of compulsory licensing.'' See U.S. Copyright Office, A Review of the Copyright Licensing Regimes Covering Retransmission of Broadcast Signals (August 1, 1997), at 99 and Executive Summary at xiii.

My work in the field of copyright over the past decades, especially my extensive activities in connection with the development of the legislation that became the Copyright Act of 1976, leads me to agree with the Office's conclusions that it would be far too premature to extend a compulsory license to the Internet. That conclusion seems sound given the enormous differences between the Internet and the industries embraced by the existing licensing provisions and the need to engage in extensive research and analysis regarding the potentially enormous implications of digital communications. We simply do not know enough to legislate effectively at this point. Doing so at this time—especially without hearing from numerous affected interests—would create a risk of upsetting the delicate balance between the rights of copyright proprietors and the interests of others.

Thus, in any judicial action that might materialize by or against the providers of digital online communication services, the court would be bound by the Copyright Office's interpretation of the statutory licenses. See *Cablevision Systems Development Co.* v. *Motion Picture Association of America, Inc.*, 836 F.2d 599, 609–610 (D.C. Cir. 1988) (deferring to the Copyright Office's interpretation of Section 111, noting Congress' grant of statutory authority to the Copyright Office to interpret the Copyrights Act, and the Supreme Court's indication that it also would defer to the Copyright Office's interpretation of the Copyright Act), *Satellite Broadcasting and Communications Assoc* v. *Oman*, 17 F.3d 344, 345 (11th Cir. 1994) (holding that valid exercises of the Copyright Office's statutory authority to interpret the provisions of the compulsory licensing scheme are binding on the court).

In summary, based on the unmistakable fact that digital online communication services are ineligible for the cable and satellite compulsory licenses and the identical, unequivocal interpretation by the Copyright Office, amendments to the existing statute reiterating this legal truth are unnecessary. Consequently, the status quo with respect to who is eligible for the statutory licenses will remain undisturbed whether Congress deletes these amendments from the pending legislation or excludes them from subsequent legislation.

Respectfully yours,

ARTHUR R. MILLER,
Bruce Bromley Professor of Law.

Mr. LEAHY. I thank my colleague from Utah for his responses. I believe this colloquy should help to clarify that this legislation leaves these crucial definitions unchanged, and also to clarify what is the current state of the law, which this legislation does not disturb.

Mr. HATCH. I think the Senator from Vermont. And I would clarify one other point relating to a minor modification we made to the definition of ''unserved household'' in the distant signal satellite statutory license found in section 119 of Title 17 of the United States Code. The conferees decided to add the word ''stationary'' to the phrase ''conventional outdoor rooftop receiving antenna'' in Section 119(d)(10) of the Copyright Act. As the Chairman of the Conference Committee and of the Senate Judiciary Committee, which has jurisdiction over copyright matters, I should make clear that this change should not require any alteration in the methods used by the courts to enforce the ''unserved household'' limitation of Section 119. The new language states only that the antenna is to be ''stationary''; it does not state that the antenna is to be misoriented (*i.e.*, pointed away from the station in question). Any interpretation that assumed misorientation would be inconsistent with the basic premise of the definition of ''unserved household,'' which defines that term in relation to an individual TV station rather than to all network affiliates in a market—and speaks to whether a household ''cannot'' receive a Grade B intensity signal from a particular station. If a household can receive a signal of Grade B intensity with a properly oriented stationary conventional antenna, it is not ''unserved'' within the meaning of Section 119. In addition, if station towers are located in different directions, conventional over-the-air antennas can be designed so as to point towards the different towers without requiring the antenna to be moved. And reading the definition of ''unserved household'' to assume misoriented antennas would mean that the ''unserved household'' limitation had no fixed meaning, since there are countless different ways in which an antenna can be misoriented, but only one way to be correctly oriented, as the Commission's rules make clear.

With that clarification, I yield the floor.

PATENT REFORM LEGISLATION

Mrs. FEINSTEIN. I want to thank the Chairman and the Ranking Member for their tireless efforts on patent reform. I strongly support passage of S. 1798, which is included in this omnibus measure, because so many companies in California and across the nation depend on a strong and well-functioning patent system.

While S. 1798 will provide important protection for inventors and innovators and help reduce needless patent litigation, I do have some concerns regarding the compromise reached regarding the reexamination procedure set forth in Title VI. As I understand it, this section will reduce the burden of patent cases in our federal courts. However, we need to be sure that the procedure fully and fairly protects the rights of all parties, and some concerns about this process have been brought to my attention over the last few weeks.

Out of deference to the Chairman and the Ranking Member of the Judiciary Committee, and being sensitive to the compromise that the House reached, I did not seek amendments to this title of the bill. Furthermore, I feel strongly that the bill should move forward without further delay, so I support its final passage. This does not mean, however, that I believe we should cease to be concerned about how the new system will function. Accordingly, I would like to receive assurances from Chairman HATCH that we will keep a close eye on how well this new reexamination system works. In particular, I would like to request that the Committee obtain an interim report from the Patent and Trademark Office under the authority specified in section 606 of S. 1798 not later than 18 months after this bill becomes effective. I would also invite Chairman HATCH to hold a hearing to consider this information, and to obtain views from people who both supported and opposed this compromise system.

Mr. HATCH. I thank the Senator from California for her remarks and appreciate her support for this important legislation. I agree that Congress must closely monitor the effectiveness and fairness of the new reexamination procedure. I also believe it would be very useful to obtain the interim report she mentioned in a timely fashion and look forward to continuing to work with her on this issue.

CPB LIST SHARING PROVISION

Mr. MCCONNELL. Mr. Chairman, I would like to engage with you in a colloquy concerning the Corporation for Public Broadcasting (CPB) list-sharing prohibition in the Intellectual Property and Communications Reform Act.

Mr. HATCH. I would be happy to.

Mr. MCCONNELL. The bill amends Section 396(h) of the Communications Act to prevent public broadcasting entities that receive federal funds from renting or exchanging lists with political candidates, parties or committees.

Mr. Chairman, am I correct in reading this language as providing that the list-sharing restriction only applies to the CPB and not any other organizations?

Mr. HATCH. That is correct.

Mr. MCCONNELL. Mr. Chairman, in my view, CPB is a unique entity and its unique nature may be used by supporters of this provision to justify the restrictions on list sharing. CPB is unique because it is created, controlled and funded by the government with a legal obligation to be balanced and objective.

Many non-profit organizations rely upon exchanges of lists with political organizations as a way to attract new members to their organizations to support their charitable works. A number of mainstream non-profit organizations, such as the Disabled Veterans of America, have expressed concern that this CPB provision may set a precedent for future restrictions on list sharing by other non-profit organizations. It is my understanding, however, that this list sharing restriction is not a precedent for similar restrictions on other non-profits that are not: (1) created by the federal government; (2) controlled by the federal government; (3) funded by the federal government; and (4) legally required to be balanced and objective. Thus, I do not think this provision relating to CPB is a precedent for imposing such restrictions on other non-profits. Does the Chairman agree with my assessment?

Mr. HATCH. Yes, the Senator's assessment is correct. The conferees included the CPB list-sharing language in the bill because of concerns related to CPB's unique status. This provision should in no way be interpreted as precedent for restrictions on list sharing by other non-profit organizations that may receive federal funds.

Mr. MURKOWSKI. Mr. President, I would like to ask a question of the senior Senator from Alaska, Mr. Stevens, in his capacity as chair of the full Committee on Appropriations, and the senior senator from Washington, Mr. GORTON, who is chair of the Interior Subcommittee, regarding clarification of a vital issue facing the State of Alaska.

The Year 2000 will be the 20th anniversary of the passage of the Alaska National Interest Lands Conservation Act of 1980. ANILCA is the most far-reaching piece of legislation ever passed—in the history of the United States—in terms of creating massive set-asides for conservation purposes.

Last year, in the appropriations conference report, Congress passed specific language requiring that the federal managers chosen from around the United States to oversee the implementation of ANILCA's Conservation Units receive adequate, in-depth training on its many components and ramifications. The language read as follows:

> The Committees agree that the Secretary of the Interior and the Secretary of Agriculture should provide comprehensive training to land managers on the history and provisions of statutes affecting land and natural resource management in Alaska, including but not limited to Revised Statute 2477, the Act of May 17, 1906 (34 Stat. 197), the Alaska Statehood Act, the Mineral Leasing Act of 1920, the White Act, the Alaska National Interest Lands Conservation Act, the Alaska Native Claims Settlement Act, and the Magnuson-Stevens Fishery Conservation and Management Act.

When this language passed it was our hope that this training would also be provided to those employees who manage programs in Alaska and to employees whose jobs entail knowledge of one or more of the laws described above.

I want to further clarify that it is our hope that the Secretary of the Interior and the Secretary of Agriculture would enter into an agreement with, and provide funding to, Alaska Pacific University, in conjunction with University of Washington School of Law and Northwestern School of Law, Lewis and Clark College, to develop and conduct training.

I feel training in these laws very specific to Alaska is badly needed, as most federal employees arriving in the state know little about Arctic and sub-Arctic environments. Many people coming to Alaska imagine incorrectly that the statute governing Alaska's federal Parks and Refuges is identical to those they have worked with in the South 49. This, of course, is far from the truth.

Because of the dimensions of ANILCA's reclassification of Alaska's lands, encompassing more than 104 million acres, an area larger that the State of California, the Congress rightfully tailored the law with a series of Alaska-specific provisions, unfamiliar to other states. The purpose of these provisions was clearly intended to ensure that these land designations protect the natural glories of Alaska's most beautiful regions but neither destroy the way of life of Alaska's Native people nor violate the promises made to all Alaskans in the Compact made between our people and the U.S. Government in the Alaska Statehood Bill.

During the August recess, I held hearings in Alaska to discover how the federal managers of the federal Conservation Units in Alaska are doing in carrying out and living by the provisions required in the law. Sadly, I must report a long litany of abuses being suffered by Alaskans as individuals, as outdoor sports participants, as business owners, and as a community due to ignorance by federal managers. Much of this ignorance is through honest misunderstanding of the Statute. I, therefore, ask my honorable colleagues to respond to my query about the status of the language passed last year that would fill this void.

I also want to call to your attention that Alaska Pacific University's Institute of the North has followed up on that language, and is inaugurating a semester course this coming semester addressing all of these issues on the 20th anniversary of ANILCA. All stakeholders—from conservationists to Native peoples to resource harvesters—will be part of the discussions and learning process. The University is working with Lewis and Clark's Northwestern School of Law to develop the needed legal research in this area. And while the University was invited to participate at its own expense in the one-day ANILCA training held here in Washington this spring, I believe the Interior Department and the Department of Agriculture have done no more than that to fulfill Congressional intent.

I believe a good curriculum can be developed at a cost of some $300,000, a small investment for an issue this important. The existing course can be reformatted in a thorough but intensive week-long seminar and delivered specifically for the federal employees who constantly are rotated into Alaska to serve on the front line of this pioneering experiment in conservation and sustainable development.

Mr. STEVENS. Mr. President, I agree with my colleague, the Chairman of the Committee on Energy and Natural Resources. The Senator from Alaska and the Senator from Washington will remember that I asked that the language in the conference report be inserted last year. I, too, am concerned that no action has taken place. It is my intent, as chairman of this committee, that the training called for in last year's conference report take place, and that the program led by Alaska Pacific University, in conjunction with two of the closest law schools in Washington and Oregon, take place. There are sufficient funds in the training budgets of the several Interior agencies to make this happen, and I believe it should happen in conjunction with the outside resources who are developing this curriculum. While I participated in the program held in Washington, DC, on this issue, I would hope that a greater effort is put forth in the future.

Mr. GORTON. Mr. President, I concur with the Alaska Senator's intent, and I believe the Interior and Agriculture budgets are sufficient to allow the Department to contract with these schools to provide the training we called for. Each of these Alaska laws referred to in the report language last year is important, is unique, and needs appropriate training for our managers to ensure that Congressional intent is followed.

Mr. MURKOWSKI. Thank you, Mr. President, and through the chair, thank you to my colleagues. We have considered making this a legal requirement in an amendment to law, but I believe this year—in the 20th anniversary of ANILCA—we should see that the training gets started. We will be following it closely in the year to come, and we appreciate the comments provided by the committee chairman and the manager of the bill.

BLM CLOSURE OF TWIN FALLS AIRTANKER RELOAD BASE

Mr. CRAIG. Mr. President, I would like to discuss with the Chairman of the Interior Appropriations Subcommittee a problem that has come up in Twin Falls in my State of Idaho. In July 1998, the Bureau of Land Management's state office closed the tanker resupply base at the Twin Falls airport, after an internal inspection indicated unsafe conditions. At the time of that closing, the BLM Shoshone and state BLM offices expressed their interest in re-opening the facility as soon as possible. Over the following months, discussions between BLM and local officials included mention of re-opening as early as during fiscal year 2000.

Then, approval and timing of the project appeared to enter a twilight zone somewhere between south Idaho and Washington, DC. In February of this year, a project data sheet was produced showing a request for FY 2001. Local officials in Twin Falls were told that this delay was the result of no prioritization decision being made at the national level, and that FY 2001 was going to be the earliest year for which the request could be made. Subsequently, local officials were told both, that no final decisions had been made, and that the project had slipped to a lower priority and would be delayed at least until FY 2002.

Prompt replacement of this airtanker reload base is important for several reasons. It is the only such base within 100 miles of most of the Idaho-Nevada border and is therefore situated to provide the fastest possible response in the area during the fire season. Because of the location of the airport and its clear departure paths, it offers fast, safe turnaround times. Many customers in addition to BLM need a base in this area. If the base is not reopened soon, it will hurt airport operations and hurt the local economy.

I am not suggesting to the Chairman that anyone is acting inappropriately. But I do think it is important for us to look into the matter, find out more about the decisionmaking process and what it is producing, consider what the fairest, most prompt outcome should be, and engage with BLM to arrive at that solution.

Mr. GORTON. I appreciate the gentleman bringing this to the Subcommittee's attention. I certainly can understand the Senator's concern with the closure of this base and his constituents' frustration with seemingly inexplicable delays in making progress toward a re-opening. I look forward to working with the Senator and with BLM, to look into this matter and arrive at the best, earliest possible resolution.

DESULFURIZATION (BDS) GRANT

Mr. STEVENS. The FY 2000 Interior Appropriations conference report provides a grant to a refinery in Alaska for a pilot project to demonstrate the effectiveness of diesel biocatalytic desulfurization technology, or BDS for short. This technology holds great promise for helping our petroleum refining industry reduce the sulfur content of diesel fuel in order to meet new EPA regulations. Would the Chairman of the Subcommittee clarify a couple of points about this grant?

Mr. GORTON. Certainly.

Mr. STEVENS. It is my understanding that the Chairman intends for this grant to be made available only to a refinery owned by a small business in Alaska. Is that correct?

Mr. GORTON. The Senator is correct. I understand that the BDS technology is ideally suited to small refineries. Therefore, I believe that the grant should be made available only to a refinery that meets the Small Business Administration's definition of small; that is, less than 75,000 barrels per day capacity of petroleum-based inputs and less than 1,500 employees.

Mr. STEVENS. Why is the BDS technology better suited to small refineries?

Mr. GORTON. It has to do with the nature of the technology itself. As the Senator may know, diesel engine manufacturers currently are in the process of developing new technologies with the potential to radically reduce harmful diesel emissions, but which will require fuel with very low sulfur content in order to work effectively. To reduce the environmental impact of diesel emissions, the EPA is considering new regulations which would require significant reductions in the sulfur content of diesel fuel.

Large-scale, fully-integrated refineries are capable of cost-effectively producing low-sulfur diesel fuel using the traditional technology for removing sulfur from gasoline and diesel fuel, called hydrodesulfurization, or HDS. However, small refineries do not have that capability. HDS is a highly complex, energy intensive, and expensive process. As a result, it is not well-suited to small refineries, which generally are much more simply configured and produce a smaller variety and quantity of refined products than large refineries, and therefore cannot justify the expense of building and operating HDS units.

BDS, on the other hand, is a simple, efficient, and low cost technology which uses much less energy than the traditional HDS technology. A BDS unit is likely to cost 50% less to construct and operate than a traditional HDS unit. For these reasons, BDS technology is particularly well-suited to small refineries and holds great promise as a cost-effective alternative for producing low-sulfur diesel fuel. Because small refineries will be the principal users of the BDS technology if it works like we hope it will, it makes sense to first try it out at a small refinery. Therefore, we believe that the grant for a demonstration project should be directed to a small refinery.

Mr. STEVENS. Thank you.

Mr. CRAIG. Senator GORTON, I have in my hand a copy of an August 27 order from Judge William Dwyer instructing the parties in a lawsuit over timber sales in the Pacific Northwest to negotiate a settlement regarding a requirement to survey for 77 species of mollusks, lichens, bryophytes, salamanders and slugs prior to conducting ground disturbing activities. This lawsuit has held up over one quarter of a billion board feet of federal timber sales.

Let me read a single sentence from the Judge's order:

> Negotiations should now be resumed, should include the defendant-interveners, and should explore short-term solutions that would reduce the impact of injunctive relief

on logging contractors and their employees while complying with the Northwest Forest Plan.

I have been advised by media accounts that the settlement announced, with great fanfare, by Under Secretary Jim Lyons yesterday did not involve the ''defendant-interveners.'' Indeed, in his public comments Mr. Lyons indicates that, the defendant-interveners were excluded from discussions. Defendant-interveners have been unsuccessful in even securing basic information that the government currently has available about affected sales. Furthermore, the settlement did not ''reduce the impact of injunctive relief on logging contractors and their employees'' at all. Instead, it actually expanded the injunction by adding four more sales to the dozens that are already either enjoined by the Court, or not awarded by a decision of the Administration. Mr. Lyons gave the environmental plaintiffs more than what Judge Dwyer ordered in his original decision simply to settle the case and claim that his Northwest Forest Plan was ''back on track.'' This seems more like a capitulation, rather than a settlement.

Mr. GORTON. The Senator is correct. Additionally, I also understand that the day before this ''deal'' was announced, Judge Dwyer held a status conference with all the parties, including the defendant-interveners. The government attorneys told him that no agreement had been reached, and that the next mediation session was to occur on December 2. The Judge then set December 3 for the next status conference. Apparently, this Administration has as much trouble speaking with any probity to the Judicial Branch as they have recently with the Congress. It appears that the Judge's admonition to include the ''defendant-interveners'' in the discussions was ignored.

Mr. CRAIG. Senator, I also understand that Section 334 of the Interior Appropriations Bill was dropped, in part, because of concerns by the Administration that the measure would disrupt the negotiations that were underway, and could prevent the release of any of the enjoined timber sales. But, the settlement announced yesterday will not release any of the enjoined sales.

To add insult to injury, Mr. Lyons is nevertheless claiming that the settlement he announced yesterday will, indeed, allow the sales to go forward. I understand that nothing could be further from the truth. These sales are still on hold while the Forest Service tries to figure out how to search for slugs, slime and salamanders. Most importantly, the Administration is not willing to commit to a time-frame to complete these surveys. I believe this is a wrong that must be corrected.

Mr. GORTON. I concur with the observations of my colleague from Idaho. The sales in question have not been made available to operate. They are still subject to the impossible survey requirements that caused the injunction to begin with. That is why I would urge the Administration in the strongest terms to return to the negotiating table with the defendant-interveners and address their concerns.

Specifically, there should be an agreed-upon time-frame and a date certain for the completion of the agreed-upon survey requirements. Failure to conduct a good-faith effort to complete the settlement process in the fashion ordered by the Judge should be grounds for withholding final approval of the agreement.

Mr. CRAIG. I agree. It seems to me that, based upon the Administration's performance, Congress should reinstate Section 334 or some similar measure in the FY2000 Supplemental Appropriations bill and direct the Administration to release these sales immediately. The Administration's present course will keep this conflict alive interminably, and expose the taxpayers to the liability of damage claims from contract holders. Moreover, this consistent record of deceit and chicanery from the Administration must stop. We made a good faith effort to respond to the Administration's concerns over Section 334 based, in part, on its promise to negotiate a fair settlement of this legal dispute. Not only did they not do that, they now have the audacity to claim publicly that they did, and spin their announcement in the most shameful of ways. If truth is the coin of the realm, Mr. Lyons and his cohorts are hopelessly bankrupt.

Mr. SMITH of New Hampshire. I would like to ask the Chairman of the Interior Appropriations subcommittee to clarify some matters concerning the President's American Heritage Rivers initiative that concerns the Interior and related agencies portion of the appropriations act. Senator GORTON, is it your understanding that there is nothing in this bill that authorizes the American Heritage Rivers initiative?

Mr. GORTON. Yes, I would like to clarify that matter. There is no language whatsoever in the Interior portion that provides an authorization for the American Heritage Rivers Initiative.

Mr. SMITH of New Hampshire. Thank you Mr. Chairman. In addition, is it true that there is no separate appropriation for the American Heritage Rivers initiative in the Interior portion of the bill?

Mr. GORTON. Yes, it is true that there is no appropriation for the American Heritage Rivers initiative in the appropriations act. In fact, the bill includes in Title three a provision that clearly prohibits the transfer of any funds from this act to the Council on Environmental Quality (CEQ) for purposes related to the American Heritage Rivers initiative.

Mr. SMITH of New Hampshire. Thank you Mr. Chairman. In addition, can you comment on some guidance that you have given the Forest Service in your statement to the managers?

Mr. GORTON. Yes, certainly. The statement of the managers provides a limitation on spending for the Forest Service for purposes related to designated American Heritage Rivers. This is not an appropriation, but it provides a maximum that may be spent from funds appropriated for other purposes on any efforts that are consistent with existing authorized programs. I would also like to point out that the Interior subcommittee has questioned this initiative previously. The Committee reports accompanying the FY 1999 bill clearly stated that efforts on this initiative by agencies covered by the Interior bill must complete with, or be normal part of, the authorized program of work of the agency.

INTELLECTUAL PROPERTY AND COMMUNICATIONS

Mr. SCHUMER. Mr. President, I rise today in support of the revised ''Intellectual Property and Communications Omnibus Reform Act of 1999'' (H.R. 1554). As a Member of the Judiciary Committee, I am particularly pleased that this legislation includes as Title IV, the ''American Inventors Protection Act of 1999.'' This important patent reform measure includes a series of initiatives intended to protect rights of inventors, enhance patent protections and reduce patent litigation.

Perhaps most importantly, subtitle C of title IV contains the so-called ''First Inventor Defense.'' This defense provides a first inventor (or ''prior user'') with a defense in patent infringement lawsuits, whenever an inventor of a business method (i.e., a practice process or system) uses the invention but does not patent it. Currently, patent law does not provide original inventors with any protections when a subsequent user, who patents the method at a later date, files a lawsuit for infringement against the real creator of the invention.

The first inventor defense will provide the financial services industry with important, needed protections in the face of the uncertainty presented by the Federal Circuit's decision in the *State Street* case. *State Street Bank and Trust Company* v. *Signature Financial Group, Inc. 149* F.3d 1368 (Fed. Cir. 1998). In *State Street,* the Court did away with the so-called ''business methods'' exception to statutory patentable subject matter. Consequently, this decision has raised questions about what types of business methods may now be eligible for patent protection. In the financial services sector, this has prompted serious legal and practical concerns. It has created doubt regarding whether or not particular business methods used by this industry—including processes, practices, and systems—might now suddenly become subject to new claims under the patent law. In terms of every day business practice, these types of activities were considered to be protected as trade secrets and were not viewed as patentable material.

Mr. President, the first inventor defense strikes a fair balance between patent law and trade secret law. Specifically, this provision creates a defense for inventors who (1) acting in

good faith have reduced the subject matter to practice in the United States at least one year prior to the patent filing date (''effective filing date'') of another (typically later) inventor; and (2) commercially used the subject matter in the United States before the filing date of the patent. Commercial use does not require that the particular invention be made known to the public or be used in the public marketplace—it includes wholly internal commercial uses as well.

As used in this legislation, the term ''method'' is intended to be construed broadly. The term ''method'' is defined as meaning ''a method of doing or conducting business.'' thus, ''method'' includes any internal method of doing business, a method used in the course of doing or conducting business, or a method for conducting business in the public marketplace. It includes a practice, process, activity, or system that is used in the design, formulation, testing, or manufacture of any product or service. The defense will be applicable against method claims, as well as the claims involving machines or articles the manufacturer used to practice such methods (i.e., apparatus claims). New technologies are being developed every day, which include technology that employs both methods of doing business and physical apparatus designed to carry out a method of doing business. The first inventor defense is intended to protect both method claims and apparatus claims.

When viewed specifically from the standpoint of the financial services industry, the term ''method'' includes financial instruments, financial products, financial transactions, the ordering of financial information, and any system or process that transmits or transforms information with respect to investments or other types of financial transactions. In this context, it is important to point out the beneficial effects that such methods have brought to our society. These include the encouragement of home ownership, the broadened availability of capital for small businesses, and the development of a variety of pension and investment opportunities for millions of Americans.

As the joint explanatory statement of the Conference Committee on H.R. 1554 notes, the provision ''focuses on methods for doing and conducting business, including methods used in connection with internal commercial operations as well as those used in connection with the sale or transfer of useful end results—whether in the form of physical products, or in the form of services, or in the form of some other useful results; for example, results produced through the manipulation of data or other inputs to produce a useful result.'' H. Rept. 106–464 p. 122.

The language of the provision states that the defense is not available if the person has actually abandoned commercial use of the subject matter. As used in the legislation, abandonment refers to the cessation of use with no intent to resume. Intervals of non-use between such periodic or cyclical activities such as seasonable factors or reasonable intervals between contracts, however, should not be considered to be abandonment.

As noted earlier, Mr. President, in the wake of *State Street*, thousands of methods and processes that have been and are used internally are now subject to the possibility of being claimed as patented inventions. Previously, the businesses that developed and used such methods and processes thought that secrecy was the only protection available. As the conference report on H.R. 1554 states: ''(U)nder established law, any of these inventions which have been in commercial use—public or secret—for more than one year cannot now be the subject of a valid U.S. patent.'' H. Rept. 106–464, p. 122.

Mr. President, patent law should encourage innovation, not create barriers to the development of innovative financial products, credit vehicles, and e-commerce generally. The patent law was never intended to prevent people from doing what they are already doing. While I am very pleased that the first inventors defense is included in H.R. 1554, it should be viewed as just the first step in defining the appropriate limits and boundaries of the *State Street* decision. This legal defense will provide important protections for companies against unfair and unjustified patent infringement actions. But, at the same time, I believe that it is time for Congress to take a closer look at the potentially broad and, perhaps, adverse consequences of the *State Street* decision. I would hope that beginning early next year that the Judiciary Committee will hold hearings on the *State Street* issue, so that Senators can carefully evaluate its economic and competitive consequences.

Mr. TORRICELLI. My college is correct. The *State Street* decision may have unintended consequences for the financial services community. By explicitly holding that business methods are patentable, financial service companies are finding that the techniques and ideas, that were in wide use, are being patented by others.

The Prior Inventor Defense of H.R. 1554 is an important step toward protecting the financial services industry. By protecting early developers and users of a business method, the defense allows U.S. companies to commit resources to the commercialization of their inventions with confidence that a subsequent patent holder will prevail in a patent-infringement suit. Without this defense, financial services companies face unfair patent-infringement suits over the use of techniques and ideas (methods) they developed and have used for years.

While I support the Prior Inventor Defense, as a member of the Judiciary Committee, I hope that we will revisit this issue next year. More must be done to address the boundaries of the *State Street* decision with the realities of the constantly changing and developing financial services industry.

I look forward to working with Senator SCHUMER and my colleagues on the committee on this important issue.

Mr. JEFFORDS. Mr. President, I rise today to support an extremely important provision in the budget agreement. A provision which will mean the difference for many dairy farmers around the country on whether they will stay in business or not.

The dairy compromise that is included in the budget agreement will help bring stability to the price dairy farmers around the country receive for their product—as well as protect consumers and processors by helping to maintain a fresh local supply of milk.

The agreement extends the very successful Northeast Dairy Compact and overturns Secretary Glickman's flawed pricing rule, saving dairy farmers around the country millions of dollars in lost income.

Take one look at this chart and you will know why the dairy compromise in the budget agreement is so important to the survival of this country's dairy farmers.

Why, because every farmer in every state in the red would lose money out of their pockets if Secretary Glickman's flawed pricing rule known as option 1–B were to be put in place. The dairy compromise corrects this and creates a pricing formula that is fair for both farmers and consumers.

For three years the farmers in New England have had a program that works. It's called the Northeast Dairy Compact. Because the Dairy Compact pilot program has worked so well—no less than twenty-five states have approved Compacts and are now asking Congress for approval.

Today, I am so pleased two of the people responsible for creating the idea of the dairy compact are here in Washington today. Bobby Starr and Dan Smith are two Vermonters that over 10 years ago put their heads together in an effort to help protect the Vermont way of life.

It was my hope and the hope of the majority of the Senate that we could have expanded the compacts into other regions so other states could benefit from having a means of stabilizing prices for both their farmers and consumers.

Unfortunately, this time we were not able to expand the dairy compact into other regions. However, a great deal of progress has been made as more and more states are seeing the benefits of protecting their dairy farmers and rural economies through the use of Interstate Compacts.

Given the broad support for compacts among the states, we all know that the issue of regional pricing is one that will continue to be debated. I am pleased with the tremendous progress the Southern states and other Northeastern states have made to move their compacts forward.

While the debate continues, this reasonable compromise allows the Northeast Compact to continue as the pilot project for the concept of regional pricing

The Northeast Dairy Compact has given farmers and consumers hope. The Compact, which was authorized by the 1996 farm bill as a three-year pilot program, has been extremely successful.

The Compact has been studied, audited, and sued but has always come through with a clean bill of health. Because of the success of the Compact it has served as a model for the entire country.

Mr. President, I am of course aware that some of my colleagues oppose our efforts to bring fairness to our states and farmers by continuation of the Dairy Compact pilot project.

Also, unfortunately, Congress has been bombarded with misinformation from an army of lobbyists representing the national milk processors, led by the International Dairy Foods Association (IDFA) and the Milk Industry Foundation. These two groups, backed by the likes of Philip Morris, have funded several front groups to lobby against this compromise.

Their handy work has been seen recently in misinformed newspaper editorials, deceiving advertisements and uninformed television ads. Yesterday Senator LEAHY and I came to the floor to correct the misinformation contained in the Wall Street Journal Editorial.

Mr. President, I would like to take this opportunity to set the record straight about the operation of the Northeast Compact. It is crucial that Congress understand the issues presented by dairy compacts on the merits, rather than based on misinformation.

When properly armed with the facts, I believe you will conclude that the Northeast Dairy Compact has already proven to be a successful experiment and that the other states which have now adopted dairy compacts should in the future be given the opportunity to determine whether dairy compacts will in fact work for them as well.

Contrary to the claims of the opposition, regional compact regulation remain open to the interstate commerce of all producer milk and processor milk products, from whatever source. Compacts establish neither ''cartels'', ''tariffs'' nor ''barriers to trade'' and are not ''economic protectionism.''

According to the opponents characterizations, dairy compacts somehow establish a ''wall'' around the regions subject to compact regulation, and thereby prohibit competition from milk produced and processed from outside the regions.

These are entirely misleading characterizations.

It is really quite simple and straightforward: All fluid, or beverage milk sold in a compact region is subject to uniform regulation, regardless of its source within or outside the compact region.

This means that all farmers, including farmers from the Upper Midwest, providing milk for beverage sale in the region, receive the same pay prices without discrimination. It can thus be seen that there is no economic protectionism or the erection of barriers to trade.

Except for uniform regulation, the market remains open to all, and the benefits of the regulations are provided without discrimination to all participating in the market, including those who participate in the market from beyond the territorial boundaries of the region.

Next, I would like to address the actual and potential impact of dairy compacts on consumer prices. In short, opposition claims about the actual and possible impact of dairy compacts on consumers, including low income consumers, are unfounded and grossly distorted.

Over the years, while farm milk prices have fluctuated wildly, remaining constant overall during the last ten years, consumers prices have risen sharply.

The explanation for this is apparently that variations in store prices do not mirror the wild fluctuations in farm prices.

In other words, when farm prices go up, the store prices go up, but when the farm prices recede, the store prices do not come back down as quickly or at the same rate. Hence, and quite logically, if you take away the fluctuations in farm prices, you take away the catalyst for unwarranted increases in store prices.

When the 1996 Farm Bill granted consent to the Northeast Dairy Compact as a pilot program, Congress gave the six New England states the right under the compact clause of the Constitution to join together to help regulate the price paid to farmers for fluid milk in the New England region.

The six New England states realized that in order to maintain a viable agriculture infrastructure and an adequate supply of milk for the consumers they needed to work together.

When the compact passed as part of the 1996 Farm Bill, the opponents were so sure the compact would not operate as its supporters had promised, they asked the Office of Management of Budget to conduct a study on the economic effects of the Northeast Dairy Compact.

The opponents of the dairy compact intended for the OMB study to discredit the dairy compact. The study did just the opposite. Instead, the OMB study proved just what we had thought—that the dairy compact works and it works well.

The OMB studied the economic effects of the Northeast Dairy Compact and especially its effects on the federal food and nutrition programs. The study also examined the impacts of milk prices at various levels on utilization and shipment of milk, and on farm income both within and outside the Compact region.

Here's what the study concluded:

The New England retail milk prices were $.05 cents per gallon lower on average then retail milk prices nationally following the first six months of operation of the Northeast Dairy Compact.

The compact over-order payments made in New England through the Compact Commission have had little impact on the price consumers pay as a result of the compact. Consumers, who are well represented on the Compact Commission, are very pleased with how the Dairy Compact has operated.

The Northeast Dairy Compact has not added any costs to federal nutrition programs, such as the Women, Infants and Children (WIC) and the school lunch and breakfast program, due to compensation procedures implemented by the New England Compact Commission. A program that helps protect farmers and consumers with no cost to the federal government.

The OMB study found that the Dairy Compact was economically beneficial to dairy producers. It increased their income from the milk sales about six percent.

The study concluded that the retail prices in New England were lower than the national average and it increased the income of dairy producers. No wonder twenty-five states are interested in having compacts in their states. And it's no wonder why governors, state legislatures, consumers and farmers alike support the continuation of the Northeast dairy compact.

Also, the OMB study concluded that there were no adverse affects for dairy farmers outside the Compact region and the study noted that some dairy producers outside the region actually received increased financial benefits through the sale of their milk into New England.

The OMB study helped Congress understand just how well the compact works. The opponents of the compact did not get what they had hoped for—instead we all have benefitted, both opponents and proponents of the compact, with the facts.

Despite what some of my colleagues have said, the Northeast Dairy Compact is working as it was intended to.

Instead of trying to destroy an initiative that works to help dairy farmers with no cost to the federal government, I urge my colleagues from the Upper Midwest to respect the states' interest and initiative to help protect their farmers and encourage other regions of the country to explore the possibility of forming their own interstate dairy compact in the future.

Mr. President, the Northeast Dairy Compact has worked well. Just think if other commodities and other important resources around the country developed a program that had no cost to the federal government and benefitted both those who produce, sell, and purchase the product.

Mr. FEINGOLD. Mr. President, I rise today in strong opposition to this legislation, which would revive an arcane

and unjust federal dairy policy that has destroyed thousands of family dairy farms.

Once again, the Senate is faced with dairy riders that fly in the face of recommendations from the Secretary of Agriculture, our nation's dairy farmers, and numerous taxpayer and consumer groups. It seems that political favors are more important to some in this Congress than policy decisions that help our nation's dairy farmers.

During the last four years neither of these two harmful provisions—Option 1A or the Northeast dairy compact—has won Senate approval. I ask my colleagues on the other side of the aisle: why must Senate and House leaders continue to play political games at the expense of our nation's dairy farmers?

Mr. President, these backdoor deals must stop. America's dairy farmers deserve a national dairy policy that ensures that all dairy farmers receive a fair price for their milk.

Unfortunately, the House and Senate leadership went into a back room, and snuck in these two riders that step up the attack on our dairy industry.

These decisions were separate even from the eyes and ears of members, and most members of the Senate Agriculture committee. With the proliferation of these backroom deals, it is no wonder that the general public is frustrated with Congress.

The simple fact is that neither of these two dairy riders has been approved by both chambers of Congress, or the President.

I would like to make my colleagues aware of the history behind these two provisions. During the last four years, the only Senate vote explicitly on the Northeast dairy compact resulted in a resounding rejection.

This year, the Senate again voted on a package containing the Northeast dairy compact, and it again failed to gain enough support to invoke cloture.

Mr. President, the House has yet to take a single vote specifically on the Northeast dairy compact. Compared to the record of the House, these two votes make the Senate look like experts on the Northeast dairy compact.

Furthermore, Mr. President, the 1996 farm bill required that the Northeast dairy compact expire upon implementation of USDA's reforms. Unfortunately these dairy riders seek to defy the will of Congress, and give the back of their hand to America's dairy farmers.

After tens of thousands of comments, USDA came up with a modest plan to reform our 30-year-old milk marketing order structure.

More than 59,000 dairy farmers from all over the United States participated in a USDA national referendum and 96% voted in favor of the United States Department of Agriculture's final rule to consolidate the current 31 federal milk marketing orders into 11, and to reform the price of Class I milk.

USDA's proposal garnered nearly uniform support in each of the 11 regions, including the Southeast, Midwest, and Northeast.

The second of these harmful dairy riders, would overturn these reforms.

Well, Mr. President, I take the floor today to deliver a simple message: Congress should not renew a milk marketing order system that devastates family farmers, and imposes higher costs on consumers and taxpayers.

There has been a great deal of confusion over the effects of these harmful dairy provisions. Some say that mandating Option 1A and a two year extension of the Northeast dairy compact simply preserves the status quo.

This legislation does much more than simply extend the 60-year milk marketing system.

A new forward contracting provision in this dairy rider enables processors to pay farmers much less than the federal blend price for their milk.

This forward contracting provision will also make the market less competitive for all other producers by reducing demand on the open market. Since it is likely that forward contracts would be offered to only the largest producers, this provision will result in losses to small and medium-sized producers, who will become residual suppliers.

Mr. President, these dairy provisions shift the attack on our nation's dairy farmers into overdrive. This harmful legislation will continue to push our nation's dairy farmers out of business, and off their land.

For sixty years, dairy farmers across America have been steadily driven out of business, and disadvantaged by the very Federal dairy policy this legislation seeks to revive.

In 1950, Wisconsin had over 143 thousand dairy farms. After nearly 50 years of the current dairy policy, Wisconsin is left with only 23 thousand farms. Let me repeat: 23 thousand farms.

Why would anyone seek to revive a dairy policy that has destroyed over 110 thousand dairy farms in a single state? That's more than five out of six farms in the last half-century.

This devastation has not been limited to Wisconsin. Since 1950, America has lost over three million dairy farms. And this trend is accelerating, since 1985, America has lost over half of its dairy producers.

Day after day, season after season, we are losing small farmers at an alarming rate. While these operations disappear, we are seeing the emergence of larger dairy farms.

The trend toward a few large dairy operations is mirrored in States throughout the nation. The economic losses associated with the reduction of small farms goes well beyond the impact on the individual farm families that have been forced off their land.

The loss of these farms has devastated rural communities where small family-owned dairy farms are the key to economic stability.

Option 1A also hurts these communities in other ways: through higher costs passed on to both consumers and taxpayers.

Option 1A would increase prices for milk and cheese in virtually every state in the country. Low income families and federal nutrition programs, which rely heavily on milk and cheese, will be seriously hurt by the price increases mandated by this legislation.

The poor and elderly will be especially burdened by higher costs. Under Option 1A and the Compact food stamp recipients would lose $40 million a year due to increases in beverage milk prices and another $18 million a year due to increased cheese prices.

This legislation also soaks taxpayers with a milk tax by imposing higher costs on every taxpayer because we all pay for nutrition programs such as food stamps and the national school lunch program.

According to USDA, Option 1A alone would increase the average beverage milk price by nearly five cents a gallon and the cost of milk used for cheese by about two cents a gallon.

If we add up these costs to all of the federal nutrition programs, the costs mount up quickly.

Option 1A would cost the school lunch and school breakfast programs $19 million a year in higher beverage milk prices and cheese prices.

The WIC program would face over $16 million in higher cheese and milk prices.

Mr. President, the loss caused by Option 1A to the three major nutrition programs is $93 million. These regressive taxes unfairly burden children and the elderly. These hidden penalties on America's children and elderly must not be allowed to continue.

The fact is, we need a new national dairy policy that stops devastating small farmers, and imposing higher costs on taxpayers and consumers.

During my six years in the United States Senate, and twelve years in the Wisconsin State Senate, the overwhelming message I hear from dairy farmers in Wisconsin, Minnesota and throughout the Midwest, is that we need milk marketing order reform.

Congress recognized the need for a new national dairy policy, and in 1996, mandated that USDA reform the Federal milk marketing order system.

Well, let's take a look at why farmers across the U.S. support USDA's reforms. This chart compares Class I milk prices under the final rule and the current pricing system.

Under USDA's final rule dairy farmers in New England would receive 19.29 per hundredweight, a $.26 increase over the current system. Farmers in eastern New York and Northern New Jersey would receive $19.04 per hundredweight, an $.11 per hundredweight increase. In Northern Florida, farmers would receive $20.34, a $.97 increase over the current system.

These statistics underscore the importance of USDA's reforms for dairy farmers across the nation.

As this chart makes clear, USDA's reforms provide relief to America's

dairy farmers, and begin to re-institute fairness into our dairy pricing structure.

Perhaps even more compelling is this simple bar graph that illustrates the national average Class I milk price that farmers receive under the final rule and the current pricing system.

As you can see farmers would have received 58 cents more per hundredweight under USDA's final rule.

Farmers, consumer advocates, and taxpayer groups support USDA's reforms, and oppose these harmful dairy riders.

Mr. President, America's farmers demanded USDA's reforms. We should heed their call and support USDA's final rule.

Unfortunately, supporters of this legislation feel that they know better than America's dairy farmers, and wish to prevent USDA's moderate reforms. Ironically, one of the few changes to Federal dairy policy over the last 60 years has accelerated the attack on small farmers.

Despite the discrimination against Wisconsin dairy farmers under the Eau Claire rule, backdoor politicking during the eleventh hour of the conference committee for the 1996 farm bill, stuck America's dairy farmers with the devastatingly harmful Northeast Dairy Compact. This provision further aggravated the inequities of the Federal milk marketing order system by establishing the Northeast Interstate Dairy Compact. While the Compact may sound benign, it establishes a price fixing entity for six Northeastern States—Vermont, Maine, New Hampshire, Massachusetts, Rhode Island, and Connecticut.

The Northeast Interstate Dairy Compact Commission is empowered to set minimum prices for fluid milk higher than those established under Federal milk marketing orders. Never mind that farmers in the Northeast already receive higher minimum prices under the antiquated, 60 year old Eau Claire rule.

The compact not only allows these six States to set artificially high prices for their producers, it permits them to block entry of lower-priced milk from producers in competing States. Further distorting the markets are subsidies given to processors in these six States to export their higher-priced milk to non-compact States.

Who can defend this system with a straight face? This compact amounts to nothing short of government-sponsored price fixing. It is outrageously unfair, and also bad policy.

The compact interferes with interstate commerce and wildly distorts the marketplace by erecting artificial barriers around one specially protected region of the nation.

The compact arbitrarily provides preferential price treatment for farmers in the Northeast at the expense of farmers in other regions who work just as hard, who love their homes just as much and whose products are just as good or better.

It also irresponsibly encourages excess milk production in one region without establishing effective supply control. This practice flaunts basic economic principles and ignores the obvious risk that it will drive down milk prices for producers outside the compact region.

Despite what some have argued, the Northeast Dairy Compact hasn't even helped small Northeast farmers.

Since the Northeast first implemented its compact in 1997, small dairy farms in the Northeast, where this is supposed to help, have gone out of business at a rate of 41 percent higher than they had in the previous 2 years—41 percent higher.

In fact, compacts often amount to a transfer of wealth to large farms by affording large farms a per-farm subsidy that is actually 20 times greater than the meager subsidy given to small farmers.

We need to support USDA's moderate reforms, reject these harmful dairy riders and let our dairy farmers get a fair price for their milk.

Mr. President, I yield the floor.

Mr. KYL. Mr. President, today we are considering the District of Columbia appropriations bill, which includes not only funding for the nation's capital, but also regular appropriations for seven cabinet-level departments—the Departments of Labor, Health and Human Services, Education, State, Justice, Commerce, and Interior.

The package also includes four major authorization bills covering Medicare, foreign operations, satellite television, dairy programs, and scrap-metal recycling.

Mr. President, under ordinary circumstances, legislation should not be packaged this way. If I were to base my vote merely upon the process that led us to combine these measures into one huge bill, I would vote no, as I have on the other omnibus bills that have come before the Senate during the last few years. However, I think there are some important distinctions between the package before us this year and what we have seen in the past.

Unlike last year, for example, when free-for-all negotiations resulted in an orgy of new spending and wholesale concessions to the White House, this year the individual parts of the bill were negotiated separately, in a largely orderly process. Unlike last year, any additional spending won by the White House was required to be offset so that net spending would not increase.

With the exception of the dairy provisions, which I oppose, I have concluded that I would vote for each of the measures included here if we had the opportunity to vote on them separately. For this reason and, because on balance, I believe the good in the rest of the package outweighs the bad, I will vote aye.

Mr. President, when we look back on this legislation five or 10 years from now, I think we will see one aspect of it as truly historic.

The legislation, despite its shortcomings, establishes a historic new precedent against ever again raiding the Social Security trust fund for other purposes—a precedent that future Presidents and Congresses will deviate from only at their own peril.

The package has been designed to avoid intentionally spending a dime of the Social Security surplus. And if our estimates turn out to be right, it will be the first time since 1960—the first time in nearly 40 years—that Congress did not tap the Social Security surplus to pay for other programs. It also means that we will be able to pay down publicly held debt by another $130 billion or so this year.

Mr. President, I think everyone needs to recognize that estimates of spending and revenues can be affected by even the slightest changes in the economy, and so we will need to be prepared to adjust spending levels early next year if it appears that that is necessary to take further action to safeguard the Social Security surplus. We should even consider putting an automatic mechanism in place, as proposed in legislation I cosponsored with Senator ROD GRAMS, to make sure Social Security is never again tapped.

In any event, it is important to recognize just how far we have come since 1995. That was the year Bill Clinton sent Congress a budget that would have spent every penny of the Social Security surplus every year for the foreseeable future, and still run $200 billion annual deficits on top of that. The President's FY96 budget submission would have resulted in actual deficits rising from about $259 billion in 1995 to roughly $289 billion this year.

We did not follow the President's recommendations. We charted an entirely different course. The result: We now have a budget that sets aside the entire Social Security surplus and even runs an estimated $1 billion surplus in the government's operating budget. That is progress.

Because we do not raid Social Security, we had to do a better job of setting priorities so that we could take care of those things the American people care most about, and to a large degree, I think we succeeded. This bill provides a substantial increase in funds for medical research at the National Institutes of Health. We provide even more resources for education than the President asked for, and we take a modest first step in the direction of public school choice and providing local school districts with increased flexibility in how they will use federal funds to meet the particular needs of their students. We restore funding for hospitals and nursing homes that care for Medicare patients.

We also include additional resources for law enforcement, including funding for 1,000 new Border Patrol agents, and funds to combat the scourge of methamphetamine in our communities. We are able to provide more money than the President sought for the Violence

Against Women Act. And we provide money to make sure federal agencies can be better stewards of our national parks, forests, and wildlife refuges.

We require that international family-planning money be used for just that—family planning, not abortion or lobbying to liberalize the abortion laws of other countries. Although the compromise provisions would allow the President to waive the limitations and provide about $15 million to groups that engage in such activity, about 96 percent of the dollars would still remain subject to the restrictions.

Of course, funding these various priorities means we had to limit spending in other areas in order to keep our promise not to raid Social Security. For example, the National Endowment for the Arts does not get the increase it sought. There will not be as much foreign aid as President Clinton wanted. We cut the President's Advanced Technology Program. To make doubly sure we keep our pledge to stay out of Social Security, we include a small across-the-board spending cut to force agencies to ferret out waste and abuse.

It is hard for me to conceal my disappointment in several regards. First, I regret that Congress did not protect the projected surplus in the non-Social Security part of the budget. This bill, combined with the other appropriations bills that have already been signed into law, will spend the entire $14 billion surplus that was projected in the government's operating budget—excluding Social Security—and it will bust the spending caps Congress and the President agreed to only two years ago.

Second, there is still far too much wasteful spending in the budget.

And third, there is so much advance funding in the bill for FY2001 that it will be difficult for us to stay within our spending targets for next year.

On balance, though, it strikes me that the short-term cost of exceeding the caps and spending the relatively small non-Social Security surplus for this year is more than outweighed by the long-term discipline that will be imposed by the precedent we have set with regard to protecting Social Security.

Mr. President, with that in mind, I intend to vote for this bill.

A BAD DEAL FOR WORKING AMERICANS

Mr. GRAMS. Mr. President, a year ago I was here in this chamber speaking on the 1998 Omnibus Appropriations legislation. I criticized the abusive process that made the entire negotiations exclusive, arbitrary, and conducted behind closed doors by only a few congressional leaders and White House staff, and few Members of the Congress had any idea what was in the bill but were asked to approve it without adequate review and amendments. I also urged the Congress not to repeat the mistake that we need to reform the process and start the process early in the year to avoid appropriations pressure.

Many of my colleagues shared my views at the time and agreed that the federal budget process had become a reckless game, and it not only weakened the nation's fiscal discipline but also undermined the system of checks and balances established by the Constitution.

At the beginning of the 106th Congress, I argued repeatedly in this chamber that the key to a successful budget process was to pursue comprehensive budget process reforms. I have introduced legislation to achieve these goals which includes legislation that would force us to pass a legally-binding federal budget, allow an automatic continuing resolution to kick-in to prevent government shutdown, set aside funds each year in the budget for true emergencies; strengthen the enforcement of budgetary controls; enhance accountability for Federal spending; mitigate the bias toward higher spending; modify Pay-As-You-Go (PAYGO) procedures to accommodate budget surpluses; and establish a look-back sequester mechanism to ensure the Social Security surplus will be protected. We also need to pursue biennial budgeting and getting rid of the so-called ''baseline budgeting.''

We were assured by Senate leaders that we were going to pursue real budget process reform early this year and that we would never have another omnibus spending bill in the future.

Mr. President, I believe what we have before us today is a repeat of what was promised to never occur again. Once more, with inadequate time to review. The Houses passed this omnibus bill with absolutely no knowledge of what was in it. This is nearly a play-by-play of 1998 because we have not reformed our budget process. As a result, after seven Continuing Resolutions, we have before us an omnibus spending bill that is full of creative financing and earmarked pork programs.

Mr. President, when will we ever learn our lessons?

Mr. President, it is entirely irresponsible and reckless that Congress has over-used advanced appropriations, used directed scoring, emergency spending and many other budgetary smoke and mirrors to dodge fiscal discipline and significantly increase government spending. Like last year's omnibus bill, this legislation is heavily loaded with irresponsible and inappropriate provisions. It is severely flawed by new spending, no CBO scoring, gimmick offsets and billions of pork-barrel programs. Many last-minute spending needs were loaded into this omnibus bill just in the last few days. I still cannot even tell you what they are, since we haven't been given enough time to review it. The double whammy delivered to Minnesota dairy farmers by adding a two-year extension of the Northeast dairy compact and 1 A order reform is my main reason for opposing this bill. These outrageous last-minute additions seriously hurt Mid-West dairy farmers and are the reason why we are still here today.

This omnibus bill has again proven that big government is well and alive in Washington. The bill provides a total $385 billion for just five spending bills, a significant increase over last year's levels. Congress is recklessly and irresponsibly throwing more and more taxpayers' money to help the President enlarge the government. Billions of dollars were added to the spending legislation avoiding the normal committee process, without any amendments and full debate. If hiring more police officers and more elementary school teachers is the solution to stop crime and improve education, let us have an open debate on the merits of the policy through the usual democratic process. Let's not cut deals behind the closed door in meetings by just a few.

Since we established statutory spending limits, Washington has repeatedly broken them because of lack of fiscal discipline. We have done so again this year.

In my judgment, this omnibus spending bill and the other appropriation bills have been enacted have spent billions of dollars more than the spending caps if we would use honest numbers to score them. To date, the Congressional Budget Office has not provided us with its estimates on this bill. Because of the CBO's inability to score the bill, we do not know what the real cost of it, or whether it stays within the 302(b) allocations.

But we do know many accounting rules have been bent in putting this bill together to avoid the tighter spending caps. Let me explain: This bill relies heavily on the so-called ''directed scoring'' technique for it increased spending. Traditionally, Congress always uses the Congressional Budget Office estimates for scorekeeping. However, because the Office of Management and Budget (OMB) has more favorable estimates for some government programs than the CBO, the Congress simply directed CBO to use OMB numbers to keep score for this year's spending bills.

One of these OMB estimates the CBO was directed to use is the $2.4 billion spectrum sales revenue expected to be collected next year. We all know that level of sales will not be reached. In fact, we criticized the President for using this overoptimistic number in his past budgets.

Just by using the OMB's rosy estimates, without making any hard choices, Congress has increased this year's 302(b) allocations by over $17.4 billion. But the real danger is, by the end of the year, the CBO will use its own estimates to score our budget surplus or deficit. If OMB's numbers prove to be unrealistic and wrong, we end up spending the Social Security surplus we have vowed to protect and it will be too late to adjust the budget accordingly. This is the last thing we want to

do. That is why I was disappointed my bill to provide an automatic sequester triggered by spending of the Social Security surplus was not passed. This procedure is absolutely essential to ensure we keep our commitment to protect Social Security.

Again and again, Washington lowers the fiscal bar and then jumps over it, or finds ways around it, at the expense of the American taxpayers, so all the spenders and those special interests who benefit at other expenses go home happy.

Mr. President, abusive use of emergency spending is another gimmick applied in this omnibus spending bill, as well as in the other appropriation bills we've passed. Last year alone, Congress appropriated $35 billion for so-called emergencies. This year again, over $24 billion of emergency spending was appropriated. Since 1991, emergency spending has totaled over $145 billion. Most of these ''emergencies'' were used to fund regular government programs, not unanticipated true emergencies. Emergency spending is sought as a vehicle to add on even more spending priorities and thus to dodge fiscal discipline because emergency spending is not counted against the spending caps. This has gone too far. We need a better way to budget for emergencies. Most of this spending can be planned within our budget limits. Even natural disasters happen regularly—why not budget for them, as I proposed in my budget process legislation.

Mr. President, while I agree ''advance appropriations,'' ''advance funding'' and ''forward funding'' are not uncommon practice here, it does not mean they are the right thing to do, particularly when these budget techniques are used to dodge much-needed fiscal discipline.

In the past five years, ''advance appropriations'' have increased dramatically, jumping from $1.9 billion in FY 1996 to $11.6 billion in FY 2000, an increase of $9.7 billion over five years. This year, at least $19 billion was advanced into FY 2001 and outyears which will create even worse problems for us next year and in the future.

I understand the upward spending pressure the Congress is facing this year and in the outyears. But I believe we should, and can, meet this challenge by prioritizing and streamlining government programs while maintaining fiscal discipline. We can reduce wasteful, unnecessary, duplicated, low-priority government programs to fund the necessary and responsible function of government. But we need a Biennial Budget, as Senator DOMENICI recommends, to give us time to do this.

Instead of streamlining federal spending, we have thrown in more money to please big spenders without the needed analysis to ensure the spending will help us solve problems. Like last year's bill, this bill looks like a Christmas tree full of pork projects. Many are added in the last minute negotiation. But we don't know exactly what they are and how much they cost, because again we have not been given enough time to review this bill. Here are a few examples as identified by Senator MCCAIN:

An entirely new title is included in the legislation during last minute negotiations, the ''Mississippi National Forest Improvement Act of 1999,'' which had not previously been considered in the previous Senate or House bills. A half million dollars is added for the Salt Lake City Olympic tree program. It earmarked $2 million for the University of Mississippi Center for Sustainable Health Outreach and $3 million for the Center for Environmental Medicine and Toxicology at the University of Mississippi Medical Center at Jackson. An earmark of $3 million is added for the Wheeling National Heritage Area and $3 million for the Lincoln Library. It earmarked $2 million for Tupelo School District in Mississippi for technology innovation. It includes an earmark of $3 million for the Southwest Pennsylvania Heritage Area. It also earmarked $1 million for the completion of the Easter Seal Society's Early Childhood Development Project for the Mississippi River Delta Region and $1 million for the Center for Literacy and Assessment at the University of Southern Mississippi. It also includes an increase of $3.6 million for Washington State Hatchery Improvement.

As the result, we've ended up spending much more money than we should have. My biggest fear, Mr. President, is this omnibus spending legislation may allow Congress and the President to spend some of the Social Security surplus by not imposing an adequate across-the-board spending reduction.

Even counting all the ''directed scoring,'' ''advanced appropriations,'' every penny of the $14 billion on-budget surplus and other budgetary gimmicks, it is estimated that Congress could still dip into the Social Security surplus by nearly $5 billion. To fill that gap we need to reduce government spending by 0.97 percent across-the-board. But the agreement reached between congressional leaders and the White House allows only a 0.38 percent reduction which would result in $1.3 billion savings. Clearly, this is done just for face-saving reason, and will not ensure that the Social Security surplus is protected.

The proponents of this omnibus bill may quickly point out that there are offsets to fund the new spending. But we all know most of the offsets are simply gimmicks. The best example is a $3.5 billion transfer from the Federal Reserve surplus to the Treasury.

As you know, there is nothing new about this proposal and it has been around for quite a while. In the past, Chairman Greenspan called this transfer of the Fed's surplus to the Treasury ''a gimmick that has no real economic impact on the deficit.'' Because it is just an intra-governmental transfer that would not change the government's true economic and financial position.

Other offsets such as a one-day delay in pay for our military and civilians will cause enormous financial hardship for millions of American families who depend on the regular paychecks to pay their mortgage, daycare for their kids, and other priorities. Many small businesses and contractors can be adversely affected by this offset as well. Again, this has proven that the victims of Washington's spending spree are the American taxpayers.

Mr. President, there are many provisions in the omnibus appropriations bill I support, such as the BBA Medicare fix which includes reinstatement of Minnesota's DSH allotment, the State Department Authorization which includes payment of the U.N. arrears and my embassy security proposal, Home Satellite TV access and others. In fact I have worked hard on many of these proposals. However, I believe the dairy provisions and the general lack of fiscal discipline in the bill have far overshadowed the good provisions. Overall, it is a bad deal for working Americans in general and it is a bad deal for my fellow Minnesotans in particular. I therefore cannot in good conscience vote for this fiscally irresponsible legislation.

Mr. GRASSLEY. Mr. President, I rise to express my deep disappointment at the language affecting Federal dairy policy included in the Omnibus appropriations bill before us. As the Members know, the Omnibus measure includes an extension of the Northeast Dairy Compact and language on reforming our Nation's Federal dairy policy which has been in place since the Depression.

It may seem unusual to some Members that a Senator from Iowa would have an interest in this matter. While Iowa's reputation as an agriculture powerhouse is well-established and well-deserved, I think when many people think of agriculture in Iowa, they think of commodities such as soybeans or pork. However, the dairy industry is very important to Iowa as well. The total economic contribution of the dairy industry to the Iowa economy is over $1.5 billion annually. Nearly 10,000 Iowans are employed through dairy farming and processing. Furthermore, Iowa ranks 12th in the Nation in Dairy Production. So the State of Iowa has good reason to be concerned about Federal dairy policy.

I have long been concerned about the impact of the Northeast Dairy Compact, which was authorized by the 1996 farm bill and which was due to sunset in October of this year, has had, and how it will affect producers in the future. I voted in 1996 to strip the language from the farm bill which allowed for the formation of the Northeast Dairy Compact. The only reason the language was included in the farm bill was political trading at the last minute. Since the inception of the Northwest Compact, it is clear that its consequences have not been good.

According to the International Dairy Foods Association, the Northeast Compact has cost New England milk consumers nearly $65 million in higher milk prices, at the same time costing child nutrition programs $9 million more. Consumers have paid a price that is too high for the Northeast Compact. We should not make more consumers suffer the same consequences. I also believe that compacts are an abuse of the Constitution. While the Constitution does allow for the formation of compacts, it is usually invoked for transportation or public works project.

The Northeast Dairy Compact is the first time that compacts have been used for the purpose of price fixing for regional interests. For the most effective functioning of the U.S. economy, it must be unified. Preventing economic protectionism is at the heart of our Constitution. Renewing or expanding compacts flies in the face of that basic tenet. Furthermore, neither the Judiciary Committee or the Agriculture Committee, which have jurisdiction over such matters, has had the opportunity to review this measure. Such a committee examination is warranted and necessary.

One of the things that worries me about dairy compacts is their potential effect on other commodities. Higher prices mean more milk and less demand. The key to increasing dairy producers' income is expanding demand for milk and dairy products. If we take steps to expand dairy compacts, we will be going in the opposite direction. It is also my view that compacts are contradictory to the philosophy of freedom to farm, which my friend, the senior Senator from Vermont, supported. The whole philosophy behind freedom to farm was moving away from the old ''command and control'', government-run AG policies of the past. We need more free markets and free trade, not less. which brings me to my final point on compacts. As Chairman of the Finance Committee's Subcommittee on Trade, maintaining a strong trade position for the United States is my top priority. One of the reasons why the United States is the only true superpower left in the world and why our Nation remains economically strong while others have faltered is because we function as one economically. Our economic prosperity is undeniable proof of the superiority of free and open markets. If we were to allow the perpetuation of dairy compacts, it would send a very damaging signal to the rest of the world.

It would send the message that we do not have the confidence that a free and open economy will ensure that producers who come to the market with a quality product will be able to support themselves. Not only is the compact language in this bill unacceptable for dairy producers in the Midwest, but the Omnibus bill also includes language on the Nation's milk marketing orders that is detrimental to Iowa's dairy producers. Members know that milk marketing orders are a system put in place over 60 years ago to regulate milk handlers in a particular order region to promote orderly marketing conditions.

The 1996 farm bill required USDA to cut the number of marketing orders by over half and implement an up-to-date market oriented system of milk distribution. After a great deal of study and comment, USDA came up with two proposals, Option 1–A, and Option 1–B. Option 1–A is close to the status quo and Option 1–B is geared toward the free market and modernizing the system. While neither proposal was perfect, Option 1–B was definitely a better choice. However, given the concerns expressed by the public about both proposals, USDA issued a compromise initiative, which was still preferable to Option 1–A. Unfortunately, Option 1–A proponents have succeeded in getting Option 1–A language included in the Omnibus appropriations bill.

Those who favor 1–A sometimes make the argument that the compromise devised by USDA would cost dairy farmers nationwide $200 million. However, according to the USDA, net farm income would be higher under the compromise that under the status quo which is what 1–A is in many ways. The Food and Agricultural Policy Research Institute, which is located in my State at Iowa State University, has concluded that 60 percent of the Nation's dairy farmers would receive more income under the USDA compromise plan.

The unequal treatment of the old system, which is maintained by 1–A, artificially raises prices for milk in other parts of the country, encouraging excess production which spills into Midwestern markets. This simply lowers the price that Midwestern producers receive.

The Federal Milk Marketing order System is out of date and out of touch with modern production and economics. It is long overdue for reform and this language in the Omnibus bill just puts that off. My producers and others in other Midwestern States have endured the inequities of the Milk Marketing Order System long enough. I am very disappointed that the unfairness of the old system would be perpetuated by the language in this bill. We could still correct the mistakes made by this bill which would have a tremendously detrimental effect on dairy producers within Iowa and the rest of Midwest.

I urge the leadership on both sides of the aisle to work with Midwestern Senators to help put an end to the unfair treatment of the Midwestern dairy farmers. Thank you.

Ms. SNOWE. Mr. President, I reiterate my support for the two year extension of the very successful Northeast Interstate Dairy Compact. And after all I have read recently—not that one should believe everything they read—I feel compelled to set the record straight on this issue one more time.

The Northeast Dairy Compact has addressed the needs of states in New England who compacted together within their region to determine fair prices for locally produced supplies of fresh milk. All six legislatures and all six governors in New England approved the Compact.

In fact, in 1989–1990, the Vermont House passed it unanimously and the Senate passed it 29 to 1. The Maine House passed it 114 to 1 and it was unanimously adopted by the Senate. The legislatures in Connecticut, Massachusetts, New Hampshire and Rhode Island adopted it overwhelmingly in 1993.

I would also note that despite the varying views, party affiliations and economic philosophies, this is one issue where the entire New England Congressional Delegation is united. And that, in and of itself, is quite a feat.

Let me tell you why New England is united behind the Dairy Compact. We want our family farmers. This way of life is threatened for a number of reasons including the encroachment of development which leads to the increased cost of land.

I think one Mainer summed it up quite nicely in a letter to the editor. In this letter she noted that it was okay to be against the Compact ''. . . if you think we will be better off having subdivisions where our farms once stood, if you believe it's to our advantage to say good-bye to the last family farms and hello to big business controlling the production, distribution and pricing . . . .''

In my own state of Maine we have lost 31 percent of our dairy farms in the last 10 years. We have 485 dairy farms left and they average 80 milking cows and provide 2100 related jobs. They allow the continuation of a rural way of life that is fast disappearing not only in New England but throughout the country. And it is a way of life that we will not give up without a fight.

The men and women who own our dairy farms are doing it because it is in their blood—their parents did it, their grandparents did it and in many cases their great grandparents did it. You don't go into dairy farming to make money—you go into it because it is in your blood, it is what you know and what you love. And the Compact is the only thing standing between many of these families and the loss of not only their farm but their way of life.

In Maine we have a saying that you are ''from away'' if you are not from Maine. Let me assure you that if you told a Maine dairy farmer that he was part of a price fixing cartel, as several newspapers have claimed, he would immediately know that you were from away . . . far, far away.

The beauty of the Compact is that it reflects the New England way of life—self-reliance—we don't ask the federal government for one penny. Instead, New Englanders pay a few cents more for milk to support the Compact—a very small price to pay to protect our rural way of life.

Let me repeat that—we are not asking the federal taxpayer in Wisconsin

or Texas or Minnesota to subsidize our farmers—although I might add that New England's taxpayers have historically subsidized farmers in other parts of the country.

The Compact has proven to be an effective approach to address farm insecurity. The Compact has protected New England against the loss of their small family dairy farms and the consumers against a decrease in the fresh local supply of milk. The Compact has stabilized the dairy industry in this entire region and protected farmers and consumers against volatile price swings.

Over ninety-seven percent of the fluid milk market in New England is self-contained within the area, and fluid milk markets are local due to the demand for freshness and because of high transportation costs, so any complaints raised in other areas about unfair competition are quite disingenuous.

All we are asking, Mr. President, is the continuation of the Northeast Dairy Compact, the existence of which does not threaten or financially harm any other dairy farmer in the country.

Let there be no mistake, the Northeast Dairy Compact does not stand alone in the Omnibus bill. Additional dairy language is included in the bill that restores the existing federal program, the Milk Marketing Order system, which fixes the price of milk in different regions across the country, and is initiated and approved by producers in specific areas.

The USDA adopted a final Rule on Milk Marketing Orders in March, a rule I might add that favors dairy farmers in the Upper Midwest at the expense of the rest of the country. On September 22, the House expressed its opposition to this rule when they voted 285–140 to restore the current system by placing a moratorium on the Final Rule. So, this is not one region of the country speaking—although some apparently believe that New England's family farmers make a good scapegoat—as 65 percent of the House of Representatives voted to pass the moratorium language.

The New England Compact adds about two cents a gallon to the consumer—not 20 cents as the Wall Street Journal would have you believe. They seem to be under the impression that the farmers set the price for the milk you buy at the store—the fact is that the prices, as we all know, are set by the retailer. Under the Compact, New England retail milk prices have been among the lowest and the most stable in the country.

The opposition has tried to make the argument that interstate dairy compacts increase milk prices. This is just not so as milk prices around the U.S. have shown time and again that prices elsewhere are much higher and experience much wider price shifts than in the Northeast Compact states. Just take a look at dairy prices around the country for a gallon of milk.

The price in Bangor and Augusta, Maine ranged from $2.89 to $2.99 per gallon from February to April of 1999 and has remained stable at $2.89 for the last several months.

In the Boston, Massachusetts market, the price stayed perfectly stable—at $2.89—from February to April of 1999.

The price in Seattle ranged from $3.39 to $3.56 over the same time period. Washington State is not in a compact, yet their milk was approximately 50 cents higher per gallon than in Maine. The range in Los Angeles was from $3.19 to $3.29. In San Diego, the range was from $3.10 to $3.62. California is not in a compact.

Las Vegas prices were $2.99 all the way up to $3.62. Not much price stability there, but then, Nevada is not in a compact. In Philadelphia, the range was $2.78 to $3.01 per gallon—not as wide a shift as Nevada but a much wider price shift than the Northeast Compact states. It's no wonder Pennsylvania dairy farmers want to join us.

How about Denver—Colorado is not in a compact. A gallon of milk in Denver has cost consumers anywhere from $3.45 to $3.59 over the past few months, over one half of a dollar more than in New England. So, the Northeast Dairy Compact has not resulted in higher milk prices in New England, but the milk prices are among the lowest in the country—and are among the most stable.

Only the consumers and the processors in the New England region pay a few cents extra for milk that already costs less than just about anywhere else in the country—to provide for a fairer return to the area's family dairy farmers and to protect a way of life important to the people of the Northeast.

Also, where is the consumer outrage from the Compact states for spending a few extra pennies for fresh fluid milk so as to ensure a safety net for dairy farmers so that they can continue an important way of life? I have not heard any swell of outrage of consumer complaints over the last three years. Why, because the consumers also realize this initial pilot project, whose costs are borne entirely by the New England consumers and processors, has been a huge success.

So, I ask my colleagues to look at the facts, not the fables being spread by those who have simply chosen not to let the facts get in their way.

Mr. KENNEDY. Mr. President, I welcome this opportunity to express my strong support for the Northeast Dairy Compact. Since taking effect in October 1997, the Compact has stabilized milk prices for both farmers and consumers in New England.

Farmers across the country are unable to make ends meet. The number of farmers in New England has declined significantly in recent years. In 1992, Massachusetts had 365 dairy farms. Today, that number has declined to 290 dairy farms. Farmers in New England are losing a priceless heritage, that their families have owned for generations—some since the 1600s. The Northeast Dairy Compact helps ensure that in the face of these difficult times for their industry, our farmers will have a consistent income to preserve their way of life.

There are many misconceptions about the Dairy Compact. One of the most serious misconceptions is that taxpayers pick up the cost of the Compact. Taxpayers do not pay for this program—it is run at no cost to the federal government.

In addition, with respect to competition a Congressional a condition imposed on the Compact specifically provides that: ''The Northeast Interstate Dairy Compact Commission shall not prohibit or in any way limit the marketing in the compact region of any milk or milk product produced in any other production area in the United States.''

Another misconception is that the Dairy Compact hurts the poor. This program does not hurt poor people. WIC and the school lunch program are exempt. In fact, in New England, the Compact overpaid these programs for two years in a row.

When approved in 1996, the purpose of the Dairy Compact was to ensure the viability of dairy farming in the Northeast and to ensure an adequate supply of local milk to consumers. The Compact is a price support, and was never intended to make anyone rich. It was intended to preserve small family farms and provide safeguards against excessive production.

The Compact has been a great success. The price of milk has actually dropped by an average of 5 cents a gallon across New England, and for many months at a time, prices have remained so stable that no compact money has been paid to farmers.

The Dairy Compact is good for our farmers, preserving their way of life. It is good for the environment, preserving farms and green space that Western Massachusetts is known for. And it is good for consumers, stabilizing prices and ensuring a fresh and local supply of milk.

We stand for free competition, but we also stand for fair competition. In many areas of current law, there are long-standing provisions designed to produce competition that is both free and fair. The New England Dairy Compact deserves the support it has received from the Senate in recent years, and I hope that it will continue to receive that support.

Mr. HARKIN. Mr. President, this is a great day for the critically important search for medical breakthroughs. I am very pleased to say that the omnibus appropriations act contains a record $2.3 billion increase in support for medical research through the National Institutes of Health. We are now well on our way towards our goal of doubling our nation's investment in the search for medical breakthroughs.

This increase will directly benefit the health of the American people. It will speed up the day when we have a

cure for cancer and other deadly diseases.

On top of that, the Senate has passed S. 1268, the Twenty-First Century Research Laboratories Act of 1999. This bill cosponsored by Senators FRIST, KENNEDY, CHAFEE, REED of Rhode Island, MACK, MIKULSKI, MURRAY, CLELAND, HELMS, WARNER, SARBANES, SCHUMER, COCHRAN, DURBIN, MOYNIHAN, BOXER, ROBERTS, REID of Nevada, SPECTER, FEINSTEIN, COLLINS, INOUYE and HAGEL. I want to thank my colleagues for cosponsoring this legislation, and for their support in getting it passed.

This bill addresses a critical shortfall in our nation's medical research enterprise. I was pleased to work with Senator SPECTER this year to achieve a $2.3 billion increase for the National Institutes of Health. The Conference Agreement of the Fiscal Year 2000 Labor, Health and Human Services, Education and Related Agencies Appropriations Subcommittee, provides $17.9 billion for the NIH. This puts us well on track to double funding for the NIH over the next five years, a target that was agreed to by the Senate, 98–0, in 1997.

However, as Congress embarks on this important investment in improved health, we must strengthen the totality of the biomedical research enterprise. While it is critical to focus on high quality, cutting edge basic and clinical research, we must also consider the quality of the laboratories and buildings where that research is being conducted.

In fact, Mr. President, the infrastructure of research institutions, including the need for new physical facilities, is central to our nation's leadership in medical research. Despite the significant scientific advances produced by Federally-funded research, most of that research is currently being done in medical facilities built in the 1950's and 1960's, a time when the Federal government obligated from $30 million to $100 million a year for facility and equipment modernization. Since then, however, annual appropriations for modernization of our biomedical research infrastructure have dramatically declined, ranging from zero to $20 million annually over the past decade.

I am pleased to report that this year we were able to increase that amount to $75 million in our appropriations bill. While this is an important improvement, much more is needed. As a result, many of our research facilities and laboratories are outdated and inadequate to meet the challenge of the next millennium.

In order to realize major medical breakthroughs in Alzheimer's, diabetes, Parkinson's, cancer and other major illnesses, our nation's top researchers must have top quality, state-of-the-art laboratories and equipment. Unfortunately, the status of our research infrastructure is woefully inadequate.

A recent study by the National Science Foundation finds that academic institutions have deferred, due to lack of funds nearly $11.4 billion in repair, renovation, and construction projects. Almost one quarter of all research space requires either major renovation or replacement and 70% of medical schools report having inadequate space in which to perform biomedical research.

A separate study by the National Science Foundation documents the laboratory equipment needs for researchers and found that 67 percent of research institutions reported an increased need for laboratory instruments. At the same time, the report found that spending for such instruments at colleges and universities actually declined in the early 1990s.

Several other prominent organizations have documented the need for increased funding for research infrastructure. A March 1998 report by the Association of American Medical Colleges stated that ''The government should reestablish and fund a National Institutes of Health construction authority. . . .'' A June 1998 report by the Federation of American Societies of Experimental Biology stated that ''Laboratories must be built and equipped for the science of the 21st century . . . Infrastructure investments should include renovation of existing space as well as new construction, where appropriate.''

As we work to double funding for medical research over the next few years, the already serious shortfall in the modernization of our nation's aging research facilities and labs will continue to worsen unless we take specific action. Future increases in NIH must be matched with increased funding for repair, renovation and construction of research facilities, as well as the purchase of modern laboratory equipment.

Mr. President, the bill that passed the Senate today expands federal funding for facilities construction and state-of-the-art laboratory equipment through the NIH by increasing the authorization for this account within the National Center for Research Resources to $250 million in FY 2000 and $500 million in FY 2001.

In addition, the bill authorizes a ''Shared Instrumentation Grant Program'' at NIH, to be administered by the Center. The program will provide grants for the purchase of shared-use, state-of-the-art laboratory equipment costing over $100,000. All grants awarded under these two programs will be peer-reviewed, as is the practice with all NIH grants and projects.

We are entering a time of great promise in the field of biomedical research. We are on the verge of major breakthroughs which could end the ravages of cancer, heart disease, Parkinson's and the scores of illnesses and conditions which take the lives and health of millions of Americans, But to realize these breakthroughs, we must devote the necessary resources to our nation's research enterprise.

I want to thank the Association of American Universities, the Association of American Medical Colleagues and the Federation of American Societies of Experimental Biology for their support for this legislation.

I thank my colleagues for their support of this important health care legislation, and I look forward to working with our colleagues in the House of Representatives next year to ensure this legislation is signed into law. Thank you.

Mr. FRIST. Mr. President, I am pleased that the Senate passed today, S. 1243, the Prostate Cancer Research and Prevention Act, which I introduced on June 18, 1999 to address the serious issue of prostate cancer.

This year 37,000 American men will die, and 179,300 will be diagnosed with prostate cancer, the second leading cause of cancer-related deaths in American men. Cancer of the prostate grows slowly, without symptoms, and thus is often undetected until in its most advanced and incurable stage. It is critical that men are aware of the risk of prostate cancer and take steps to ensure early detection.

While the average age of a man diagnosed with prostate cancer is 66, the chance of developing prostate cancer rises dramatically with age—which makes it important for men to be screened or consult their health care professional. The American Cancer Society and the American Urological Association recommend that men over 50 receive both an annual physical exam and a PSA (prostate-specific antigen) blood test. African-American men, who are at higher risk, and men with a family history of prostate cancer should begin yearly screening at age 40.

Even if the blood test is positive, however, it does not mean that a man definitely has prostate cancer. In fact, only 25 percent of men with positive PSAs actually have prostate cancer. Further testing is needed to determine if cancer is actually present. Once the cancer is diagnosed, treatment options vary according to the individual. In elderly men, for example, the cancer may be especially slow growing and may not spread to other parts of the body. In those cases, treatment of the prostate may not be necessary, and physicians often monitor the cancer with follow-up examinations.

Unfortunately, preventive risk factors for prostate cancer are currently unknown and the effective measures to prevent this disease have not been determined. In addition, scientific evidence is insufficient to determine if screening for prostate cancer reduces deaths or if treatment of disease at an early stage is more effective than no treatment in prolonging a person's life. Currently, health practitioners cannot accurately determine which cancer will progress to become clinically significant and which will not. Thus, screening and testing for early detection of prostate cancer should be discussed between a man and his health care practitioners.

In an effort to help address the serious issues of prostate cancer screening,

to increase awareness and surveillance of prostate cancer, and to unlock the current mysteries of prostate cancer through research, the ''Prostate Cancer Research and Prevention Act'' expands the authority of the Centers for Disease Control and Prevention (CDC) to carry-out activities related to prostate cancer screening, overall awareness, and surveillance of the disease. In addition, the bill extends the authority of the National Institutes of Health to conduct basic and clinical research in combating prostate cancer.

The bill directs the CDC to establish grants to States and local health departments in an effort to increase awareness, surveillance, information dissemination regarding prostate cancer, and to examine the scientific evidence regarding screening for prostate cancer. The main focus is to comprehensively evaluate the effectiveness of various screening strategies for prostate cancer and the establishment of a public information and education program about the issues regarding prostate cancer. The CDC will also strengthen and improve surveillance on the incidence and prevalence of prostate cancer with a major force on increasing the understanding of the greater risk of this disease in African-American men.

The bill also reauthorizes the authority of the CDC to conduct a prostate screening program upon consultation with the U.S. Preventive Services Task Force and professional organizations regarding the scientific issues regarding prostate cancer screening. The screening program, when implemented, will provide grants to States and local health departments to screen men for prostate cancer with priority given to low income men and African-American men. In addition the screening program will provide referrals for medical treatment of those screened and ensure appropriate follow up services including case management.

Finally, to continue the investment in medical research, the bill extends the authority of the National Cancer Institute at the National Institutes of Health to conduct and support research to expand the understanding of the cause of, and find a cure for, prostate cancer. Activities authorized include basic research concerning the etiology and causes of prostate cancer, and clinical research concerning the causes, prevention, detection and treatment of prostate cancer.

Mr. President, on the very day I introduced this bill last June, I participated in an event sponsored by the American Cancer Society and Endocare to award our former colleague Senator Dole for his leadership in raising public awareness for prostate cancer. In 1991, Senator Dole was diagnosed with prostate cancer, and since that diagnosis and successful treatment he has turned this potential tragedy into a triumph as he has helped untold others by raising public awareness of this devastating disease. I want to take this opportunity to thank Senator Dole and organizations that have worked tirelessly to help promote this and other men's health issues, including The American Cancer Society, The Men's Health Network, and American Urological Association. I also want to thank these organizations for their support and help in drafting this legislation. I am pleased that the Senate has acted to pass this important bill, which will help to further increase awareness, surveillance and research of this deadly disease, and look forward to its ultimate enactment into law.

Mr. CLELAND. Mr. President, I would like to add some additional comments to my statement that appeared in the CONGRESSIONAL RECORD on Tuesday, November 16, 1999.

Just a few days ago, on Tuesday, November 16, several constituents of mine were involved in a disastrous truck-related crash on I–285, a major commuter route around Atlanta. The crash took place during the morning rush hour. Four tractor-trailer trucks were involved in the crash, two of which were tankers hauling flammable materials. Four passenger cars were also involved in the crash, and tragically, one woman was killed when her vehicle was crushed between two tractor-trailer trucks. Four others were rushed to the hospital to be treated for injuries. Thankfully, no further fatalities have been reported and no evacuation was required due to the sensitive material two of the trucks were hauling. This crash underscores the need to guarantee that truck safety is a priority in this country, and hopefully, reduce the occurrence of accidents such as this.

H.R. 3419 is a step in the right direction. It creates a new motor carrier safety administration. In a hearing before the Senate Commerce Committee, of which I am a member, the Department of Transportation (DOT) Inspector General (IG) testified that the current oversight system for the trucking industry within the Federal Highway Administration (FHWA) is not adequate. In fact, one of the main supporters of this legislation is Transportation Secretary Slater, who saw the need to create a separate motor carrier oversight administration focused entirely on safety.

Now that Congressional sentiment has swung toward adoption of H.R. 3419 and the establishment of a new Motor Carrier Safety Administration, my colleagues and I should track the implementation of this statute to ensure that the new agency will not bring with it the problems associated with the former body. Safety and compliance should be the utmost concerns of this office, with the American motorist as the benefactor of their efforts.

Mrs. BOXER. Mr. President, I would like to speak about H.R. 3419, the Motor Carrier Safety Improvement Act, which the Senate approved today. I commend Senator MCCAIN, chairman of the Commerce Commitee, for holding hearings on this issue. These hearings, as well as reports from the Department of Transportation's Inspector General, have shown how critical it is for us all to pay closer attention to the safety problems on our highways.

In 1998, 5,374 people were killed in truck-related crashes and over 127,000 were injured. Although trucks account for only 3 percent of registered vehicles, they are involved in 9 percent of fatal crashes, and 12 percent of all highway-related deaths. This is simply unacceptable, and we must do all we can to reduce fatalities and injuries on our highways.

Recently, I met with one of my constituents, Cynthia Cozzolino, who lost her brother, sister-in-law, young nephew, and niece in a horrible truck-related crash last August. This terrible tragedy could have been prevented if we made safety a higher priority, particularly truck inspection. Worn straps may have contributed to a truck spilling its load of concrete piping instantaneously killing this young family riding in their van behind the truck.

Highway truck traffic is an increasing part of our economy. California highway trucks carry 57 billion tons per mile, second only to Texas. In Southern California, the growing goods movement from ports and airports will push the current regional truck volume up by 40 percent over the next 20 years. One section of Interstate 15 is likely to see almost 13,000 truck trips a day. That is why we must do all we can to strengthen our commitment to safety on our highways.

I am encouraged by certain key features of H.R. 3419. By establishing a separate Motor Carrier Safety Administration, at long last we are making safety a priority. The bill directs the Secretary of Transportation to develp a long term strategy for improving commercial motor vehicle, operator and carrier safety. It also directs the Secretary to implement safety improvement recommendations from the Inspector General, and it calls for the development of staffing standards for motor carrier safety inspectors at our international border areas, an important element for California.

In addition, strengthening the Commercial Driver License regulations by explicitly directing the disqualification of any commercial driver found to have caused a death because of negligent or criminal operation of a truck or bus and establishing stern penalties for foreign carriers who operate illegally beyond the current southern border commercial zone, are key improvements. Disqualifying these carriers on the spot will send a strong deterrent measure to any foreign trucking or bus companies who think that they can violate current motor carrier laws and regulations with impunity.

However, I am concerned that H.R. 3419 is not stronger in terms of potential conflict of interest in the research conducted for this new administration. According to testimony before the Surface Transportation Subcommittee, in

1996, the Office of Motor Carriers (OMC) awarded more than $8 million to the trucking industry and its consultants to perform research on various issues, including driver fatigue and graduated licensing. I understand that such research can form the basis for future rulemakings governing the trucking industry.

The new Motor Carrier Safety Administration must maintain a high degree of integrity and independence. I supported a provision that specifically forbids any research for rulemaking and other programs that is conducted by any entity with a vested economic interest in its outcome, and to forbid any individual who serves in a senior position within the new motor carrier agency from maintaining any affiliation with the trucking industry. H.R. 3419 includes a provision that directs the new motor carrier administrator to comply with the current Federal regulations regarding conflict of interest, and it also directs the administrator to conduct a study to determine whether compliance with these regulations is sufficient to avoid conflicts of interest. I look forward to the results of that study as well as any swift action by Congress to correct this problem if the study finds additional protection for conflicts of interest is warranted.

H.R. 3419 would establish a separate administration for Motor Carrier Safety. I would prefer to transfer the OMC from the Federal Highway Administration to the National Highway Traffic Safety Administration (NHTSA) and avoid the creation of a separate modal administration. NHTSA already issues regulations for newly manufactured trucks, and in truck-car crashes 98 percent of the deaths are suffered by the passenger vehicle occupants.

Nevertheless, today we have taken an important step toward building greater confidence in highway safety. The creation of a new administration dedicated to safety is a new direction that I hope will lead to improved safety for the traveling public.

Mr. KERREY. Mr. President, I would like to rectify some information entered into the RECORD during the debate on the Bankruptcy Reform Bill on November 5, 1999.

A comprehensive bankruptcy study was cited during the course of debate. This study was conducted by Professors Marianne Culhane and Michaela White from Creighton University, an impressive institution of higher learning in my home State of Nebraska.

When discussing this study, my colleague from Iowa referred to a GAO Report that reviewed four different bankruptcy studies, including the one written by Professors Culhane and White. It is my understanding some comments were made indicating that GAO challenged the methodology the Creighton professors used in conducting this study. After reviewing the GAO Report, that was not my understanding. In fact, the GAO Report specifically says, ''In our review, we found that the Creighton/ABI researchers prepared and analyzed their data in a careful, thorough manner.''

In order to clarify the record and any misperceptions about the GAO's findings, I ask unanimous consent the following ''Scope and Methodology'' section of GAO Report, number 99–103 ''Personal Bankruptcy: Analysis of Four Reports on Chapter 7 Debtors' Ability to Pay'', be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD.

GAO REPORT #99–103; PAGES 5 AND 6 SCOPE AND METHODOLOGY

To evaluate and compare the four reports' research methodologies, we assessed the strengths and limitations, if any, of each report's assumptions and methodology for determining debtors' ability to pay and the amount of debt that debtors could potentially repay. The comments and observations in this report are based on our review of the March 1998 and March 1999 Ernst & Young reports, the March 1999 Creighton/ABI report, and the January 1999 EOUST report; some additional information we requested from each report's authors; independent analyses using the Creighton/ABI report's database; and our experience in research design and evaluation. We reviewed specific aspects of each report's methodology, including the proposed legislation on which the report was based, how the bankruptcy cases used in the analysis were selected, what types of assumptions were made about debtors' and their debt repayment ability, how debtors' income and allowable living expenses were determined, and whether appropriate data analysis techniques were used. We also assessed the similarities and differences in the methodologies used in the four reports.

In addition to reviewing the reports, we had numerous contacts with the reports' authors. On March 16, 1999, we met with one of the authors of the Creighton/ABI report, and on March 25, 1999, we met with the authors of the two Ernst & Young reports to discuss our questions and observations about each report's methodology and assumptions. Following these discussions, we created a detailed description of each report's methodology (see app.I), which we sent to the authors of each report for review and comment. On the basis of the comments received, we amended our methodological descriptions as appropriate. The authors of the Creighton/ABI report responded to written questions we submitted. Ernst & Young, Creighton/ABI, and EOUST provided additional details on their methodologies and assumptions that were not fully described in their reports. We did not verify the accuracy of the data used in any of these reports back to the original documents filed with the bankruptcy courts. However, the Creighton/ABI authors provided us with a copy of the database used in their analysis. Ernst & Young declined to provide a copy of their database, citing VISA's proprietary interest in the data. (VISA U.S.A. and MasterCard International sponsored the Ernst & Young reports.) We received the EOUST report in early April and, because of time constraints, did not request the database for the report. We reviewed the Creighton/ABI data and performed some analyses of our own to verify the authors' categorization of data used in their analyses. In our review, we found that the Creighton/ABI researchers prepared and analyzed their data in a careful, thorough manner.

The team that reviewed the reports included specialists in program evaluation, statistical sampling, and statistical analysis from our General Government Division's Design, Methodology, and Technical Assistance group. We did our work between February and May 1999 in Washington, D.C., in accordance with generally accepted government auditing standards. On May 18, 1999, we provided a draft of our report to Ernst & Young, the authors of the Creighton/ABI report, and EOUST for comment. Each provided written comments on the report. In addition, on May 28, 1999, we met with representatives from Ernst & Young to discuss their comments on the draft report. Ernst & Young and Creighton/ABI also separately provided technical comments on the report, which we have incorporated as appropriate. The Ernst & Young, Creighton/ABI, and EOUST written comments are summarized at the end of this letter and contained in appendixes III through V.

Mr. MCCAIN. Mr. President, just like the rest of our health care delivery system, our nation's military health care delivery system cries out for reform. While both systems are plagued with rising costs and barriers to full access, the military health care delivery system is facing some very unique challenges. I intend to submit the ''Contract With Our Service Members—Past and Present'' first thing next session. A principal objective of this Contract will be military health care reform.

One of the critical challenges is how best to reconfigure the military health care delivery system so that it might continue to meet its military readiness and peace-time obligations at a time of continuous change for our base and force structure.

This is a challenge with which I have been grappling for some time. In the process of deciding how to proceed, I have been meeting with, and hearing from, many military family members, veterans and military retirees from around the country. I was inundated with suggestions for reform. In every meeting and every letter, I encountered retired service men and women who have problems with every aspect of the military medical care system—with long waiting periods, with access to the right kind of care, with access to needed pharmaceutical drugs, and with the broken promise of lifetime health care for military retirees and their spouses. I heard these concerns expressed as I have traveled across the United States over the past several months.

One of the areas of greatest concern among military retirees and their families is the ''broken promise'' of lifetime medical care, especially for those over age 65.

I believe grappling with these issues presents a great challenge and demands our very best effort. Not lost on me is the urgent need to address the over-age 65 issue since there are reportedly 1,000 World War II and Korean veterans dying every day. It is imperative that as changes are made to our nation's military force and continue to be made in the future with regards to base structure, that Congress not only stay fixated on bringing health care costs under control, but that steps be taken

to retain the health care coverage so critical to our nation's active duty personnel, their families, retirees, and survivors. While the world situation necessitates a modified force and base structure transformed for the new millennium, it should not carry with it an abandonment of the responsibility that our nation has to assist those who have served our country to obtain access to the health care services they need.

Make no mistake, retiree health care is a readiness issue, as well. Today's servicemembers are acutely aware of retirees' disenfranchisement from military health coverage, and exit surveys cite this issue with increasing frequency as one of the factors in members' decisions to leave service. In fact, a recent GAO study found that ''access to medical and dental care in retirement'' was the number five career dissatisfier among active duty officers in retention-critical specialties.

Failure to keep health care commitments is hurting service recruiting efforts as well. Traditionally, retirees have been the services' most effective recruiters, and their children and those of family friends have had a high propensity to serve. Unfortunately, increasing numbers of retirees who have seen the government renege on its ''lifetime health care'' promises have become reluctant to recommend service careers to their family members and friends. Restoring their confidence in their health care coverage will go a long way toward restoring this invaluable recruiting resource.

One of the reasons that Congress has not implemented meaningful reform in the past is because of the cost of providing quality health care. Although Congress has increased the President's defense budget requests to attempt to meet our future needs, it has squandered billions each year on projects the military did not request and does not need. This year alone, Congress appropriated over $6 billion for wasteful, unnecessary, and low-priority projects that have absolutely no positive effect on preparing our military for future challenges.

Congress also continues to refuse to close military bases that are not essential to our security, permitting politics to outweigh military readiness, at a cost to the taxpayer of nearly $7 billion each year. If Congress would allow the Pentagon to privatize or consolidate depot and base maintenance activities, savings of $2 billion each year could be achieved. In addition, Congress refuses to eliminate anti-competitive ''Buy American'' restrictions, which could save almost $5.5 billion annually on defense contracts.

These common sense reforms alone would free up more than $20 billion per year, which could be used to begin remedying our readiness shortfalls and provide once-and-for-all a quality health care delivery system for our aged military retirees.

Additionally, most disgraceful is the fact that, while Congress wastes taxpayer money on obsolete infrastructure, unneeded weapons systems, and projects that have no meaningful value to the Armed Forces, it simultaneously refuses to adequately pay the nearly 12,000 enlisted military personnel who are forced to subsist on food stamps.

In October 1999, the Chairman of the Joint Chiefs of Staff and the rest of the Joint Chiefs testified before the Senate Armed Services Committee on the state of the military and universally declared the year 2000 to be the year of health care reform. Although this was a critical step for the senior uniformed military leadership to acknowledge this thinking in their testimony to the Senate, it must not become our military's Y2K problem and fall prey to election year politics.

On October 26, 1999 General Henry Shelton, Chairman of the Joint Chiefs of Staff, testified before the Senate Committee on Armed Services:

> Although we have done much over the past year to improve readiness, much more needs to be done to sustain the momentum. This year, for example, we intend to focus on another component that affects personnel readiness, the quality of our military medical system . . . . The Joint Chiefs are fully committed to supporting the Department of Defense efforts to improve both the fact and the perception of military health care for all the beneficiaries. Those who serve or have served proudly deserve quality care.

One of the critical pieces of the last several years' laws on military health care was the institution of several limited pilot projects in Medicare subvention and FEHBP. As important as the select locations was the cooperation that was achieved between several agencies who were responsible for implementing the pilot project legislation devised by the Republican Congress. These pilot projects serve as important interim measures for health care reform and as a valuable comparisons of the strengths and weaknesses of the military health care delivery system. Moreover, valuable lessons can be learned from comparing the current state of the military health care program with those available in the private sector system that may have applicability to the military system, to lay the groundwork for a more comprehensive reform effort.

The rush to implement military health care reform and the evaluation of current health care delivery pilot projects must be balanced with the need to provide critical health care to the over-65 military retirees and their families. Their angst towards losing any minimal health care they had from the time they retired to turning age-65 is multiplied on their 65th birthday. If this is to be the year of military health care, a key part of this effort must entail reassuring these older retirees that the Department of Defense will no longer deny or ignore their legitimate health care needs. By doing so, Congress also will be taking an essential step to reassure today's servicemembers that the government does, in fact, keep its recruiting and retention promises concerning health care and other career service benefits.

The legislation that I am working on in the Senate would be the next step down the road to meaningful reform of our Nation's military health care delivery system. This legislation would offer the military retiree and his family several health care delivery plans to choose from. Having the choice to decide which health care plan works well is important for two reasons. One to be able to control overall health care reform costs and secondly, each retirees needs are different. Some military retirees may not mind driving 100 miles to a military treatment facility for health care as long as they have access to a viable, quality pharmaceutical plan. Other military retirees and their families may not be able to drive long distances for their primary health care needs and instead require a health care delivery plan that is much closer to their home. Another objective of this health care reform plan, is that in the event of another base closure round, any plan be portable and less dependent on any military hospital system.

Some military retirees live near military installations and would be happy to use military care if they only had access to it. Others who live far from installations may be satisfied with the addition of a relatively low-cost prescription drug benefit. Still others desperately need full-coverage insurance such as FEHBP.

I am working on another key health care bill with cosponsors Representative NORWOOD from Georgia and Representative SHOWS from Mississippi. I have worked closely with my dear friend and Medal of Honor recipient, Colonel Bud Day, over the years and he has helped me to understand how unfair our health care system is to our military retirees and the governments' failure to keep its promise to them. I believe that if we are to restore the credibility in our government we must begin by keeping our promises to our men and women in uniform, past and present.

The health care reform plan that is enacted must also promote more efficiency in the military health care system. Right now our military health care system which offers limited health care benefits to those over-age 65 retirees is operating $800 million in the red. There are many efficiency practices that the beneficiaries have brought to my attention that would improve the military health care delivery system through: better billing practices, quality control of electronic forms processing, regular surveys of military health care beneficiaries, and bringing the various health care delivery systems under a single system could save hundreds of millions of dollars.

The federal government must not abandon the health care coverage needs of our nation's military retirees, their families, and survivors. I will continue

to work over the next couple of months with The Military Coalition and The Military Veterans Alliance, representing nearly 10 million members, to enact comprehensive reform of the military health care system, which fulfills our obligation to our military retirees, and bolsters retention and readiness among today's servicemembers by assuring them that retention promises will be fulfilled once their active service is over.

Mr. President, next year will be, in the words of the Joint Chiefs, the year of health care reform. I hope that my colleagues will join me in supporting the ''Contract With Our Service Members—Past and Present.'' A key objective of this Contract, legislation to reform our military health care system, must be successful if Congress is to restore the American people's faith in their government.

Thank you and I yield the floor.

Mr. REED. Mr. President, I would like to offer a few comments about H.R. 1693, a bill to amend the Fair Labor Standards Act of 1938 (FLSA) and clarify the overtime exemption for employees engaged in fire protection activities.

This bipartisan bill was passed on the House Suspension Calendar without objection on November 4, 1999, and just passed the Senate under a unanimous consent agreement.

Generally, under the Fair Labor Standards Act, workers are entitled to overtime compensation for hours worked in excess of 40 in a given week. The FLSA contains an exemption for overtime, under Section 7(k), for employees of public agencies who are engaged in fire protection activities. This exemption allows employees engaged in fire protection activities some flexibility in scheduling their work hours. It also recognizes the extended periods of time that firefighters are often on duty by allowing firefighters to work up to 212 hours within a period of 28 consecutive days before triggering the overtime pay requirement.

H.R. 1693 clarifies this firefighter exemption as it relates to emergency medical personnel. This bill provides that paramedics who are cross-trained/dual role firefighters, and work in a fire department and have the responsibility to perform both fire fighting and emergency medical services, be treated as firefighters for the purpose of Section 7(k) of the Fair Labor Standards Act. H.R. 1693 does not create a new exemption from the FLSA, it merely clarifies the definition of firefighter.

Supported by the International Association of Fire Fighters and the International Association of Fire Chiefs, H.R. 1693 ensures that unreasonable burdens are not placed on fire departments when accounting for hours worked. In effect, it elucidates the original intent of the Section 7(k) provision of the FLSA, the provisions that apply to firefighters who perform normal fire fighting duties, and hopefully the Senate's passage of this clarification addresses the concerns of the interested parties.

Mr. KENNEDY. Mr. President, this legislation is necessary to resolve the confusion in current law over whether firefighters who are also trained as paramedics are covered by the exemption in section 7(k) of the Fair Labor Standards Act.

This bill defines ''employee engaged in fire protection activities'' to make clear that fire fighters who perform fire fighting duties are covered by the exemption, regardless of the number of hours they spend in responding to Emergency Medical Services calls. This legislation restores the original intent of the 1986 law that created the section exemption.

Significantly, the legislation also states that in order to qualify for the exemption, an employee must have the ''legal authority and responsibility to engage in fire suppression.'' This phrase was added for the express purpose of assuring that single-role emergency medical personnel are not covered by the exemption. Simply sending paramedics to the fire academy will not automatically bring them under the exemption. Fire suppression must be an integral part of the responsibilities for all employees covered by the exemption.

Mr. COCHRAN. Mr. President, I am pleased to be a cosponsor and to support the passage of the Deceptive Mail Prevention and Enforcement Act, S. 335.

I congratulate the distinguished Senator from Maine, Ms. COLLINS, for her successful efforts to get this legislation adopted to curb deceptive mailings. She has provided strong leadership and sound guidance on this important issue. As Chair of the Permanent Subcommittee on Investigations, Senator COLLINS has worked effectively to examine the problems relating to sweepstakes and promotional mailings and develop this legislation to strengthen our laws. I applaud her work in crafting this bill and her continuing efforts to protect consumers.

The Deceptive Mail Prevention and Enforcement Act includes new safeguards to protect consumers against misleading and dishonest sweepstakes and other promotional mailings, including government look-alike mailings. The bill grants additional investigative and enforcement authority to the United States Postal Service to stop unscrupulous mailings and establishes standards for all sweepstakes mailings by requiring certain disclosures on each mail piece.

This bill is an important step toward the prevention of deception in sweepstakes and other promotional mailings. I compliment Senator COLLINS on her efforts, and I am pleased to support the passage of the Deceptive Mail Prevention and Enforcement Act.

Mr. FITZGERALD. Mr. President, I am pleased that the Senate is prepared to pass the Abraham Lincoln Bicentennial Commission Act of 1999. The year 2009 is the 200th anniversary of President Lincoln's birth, and this measure would establish a commission to study and recommend to the Congress activities that are appropriate to celebrate that anniversary.

It is most fitting that we make these arrangements to honor Abraham Lincoln, one of our nation's wisest and most courageous former Presidents, on the bicentennial of his birth. The son of a Kentucky frontiersman, Abraham Lincoln was born on February 12, 1809 in a log cabin. From these humble beginnings, he went on to become the sixteenth President of the United States. Today, he is perhaps best remembered for leading the Union through a turbulent Civil War and for issuing the Emancipation Proclamation, which freed the nation's slaves.

Few people have a greater appreciation for President Lincoln than the residents of my home state of Illinois. President Lincoln spent about eight years in the Illinois State Legislature, and he also represented Illinois in the U.S. House of Representatives for a term. The only home that Abraham Lincoln owned is located in Springfield, Illinois. Today, people from all parts of the United States travel to Springfield to see Abraham Lincoln's family home, tour the Old State Capital where Mr. Lincoln said ''a house divided cannot stand,'' and visit his final resting place in Springfield's Oak Ridge Cemetery.

The Abraham Lincoln Bicentennial Commission Act, which originated in the House of Representatives, provides for the establishment of a national commission to recommend ''fitting and proper'' activities to celebrate the bicentennial of Lincoln's birth. The commission would be composed of fifteen members, including at least one person appointed by the President on the recommendation of the Governor of Illinois.

Congress created a similar commission in anticipation of the centennial of Lincoln's birth in 1909. That year, this country celebrated President Lincoln's birthday in a big way: Lincoln's image appeared on a postage stamp, his birthday became a national holiday, Congress passed legislation which led to the Lincoln Memorial's construction, and the White House approved the minting of a Lincoln penny. It is appropriate that we again prepare for the anniversary of his birth by passing this measure to establish the Abraham Lincoln Bicentennial Commission.

I close by noting that the Abraham Lincoln Bicentennial Commission Act of 1999 has tremendous support in both chambers of Congress. The bill passed the House of Representatives by a vote of 411 to 2 last month. The Senate version is the product of cooperation among Senators HATCH, LEAHY, DURBIN and me. I also commend Judiciary Chairman HATCH, ranking member LEAHY, and their staffs for their efforts to help pass this important bill.

Mr. DODD. Mr. President, there are obviously many issues that one might

discuss in the context of the omnibus spending bill that is currently pending before the Senate. I would like to take a few moments to mention two very important issues that have been included in the pending legislation, the IMF debt initiative and payment of U.N. arrears.

I was extremely pleased that the House and Senate leadership were able to reach agreement earlier this week with Secretary of Treasury Larry Summers and other administration officials on legislative language that will permit the IMF's historic debt relief initiative to move forward. Just a few short days ago, it seemed unthinkable that the Congress and the Executive would reach a compromise to permit the United States to support the IMF debt initiative for highly indebted poor nations around the globe before the end of this session of Congress.

The provisions contained in the pending legislation authorize U.S. support for IMF participation in the international debt reduction initiative by permitting the United States to vote for the immediate non-market sale of the amount of gold necessary to generate profits of $3.1 billion; permit the use of 64% of the interest earned on the invested profits to be used for debt relief; authorize the U.S. share of a special reserve account at the IMF to also be used for debt relief purposes, and appropriate $123 million for FY 2000 bilateral U.S. debt reduction programs that will be undertaken in conjunction with the international debt initiative.

With the enactment of this bill into law, the United States will be able to make a major step forward toward achieving the commitments made by President Clinton and other so called G–7 heads of state at this year's Cologne Summit. Among other things, this will enable the IMF, for the first time, to utilize its own resources to participate in international efforts to reduce the mounting debt burden that has been a yoke around the necks of the most impoverished nations of the world—countries which are home to nearly half a billion people. With this debt relief and the economic reforms that will be an integral part of the IMF's multilateral initiative, the poorest countries in Africa and Latin America can now approach the next millennium with prospects for a brighter future. I am extremely pleased that bipartisanship ultimately won the day during negotiations of this important issue.

Another important issue with major international implications has also finally been successfully resolved, namely the authorization and appropriation of $926 million in long overdue U.S. payments to the United Nations. While I would have preferred to see this issue treated on its own merits, rather than linked to restrictions on bilateral funding for family planning programs of foreign private and international population organizations, at least this issue has been finally resolved, and the United States will not lose its vote at the United Nations.

I believe that extremist elements in the Congress jeopardized United States national security and foreign policy interests by holding up our payments to the UN for more than three years. They held this money hostage to the unrelated issue of international population programs. I am not happy with the compromise that had to be agreed to in order to resolve this issue. It is un-American in my view to legislatively seek to limit the free speech of foreign non-governmental organizations with respect to local family planning laws as a condition for receiving United States funding for their important family planning programs. Were I to have had the opportunity to vote on this language as a free standing amendment I would have certainly voted against it, as would a majority of the Senate. Unfortunately, because it has been included in the omnibus conference report we do not have that option. We must balance our distaste for this provision against the many positive programs that will be funded, including UN arrears, once this bill becomes law. Having done so, I will vote in favor of the pending legislation.

Mr. President, the IMF, the United Nations and its related specialized organizations—UNICEF, the International Labor Organization, the World Health Organization, the Commission for Human Rights el al.—have a daily impact of the lives of the world's people—and it is an impact for the better. Without doubt, these international organizations further United States national security and foreign policy interests through their programs and initiatives. Representatives of the United Nations are on the ground in the far comers of the world—in East Timor, Kosovo, Haiti, and Iraq to mention but a few ongoing missions of the United Nations. The United States is able to maximize its interests and advance its foreign policy agenda at much lower cost thanks to our participation in this important international organization.

There are clearly many reasons for voting to support this spending bill, despite its many flaws. The IMF Debt Relief Initiative and payment of UN arrears are two of the more compelling ones in my opinion. I urge my colleagues to support this bill when it comes to a vote later today.

Mr. LOTT. Mr. President, today, the United States Senate unanimously passed much needed legislation to protect some of America's most threatened historic sites, the Vicksburg Campaign Trail and the Corinth battlefield.

S. 710, the Vicksburg Campaign Trail Battlefields Preservation Act of 1999, is a bipartisan measure that authorizes a feasibility study on the preservation of Civil War battlefields and related sites in the four states along the Vicksburg Campaign Trail.

As my colleagues know, Vicksburg served as a gateway to the Mississippi River during the Civil War. The eighteen month campaign for the ''Gibraltar of the Confederacy'' included over 100,000 soldiers and involved a number of skirmishes and major battles in Mississippi, Arkansas, Louisiana, and Tennessee.

The Mississippi Heritage Trust and the National Trust for Historic Preservation named the Vicksburg Campaign Trail as being among the most threatened sites in the state and the nation.

S. 710 would begin the process of preserving the important landmarks in the four state region that warrant further protection. I appreciate the cosponsorship of Chairman MURKOWSKI, Chairman THOMAS, and Senators LANDRIEU, BREAUX, COCHRAN, HUTCHINSON, and CRAIG on this measure.

Mr. President, the Senate also approved S.1117, the Corinth Battlefield Preservation Act of 1999, a measure that establishes the Corinth Unit of the Shiloh National Military Park.

The battle of Shiloh was actually part of the Union Army's overall effort to seize Corinth. This small town was important to both the Confederacy and the Union. Corinth's railway was vitally important to both sides as it served as a gateway for moving troops and supplies north and south, east and west. The overall campaign led to some of the bloodiest battles in the Western Theater. In an effort to protect the city, Southern forces built a series of earthworks and fortifications, many of which remain, at least for now, in pristine condition. Unfortunately, the National Park Service in its Profiles of America's Most Threatened Civil War Battlefields, concluded that many of the sites associated with the siege of Corinth are threatened.

S. 1117 would give Corinth its proper place in American history by formally linking the city's battlefield sites with the Shiloh National Military Park.

Mr. President, I want to thank Senators ROBB, COCHRAN, and JEFFORDS for cosponsoring this measure.

I would also like to express my appreciation to Chairman THOMAS for his ever vigilant efforts on parks legislation, and in particular, for moving both the Vicksburg Campaign Trail and Corinth battlefield bills forward.

I would also like to take this opportunity to recognize Chairman MURKOWSKI for his continued stewardship over the Senate Energy and Natural Resources Committee.

Mr. President, I also want to recognize Ken P'Pool, Deputy State Historic Preservation Officer for Mississippi; Rosemary Williams, Chairman of the Siege and Battle of Corinth Commission; John Sullivan, President of the Friends of the Vicksburg Campaign and Historic Trail; and Terry Winschel and Woody Harrell of the United States Park Service for their support and guidance on these important preservation measures.

Lastly, I would like to recognize several staff members including Randy Turner, Jim O'Toole, and Andrew Lundquist from the Senate Energy

Committee, Darcie Tomasallo from Senate Legislative Counsel, and Stan Harris, Angel Campbell, Steven Wall, Jim Sartucci, and Steven Apicella from my office, for their efforts to preserve Mississippi's and America's historic resources.

Mr. President, as a result of the Senate's action today, our children will be better able to understand and appreciate the full historic, social, cultural, and economic impact of the Vicksburg Campaign Trail and the Siege and Battle of Corinth.

Mr. SESSIONS. Mr. President, I rise to ask my colleagues to join Senator JEFFORDS and me in supporting the enactment of the pending bill which clarifies the status of church welfare plans under state insurance law. These plans provide health and other benefits to ministers and lay workers at churches and church-controlled institutions. It is estimated that more than 1 million individuals rely on these programs for their health benefits.

Today, the status of these programs under state insurance laws is uncertain. This legislation merely provides that church welfare plans are not engaged in the business of insurance for purposes of state insurance laws that relate to licensing, solvency, or insolvency.

In addition, this legislation clarifies that a church plan is single employer plan for purposes of applying state insurance laws. The language in the bill is intended to eliminate concerns by network providers and insurance companies about the legal status of a church plan under state insurance law. By enacting this legislation, networks and insurance companies otherwise doing business in a state will be able to offer to church plans the same services they offer to corporate benefit programs.

Mr. President, I first became aware of the need for this legislation when I heard from Bishop Morris from my own state of Alabama. He explained that too frequently church plans are denied access to network providers that offer discounted rates. He also explained that from time-to-time questions arise about the legal right of church plans to provide coverage under state insurance law. He asked me to look into what I could do help clarify the legal status of health plans maintained by churches and synagogues. It seemed like a reasonable request since Congress has authorized churches to maintain denominational benefit programs. However, this is also a technical area of the law that involves constitutional issues of separation of church and state. It also involves technical issues regarding insurance and benefit laws.

This legislation has been carefully crafted with the help of the church benefits community represented by the Church Alliance, a coalition of more than 30 denominational benefit programs. While they may differ on questions of theology, it is obvious that they are united in their efforts to serve those who serve their respective churches and synagogues. I also want to commend the National Association of Insurance Commissioners for their assistance in helping to work out the language of this bill. It is obvious that State Insurance Commissioners respect the right of churches to maintain benefit programs that serve clergy and lay workers.

Mr. President, churches should be commended for the commitment they have demonstrated, in some cases for more than a hundred years, to offer comprehensive benefit programs to their employees. These programs have many unique design and structural features reflecting the fact that they are maintained by denominations. As we consider health care legislation in Congress, I believe that it is important for all of us to recognize these unique features and to be mindful of the important role these church-maintained programs perform within their respective churches.

In order to give my colleagues and the public a better understanding of this legislation, I ask unanimous consent that a section-by-section of the bill appear immediately after my remarks.

Mr. President, on behalf of ministers, rabbis, and church lay workers across this country who receive benefit coverage from church plans, I urge passage of this legislation.

CLARIFICATION OF CHURCH WELFARE PLAN STATUS UNDER STATE INSURANCE LAW

Section 1 provides a statement of purpose. This section provides that the only purpose of this Act is to clarify the status of church welfare plans under certain specified state insurance law requirements and the status of a church welfare plan as a plan sponsored by a single employer. This Act clarified the status of church plans under state law. It also addresses the problem of health insurance issuers refusing to do business with church plans because of concern that church plans could be classified as unlicensed entities.

Subsection 2(a) provides that a church welfare plan is deemed to be sponsored by a single employer that does not engage in the business of insurance for the purposes of state insurance laws described in subsection (b). This subsection permits network providers and insurance companies to establish the same contractual relationships with a church plan as they are allowed to establish with any single employer plan covered under the Employee Retirement Income Security Act (ERISA) in such state.

Subsection 2(b) describes state insurance laws that (1) would require a church welfare plan or an entity that can administer or fund such a plan (only to the extent that it engages in such activity) to be licensed; or (2) relate to solvency or insolvency (including participation in guaranty funds and associations). For example, state insurance laws that impose reserve requirements or require posting of security would be described in this subsection. Similarly the plan is deemed to satisfy the licensing requirements of state insurance law.

Subsection 2(c)(1) defines the term ''church plan.''

Subsection 2(c)(2) defines the term ''reimburses costs from general church assets.'' The affect of this definition is to provide that church welfare plans are not engaging in the business of insurance for certain state insurance law provisions otherwise described in this subsection 2(b).

Subsection 2(c)(3) defines the term ''welfare plan.'' This subsection clarifies that the term ''welfare plan'' only includes church plans and does not include HMOs, health insurance issuers and other entities doing business with church plans or organizations sponsoring or maintaining the plan.

Subsection 2(d) provides that while the Act exempts church welfare plans from state licensing requirements, states preserve authority to enforce state insurance law provisions that remain applicable to church plans. This subsection deems welfare plans to be licensed for purposes of all other insurance laws not specifically excluded in subsection 2(b). This subsection is necessary because under some state insurance laws, only entities that are actually licensed can be subject to enforcement action under any provision of such law.

Subsection 2(e) provides that while subsections (a) and (b) deem that a church plan reimburses costs or provides insurance from general church assets for the purpose of determining its status under certain state insurance laws, the rights of plan participants and beneficiaries, including those who actually make plan contributions, are not otherwise affected by the application of section 2.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the following newspaper article appear in the RECORD following my statement on H.R. 1180, Work Incentives/Tax Extenders Conference Report.

[From the New York Times, Nov. 12, 1999]

A BUDGET TOO FLUSH TO FIGHT ABOUT

(By Alice M. Rivlin)

WASHINGTON—The United States political system, arguably the most effective in the world, has an uncanny penchant for making its successes look like failures. The wrangling now going on in Washington over the federal budget is an ugly, confusing spectacle—long on finger-pointing and gotcha moves, short on conciliation and statesmanship. As the vetoes, gimmickry and accusations of ''raiding Social Security'' fly up and down Pennsylvania Avenue, it is hard to remember that the battle is over marginal adjustments in an increasingly responsible fiscal policy.

The federal budget is already in substantial surplus—revenues exceeded expenditures by about $120 billion in the fiscal year 1999, which would have seemed like a miracle only a few years ago—and the public, polls indicate, is pushing politicians to raise the bar. The new goal, harder but entirely appropriate, is an even bigger surplus, sufficient to reduce the debt and help the economy prepare for the rapid aging of the population.

Acrimony over small changes in a successfully balanced budget is a welcome change from the 1980's, when there was so much more to be acrimonious about. The huge deficits of that decade were clear evidence of policy failure.

The stunning success of this decade began when President George Bush and the leaders of Congress hammered out an agreement in 1990 that raised some taxes and set explicit caps on future discretionary spending. The effect was not immediately apparent because the recession the next year cut revenues, but the ground-work for a falling deficit had been laid.

The goal of President Clinton's budget plan in 1993, extended the caps and raised some taxes, was to cut the deficit in half in four years. The deficit for the fiscal year 1992 was $290 billion—a $50 billion surplus in Social Security, offset by a $340 billion deficit in the rest of the budget. No one thought that

getting to overall balance was a goal realistic enough to talk about, let alone reaching balance without counting the Social Security surplus.

But now that the overall budget has been balanced for two years, it's time to follow the public's leaning and adopt the more ambitious objective of balancing the budget without counting the Social Security surplus.

Paradoxically, although this raising of the bar is highly desirable, the reasons have little to do with Social Security.

Two or three decades from now, we will have a much higher ratio of retirees to workers, and the standard of living of both groups will depend on making the economy grow faster, so more goods and services are available to be consumed by everyone. Running a larger government surplus would help the economy grow. It would reduce the national debt, put downward pressure on interest rates and encourage new investment.

It doesn't matter much whether the surplus is in the Social Security fund or the rest of the budget; it is the debt reduction that helps the economy grow. Explaining the raising of the bar as ''not spending the Social Security surplus'' is a convenient way of suggesting a connection between the aging of the population and the need for growth. But the current budget debate does not affect the status of the Social Security fund or the rights of beneficiaries in any way. That's a debate for another (post-election) day.

If political discourse were more civil, Congress and the president would have settled their differences over the fiscal year 2000 budget long before now, probably by enacting modest increases in the spending caps and celebrating the fact that the surplus is larger than anyone expected. Then they would have gone on to explain why an even bigger surplus would be a good thing for future growth.

A growing surplus can only be achieved by restraining spending growth and avoiding a major tax cut. A tax cut would hurt prospects for economic growth by encouraging more consumer spending and forcing the Federal Reserve to raise interest rates to avoid inflation.

With any luck, the new budget will be wrapped up in a few days and Congress will go on to other business. The public will breathe a small sigh of relief but will not realize that it ought to be celebrating.

The good news is that the budget surplus is growing, no significant tax cut is being considered, and politicians are beginning to notice that the public wants them to act responsibly for the long term and reduce the federal debt.

That's a lot of good news. It's a shame the process is so ugly.

NOAA VESSEL RAINIER

Mr. STEVENS. Mr. President, during the last month of negotiations on the FY00 Commerce, Justice, State Appropriations conference report, there has been much discussion between the Alaska delegation and Commerce Department officials regarding where to homeport the *Rainier*. The *Rainier* is one of four hydrographic survey vessels currently homeported in Seattle. However, the *Rainier* spends nearly all of its time performing hydrographic surveys in Southeast Alaska, where the need for hydrographic surveys is great. Substantial amounts of time and money are wasted every time the *Rainier* transits the 650 miles between Seattle and Southeast Alaska.

Alaska has more than half of the United States' coastline, and no State is more dependent on marine transportation. Nonetheless, most of southeast Alaska lacks adequate hydrographic surveys. In fact, more than half of NOAA's critical backlog of survey areas is in Alaska. Much of that backlog is in southeast Alaska, where three cruise ships ran aground this summer. These ships ran aground in critical backlog areas and other areas that are literally not on the map. New coastline opens up every time a receding glacier creates a new inlet, giving vessels access to totally uncharted waters.

Chairman YOUNG of the House Resources Committee met personally with Commerce Secretary Daley on this issue recently. The Secretary agreed that Alaska was an appropriate home for the *Rainier*. The city of Ketchikan has offered to make space available for the *Rainier* and to provide $300,000 cash to offset the one-time cost of the move. Moving this vessel to Ketchikan makes good fiscal sense and good policy sense. I urge the Secretary to relocate the *Rainier* to Ketchikan at once.

PACIFIC SALMON TREATY

Mr. STEVENS. Mr. President, as Chairman of the Senate Appropriations Committee, I would like to explain the provisions relating to Pacific salmon and the Pacific Salmon Treaty included in the conference report for the fiscal year 2000 Commerce, State, Justice Appropriations bill. The conference report provides funding to implement the 1999 Pacific Salmon Treaty Agreement between the United States and Canada and for Pacific coastal salmon recovery efforts in Alaska, Washington, Oregon, and California. Section 623 of the conference report authorizes this funding and addresses other issues which are critical to the success of the 1999 Pacific Salmon Treaty Agreement.

Section 623(a) establishes the Northern Boundary and Transboundary Rivers Restoration and Enhancement Fund and the Southern Boundary Restoration and Enhancement Fund. The 1999 Agreement requires the United States to capitalize these two funds at $75,000,000 and $65,000,000, respectively, over the next 4 years. Interest earned from these funds will be spent each year to develop better information to support resource management, to rehabilitate and restore marine and freshwater habitat, and to enhance wild stock production. This investment will complement a C$400,000,000 Canadian investment in habitat restoration and license buyback programs.

Each fund will be managed by a bilateral committee of three United States and three Canadian representatives. Appropriately, the three United States representatives on the Northern Fund Committee are Alaskans: Alaska's Commissioner and Deputy Commissioner to the Pacific Salmon Commission and the Regional Administrator of the Alaska Region of the National Marine Fisheries Service. Likewise, the three United States representatives on the Southern Fund Committee are from the Lower 48: one representative of the States of Washington and Oregon; one representative of the treaty Indian tribes; and the Regional Administrator of the Northwest Region of the National Marine Fisheries Service. I expect that the Northern Fund Committee will consult with the Northern Panel of the Pacific Salmon Commission on funding proposals prior to making its decisions. Likewise, the Southern Fund Committee should consult with the Southern Panel.

Section 623(b) implements the 1999 Agreement by addressing several conditions to that agreement. First, it provides that the $20,000,000 appropriated to capitalize the Northern Fund and the Southern Fund will not be made available until two events occur. First, the parties to the Boldt-related litigation must be sign and file stipulations staying that litigation for the duration of the 1999 Agreement. Second, the Secretary of Commerce must determine that the conduct of Alaska's fisheries under the 1999 Agreement, without further clarification or modification of the management regimes contained in the 1999 Agreement, do not cause jeopardy to salmon species listed under the Endangered Species Act. If the Secretary of Commerce requires alterations, modifications, or any other changes to the fishery management regimes contained in the Treaty, this condition is not satisfied.

The 1999 Agreement is expressly conditioned on both of these requirements being met. The document titled ''Understanding of United States Negotiators,'' signed June 22, 1999, by eight United States negotiators, describes the stipulations to be filed, extended, or otherwise addressed for the duration of the 1999 Agreement. Similarly, the transmittal letter which accompanied the 1999 Agreement, signed June 23, 1999 by the Chief Negotiators for the United States and Canada, states that the 1999 agreement is conditioned on whether the conduct of Alaska's fisheries under the Treaty violates the Endangered Species Act. It is important to note that Congress has every reason to believe Alaska's fisheries do not cause jeopardy to listed salmon stocks. Alaska's fisheries operated under a ''no jeopardy'' finding before our fishermen gave up 25 percent of their Chinook catch in order to get a deal on the 1999 Agreement. To address process concerns, this subsection requires the parties to request that the court enter the stipulations before the end of the year, and that the court enter the stipulations by March 1, 2000.

Sections 623(b)(3) and 623(b)(4) specify conditions under which the Secretary of Commerce may ''initiate or reinitiate'' consultation on Alaska Fisheries under the Endangered Species Act. Subsections (b)(3) and (b)(4) address any consultation on Alaska fisheries which is commenced after the initial consultation required in subsection (b)(1). By using the words ''initiate or

reinitiate,'' Congress has addressed both those species which are currently listed under the Endangered Species Act as well as any species listed under ESA in the future. Therefore, before the Secretary of Commerce may initiate consultation on any listed species, including any species listed after this Act has passed, and before the Secretary may reinitiate a previously conducted consultation, the conditions in subsections (b)(3) and (b)(4) of section 623 must be met.

Section 623(b)(3) requires the Secretary of Commerce to issue a jeopardy determination on Southern United States fisheries before he may initiate or reinitiate consultation on Alaska fisheries. Section 623(b) defines Southern United States fisheries as the directed Pacific salmon fisheries in Washington, Oregon, and the Snake River basin of Idaho that are subject to the Pacific Salmon Treaty. Subsection (b)(3) will also require the Secretary to develop the maximum sustainable yield (MSY) data or other escapement data necessary to make such a determination. The Secretary should work with the Pacific Salmon Commission to develop this information.

Section 623(b)(4) requires the Secretary of Commerce to provide the Pacific Salmon Commission a reasonable opportunity to implement the 1999 Agreement including, if necessary, the weak stock provisions in the 1999 Agreement, and to make a determination that the 1999 Agreement will not meet MSY goals before he may initiate or reinitiate consultation on Alaska fisheries under ESA. The phrase ''reasonable opportunity'' is intended to provide sufficient time for the 1999 Agreement to work. If the Pacific Salmon Commission implements the weak stock provisions, the phrase ''reasonable opportunity'' is intended to provide sufficient time for the weak stock provisions to work as well. A reasonable opportunity will encompass several life cycles of the salmon under consideration.

Subsection (b)(4) purposefully adopts the recovery standard contained in the Pacific Salmon Treaty. This standard requires that the weak stock provisions return escapements as expeditiously as possible to maximum sustainable yield or other biologically-based escapement objectives agreed to by the Pacific Salmon Commission. This subsection recognizes that conservation is the foremost tenet of the Pacific Salmon Treaty. The Treaty also recognizes the importance of the salmon fisheries to the social, cultural, and economic well-being of the West Coast. Therefore, the Treaty seeks to satisfy its conservation objective with minimum disruption to the commercial, tribal, and sport fisheries. Recognizing these, objectives, the determination of whether escapement objectives have been met as expeditiously as possible must be made over a reasonable period of time, likely encompassing several life cycles of the salmon species under consideration.

The most important feature of this law is that it requires the Secretary to delay the enforcement of the Endangered Species Act until the Pacific Salmon Commission has an opportunity to implement the Treaty and, if necessary, the weak stock provisions of the Treaty. This later-enacted law relieves the Secretary of his duty to apply the Endangered Species Act during the time the Commission is implementing the Treaty and the weak stock provisions. This is important because the Commission is better able to recover weak stocks using the Treaty than is the Secretary using the Endangered Species Act. The Commission can require harvest restrictions in Canada, where up to half of the coastwide Chinook harvest is caught. Unlike the Pacific Salmon Treaty, the Endangered Species Act does not apply in Canada. Subsection (b)(4) recognizes the important role the Pacific Salmon Commission should play in the recovery of weak stocks by ensuring that the Commission has the opportunity to fully implement the weak stock provisions of the Pacific Salmon Treaty.

Section 623(c) makes needed changes to the voting structure of the Pacific Salmon Commission. The Pacific Salmon Treaty Act of 1985 required the three voting United States Commissioners to reach unanimous agreement before making a decision on behalf of the United States. This requirement was put in place without knowing how disruptive it would prove to subsequent negotiations. In practice, it has allowed Canadian negotiators to leverage northern and southern U.S. interest against each other. Subsection (c) prevents this unintended consequence by providing that the southern U.S. interests represent the United States on southern fisheries and Alaska represents the United States on northern fisheries. In fact, the 1999 Agreement itself did not take shape until Alaska and Canada were able to negotiate northern fisheries issues without interference from southern interests. Chinook salmon, which can migrate through northern and southern jurisdictions, are exempt from this provision.

Section 623(d) authorizes $20,000,000 total to capitalize the Northern Fund and the Southern Fund. To meet a condition of the 1999 Agreement, these amounts will not be released until stipulations have been signed and court orders requested in certain litigation involving the application of tribal fishing rights. Subsection (d) also authorizes $58,000,000 for salmon recovery efforts in Alaska, Washington, Oregon, and California. Amounts appropriated to the four States are subject to a 25 percent non-federal match requirement. States may meet this requirement with cash or other in-kind contributions supported by existing state funding.

I understand Washington State and Oregon will use their shares of this funding to address the significant habitat issues they face in those States. Alaska has neither enjoyed the benefits nor suffered the consequence of extensive development inside its borders, although some would say that we have suffered the consequences of development elsewhere through the harvest restrictions our fishermen have endured over the years. I expect that in addition to habitat restoration, Alaska will participate in other programs consistent with Treaty implementation, such as marketing initiatives. Alaska also has the authority to participate in salmon initiatives in other States and on tribal, lands. Many of the tribes will likely use their funding to participate in demonstration projects on supplementation including the use of Mitchell Act hatcheries to increase production of wild stocks. A close analysis of NMFS's artificial propagation policy may lead to different policies which help meet the recovery goals outlined in the Pacific Salmon Treaty. I look forward to the results of the States and tribal efforts.

Mr. DORGAN. Mr. President, one of the bills that will pass today as part of an Energy and Natural Resources Committee package is S. 769, which provides a final settlement on certain debts owed by the city of Dickinson, North Dakota to the Bureau of Reclamation. The legislation, which was introduced by Senator KENT CONRAD and myself, is virtually identical to that introduced during the last Congress.

The Dickinson Dam Bascule Gates Settlement Act (S. 769) will afford long overdue relief to the citizens of Dickinson. Let me briefly explain why the debt liquidation is needed and appropriate. For one thing, the Bureau of Reclamation built a faulty project. The debt was incurred by the city of Dickinson for construction of a dam with gate structures which never worked properly. In addition, the need for the bascule gates as regulating structures to help provide a reliable local water supply was eclipsed by the construction of the Southwest Pipeline. The pipeline is part of the Garrison Diversion Project which is managed by the same Bureau of Reclamation.

Consequently, it makes no sense for the city of Dickinson to have two water supply systems when it needs only one—especially when the first system was a faulty one. The city has already repaid more than $1.2 million for the bascule gates, even though they now provide virtually no benefit to the city.

The legislation itself is actually quite simple. It would permit the Secretary of the Interior to accept one final payment of $300,000 from the city of Dickinson in place of a series of payments, totaling about $1.5 million, required by city's current repayment contract. The final payment may be adjusted for payments made after June 2, 1998.

The bill also clarifies that the city of Dickinson will be responsible for up to

$15,000 in annual operation and maintenance (O&M) costs. This amount represents the average costs for O&M on the gate structures over the past 15 years. The bill as introduced was not explicit on this point and Senator CONRAD and I have worked with the Energy Committee on an amendment that is part of the reported bill.

I want to thank Chairman FRANK MURKOWSKI, Ranking Member JEFF BINGAMAN, Subcommittee Chairman GORDON SMITH, and their staffs for their cooperation and assistance. I also want to underscore the leadership of Senator CONRAD in developing this legislation and the excellent work of his Deputy Legislative Director, Kirk Johnson. May I also commend Dickinson Mayor Fred Gengler and City Administrator Greg Sund for their help and persistence in seeking a fair resolution to this matter.

TECHNICAL EDIT TO H.R. 486

Mr. BURNS. Mr. President, as the prime sponsor of S. 1547, the Senate companion bill to H.R. 486, I would like to make remarks on a technical edit to H.R. 486. I believe Sec. 3(f)(1) of Sec. 5008 needs some clarification. Subsection (1)(D) states very clearly that the ''Commission shall act to preserve the contours of low-power television licensees pending the final resolution of a class A application.'' The Commission's function to preserve the protected contours is very clear. But creating separate subsections for the certification and application processes may have created some uncertainty regarding the timing of when the Commission should begin to provide this protection. I want to assure my colleagues that I agree with the prime sponsors of H.R. 486 that the front-end certification process is an integral first step in the application process. It is clearly our intent that as soon as the Commission is in receipt of an acceptable certification notice, it should protect the contours of this station until final resolution of that application. Of course, this provision does not exempt licensees from other provision of this act.

Thank you, Mr. President.

Mr. HELMS. Mr. President, for those who may wonder why H.R. 3427, which was deemed enacted as a separate law in H.R. 3194, the D.C. Appropriations bill is called the ''Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act for 2000 and 2001,'' it is because of our love, affection and respect for Admiral Bud Nance and Meg Donovan.

Bud Nance was Chief of Staff of the Foreign Relations Committee until he passed away on May 11.

Bud served his country his entire adult life—as an ensign aboard the USS North Carolina in the Pacific Theater during World War II and later as a test pilot and fighter pilot. Among his many honors, he earned two Distinguished Service Medals and capped off his distinguished 38-year navy career as skipper of the aircraft carrier USS Forrestal.

Bud went on to serve as President Ronald Reagan's Deputy National Security Advisor. And at my request in 1991 Bud became minority staff director for the Foreign Relations Committee. From January 1995 until his passing in May, he served as Chief of Staff for the majority. Bud refused to take the job until I agreed that he would not take a paycheck. Bud said that his country had been good to him and this was how he could give something back to his country.

Bud was my lifelong friend. We were born two months apart, two blocks apart in the little town of Monroe, North Carolina. I miss my friend; it was a blessing to know him.

I am pleased that the House and the Senate agreed to recognize Bud and his influence on this bill, which was the last bill on which he had the opportunity to work. In addition, Meg Donovan has been added to the bill's name. I know Bud would have been honored to share this bill with Meg for whom he had a deep affection.

Like Bud, Meg Donovan, who died at age 47 of cancer last October, had spent much of her life in government service and international affairs. She served as the Deputy Assistant Secretary for Legislative Affairs at the State Department at the time of her death, and before that was a longtime House International Relations Committee staff member.

Meg worked closely with the Senate on the confirmation of key foreign affairs nominations, including those of Secretary of State Warren Christopher, and later, Madeleine K. Albright. In the Congress, she worked primarily on issues dealing with political and religious dissidents, minorities and other persecuted groups, including Tibetans, Soviet Jews and women.

Both Bud and Meg are missed by the staffs of the Senate Foreign Relations Committee and the House International Relations Committee, and by me and countless others, all of whom are pleased that this legislation bears the names of these two fine Americans.

Mr. L. CHAFEE. Mr. President, I rise today to express my support for the extension of the Northeast Dairy Compact. I also wish to commend my colleagues from New England for all of their hard work on this issue. Senators JEFFORDS, SPECTER, LEAHY, and others all have worked diligently to protect the dairy farmers in our region. I thank them for their efforts.

As my colleagues know, the Northeast Dairy Compact was approved by Congress in 1996 as a part of the Freedom to Farm bill. It was implemented after the Secretary of Agriculture found that there was a ''compelling public interest'' for its creation.

A state-generated response to the decline in the New England dairy industry over the last decade, the Dairy Compact has preserved local milk supplies for the Northeast. In 1978, there were 6,439 dairy farms in New England. By 1992, the number of dairy farms fell to 3,974. During this same time, the number of dairy farms in my home state fell from 93 to 41—a 60 percent decrease. As I stand here today, there are only 30 dairy farms remaining. 93 to 30. This certainly is an alarming number.

Why is this alarming? Dairy farms are the essence of New England—independent and hard working—the very symbol of our region. They are not in far away rural areas such as those in other parts of the country. Most are close to fast growing areas which are ripe for development. It would be very easy for any one of our local dairy farmers to sell their land to area developers and settle for an easier lifestyle.

In New England, we value the contributions of our dairy farmers. As areas feel the pressure of population growth, and the resulting stress on the environment, it becomes more and more important to support dairy farming and the benefits we all reap from their existence. We do not want to see them disappear. To have them extinguished from the New England countryside would be the equivalent of the Liberty Bell leaving Pennsylvania, the Statue of Liberty leaving New York, and Mount Rushmore being torn down for townhomes in South Dakota.

The Northeast Dairy Compact works. It is only fitting that we are here today to extend its existence. To do otherwise would jeopardize the progress that has been made to preserve our lands and the farming economy in New England.

Again, I thank my colleagues for their attention, and I yield the floor.

Mr. ROBB. Mr. President, I'd like to commend the efforts of those of my colleagues who joined in the effort to make an important change to the Satellite Home Viewer Improvement Act of 1999. As initially drafted, the conference report on H.R. 1554 caused many of us great concern because it included two provisions which could have discriminated against Internet and broadband service providers by expressly and permanently excluding any ''online digital communication service'' from retransmitting a television signal or other audiovisual work pursuant to a compulsory or statutory license. Like many of my colleagues, I was deeply concerned that in the race to adjourn, Congress would neglect to fix these potentially damaging provisions.

Under the agreement which has been reached on this bill, these provisions have been deleted. This was the right thing to do: these two provisions had been added to the conference report late in the process, after agreement had been reached on the fundamental parameters of the bill, and without any public debate. Now that the provisions have been removed, the committees of jurisdiction will have an opportunity to consider the proper application of the compulsory and statutory licensing

provisions of the Copyright Act to Internet and broadband service providers.

Given the enormous importance of the Internet for enhancing consumer access to programming, it is essential that Congress give full attention to this issue early next year. I look forward to working with my colleagues to ensure that we take steps to further enhance the range of choices consumers have in the marketplace.

I also wanted to take a moment to commend Senator BAUCUS and others for their efforts in securing an agreement to address the problems that small-market and rural areas now face in obtaining satellite broadcasts of their local television stations. By my estimates, the only market in Virginia that will get local-into-local service with the current bill is the metropolitan D.C. area, leaving over 94% of satellite households in my state without this crucial service. All Virginians, however, and, indeed, all Americans, deserve quality local satellite service, and I intend to make this issue a top priority when Congress returns next year.

Mr. LOTT. Mr. President, today the Senate passed the Intellectual Property and Communications Omnibus Reform Act of 1999. This bill makes many needed and timely reforms to the Satellite Home Viewer Act which originally passed almost 12 years ago. I have said for many months I believed this was a measure that Congress should enact before adjourning this year, and am pleased that we have been able to move forward on this important piece of legislation.

For a number of years, great strides have been made by providers of direct broadcast satellite to compete for customers with cable, the traditional provider of multichannel video services. Congress recognized this marketplace development and the necessity to update the rules of the road to advance such competition.

Satellite television providers have a unique product to offer, and more and more consumers are opting for television via satellite, including my own son Chet. During a visit in his home, I learned firsthand just what this debate is all about. So I disagree with those who say this is just a broadcaster bill or this is just a satellite bill. Clearly, both sides had to compromise, and the end result is one that is fair to the various industry segments.

As always, when dealing with such contentious issues in the legislative process as were confronted in this measure, the competing interests of several parties had to be balanced. A number of compromises were reached, and the bill considered by the full Senate today will be good for consumers and good for competition.

This bill allows, for the first time ever, satellite providers to offer local signals in local markets. Consumers value their local signals. They want to see their local news, their local weather, their local sports. Promoting localism was a goal of the conferees, while at the same time giving the satellite industry the tools it needed to grow its business. This provision will go a long way toward freeing satellite providers to compete head-on with cable for customers who want their local signals, or to provide service in many areas where cable is not even an available option.

This measure will not only boost competition in the multichannel video marketplace, but will also ensure that consumers are not stranded in a catch-22, without service. I know many of my colleagues, myself included, heard from literally hundreds of thousands of constituents across the country. Constituents who had, in good faith, subscribed to satellite television. Constituents who were about to lose, or had already lost, their distant network programming channels, through no fault of their own. S. 1948 includes a reasonable, balanced approach to restore eligibility for many of these subscribers, while preventing further pending shutoffs.

Other consumer friendly provisions were adopted. An improved model to more accurately predict eligibility to receive distant network signals from a satellite provider. Increased certainty in the waiver process when dealing with their local broadcasters.

I feel very strongly that consumers should not be put in a bind again by being sold a service, only to have it taken away.

The revised rules of the road will help level the playing field for the direct broadcast satellite industry as well. Copyright rates are slashed. Existing satellite copyright compulsory licenses are extended for 5 years. A 90-day waiting period to begin serving current cable customers who want to switch to satellite is eliminated. And the FCC will be required to review the distant signal eligibility standard and recommend improvements to Congress. The compromise also allows for a phase-in period for obtaining permission to bring local signals into markets, so that consumers and local stations benefit from local-into-local as soon as possible.

Mr. President, the offering of local-into-local is an expensive undertaking. Many of my colleagues in Congress, particularly those who represent rural states, recognize that economics will drive local-into-local into larger, urban markets first. They wonder whether rural and small markets will receive this service.

While debating the merits of the overall bill, this legitimate concern was raised. A concern that I share as well. I want my constituents to be able to choose a satellite provider for television without having to sacrifice watching their local broadcast stations. The largest designated market area in my home state of Mississippi is Jackson, which ranks number 89 out of more than 200 designated market areas. Satellite providers have clearly indicated they are likely to offer this new service in the top 60 to 70 markets. This translates into a lack of comparable choices for my constituents, and for millions of other Americans across the country. So this is an important issue that deserves the attention of Congress.

From the beginning, Senator BURNS has been the champion of the idea of a loan guarantee program to foster the development of systems to deliver local-into-local in rural and small market areas. Although a number of Senators have stood up to talk about how important this program is for their respective states, it has been Senator BURNS who has stood firm and fought for this program.

It is Senator BURNS who is responsible for establishing the process for the full Senate to consider the loan guarantee proposal early next year.

I also want to thank Senator GRAMM, the distinguished Chairman of the Senate's Banking Committee, for his cooperation in moving this legislation forward.

Based on my conversations with him and other Members, I was pleased that a unanimous consent agreement was reached. This agreement requires that a loan guarantee bill be reported to the Senate by March 30, 2000. It is my intention to get this provision enacted into law soon thereafter.

Mr. President, I want to be clear. This unanimous consent agreement does not delay the implementation of the loan guarantee program. In fact, Senator BURNS' proposal, if passed today, would still be subject to Fiscal Year 2001 appropriations anyway. So the earliest this program could take effect under any scenario is in Fiscal Year 2001. The agreed upon schedule for consideration of the loan guarantee authorization is consistent with the appropriations timetable.

So, I believe the right incentives are in place to timely act on this matter when the Senate reconvenes next year. And I hope we can all work together, from both sides of the aisle. Without this kind of incentive, millions of Americans could be left behind.

Mr. President, the participation of Members was integral in bringing this bill to fruition. I want to commend Senator HATCH, Chairman of the Senate Judiciary Committee, for his leadership and determination to complete the Senate and House negotiations on this legislation. He worked diligently for weeks, dealing with major competing interests to achieve a balanced policy. Senator HATCH, Senator MCCAIN, Chairman of the Senate Commerce, Science, and Transportation Committee, Congressman Bliley, Chairman of the House Commerce Committee, and Congressman Hyde, Chairman of the House Judiciary Committee, along with all of the other Members of the conference, contributed greatly to the process, and I am grateful to them for their service.

This bill would not have been completed without the dedicated efforts

and countless long hours of negotiation among staff. Their hard work is very much appreciated, and I want to take a moment to recognize who they are: Monica Azare, Ed Barron, Pete Belvin, Renee Bennett, Shawn Bentley, Benjamin Cline, Tony Coe, Manus Cooney, Colin Crowell, Troy Dow, Jon Dudas, Julian Epstein, Paula Ford, Doug Farry, Bob Foster, Mitch Glazier, Jim Hippe, Tim Kurth, Jon Leibowitz, Peter Levitas, Andy Levin, Justin Lilley, Garry Malphrus, Maureen McLaughlin, Mark Monson, Ann Morton, Al Mottur, Mitch Rose, Jim Sartucci, Jonathan Schwantes, and Alison Vinson.

Mr. President, this bill is an improvement over the current state of play in today's multichannel video marketplace. It is not perfect, but it is a positive step forward in advancing competition among industries and choice for consumers.

Mr. GORTON. Mr. President, I would like briefly to address Section 2002 of the Intellectual Property and Communications Omnibus Reform Act of 1999, which is an amendment to the Omnibus package, to clarify its meaning with my colleague who drafted the provision.

There are a number of United States companies that have applied to the FCC for licenses to operate non-geostationary satellite systems in the so-called ''Ku-band.'' These firms are spending substantial amounts of private capital to develop satellite systems that will provide a host of telecommunications services to benefit the public. The satellite systems that have applied for licenses in the Ku-band are designed to operate globally on a primary basis, and already are treated as primary users of the Ku-band in the International Table of Frequency Allocations.

Mr. President, I bring this up because section 2002(a) directs the FCC to consider issuing licenses, possibly in the same bands, for new terrestrial communications services that provide local television to rural areas. Section 2002(b)(2) provides that the FCC must ensure that any new licensees for local television in rural areas do not cause harmful interference to primary users of the spectrum, presumably the Ku-band spectrum.

I want to clarify that Section 2002(b)(2) requires the FCC to prevent harmful interference not only with those who have been designated as primary users on the date of enactment of this Act, but also with prospective primary users of the Ku-band. If the FCC were to misinterpret this section, that is, if the FCC prevented only harmful interference with those who are primary users on the date of enactment, the public could be denied the substantial benefits of emerging satellite technologies.

Mr. McCAIN. I agree with my colleague that the authors of this bill did not mean to interfere with the expert technical and regulatory judgment of the FCC with respect to licensing applicants in the Ku-band. The term ''primary user'' in Section 2002 is intended to include primary users, regardless of whether these users are primary on the date of enactment or are later designated as primary. The provision in no way seeks to grant preferential regulatory treatment to terrestrial license applicants over satellite system applicants. While there appears to be an error in the report accompanying this legislation, which incorrectly states that the statute says that ''existing'' primary users must be protected, clearly the statute does not contain this qualifier, and it is our intent that the FCC protect primary users, whether designated now, or later.

Mr. CLELAND. Mr. President, on November 9, 1999, the House of Representatives overwhelmingly passed (411–8) the conference report on H.R. 1554, the Intellectual Property and Communications Omnibus Reform Act of 1999. Arriving at a conference report compromise was a long process. For months, conferees have been negotiating over these provisions. The bill the Committee produced was a good bill, and that is underscored by the overwhelming, bipartisan support the final version received.

However, the Senate will not act on this bill propr to adjourning for the year. Instead, Congress will recess without passing the complete Conference Committee version of H.R. 1554. In an attempt to achieve some of the gains from this bill, a modified version of the Satellite Home Viewers Act will be attached to the final omnibus appropriations bill and passed by Congress. However, it will be absent one important provision that would help ensure that rural citizens are not overlooked as they often are in other sectors.

The two major direct broadcast satellite (DBS) companies have stated to Congress that they will only serve the most popular markets with local broadcast channels once the statutory restriction prohibiting this action is removed. An incentive needs to be there for businesses to develop this same service for households in second tier markets and rural areas as well. The conference report to H.R. 1554 would have provided $1.25 billion in loan guarantees for satellite companies that seek to serve these often overlooked markets. It was an idea I strongly supported because it would have encouraged development of this service in second tier and rural markets in Georgia and elsewhere in the country.

Instead, a single Senator demanded the removal of this provision because of procedural issues and because, at the end of a legislative session it generally takes unanimous consent to expedite consideration of each measure, the bill presented to the Senate as part of the final appropriations bill reflects an acquiescence to this demand. To respond to those of us who supported the loan guarantee, the Chairman of the Banking Committee has promised to take up this provision and pass appropriate legislation by April 1, 2000. In the meantime, millions of satellite viewers who live in middle and rural America will not have the opportunity to view their local channels nor will they have the solace in knowing such service will be coming soon. This is very disappointing, and it is my sincere hope that the promise to act swiftly on the loan guarantees will be kept in an environment where promises and compacts are too often ignored.

As a member of the Commerce Committee, I have been closely following this bill throughout the entire process. At the heart of this debate is viewers' access to local broadcast television. I say to my colleagues that rural Americans deserve the same access to their local broadcast stations that urban and suburban DBS customers will soon enjoy. I will work next year to ensure that this loan guarantee program is acted upon swiftly.

Mr. HOLLINGS. Mr. President, this conference report represents a first step in promoting satellite as a competitor to cable. The conference was presented with two bills which approached a number of the major issues in very different ways. In order to reach an agreement, compromises were made. As a result, I believe consumers are better off with the passage of this bill, and satellite companies are now in a better position to compete with cable companies.

A number of provisions in particular will improve and expand satellite service to consumers. This conference report establishes a framework for satellite companies to deliver local network signals into local markets. This allows satellite consumers to receive their local network stations by satellite. The satellite companies have indicated that it is crucial that they are able to deliver local broadcast signals to satellite consumers if they are to compete with cable. I hope going forward, satellite companies embrace this provision and provide local signals to as many markets as possible, including those in rural areas.

In addition to these provisions, the conference report directs the FCC to establish a waiver process to allow satellite consumers who cannot receive their broadcast signals over an outdoor antenna, to obtain a waiver and be allowed to get distant network signals. This provision establishes a uniform waiver process and ensures that a consumer's request for a waiver will be addressed within 30 days. The conference report also requires the FCC to improve the accuracy of the methodology used to predict which consumers cannot receive their broadcast signals over the air, and therefore, can obtain distant network signals by satellite. Language also has been placed in the bill to improve the negotiating position of the satellite companies in their negotiations with broadcasters to obtain programming. Hopefully, this provision

will help satellite providers to obtain programming from broadcasters on fair and reasonable terms, and ultimately, provide consumers with service at a competitive price.

As noted previously, compromises were made. As the bill advanced through committee, I opposed the grandfathering of satellite customers who had been illegally provided distant network signals. At that time, I stated that illegal activities should not be rewarded. Satellite companies should not benefit from a grandfather of illegally provided distant broadcast signals to consumers. Nonetheless, the conference decided to allow satellite consumers who can receive their local network signals of Grade B intensity over an antenna, to continue to receive distant network signals by satellite. It also allowed satellite consumers who receive distant broadcast signals through big (C–band) dishes to continue receiving such service regardless of whether their distant broadcast signals have been cut-off or have been scheduled to be cut-off. In this bill, we have taken a number of steps to provide a better framework for the provision of satellite service. Therefore, I hope satellite companies will comply with the law going forward.

I expect the passage of this conference report will result in the delivery of better satellite service to consumers, and ensure that satellite companies can provide consumers with a competitively priced option to cable service.

Mr. BOND. Mr. President, as many of my colleagues know, the so-called ''patent reform'' act was placed in the Satellite Home Viewer Act in the waning hours of the conference. Even though this bill did not clear the Senate floor in regular order and never had a vote on the floor of the Senate and was highly controversial for three years the proponents had to resort to these tactics to secure passage. The Satellite Act was very important and many Americans were relying on its passage so it provided the leverage. This is an unfortunate development in this legislative battle. Over the strenuous objections of several members, the bill stayed in the conference report. The inventors never even got a debate on the floor of the Senate. I think the entrepreneurs of America deserve far better than this sort of treatment.

Special recognition should be given to the staff of the Alliance for American Innovation for their hard work on behalf of American Inventors, particularly Steven Shore and Beverly Selby. Also, Congresswoman Helen Bentley labored tirelessly on behalf of America's inventors, they deserve a great deal of recognition for their fight. As does Jim Morrison of the National Association of the Self Employed. They won many victories in this battle and the proponents had to resort to these sorts of tactics to defeat them. It is unfortunate how this bill was handled, the American inventors deserved a debate and a vote—for all that they do for America, they deserve better. We are going to be watching carefully the impact of this bill on innovation in America.

Mr. DEWINE. Mr. President, for the past several months I have served as a member of the House-Senate conference on H.R. 1554, the Satellite Home Viewer Improvement Act of 1999, which has been reported as a part of H.R. 3194, the District of Columbia Appropriations Act. The Satellite Home Viewer Improvement Act is a complicated and technical bill, but at its heart lies a simple premise—to protect interests of consumers by allowing more choices in the market for television providers. The conference agreement does this by allowing satellite companies the same opportunity to provide local signals that cable providers currently enjoy—and this increased competition should lead to better prices and better services for consumers. I hope my colleagues will join me in supporting the act.

As is to be expected in any complex piece of legislation, there were a number of difficult issues, and many public policy goals to be considered. The most important of these public policy goals is to protect the interests of consumers, and we needed to consider two factors in that regard—enhancing consumer choice in television service, and protecting the local television stations that so many rely on for their news, traffic, weather and sports. Accordingly, the conference agreement features a number of compromises that aim to protect both of these consumer interests.

Perhaps the best example of this is the so-called ''must carry'' provision. This provision requires that if a multichannel video provider (for example cable, or satellite) is carrying any broadcast signals in a given market, that provider must carry all broadcast signals in a given market. This requirement protects local television stations by assuring that their signals will be carried, whether consumers are purchasing satellite service or cable service. At first this may limit the number of markets that satellite providers can reach, but as technology and satellite capacity increase we are confident that satellite service, and the benefits of local signal competition, will reach more and more markets. This provision does not go into effect until January 1, 2002, in order to give the satellite companies time to further develop their technology and improve their product for consumers.

In the meantime, this act offers a number of other benefits to consumers. It sets the copyright rate for local signals at zero, and cuts the copyright rate for the so-called ''distant local signals'' by as much as 45 percent. It provides a ''grandfather'' clause for a large group of consumers already receiving satellite service, who might otherwise be cut off by a federal court ruling. And it makes it easier for consumers to determine what type of satellite service they are eligible for, a process which in the past has been somewhat difficult.

As many of my colleagues have noted, this act may not completely cure the competitive problems faced by consumers in the marketplace for video services. Certain provisions will require further action by the Federal Communications Commission and by Congress. But it is a good step in the right direction. I believe the Satellite Home Viewer Improvement Act of 1999 will increase competition in these markets, and it will increase consumer choice. In the short run, and in the long run, this act is good for competition, and good for consumers.

COMPULSORY LICENSING AND ONLINE SERVICE PROVIDERS

Mr. WARNER. Mr. President, I rise to explain to my colleagues an important change made to the Satellite Home Viewer Improvement Act of 1999, which was reintroduced as S. 1948 and included in the measure before us today. As my colleagues may know, I and other Senators had been very concerned that two sections of the legislation would unfairly have discriminated against Internet service providers. Many of my constituents were concerned that sections 1005(e) and 1011(c) of the legislation would be interpreted by the courts or the Copyright Office to expressly and permanently exclude any ''online digital communication service'' from retransmitting a transmission of a television program or other audiovisual work pursuant to a compulsory or statutory license under the Copyright Act.

I am pleased to report that these potentially damaging provisions were deleted from the bill before us. As my colleagues may know, these provisions originally were inserted in conference, even though the committees of jurisdiction had never held hearings on them, had never received any record evidence as to their need, and had never considered them in open debate. The committees of jurisdiction in the House and the Senate will now have an opportunity to carefully consider the application of the Copyright Act to the Internet and broadband service providers.

As someone proud to represent most of the major Internet service providers in the world. I have little doubt about the importance of the Internet and other online communications technologies for enhancing consumer access to information and programming. Online technology has transformed the way consumers receive information, including audiovisual works. It undoubtedly will bring other benefits, but only if Congress makes certain that it does not place unreasonable barriers in the way.

Because rapid technological changes are having an ever more significant impact on our economy, it is essential that the Congress give full attention to this issue early next year.

THE INTELLECTUAL PROPERTY AND COMMUNICATIONS ACT

Mr. KERRY. Mr. President, I am pleased that Sec. 2002 of S. 1948 directs the Federal Communications Commission to expedite its review of license applications to deliver local television signals into all local markets. it's my understanding that the FCC has had applications pending before it since January, which, if approved, would clear the way for nationwide deployment of an innovative digital terrestrial wireless system for multi-channel video programming. This new technology will benefit all Americans by providing robust competition to incumbent cable systems in Massachusetts and across the entire nation. Equally important, it will provide rural Americans with the same access to local signals as their urban and suburban counterparts. Under Sec. 2002(b)(2), the FCC shall ensure that licensees will not cause harmful interference to existing primary users of the spectrum. Moreover, the FCC, consistent with its mission to manage the spectrum in the public interest, will address, any coordination related to new users of a particular band.

Mr. DEWINE. Mr. President, I rise today in support of the American Inventors Protection Act of 1999, which is incorporated into the Satellite Home Viewers Act Conference Committee Report. I am a Member of that Conference Committee. Ultimately, the Satellite Home Viewers Act Conference Committee Report will be included in this year's omnibus appropriations bill, the District of Columbia Appropriations Act of 2000.

With regard to the American Inventors Protection Act, I am particularly pleased with the Act's inclusion of the first inventor or ''prior user'' defense, created by Subtitle C. Unfortunately, the fact that this Act is being considered by the Senate in the closing days of the legislative session has limited the Judiciary Committee's ability to include a complete legislative history on the Act. As a Member of the Judiciary Committee, my intent is that this statement supplement the Senate's legislative history with regard to Subtitle C of the American Inventors Protection Act.

The prior user defense to patent infringement is of great importance to the financial services industry. For years, the financial services industry developed ''back office'' methods and processes that are fundamental to the delivery of many financial services. The House Judiciary Committee Report refers to the breadth of the types of methods and processes used by the financial services industry: ''These financial services may embody methods or processes incorporated into any number of systems including, but not limited to, trading, investment and liquidity management, securities custody and reporting, balance reporting, funds transfer, ACH, ATM processing, on-line banking, check processing and compliance and risk management. In each of these systems, multiple processing and method steps are acting upon a customer's data without its knowledge.'' Minor changes in the bill since it was reported by the House Judiciary Committee do not affect the scope of methods to be considered under this Title.

Virtually no one in the industry believed that these methods or processes were patentable. Instead, the only legal protections believed to be available were those granted under trade secret laws. Last year, in State Street Bank & Trust Company v. Signature Financial Group, Inc., the financial services industry was dealt a blow when the Court of Appeals for the Federal Circuit held that business methods can be patented. Early this year, the Supreme Court denied certiorari in that case, making it official. After State Street, methods and processes that were developed by the financial services industry years ago are subject to patent. Some of these methods and processes are transparent to the end user of the services and can be ''reverse engineered'' and then easily copied. A later user of the method can now patent a method or process that another inventor had developed and put into use first. The actual inventor would then be prohibited from using his own invention, or be required to pay royalties to the subsequent inventor.

This situation is clearly unfair. Fortunately, Subtitle C of the American Inventors Protection Act partially corrects the unfortunate consequences of the State Street decision by adding a new section to the patent code establishing the ''prior user'' defense. Specifically, this provides a defense to a claim of patent infringement where a person has commercially used or made serious preparations to commercially use a process that later becomes the subject matter of a patent issued to another. Under this subtitle, an ''internal commercial use or arm's length commercial transfer of a useful end result'' includes a method or process, the subject matter of which may be directed to an information or data processing system providing a financial service, whether in the form of physical products, or in the form of services, or in the form of some useful results.

The term ''method'' should be interpreted broadly so that it includes any ''method of doing or conducting business,'' including a process. The method that is the subject matter of the defense may be an internal method of doing business, a method used in the course of doing or conducting business, or a method for conducting business in the public marketplace. It can be a method used in the design, formulation, preparation, application, testing, or manufacture of a product or service. A method is any systematic way of accomplishing a particular business goal. The defense should be applicable against patent infringement claims regarding methods, and to claims involving machines or articles of manufacture used to practice such methods (if such apparatus claims are included in the asserted patent). In the context of the financial services industry, methods would include financial instruments (e.g., stocks, bonds, mutual funds), financial products (e.g., futures, derivatives, asset-backed securities), financial transactions, the ordering of financial information, any system or process that transmits or transforms information with respect to eventual investments or financial transactions, and any method or process listed as examples by the House Judiciary Committee in its report.

Of course, the defense is not a general license; it extends only to the specific subject matter claimed in the patent. A person asserting the defense under this new section has the burden of establishing it by clear and convincing evidence. As used in this title ''person'' includes each parent, subsidiary, affiliate, division, or other entity related to the holder of the defense when they are accused of infringement of the relevant patent. If the defense is asserted by a person who is ultimately found to infringe a patent, and subsequently fails to demonstrate a reasonable basis for asserting the defense, then the court must award attorneys fees under section 285 of Title 35.

The first inventors defense is not available if a person has abandoned commercial use of the subject matter. In the context of this Act, abandonment means cessation of use with no intent to resume. In the financial services industry, certain activities are naturally periodic or cyclical. Intervals of non-use because of factors such as seasonal needs, or reasonable intervals between contracts, should not be considered abandonment.

Mr. President, subtitle C strikes a balance between the rights of the later inventor who obtains patent protection to enjoy his exclusive rights in the claimed subject matter, and the inherent fairness to the earlier user to continue to use its methods and processes to conduct and, even expand, its business. Thus, by creating a personal, prior user defense, subtitle C would give the patent owner its statutory patent rights enforceable against all except the earlier inventor and commercial user of common subject matter.

Mr. KOHL. Mr. President, I rise in support of the Satellite Home Viewer Improvement Act of 1999 which is now included as part of this year's Omnibus Appropriations Bill. Simply put, these changes in the law are long overdue.

It should come as no surprise that the final version of this legislation is the product of compromise. Certainly, no one received everything they wanted. However, at the end of the day, everyone can walk away and say they got something. That holds true for broadcasters, satellite companies and, most importantly and to the greatest degree, consumers.

The single most important thing that this bill will do is ''level the playing field'' so that satellite companies can better compete with cable. It does so by changing the anomaly in the law that prohibits satellite companies from broadcasting local signals to local people, lowering the royalty rates paid by satellite companies and, among other things, removing the unconscionable 90 day waiting period that a consumer must endure before switching from cable to satellite service. We also grant a six month ''grace period'' for ''local-into-local'' retransmission consent agreements. I am not so sure that this is quite the ''Holy Grail'' for consumers that some believe it is; however, I doubt the sky is going to fall down for the networks either.

To ensure that all local stations are carried and to keep the playing field as level as possible, this legislation imposes full ''must carry'' obligations by 2002 upon satellite providers, just as current law does on cable. That is, if a satellite company carries one local station in a market, then it must carry all the local stations. Now, reasonable people can disagree about ''must carry''—the Supreme Court upheld its constitutionality by a slim 5–4 vote—but it is only fair to apply it evenly to both cable and satellite companies.

This Conference Report also lays to rest many of the thorny disputes that have served only to hurt consumers. Both the Senate and the House have agreed to ''grandfather'' those consumers in the Grade B service area who currently receive ''distant network'' signals. To be sure, some satellite companies have been bad actors in this debate and so have some subscribers. Nonetheless, short of deposing each and every consumer, it's best to put these problems behind us and start off on a clean slate. We expect that going forward the letter of the law will be adhered to and respected—heavy penalties await those who would do otherwise, and rightfully so.

The matter of ''if and when'' a consumer should receive a waiver from a local broadcaster currently resembles a Sherlock Holmes mystery. So we order the FCC to draft ''consumer-friendly'' regulations to govern the waiver process. Our bill tells local broadcasters that if they fail to act on waiver requests within 30 days, the request will be ''deemed'' approved. We trust the FCC will improve and simplify this process even further.

Just as importantly, we ask the FCC to take a hard look at whether the Grade B standard is sufficient to determine what a good picture is in today's world. The truth is that if there's a fairer standard out there, then we should apply it. Rest assured, the Congress will get the last bite at the apple by requiring the FCC to report back to Congress with its findings, rather than allowing the Commission to ''self-execute'' its new study.

Let me make one final point regarding one of the most difficult matters in Conference: retransmission consent. The original House language was predicated on the belief that there exists unequal bargaining positions between the broadcasters and the satellite companies. Our Senate bill took precisely the opposite approach. But our law comes out somewhere in the middle: it will prohibit exclusive deals, ensure that parties negotiate in ''good faith'' when making these agreements, and put some teeth into ''good faith'' by adding the ''competitive marketplace considerations'' language.

That said, there may be some disagreement as to what exactly this new provision means. At the very least, ''competitive marketplace considerations'' may simply be interpreted as the normal, everyday jostling that takes place in the business world. At the very most, a ''competitive marketplace'' would tolerate differences based upon legitimate cost justifications, but not anti-competitive practices such as illegal tying and bundling. The answer probably lies somewhere between these two interpretations and we trust the sometimes confused FCC, as we often do, to properly divine the real intent of a somewhat confused Congress.

Again, this isn't a perfect bill. Far from it. But we can't let the perfect be the enemy of the good. This measure will allow satellite companies to compete more aggressively with cable; it will provide more choice for consumers; with luck, it may even discipline rising cable rates. So I urge my colleagues to support this bipartisan, fair, and comprehensive legislation that was the product of a great deal of hard work and negotiation. We owe consumers no less than that.

Mr. President, one final note: I ask unanimous consent to have printed in the RECORD the names of the Conference Committee staff to show my appreciation for their hard work. They are to be commended for putting in the long hours it took to get this bill done.

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

SATELLITE HOME VIEWER IMPROVEMENT ACT OF 1999 CONFERENCE STAFF

Shawn Bentley, Senate Judiciary Committee—Senator Hatch
Troy Dow, Senate Judiciary Committee—Senator Hatch
Pete Belvin, Senate Commerce Committee—Senator McCain
Mitch Rose, Senator Stevens
Paula Ford, Senate Commerce Committee—Senator Hollings
Al Mottur, Senate Commerce Committee—Senator Hollings
Maureen McLaughlin, Senate Commerce Committee—Senator McCain
Peter Levitas, Senate Judiciary Committee—Senator DeWine
Ed Barron, Senate Judiciary Committee—Senator Leahy
Jon Leibowitz, Senate Judiciary Committee—Senator Kohl
Jonathan Schwantes, Senate Judiciary Committee—Senator Kohl
Jim Hippe, Senator Thurmond
Jim Sartucci, Senator Lott
Renee Bennett, Senator Lott
Justin Lilley, House Commerce Committee—Representative Bliley
Ed Hearst, House Commerce Committee—Representative Bliley
Linda Bloss-Baum, House Commerce Committee—Representative Bliley
Mitch Glazier, House Judiciary Committee—Representative Hyde
Vince Garlock, House Judiciary Committee—Representative Coble
Monica Azare, House Commerce Committee—Representative Tauzin
Bob Foster, House Commerce Committee—Representative Oxley
Andy Levin, House Commerce Committee—Representative Dingell
Colin Crowell, House Commerce Committee—Representative Markey
Ann Morton, House Commerce Committee—Representative Boucher
Ben Cline, House Judiciary Committee—Representative Goodlatte
Garg Sampak, House Judiciary Committee—Representative Conyers
Bari Schwartz, House Judiciary Committee—Representative Berman
Tim Kurth, Office of the Speaker
Doug Farry, Office of the Majority Leader
Tony Coe, Senate Legislative Counsel
Steven Cope, House Legislative Counsel

Mr. HATCH. Mr. President, the Appropriations conference report before us contains most of the text of the Conference Report accompanying H.R. 1554, a reform of the Satellite Home Viewers Act. In addition to Satellite Home Viewers Improvement Act, this legislation contains two other major intellectual property bills, a major reform of the patent system and a bill to protect against the growing problem of ''cybersquatting,'' whereby the valuable names of businesses and individuals are registered by others in bad faith to either trade on those names or damage their value. These three pieces of legislation are major reforms that help American consumers and American businesses. I will briefly discuss these reforms in turn.

As the Chairman of the Conference Committee and sponsor of the original Senate copyright legislation underlying the Satellite Home Viewer Improvements Act, I am delighted that the conferees have been able to put together a comprehensive package of consumer-friendly reforms for satellite viewers. The bill reflects an enormous effort on the part of members and their staffs on both sides of Congress from both parties, and represents a major advance in copyright and communications law.

The world of video communication has changed enormously since television began some 70 years ago in the small home workshop of inventor and Utah native Philo T. Farnsworth, who, together with his wife and colleagues, viewed the first television transmission: a single black line that rotated from vertical to horizontal. At the risk of offending those who may disagree, I think TV programming has greatly improved since the Farnsworths' rotating black line. Since that day in the Farnsworths' workshop, television viewers have benefitted from steady advances in technology that have brought increased access to an ever more diversified range

of programming choices. The television industry has progressed from one or two over-the-air broadcast stations, to a full range of broadcast networks delivering local and syndicated national programming, to cable television delivering both broadcast and made-for-cable programming. And in the past decade, satellite carriers, delivering to customers with both large and, increasingly, small dishes are emerging as new and potent competitors in the television delivery business.

The legislation before us today will—for the first time —allow satellite carriers to provide local subscribers with their local television signals. This means every television viewer in Utah can have access to Utah news, weather, sports, and other locally-relevant programming, as well as national network programming. Emerging technology now makes this possible, and our bill will make it legal. The bill also reduces the copyright fees that are passed along to subscribers. As a result, eligible viewers in parts of Utah unserved by over-the-air television will enjoy access to network stations at lower prices.

Let me illustrate some of the benefits of this legislation for Utah and for Utahns. Similar benefits can accrue across the country if this legislation is fully utilized. Many areas of Utah are unserved by over-the-air television or even by cable systems. Satellite service has been the only television option for many Utahns. Up until the passage of this conference report, these Utahns were able to get network stations, but usually from cities outside of Utah, such as New York or Los Angeles. And, those Utahns who had satellite dishes but lived in areas which did receive local television over-the-air could not legally get any network television programming using their satellite dishes, but had to get them with an off-air antenna or by cable. Under the provisions of this conference report, every Utahn will be able to get local network programming, which includes both national network shows like ''ER'' and ''The X-Files'' and local news, weather, sports, and public affairs programming. And those people who live in the so-called ''white areas'' that are unserved by local television can get local programming from Salt Lake City, as well as keep their distant signals if they wish to. Making Utah information and entertainment available to all Utahns is a great benefit to us as a state, and helps bind us together as a community. And in 2002, the satellite carriers will be required to carry all the local television stations, just like cable. This means that viewers will have the same range of local programming as they have come to expect from cable, and that the viewers, rather than satellite carriers, will be able to choose which local stations to watch.

Making local television signals available to all Utahns, and citizens of similar communities across the country, is the most important reason for this legislation. But there are many other benefits to consumers: copyright rates for satellite signals are cut almost in half, and the local signals are free. The Federal Communications Commission will work to ensure that eligibility decisions for distant network signals are clearer and prompter. Some satellite subscribers have expressed frustration that they do not get prompt responses from local television stations to distant signal eligibility waiver requests, although the situation is better in Utah than in some other places. To remedy the problem, we included a provision that says if a subscriber asks a local station for a waiver to allow them to get distant network signals, this conference report requires a response in 30 days or the waiver is deemed approved. There was a provision in the previous law that required cable subscribers to wait 90 days after unhooking their cable before they could get satellite service. We removed that waiting period so that Utahns who want to switch from cable can do so immediately.

We heard from the owners of recreational vehicles that they wanted to be able to put satellite dishes on their RV's when they go camping or traveling. In this bill, we allow RV owners who comply with certain documentation requirements to get satellite service. So Utahns do not need to leave their satellite service behind when they travel. The same rules would apply to long-haul truckers.

Recent lawsuits enforcing the distant signal eligibility rules under the copyright act have put many satellite subscribers in danger of losing their distant network signal service. Let me be clear that I do not condone or support what appears to have been law-breaking by the satellite carriers. But I am concerned about subscribers being caught in the middle, especially those who are not clearly served by over-the-air television from their local broadcasters. So, in this legislation, we protect the eligibility for satellite service received by current subscribers have who do not get a city-grade or Grade A signal. In this way, we can protect those subscribers who may have been misled about their eligibility and who may be in an area that is not clearly served, so that they will not be out their investment. With regard to the signal intensity rules that make up the eligibility standard for distant signals, we have asked the FCC to give us their best judgment about how we should reform the law, so that we can have their best input before we consider any further major reforms on this issue.

I have talked about the benefits that will accrue to satellite subscribers if the satellite carriers take full advantage of these copyright license reforms. But the benefits are not just limited to satellite subscribers. There will be benefits to cable subscribers, too, that will come from a satellite industry equipped to compete with cable head on in the market. Satellite service consistently ranks high on consumer surveys for service satisfaction. It has a vast array of channels for viewers to choose from. As I mentioned earlier, the growth of the satellite television business has been phenomenal, even without the ability to deliver local television stations. Recent consumer surveys indicate that 85 percent of respondents said that the lack of local signals is the reason why consumers who considered buying satellite service decided not to. Imagine the growth in this industry now that they will be able to compete with cable with the offering of local programming. What does this all mean for cable subscribers? One of the reasons why many believe cable is rated low on customer satisfaction is that it usually does not have a real competitor. Many local cable systems know its customers have nowhere else to go, so they do not exert themselves as much to please the customer as they might with a competitor. Armed with local signals, as well as the rest of the benefits satellite offers, there should be a new spark of competition in those areas where local satellite service is available. That will lead to lower prices, increased choices, and happy customers for both satellite and cable, and all television viewers.

Today we are also considering a patent reform package which contains the most significant reforms to our nation's patent code in half a century. This bill, which Senator LEAHY and I introduced as the ''American Inventors Protection Act,'' is one of the most important high-tech reform measures to come before this body. It is widely supported by an overwhelming majority of members on both sides of the aisle, by the Administration, and by a broad coalition of industry, small businesses, and American inventors. Its consideration here today is imminently appropriate on the eve of a new millennium in which America's ability to compete and the strength of our economy will depend on the strength of the patent system and the protections it affords.

Intellectual property, and patents in particular, are among our nation's greatest assets. From semiconductor chip technology, to computer software, to biotechnology, to Internet and telecommunications technology, the United States remains the undisputed world-leader in technological innovation. In fact, according to Newsweek Magazine, the United States is home to seven of the world's top ten technology centers, which includes my own state of Utah. Moreover, American creative industries now surpass all other export sectors in foreign sales and exports. As the Internet, electronic commerce, and new innovative technologies increasingly drive the growth of our economy, the strength of our patent system and its ability to respond to the challenges of new technology and global competition will be more important than ever. This bill will enable our patent system to meet these challenges and to protect American inventors and American competitiveness into the next century.

As many of my colleagues know, this bill is a compromise bill that reflects years of discussion and extensive efforts to reach agreement on all sides. Since first introducing this bill as an omnibus measure in the 104th Congress, we have literally engaged in countless hours of discussions and adopted over 100 amendments to this bill in order to forge a consensus on a package of responsible patent reforms. The Senate made significant progress toward consensus in the last Congress when the Judiciary Committee reached several key compromises to strengthen the bill's protections for small businesses and independent inventors. I was pleased to see those efforts continued in the House this year, where the supporters and former opponents of the bill agreed to sit down and work through their differences in an effort to produce a constructive patent reform bill. As a result of these cooperative efforts in the House and Senate, the bill before us now enjoys overwhelming bipartisan, bicameral support, and it is now endorsed by the most vocal opponents of earlier reform measures.

This broad support is reflected in the several votes that have already occurred on this measure this year. The House has passed this bill three times this year, including by a 376–43 vote on the bill as stand alone measure in August and by a 411–8 vote on the bill as part of the conference report on the ''Intellectual Property and Communications Omnibus Reform Act.'' The Senate Judiciary Committee also passed the bill by an 18–0 roll call vote earlier this month.

Having touched upon some of the compromises that have brought people together on this bill, let me take just a minute to highlight what this bill will do for American inventors.

1. The bill protects against fraudulent invention promoters which prey upon novice inventors.

2. It reduces patent fees for only the second time in history, saving American inventors an estimated $30 million each year. The bill will also ensure that patent fees are not used to subsidize trademark operations and will require the PTO to study alternative fee structures to encourage maximum participation by small inventors.

3. It protects American companies and their workers from patent infringement suits as a result of recent policy changes that have allowed patents to begin to issue on internal business methods that were previously thought to be unpatentable and which have been used under trade secret protection.

4. It guarantees that every diligent inventor with a patentable invention will receive at least 17 years of patent protection (which is what they would have received pre-GATT); most will receive a great deal more.

5. It allows American inventors and innovators to see foreign technology at least 12 months earlier than today, while allowing American inventors to maintain protections of existing law that allow them to keep their inventions secret during patent pendency. It also gives American inventors new protections by given them provisional rights during the pendency of internationally published applications.

6. It creates a new optional administrative procedure in the Patent and Trademark Office to reduce litigation costs for patent owners and to allow members of the public to participate in testing the validity of patents, all while fully protecting patent holders against repetitive challenges.

7. It restructures the Patent and Trademark Office to eliminate red tape and provide greater oversight by the American inventing community, especially by small businesses and independent inventors.

8. It protects our national security by requiring the PTO to maintain a program with the Office of Personnel Management to identify national security positions at the PTO and by protecting strategic information from disclosure.

9. Finally, it restricts the ability of the PTO Commissioner to exchange U.S. patent data with certain foreign nations.

In short, this is one of the most important technology-related bills to come before Congress in recent memory. It has been years in the making and reflects the input of many, many people from all sides. The time to act on this package of reforms has clearly come, and I am pleased that the Senate is finally taking this measure up.

I am also pleased that the Senate will complete action on the ''Anticybersquatting Consumer Protection Act'' and send that legislation to the President. In short, this is another key high-tech bill that will curb the harmful practice of ''cybersquatting''—a term used to refer to the deliberate and bad-faith registration of Internet domain names in violation of the rights of trademark owners. Cybersquatting is a very serious threat to consumers and the future growth of electronic commerce. For example, we heard testimony in the Judiciary Committee of consumer fraud being perpetrated by the registrant of the ''attphonecard.com'' and ''attcallingcard.com'' domain names, who set up Internet sites purporting to sell calling cards and soliciting personally identifying information, including credit card numbers. Sammy Sosa had his name cybersquatted and used for a website that implied his endorsement of the products being sold. There are countless other similar examples of so-called ''dot-con'' artists who prey on consumer confusion and trade on the goodwill of others.

The fact is that if consumers cannot rely on brand-names online as they do in the world of bricks and mortar store-fronts, few will be willing to engage in e-commerce. Those who do will bear substantial risks of being confused or even deceived. Few Internet users would buy a car, fill a prescription, or even shop for books online if you they cannot be sure who they are dealing with.

This legislation will go a long way to ensure this sort of online brand-name protection for consumers. At the same time, the bill carefully balances these interests of consumers and trademark owners with the interests of Internet users and others who would make fair or otherwise lawful uses of trademarked names in cyberspace.

As with trademark cybersquatting, cybersquatting of personal names poses similar threats to consumers and e-commerce in that it causes confusion as to the source or sponsorship of goods or services, including confusion as to the sponsorship or affiliation of websites bearing individuals' names. In addition, more and more people are being harmed by people who register other peoples names and hold them out for sale for huge sums or money or use them for various nefarious purposes. I am particularly troubled at the prospect of what someone might do with websites bearing the name of such people as Mother Teresa, which I understand are currently being offered for $7 million by a cybersquatter.

For this reason, I was pleased that the House amendments to the Senate bill clarified that famous names that enjoy service mark status, such as celebrity actors and very likely Mother Teresa, are included. As I have said, however, this bill should not be just about protecting celebrities. I am thus pleased that the legislation in this conference report goes further to protect those whose names don't meet the relatively high threshold of a famous mark, but who are nonetheless targeted by cybersquatters. For example, ESPN has reported that a number of cybersquatters have targeted the names of high-school athletes in anticipation that they may some day become famous. Earlier versions of the House and Senate bills would not have protected these individuals, but this legislation will. Furthermore, this bill directs the Commerce Department to report to Congress on ways to better protect personal names against cybersquatting and to work in conjunction with the Internet Corporation for Assigned Names and Numbers (ICANN) to include personal name disputes in the ICANN dispute resolution policy.

This a key measure to promote electronic commerce and to protect consumers and individuals online. While I recognize the global nature of the cybersquatting problem, I believe this legislation is an important start to a worldwide solution—as evidenced by the fact that the latest ICANN dispute resolution policy reflects a number of the policies embodied in the Senate bill. I appreciate Senator ABRAHAM's effort to move this bill through Congress, and I am pleased we will pass it today.

These are important intellectual property reforms that are helpful to American consumers and American

businesses. They are the product of the hard work of many people. Mr. President, I would like to thank many people who have worked hard to get this conference report agreed to and passed. First, let me thank and personally congratulate each of my colleagues on the Conference Committee for their diligent work in achieving this goal, especially my distinguished Ranking Member and original co-sponsor Senator LEAHY, as well as Chairman MCCAIN, and Senators THURMOND, STEVENS, DEWINE, HOLLINGS, and KOHL, all of whom made important contributions. On the House side, I extend my gratitude and congratulations to Chairman HYDE and Chairman BLILEY and to Representatives COBLE, TAUZIN, GOODLATTE, OXLEY, DINGELL, CONYERS, MARKEY, BERMAN, and BOUCHER. Of course, this successful result is also the product of tireless efforts by our capable staffs, who have worked through many late nights and weekends, to make this successful resolution possible. Among the many Senate staff members who have made critical contributions are Manus Cooney, Shawn Bentley, and Troy Dow of my staff; Bruce Cohen, Ed Barron, Beryl Howell of Senator LEAHY's staff; and from the other Senate conferees, Mitch Rose, Pete Belvin, Maureen McLaughlin, Paula Ford, Al Mottur, Gary Malphrus, Jim Hippe, Pete Levitas, Jon Leibowitz, John Schwantes, and many others on the Senate side. Let me congratulate each of them on their work. Tony Coe of Senate Legislative Counsel and Bill Roberts of the Copyright Office both put in many long hours to provide technical assistance. I know I speak for all of the Senate conferees in expressing my gratitude to all these first-rate staff members, as well as to the fine staff on the House side. The leadership staff from both houses, particularly Jim Sartucci and Renee Bennett from Senator LOTT's staff and Doug Farry from Representative ARMEY's office were key liaisons in this process.

On patent reform, let me note my very sincere appreciation to the Ranking Member on the Judiciary Committee, Senator LEAHY, with whom I have worked for the better part of three Congresses to bring about these important reforms. His leadership on the Democratic side has been a key part to getting this bill done. I want to also recognize the extraordinary efforts of our House colleagues on this bill. Chairman COBLE, who is the bill's primary sponsor in the House, along with the Ranking Member on the Subcommittee on Courts and Intellectual Property, Congressman BERMAN, as well as Chairman HYDE and Ranking Member CONYERS, have all dedicated tremendous time and effort over the last four years to moving this legislation forward. Their able leadership is reflected in the support this bill received in the House. But I want to mention in particular Congressman ROHRABACHER and Congressman CAMPBELL who in years past had led the opposition in the House to this bill. It is because of their efforts to work cooperatively with the proponents of this legislation in the House to craft a package of truly responsible reforms on behalf of American inventors that we have a bill before us today. I want to recognize them for their leadership, and for their good faith both in the House and in the Senate this year.

Finally, with respect to cybersquatting legislation, I want to again commend the Senator from Michigan, Senator ABRAHAM, for his sponsorship of this legislation, as well as the Ranking Member, Senator LEAHY, with whom I have again worked hand in hand to bring this bill to final passage.

All of these people and others were instrumental in the success of this legislation, but let me express an especially warm thanks to Senator LEAHY, with whom I have worked closely on these and so many other intellectual property matters, and to the Chairman of the Appropriations Committee, Senator STEVENS. We worked particularly closely in the satellite reform conference, and he played a unique and crucial role in the ultimate passage of this package of important intellectual property legislation. I thank him for his leadership and his steadfast support. And let me single out the efforts of Mitch Rose of Senator STEVENS' staff who worked along with my staff and Steve Cortese of Senator STEVENS' Appropriations Committee staff, under Senator STEVENS' leadership, to ensure that these important intellectual property matters were ultimately enacted into law despite the difficulties encountered in the process. They are superb public servants and they work for one of the finest members of this August body with whom I have had the pleasure of working. Finally, let me mention Bruce Cohen, Ed Barron, and Beryl Howell of Senator LEAHY's staff, who, along with Senator LEAHY, work with me and my staff with exceptional cooperation on intellectual property matters. We have had a particularly productive relationship on these important matters, and I look forward to continuing that relationship. On my own staff, I express my appreciation for the work of Shawn Bentley and Troy Dow, who have labored long and hard to successfully enact this legislation, and I thank their families for their support of their efforts on behalf of American innovators, creators, and consumers. Finally, let me thank my Chief Counsel, Manus Cooney, for overseeing all of this fine work, and putting in countless hours of strenuous effort to ensure its completion. He is a consummate leader, and I thank him for his stellar service.

I ask unanimous consent that the statements of Senators LEAHY, DEWINE, and KOHL, followed by a number of colloquies between myself and a number of different senators on diverse matters included in the satellite conference report, be included in the RECORD at this point as though read, together with supporting documents, and I yield the floor.

Mr. LEAHY. Mr. President, the Judiciary Committee is about to achieve an end-of-the-session high technology sweep that comes on the heels of landmark Internet and intellectual property reforms that our committee achieved in the 105th Congress.

Others are observing that this is the most productive and forward-looking two years of achievement in updating intellectual property laws of this or any previous era. I believe they are right.

We may never have another such set of opportunities where we are able to provide so many benefits to consumers, innovators and to the high technology innovators in the business community in such a short span of time.

In one fell swoop we are providing consumers with local-into-local television, protecting patent terms, spurring innovation and enhancing electronic commerce and protecting trademarks.

One of the challenges we face at this early stage of the Information Age is to bring the order of intellectual property law to the Wild West of the Internet and to other burgeoning information technologies. That challenge is at the heart of these three bills.

I want to make just a couple points about each of them. The patent bill is long overdue. It will put American innovations on a more equal footing with European and Japanese inventors. It also helps protect inventors against invention promotion scams and against needless PTO delay in approving patents.

The anti-cybersquatting bill protects merchants who want to be able to control where their names and brands are being displayed and protect them from abuse. More than 200 years ago Ben Franklin said that a person's honor and good name is like fine china—easily broken but impossible to mend. This is still the case today and the bill protects the rights of trademark holders against malicious abuse. It arms online merchants and consumers with new tools to derail these ''squatters'' who try to create bad waves for honest cybersurfers.

And then there is the satellite bill, which is a charter for a new era of television service competition that will benefit consumers in several tangible ways. It sets the stage for the first real head-to-head competition between cable and satellite TV that will be a brand new experience for hundreds of communities.

It will contribute a new unifying influence and greater sense of community in states like Vermont, where citizens in most of the state for the first time will have access to all Vermont stations. It will avert further waves of programming cutoffs to satellite TV customers, including what would have been the largest cutoff of all, in December.

The satellite bill will, over time, mean that some families will be able to

get local network television for the first time ever. I believe that making local television signals available throughout much of a state will be a unifying force and enhance public participation in state and community issues. It will remove the artificial isolation caused by mountain ridges or distance from broadcast towers. It will also prevent these infuriating and seemingly mindless cutoffs and promote direct head-to-head competition with cable.

We have had some major bumps in the road in getting here with these three bills.

I want to mention the rural satellite TV provisions. I know that we had preliminary discussions about this six months ago and that Department of Agriculture attorneys and program experts met with our staffs to go over the details months ago.

I proposed that USDA handle this loan guarantee program because they have 50 years of experience with financing rural telephone and rural electric cooperatives. Vast areas of this nation were able to get electric and telephone service solely because of these programs.

It is hard to believe in this day and age, but thousands of Americans still remember when these USDA loan programs gave them electricity for the first time.

I am disappointed that the final bill does not include this provision that we worked on—but I am pleased that the Senate leaders have worked out an arrangement with us so that this matter will be resolved early next year.

Without this loan guarantee program I am convinced that rural areas—75 percent of the U.S. landmass—might not receive local-into-local satellite TV until 10 or 20 years after urban areas do.

Another major hurdle concerned a request by AOL and YAHOO for changes to the bill. This concerned whether or not they should receive a compulsory license to show regular TV programming over the Internet. Chairman HATCH and I resolved this by agreeing to have hearings on this important matter of convergence of technology and the protection of copyrighted material—converging TV, data, telephone, messages and other transmissions through broadband technologies while protecting ownership rights to copyrighted material.

A third bump in the road was over the GAO study Senator HATCH and I proposed of current practices regarding the patent protection for business methods resulting from the State Street case. In the end, we took out that language but agreed that we would ask the GAO to look into this for us. This issue will test the limits of what is proper subject matter to be patented and what is not. I can easily see Senator HATCH and I having more than one hearing on this issue.

So here we are in the death throes of this session of Congress. It is satisfying to know that some of the farthest-reaching achievements of this session are the products of the work of the Judiciary Committee, and of my partnership with Chairman HATCH.

I am delighted that as Conferees on the satellite bill that we have been able to put this complex and important legislation, which originated with the Hatch-Leahy Satellite Home Viewers Improvements Act in the Senate, into final form.

We worked closely with a number of Senators and members of the other body on this important legislation. Any time that you work with four Committees in a Conference there are a lot of members and staff who do very creative and important work late into the night, night after night after night.

I want to single out just a few staff even though I know I am leaving out many who deserve equal praise. Shawn Bentley with Chairman HATCH displayed enormous poise and breath of knowledge regarding satellite TV issues. He balanced, as did his Chairman, a variety of complex issues very carefully and very well.

Troy Dow similarly was extremely helpful regarding patent and cybersquatting issues and deserves a great deal of credit.

I want to also thank Ed Barron of my staff regarding the satellite TV and patent bills and Beryl Howell on cybersquatting. They both worked very diligently on these and other issues and did a great job.

Subcommittee Chairman DEWINE and ranking Member KOHL were also Conferees, along with Senator THURMOND, and played a major role regarding satellite TV issues.

This bill will provide viewers with more choices and will greatly increase competition in the delivery of television programming, while ensuring minimal interference with the free market copyright system that serves our country so well.

For years I have raised concerns about the lack of competition with cable TV and escalating cable rates. This bill will allow satellite TV providers to compete directly with cable in offering local stations and will give consumers a wider range of choice. It also protects local TV affiliates while postponing certain cutoffs of satellite TV service.

Most promisingly, the bill will permit local TV signals, as opposed to distant out-of-state network signals, to be offered to viewers via satellite. Vermont is a state in which satellite dishes play a very important role, and I know that Vermont viewers eagerly await the day when their local stations will be available by satellite.

It is absurd for home dish owners—whether they live in Vermont, Utah, or California—to have to watch network stations imported from distant states instead of local stations. They should have a choice. I expect the satellite industry to do everything in its power to extend local-to-local coverage beyond the biggest cities and into important smaller markets such as those in Vermont, and the satellite industry should not expect further Congressional largesse if it fails to do so.

One satellite company called Capitol Broadcasting has already committed to serve Vermont once its spot beam technology satellites have been launched and other technological requirements have been put in place. I am counting on that happening over the next two or three years.

I was very pleased to have met with the moving force behind Capitol Broadcasting—Jim Goodmon. This company was formed by his grandfather, A. J. Fletcher, in 1937. Under Jim Goodmon's management, Capitol Broadcasting has expanded into satellite communications, the Internet and high definition television. In April, Jim received the Digital Television Pioneer Award from Broadcasting and Cable magazine. One of their stations, CBC, was the first broadcaster to transmit a high definition television digital signal. I look forward to helping inaugurate their local-into-local service into Vermont.

I expect that others will compete in Vermont. I understand the EchoStar, under its CEO, Charlie Ergen, and DirecTV, are also looking at providing service to Vermont.

Providing local TV stations to Vermont dish owners will lead to head-to-head competition between cable and satellite TV providers which should lead to more services for Vermonters at lower prices. Also, the bill will allow households who want to subscribe to this new satellite TV service to receive all local Vermont TV stations over the satellite.

The goal is to offer Vermonters with more choices, more TV selections, but at lower rates. In areas of the country were there is this full competition with cable providers, rates to customers are considerably lower.

Over time this initiative will permit satellite TV providers to offer a full selection of all local TV channels to viewers throughout most of Vermont, as well as the typical complement of superstations, weather and sports channels, PBS, movies and a variety of other channels.

This means that local Vermont TV stations will be available over satellite to many areas of Vermont currently unserved by satellite or by cable.

I have gotten lots of letters from Vermonters who complained about the current situation where local TV stations challenged their right to receive that signal.

Under current law, it is illegal for satellite TV providers to offer local TV channels over a satellite dish when you live in an area where you are likely to get a clear TV signal with a regular rooftop antenna at least half of the time.

This means that thousands of Vermonters living in or near Burlington cannot receive local signals over their satellite dishes.

Under current law, those families must get their local TV signals over an antenna which often does not provide a clear picture. This bill will remove that legal limitation and allow satellite carriers to offer local TV signals to viewers no matter where they live in Vermont.

Presently, Vermonters receive satellite signals with programming from stations in other states—in other words they would get a CBS station from another state but not WCAX, the Burlington CBS affiliate.

By allowing satellite providers to offer a larger variety of programming, including local stations, the satellite industry would be able to compete with cable, and the cable industry will be competing with satellite carriers. Cable will continue to be a very effective competitor with its ability to offer extremely high-speed Internet connections to homes and businesses.

As mentioned earlier, the second major improvement in this initiative is that satellite carriers that offer local Vermont channels in their mix of programming will be able to reach Vermonters throughout Vermont. The system will be based on regions called Designated Market Areas, or DMAs. Vermont has one large DMA covering most of the state and part of the Adirondacks in New York—the Burlington-Plattsburg DMA—and parts of two smaller ones in Bennington County (the Albany-Schenectady-Troy DMA) and in Windham county (the Boston DMA).

This new satellite system is not available yet, and may not be available in Vermont until two to three years from now. Companies such as Capitol Broadcasting are preparing to launch spot-beam satellites to take advantage of this bill. Using current technology, signals would be provided by spot-beam satellites using regional uplink sites throughout the nation to beam local signals up to one or two satellites. Those satellites could use 60 spot beams to send those local signals, received from the regional uplinks, back to satellite dish owners. High definition TV would be offered under this system at a later date.

Under this bill, Vermonters will have more choices. I want to point out that those who want to keep their current satellite service can do just that.

In addition, we have protected the C-Band dish owners who have invested a lot of money in this now out-dated, but still used, technology. I did not think it was fair to pull the plug on them.

Those who want to stick with cable, or with regular broadcast TV, are welcome to continue to participate that way.

Since technology advances so quickly, other systems could be developed before this bill is fully implemented that would provide similar service but using a different technology.

The bill will also extend the distant signal compulsory license in Section 119. In almost all respects, the distant signal license will apply in the same way in the future as it applies today. The most important exception is that the bill will allow continued delivery of distant network stations to thousands of Vermonters and residents of other states who would otherwise have distant network satellite service terminated at the end of the year (or who have had such service terminated by court order since July 1998).

The purpose of this temporary ''grandfathering'' is not to reward satellite carriers that have broken the law. Rather, the purpose of the grandfathering is to assist certain subscribers in Vermont and elsewhere who might have been misled by satellite companies into believing that they were eligible to receive distant network programming by satellite. The purpose is also to aid in achieving a smooth transition to local-into-local programming which avoids many of these issues.

The subscribers who will be grandfathered are those who are not predicted to receive a signal of Grade A intensity from any station affiliated with the relevant network, along with certain additional C-band subscribers.

I want to make clear that I do not condone lawbreaking by satellite companies or anyone else, and nothing that Congress is doing today should be read in that light. Satellite companies remain liable for every other remedy provided by the Copyright Act or other law for any infringements they have committed. Satellite carriers should not be heard to argue for any grandfathering beyond what Congress has expressly approved, or to contend that they should be relieved of any other available remedy because of Congress' actions.

The second change to Section 119 is that there will no longer be a 90-day waiting period for cable subscribers that is currently part of the definition of ''unserved household.'' This change will help to make the satellite industry more competitive with cable, an objective I know every member of this body shares. Third, the bill will limit to two the number of distant signals that a satellite carrier may deliver to unserved households.

Except with respect to these specific changes in Section 119, nothing in the law we are passing today will take away any of the rights and remedies available to the parties to copyright infringement litigation against satellite carriers. Nor does anything in this bill suggest any criticism of the courts for enforcing the Copyright Act. It is their job to apply the law to the facts.

It is crucial to our system that all players in the marketplace, including satellite carriers, be required to obey the law and held accountable in the courts for the consequences of their own lawbreaking. Indeed, if a particular satellite carrier has engaged in a willful or repeated pattern or practice of infringements, it should be held to the statutory consequences of that misconduct.

The addition of the word ''stationary'' to the phrase ''conventional outdoor rooftop receiving antenna'' in Section 119(d)(10) of the Copyright Act merits a word of discussion. As the Ranking Member of the Senate Judiciary Committee, which has jurisdiction over copyright matters, and one of the original sponsors of this legislation, I want to emphasize that use of this word should not be misunderstood.

The new language says only that the antenna is to be ''stationary''; it does not say that the antenna is to be improperly oriented, that is pointed in way that does not obtain the strongest signal. The word ''stationary'' means, for example, that testing should be done using a stationary antenna, as the FCC has directed.

Satellite companies must not be encouraged to urge consumers to point antennas in the wrong direction to qualify for different treatment.

As to antenna orientation, the relevant guidance is provided in Section 119(a)(2)(B)(ii)(II) of the bill, which specifies that the FCC's procedures (requiring correct orientation) be followed. Since satellite dishes must be properly oriented to receive a picture at all, it would make no sense to specify misorientation of over-the-air antennas.

Permitting misorientation would also be inconsistent with the entire structure of the definition of ''unserved household,'' which looks to whether a household is capable of receiving a signal of Grade B intensity from a particular type of affiliate, that is an ABC station or a Fox station, not whether it is capable of receiving all of the stations in the market.

As I mentioned before, the Copyright Act amendments direct courts to continue to use the accurate, consumer-friendly prediction and measurement tools developed by the FCC for determining whether particular households are served or unserved. If the Commission is able to refine its so-called ''ILLR'' predictive model to make it even more accurate—as I hope it will—the courts should apply those further refinements as well.

In fact, the Copyright Act amendments in the bill specifically address the possibility that the FCC may be able to modify its ILLR model to make it even more accurate. Specifically, the Act provides in new Section 119(a)(2)(B)(ii)(I) of the Copyright Act that if the FCC should later modify the ILLR model to make it still more accurate, courts should, under Section 119(a)(2)(B)(ii)(I), use the even more accurate version in the future for predictive purposes.

Whether a proposed modification to the ILLR model makes it more accurate is an empirical question that the Commission should address by comparing the predictions made by any proposed model against actual measurements of signal intensity. The Commission's analysis should reflect our

policy objective: to determine whether a household is—or is not—capable of receiving a signal of Grade B intensity from at least one station affiliated with the relevant network.

The FCC has properly recognized that reducing one type of errors, underprediction, while increasing another type of errors, overprediction, does not increase accuracy, but simply puts a thumb on the scale in favor of one side or the other. The issue under Section 119(a)(2)(B)(ii) is the overall accuracy of the model, as tested against available measurement data, with regard to whether a household is, or is not, capable of receiving a Grade B intensity signal from at least one affiliate of the network in question.

The conferees and many other members of this body have worked hard to achieve the carefully balanced bill now before the Senate. I urge my colleagues to give it their full support. Most of all, I thank and congratulate my distinguished colleague and good friend, Chairman HATCH, for his outstanding work over many months on this important bill, which will provide lasting benefits for my constituents in Vermont and for citizens in every other state.

I'm also pleased that the Conference Report directs the Federal Communications Commission to take expedited action on getting new technologies deployed that can deliver local television signals to viewers in smaller television markets. We've known all along, if we pass legislation authorizing local-into-local, the DBS carriers would readily deliver local channels to those subscribers who are fortunate enough to live in the largest markets. There are 210 local television Designated Market Areas in our country, and most Vermonters live in the 91st-ranked DMA. That is why it is so important for the FCC to expedite review of alternative technologies, such as the digital terrestrial wireless system developed by Northpoint Technology, which are capable of delivering local signals into all markets on a must carry basis.

I want to briefly mention the patent bill.

This patent bill is important to America's future. I have heard from inventors, from businesses large and small, from hi-tech to low-tech firms—this bill will give American inventors and businesses an improved competitive edge now enjoyed by many European countries.

We should be on a level playing field with them.

This bill reduces patent fees for only the second time in history. The first time that was done was in a Hatch-Leahy bill passed by the Senate in the 105th Congress.

All the concepts in this bill—such as patent term guarantees, domestic publication of patent applications filed abroad, first inventor defense—have been thoroughly examined. Indeed, they have been included in several bills that the Congress has carefully studied.

I wish to point out that the Senate Judiciary Committee last year also developed a strong bill—S. 507—which contained many of the same concepts and approaches found in H.R. 1907 and S. 1798.

American business needs this patent bill, American technology companies need this patent bill, American inventors and innovators need this patent bill.

The Administration says that we must have the reforms in this bill. It will: reduce legal fees that are paid by inventors and companies; eliminate duplication of research efforts and accelerate research into new areas; increase the value of patents to inventors and companies; and facilitate U.S. inventors and companies' research, development, and commercialization of inventions.

In Vermont, we have a number of independent inventors and small companies. It is, therefore, especially important to me that this bill be one that helps them as well as the larger companies in Vermont like IBM.

Over the past several years, Congress has held eight Congressional hearings with over 80 witnesses testifying about the various proposals incorporated in the bill. Republican and Democratic Administrations alike, reaching back to the Johnson Administration, have supported these similar reforms.

I also want to thank Secretary Daley and the Administration for their unflagging support of effective patent reform.

The ''American Inventors Protection Act'' was designed to make targeted improvements to the patent code in order to enable the American patent system to meet the challenges of new technology and new markets as we approach the next millennium.

The bill builds upon compromises forged in the Senate Judiciary Committee in the 105th Congress, as well as additional compromises in the House of Representatives in the 106th Congress, to achieve these goals while protecting and promoting the interest of American inventors at home and abroad.

I also want to discuss the comments of Senators SCHUMER and TORRICELLI regarding the patent bill and the State Street decision. I look forward to working with both of those Senators on the issues they raise. I expect that the Committee will have hearings on this matter next year. Also, the Conference Report on the bill contains a detailed analysis of these important issues which was accepted by all Conferees.

The FY 2000 Omnibus Appropriations bill also includes provisions that Senator HATCH and I and others have crafted to address cybersquatting on domain names. We have worked hard to craft this legislation in a balanced fashion to protect trademark owners and consumers doing business online, and Internet users who want to participate in what the Supreme Court has described as ''a unique and wholly new medium of worldwide human communication.'' Reno v. ACLU, 521 U.S. 844.

Trademarks are important tools of commerce. The exclusive right to the use of a unique mark helps companies compete in the marketplace by distinguishing their goods and services from those of their competitors, and helps consumers identify the source of a product by linking it with a particular company. The use of trademarks by companies, and reliance on trademarks by consumers, will only become more important as the global marketplace grows larger and more accessible with electronic commerce. The reason is simple: when a trademarked name is used as a company's address in cyberspace, customers know where to go online to conduct business with that company.

The growth of electronic commerce is having a positive effect on the economies of small rural states like mine. A Vermont Internet Commerce report I commissioned earlier this year found that Vermont gained more than 1,000 new jobs as a result of Internet commerce, with the potential that Vermont could add more than 24,000 jobs over the next two years. For a small state like ours, this is very good news.

Along with the good news, this report identified a number of obstacles that stand in the way of Vermont reaching the full potential promised by Internet commerce. One obstacle is that ''merchants are anxious about not being able to control where their names and brands are being displayed.'' Another is the need to bolster consumers' confidence in online shopping.

Cybersquatters hurt electronic commerce. Both merchant and consumer confidence in conducting business online are undermined by so-called ''cybersquatters'' or ''cyberpirates,'' who abuse the rights of trademark holders by purposely and maliciously registering as a domain name the trademarked name of another company to divert and confuse customers or to deny the company the ability to establish an easy-to-find online location. A recent report by the World Intellectual Property Organization (WIPO) on the Internet domain name process has characterized cybersquatting as ''predatory and parasitical practices by a minority of domain registrants acting in bad faith'' to register famous or well-known marks of others—which can lead to consumer confusion or downright fraud.

Enforcing trademarks in cyberspace will promote global electronic commerce. Enforcing trademark law in cyberspace can help bring consumer confidence to this new frontier. That is why I have long been concerned with protecting registered trademarks online. Indeed, when the Congress passed the Federal Trademark Dilution Act of 1995, I noted that:

Although no one else has yet considered this application, it is my hope that this

antidilution statute can help stem the use of deceptive Internet addresses taken by those who are choosing marks that are associated with the products and reputations of others.

The Federal Trademark Dilution Act of 1995 has been used as I predicted to help stop misleading uses of trademarks as domain names. One court has described this exercise by saying that ''attempting to apply established trademark law in the fast-developing world of the Internet is somewhat like trying to board a moving bus. . .'' Bensusan Restaurant Corp. v. King, 126 F.3d 25. Nevertheless, the courts appear to be handling ''cybersquatting'' cases well. As University of Miami Law Professor Michael Froomkin noted in testimony submitted at the Judiciary Committee's hearing on this issue on July 22, 1999, ''in every case involving a person who registered large numbers of domains for resale, the cybersquatter has lost.''

For example, courts have had little trouble dealing with a notorious cybersquatter, Dennis Toeppen from Illinois, who registered more than 100 trademarks—including

''yankeestadium.com,''

''deltaairlines.com,''

marcus.com''—as domain names for the purpose of eventually selling the names back to the companies owning the trademarks. The various courts reviewing his activities have unanimously determined that he violated the Federal Trademark Dilution Act.

Similarly, Wayne State University Law Professor Jessica Litman noted in testimony submitted at the Judiciary Committee's hearing that those businesses that ''have registered domain names that are confusingly similar to trademarks or personal names in order to use them for pornographic web sites * * * have without exception lost suits brought against them.''

Even as we consider this legislation, we must acknowledge that enforcing or even modifying our trademark laws will be only part of the solution to cybersquatting. Up to now, people have been able to register any number of domain names in the popular ''.com'' domain with no money down and no money due for 60 days. Network Solutions Inc., the dominant Internet registrar, recently announced that it was changing this policy, and requiring payment of the registration fee up front. In doing so, NSI admitted that it was making this change to curb cybersquatting.

In addition, we need to encourage the development of alternative dispute resolution procedures that can provide a forum for global users of the Internet to resolve domain name disputes. For this reason, I authored an amendment that was enacted last year as part of the Next Generation Internet Research Act authorizing the National Research Council of the National Academy of Sciences to study the effects on trademark holders of adding new top-level domain names and requesting recommendations on inexpensive and expeditious procedures for resolving trademark disputes over the assignment of domain names. Both the Internet Corporation for Assigned Names and Numbers and WIPO are also making recommendations on these procedures. Adoption of a uniform trademark domain name dispute resolution policy should be of enormous benefit to American trademark owners.

We should encourage the sensible development of case law in this area, the ongoing efforts within WIPO and ICANN to build a consensus global mechanism for resolving online trademark disputes, and the implementation of domain name registration practices designed to discourage cybersquatting. The legislation we pass today as part of the Omnibus Appropriations bill for the upcoming fiscal year is intended to build upon this progress and provide constructive guidance to trademark holders, domain name registrars and registries and Internet users registering domain names alike.

This legislation has been significantly improved since it was first introduced. As originally introduced by Senator ABRAHAM and others, S. 1255, the ''Trademark Cyberpiracy Prevention Act'', proposed to make it illegal to register or use any ''Internet domain name or identifier of an online location'' that could be confused with the trademark of another person or cause dilution of a ''famous trademark.'' Violations were punishable by both civil and criminal penalties.

I voiced concerns at a hearing before the Judiciary Committee that, in its original form, S. 1255 would have a number of unintended consequences that would have hurt rather than promoted electronic commerce, including the following specific problems:

The definition was overbroad. As introduced, S. 1255 covered the use or registration of any ''identifier,'' which could cover not just second level domain names, but also e-mail addresses, screen names used in chat rooms, and even files accessible and readable on the Internet. As one witness pointed out, ''the definitions will make every fan a criminal.'' How? A file document about Batman, for example, that uses the trademark ''Batman'' in its name, which also identifies its online location, could land the writer in court under that bill. Cybersquatting is not about file names.

The original bill threatened hypertext linking. The Web operates on hypertext linking, to facilitate jumping from one site to another. The original bill could have disrupted this practice by imposing liability on operators of sites with links to other sites with trademark names in the address. One could imagine a trademark owner not wanting to be associated with or linked with certain sites, and threatening suit under this proposal unless the link were eliminated or payments were made for allowing the linking.

The original bill would have criminalized dissent and protest sites. A number of Web sites collect complaints about trademarked products or services, and use the trademarked names to identify themselves. For example, there are protest sites named ''boycott-cbs.com'' and ''www.PepsiBloodbath.com.'' While the speech contained on those sites is clearly constitutionally protected, as originally introduced, S. 1255 would have criminalized the use of the trademarked name to reach the site and made them difficult to search for and find online.

The original bill would have stifled legitimate warehousing of domain names. The bill, as introduced, would have changed current law and made liable persons who merely register domain names similar to other trademarked names, whether or not they actually set up a site and used the name. The courts have recognized that companies may have legitimate reasons for registering domain names without using them and have declined to find trademark violations for mere registration of a trademarked name. For example, a company planning to acquire another company might register a domain name containing the target company's name in anticipation of the deal. The original bill would have made that company liable for trademark infringement.

For these and other reasons, Professor Litman concluded that, ''as introduced, S. 1255 would in many ways be bad for electronic commerce, by making it hazardous to do business on the Internet without first retaining trademark counsel.'' Faced with the risk of criminal penalties, she stated that ''many start-up businesses may choose to abandon their goodwill and move to another Internet location, or even to fold, rather than risk liability.''

Domain name cybersquatting is a real problem. For example, whitehouse.com has probably gotten more traffic from people trying to find copies of the President's speeches than those interested in adult material.

While the problem is clear, narrowly defining the solution is trickier. The mere presence of a trademark is not enough. Legitimate conflicts may arise between companies offering different services or products under the same trademarked name, such as Juno Lighting Inc. and Juno online services over the juno.com domain name, or between companies and individuals who register a name or nickname as a domain name, such as the young boy nicknamed ''Pokey'' whose domain name ''pokey.org'' was challenged by the toy manufacturer who owns the rights to the Gumby and Pokey toys. A site may also use a trademarked name to protest a group, company or issue, such as pepsibloodbath.com, or even to defend one's reputation, such as www.civil-action.com, which belongs not to a motion picture studio, but to W.R. Grace to rebut the unflattering portrait of the company as a polluter

and child poisoner created by the movie.

There is a world of difference between these sorts of sites and those which use deceptive naming practices to draw attention to their site for example, whitehouse.com, or those who use domain names to misrepresent the goods or services they offer, for instance, dellmemory.com, which may be confused with the Dell computer company.

We must also recognize certain technological realities. For example, merely mentioning a trademark is not a problem. Posting a speech that mentions AOL on my web page and calling the page aol.html, confuses no one between my page and America Online's site. Likewise, we must recognize that while the Web is a key part of the Internet, it is not the only part. We simply do not want to pass legislation that may impose liability on Internet users with e-mail addresses, which may contain a trademarked name. Nor do we want to crack down on newsgroups that use trademarks descriptively, such as alt.comics.batman.

In short, it is important that we distinguish between the legitimate and illegitimate use of domain names, and the cybersquatting legislation that we pass today does just that.

Due to the significant flaws in S. 1255, the Senate Judiciary Committee reported and the Senate passed a complete substitute to that bill. On July 29, 1999, Senator HATCH and I, along with several other Senators, introduced S. 1461, the ''Domain Name Piracy Prevention Act of 1999.'' This bill then provided the text of the Hatch-Leahy substitute amendment that the Senate Judiciary Committee reported unanimously to S. 1255 the same day. This substitute amendment, with three additional refinements contained in a Hatch-Leahy clarifying amendment, was passed by the Senate on August 5, 1999.

This Hatch-Leahy substitute provided a better solution than the original, S. 1255, in addressing the cybersquatting problem without jeopardizing other important online rights and interests.

Following Senate passage of the bill, the House passed a version of the legislation, H.R. 3208, the ''Trademark Cyberprivacy Prevention Act'', which has been modified for inclusion in the FY 2000 Omnibus Appropriations bill.

This legislation, now called the ''Anti-Cybersquatting Consumer Protection Act'', would amend section 43 of the Trademark Act by adding a new section to make liable for actual or statutory damages any domain name registrant, who with bad-faith intent to profit from the goodwill of another's trademark, without regard to the goods or services of the parties, registers, traffics in or uses a domain name that is identical or confusingly similar to a distinctive trademark or dilutive of a famous trademark. The fact that the domain name registrant did not compete with the trademark owner would not be a bar to recovery. This legislation also makes clear that personal names that are protected as marks would also be covered by new section 1125.

Furthermore, this legislation should not in any way frustrate the global efforts already underway to develop inexpensive and expeditious procedures for resolving domain name disputes that avoid costly and time-consuming litigation in the court systems either here or abroad. In fact, the legislation expressly provides liability limitations for domain name registrars, registries or other domain name registration authorities when they take actions pursuant to a reasonable policy prohibiting the registration of domain names that are identical or confusingly similar to another's trademark or dilutive of a famous trademark. The ICANN and WIPO consideration of these issues will inform the development by domain name registrars and registries of such reasonable policies.

Uses of infringing domain names that support liability under the legislation are expressly limited to uses by the domain name registrant or the registrant's authorized licensee. This limitation makes clear that ''uses'' of domain names by persons other than the domain name registrant for purposes such as hypertext linking, directory publishing, or for search engines, are not covered by the prohibition.

Other significant sections of this legislation are discussed below:

Domain names are narrowly defined to mean alphanumeric designations registered with or assigned by domain name registrars or registries, or other domain name registration authority as part of an electronic address on the Internet. Since registrars only register second level domain names, this definition effectively excludes file names, screen names, and e-mail addresses and, under current registration practice, applies only to second level domain names.

The terms ''domain name registrar, domain name registry, or other domain name authority that registered or assigned the domain name'' in Section 3002(a) of the Act, amending 15 U.S.C. 1125(d)(2)(a), is intended to refer only to those entities that actually place the name in a registry, or that operate the registry, and would not extend to other entities, such as the ICANN or any of its constituent units, that have some oversight or contractual relationship with such registrars and registries. Only these entities that actually offer the challenged name, placed it in a registry, or operate the relevant registry are intended to be covered by those terms.

Liability for registering a trademark name as a domain name requires ''bad faith intent to profit from that mark''. The following non-exclusive list of nine factors are enumerated for courts to consider in determining whether such bad faith intent to profit is proven:

(i) the trademark or the intellectual property rights of the domain name registrant in the domain name;

(ii) whether the domain name is the legal name or the nickname of the registrant;

(iii) the prior use by the registrant of the domain name in connection with the bona fide offering of any goods or services;

(iv) the registrant's legitimate noncommercial or fair use of the mark at the site accessible under the domain name;

(v) the registrant's intent to divert consumers from the mark owner's online location in a manner that could harm the mark's goodwill, either for commercial gain or with the intent to tarnish or disparage the mark, by creating a likelihood of confusion as to the source, sponsorship, affiliation or endorsement of the site;

(vi) the registrant's offer to sell the domain name for financial gain without having used, or having an intent to use, the domain name in the bona fide offering of goods or services or the registrant's prior conduct indicating a pattern of such conduct;

(vii) the registrant's intentional provision of material, false and misleading contact information when applying for the registration of the domain name, intentions, failure to maintain accurate information, or prior conduct indicating a pattern of such conduct;

(viii) the registrant's registration of multiple domain names that are identical or similar to or dilutive of another's trademark; and

(ix) the extent to which the mark is or is not distinctive.

Significantly, the legislation expressly states that bad faith shall not be found ''in any case in which the count determines that the person believed and had reasonable grounds to believe that the case of the domain name was a false use or otherwise lawful.'' In other words, good faith, innocent or negligent uses of a domain name that is identical or confusingly similar to another's mark or dilutive of a famous mark are not covered by the legislation's prohibition.

In short, registering a domain name while unaware that the name is another's trademark would not be actionable. Nor would the use of a domain name that contains a trademark for purposes of protest, complaint, parody or commentary satisfy the requisite scienter requirement.

Bad-faith intent to profit is required for a violation to occur. This requirement of bad-faith intent to profit is critical since, as Professor Litman pointed out in her testimony, our trademark laws permit multiple businesses to register the same trademark for different classes of products. Thus, she explains:

Although courts have been quick to impose liability for bad faith registration, they have been far more cautious in disputes involving a domain name registrant who has a legitimate claim to use a domain name and registered it in good faith. In a number of cases,

courts have refused to impose liability where there is no significant likelihood that anyone will be misled, even if there is a significant possibility of trademark dilution.

In civil actions against cybersquatters, the plaintiff is authorized to recover actual damages and profits, or may elect before final judgment to an award of statutory damages of not less than $1,000 and not more than $100,000 per domain name, as the court considers just. In addition, the court is authorized to forfeit, cancel, or transfer the domain name to the plaintiff. To reduce frivolous litigation and the risk of reverse domain name hijacking, the court is authorized to award courts and attorneys' fees to the prevailing party.

In Rem Actions. The bill would also permit an in rem civil action to be filed by a trademark owner in the judicial district in which the registrar, registry or other domain name authority that actually registered or assigned the domain name is located. Such an action may be filed only in circumstances where the domain name violates the owner's rights in the trademark and where the court finds that (1) the trademark owner was not able to obtain in personam jurisdiction over the domain name registrant; or (2) the owner through due diligence was not able to find the domain name holder to bring an in personam civil action by sending notice to the registrant at the postal and email address provided to the registrar and publishing notice as the court may direct promptly after filing the action.

The remedies of an in rem action are limited to a court order for forfeiture or cancellation of the domain name or the transfer of the domain name to the trademark owner. To protect the domain name registrant, the registrar or registry shall not transfer, suspend, or modify the domain name during the pendency of the action except as the court may order. By contrast to the House-passed version of this legislation, under the legislation passed today, a trademark holder would be permitted to file an in rem action only when in personam jurisdiction cannot be exercised.

In Porsche Cars North American Inc. v. Porsche.com, 51 F. Supp. 2nd 707, the court dismissed an in rem action against a domain name, even though Network Solutions Inc. had surrendered the underlying domain name registration documents to the court to give it control over the ''res.'' The court held that in rem actions against allegedly diluting marks are not constitutionally permitted without regard to whether in personam jurisdiction may be exercised, The court explained:

Porsche correctly observes that some of the domain names at issue have registrants whose identities and addresses are unknown and against whom in personam proceedings might be fruitless. But most of the domain names in this case have registrants whose identities and addresses are known, and who rightly would object to having their interests adjudicated in absentia. The Due Process Clause requires at least some appreciation for the difference between these two groups, and Porsche's pursuit of an in rem remedy that fails to differentiate between them at all is fatal to its Complaint.

This legislation does differentiate between those two different categories of domain name registrants and limits in rem actions to those circumstances where in personam jurisdiction cannot be obtained.

Liability Limitations. The bill would limit the liability for monetary damages and, in certain circumstances, for injunctive relief of domain name registrars, registries or other domain name registration authorities for any action they take to refuse to register, remove from registration, transfer, temporarily disable or permanently cancel a domain name, where the action is taken pursuant to a court order or in the implementation of reasonable policies prohibiting the registration of domain names that are identical or confusingly similar to another's trademark, or dilutive of a famous trademark.

Prevention of Reverse Domain Name Hijacking. Reverse domain name hijacking is an effort by a trademark owner to take a domain name from a domain name registrant who registered the domain name legitimately and in good faith. There have been some well-publicized cases of trademark owners demanding the take-down of certain web sites set up by parents who have registered their children's names in the .org domain, such as two year old Veronica Sam's ''Little Veronica'' website and 12 year old Chris ''Pokey'' Van Allen's web page.

In order to protect the rights of domain name registrants in their domain names, the legislation provides that registrants may recover damages, including costs and attorney's fees, incurred as a result of a knowing and material misrepresentation by a person that a domain name is identical or similar to, or dilutive of, a trademark. Moreover, should the domain name registrant prevail in a suit for cybersquatting, the registrant as the prevailing party is authorized to award costs and attorneys' fees.

In addition, a domain name registrant, whose domain name has been suspended, disabled or transferred, may sue upon notice to the mark owner, to establish that the registration or use of the domain name by the registrant is lawful. The court in such a suit is authorized to grant injunctive relief, including the reactivation of a domain name or the transfer or return of a domain name to the domain name registrant.

Personal Names. Commercial sites are not the only ones suffering at the hands of domain name pirates. This issue has struck home for many in this body. The Congress is not immune: while cspan.org provides detailed coverage of the Senate and House, cspan.net is a pornographic site. Moreover, Senators and presidential hopefuls are finding that domain names like bush2000.org and hatch2000.org are being snatched up by cyber poachers intent on reselling these domain names for a tidy profit.

This legislation addresses this problem by making liable a domain name registrant in a civil action for injunctive relief, including forfeiture, cancellation, or transfer of a domain name for registering the name of another living person with the specific intent to profit by selling the domain name for financial gain to that person or any third party. This provision applies only prospectively.

In addition, the legislation directs the Commerce Department in consultation with PTO and the Federal Election Commission to study and report to Congress on procedures for resolving disputes over personal names registered as domain names and to collaborate with ICANN on these procedures.

Cybersquatting is an important issue both for trademark holders and for the future of electronic commerce on the Internet. Any legislative solution to cybersquatting must tread carefully to ensure that authorized remedies do not impede or stifle the free flow of information on the Internet. In many ways, the United States has been the incubator of the World Wide Web, and the world closely watches whenever we venture into laws, customs or standards that affect the Internet. We must only do so with great care and caution. Fair use principles are just as critical in cyberspace as in any other intellectual property arena. In my view, this legislation respects these considerations.

Mr. HATCH. Mr. President, I am pleased to rise today as the Senate finishes its consideration of the last in a package of four very important intellectual property related ''high-tech'' bills that Senate LEAHY and I introduced earlier this year. Three of those bills—the ''Trademark Amendments Act of 1999,'' the ''Patent Fee Integrity and Innovation Protection Act of 1999,'' and a Copyright Act technical corrections bill—were passed by the House and Senate and signed into law in August of this year. The fourth of those bills—the ''Digital Theft Deterrence and Copyright Damages Improvement Act'' (S. 1257)—was passed by the House with an amendment and returned to the Senate. Each of these bills is designed 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.

Technology continues to be 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-paced 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.

The ''Digital Theft Deterrence and Copyright Damages Improvement Act'' builds upon those protections by raising the Copyright Act's limit on statutory damages to make it more costly to engage in cyber-piracy and copyright theft. Section 504(c) of the Copyright Act provides for the award of statutory damages at the plaintiff's election in order to provide greater security for owners, who often find it difficult to prove actual damages in infringement cases—particularly in the electronic environment—and to provide greater deterrence for would-be infringers. The current provision caps statutory damages at $20,000 ($100,000 in cases of willful infringement), which reflects figures set in statute in 1988 when the United States joined the Berne Convention. The combination of more than a decade of inflation and revolutionary changes in technology have rendered those figures largely inadequate to achieve their aims. The bill before us updates these statutory damage provisions to account for both these factors.

Under the bill, the cap on statutory damages is increased by 50 percent, from $20,000 to $30,000, and the minimum is similarly increased from $500 to $750. For cases of willful infringement, the cap is raised to $150,000. This will not mean that a court must impose the full amount of damages in any given case, or even that it will be more likely to do so. In most cases, courts attempt to do justice by fixing the statutory damages at a level that approximates actual damages and defendant's profits. What this bill does is give courts wider discretion to award damages that are commensurate with the harm caused and the gravity of the offense. At the same time, the bill preserves provisions of the current law allowing the court to reduce the award of statutory damages to as little as $200 in cases of innocent infringement and requiring the court to remit damages in certain cases involving nonprofit educational institutions, libraries, archives, or public broadcasting entities.

The House of Representatives amend the bill to include an amendment to the ''No Electronic Theft (NET) Act.'' The NET Act—enacted to curb digital piracy by expanding criminal copyright infringement to include certain electronic infringements done without an intent to profit—directed the U.S. Sentencing Commission to revise the sentencing guidelines for crimes against intellectual property to ensure that the applicable guideline range is sufficiently stringent to deter such crimes and to provide for consideration of the retail value and quantity of the infringed upon items with respect to which the crime against intellectual property was committed. This directive, and its specificity, reflected the concern on the part of Congress that the existing guidelines' reliance on the value of the infringing items (i.e., the street value of a bootlegged video) both underestimates the true economic harm inflicted on copyright owners and results in penalties that are so disproportionately low that U.S. attorneys are simply unwilling to prosecute such cases. Despite Congress' directive, the old guidelines remain in place unamended. The result is that today, nearly two years later, there has been only one case brought under the NET Act, and electronic piracy continues as a significant and growing concern.

The House amendment to S. 1257 would revise the outstanding NET Act directive to require the Sentencing Commission to amend the sentencing guidelines to provide an enhancement based upon the retail price of the legitimate items that are infringed upon and the quantity of the infringing items, as well as to require the Commission to act within a set time. While the proposed revision is consistent with Congress' intent to strengthen the sentencing guidelines applicable to intellectual property-related crimes and to better reflect the economic harm in cases of electronic piracy, there was some concern that the amended guidelines would overstate economic harm or have other unintended consequences with respect to infringements not involving digital reproductions.

The amendment Senator LEAHY and I are offering today—which is the result of many hours of discussions and the subject of widespread agreement—will leave the existing NET Act directive unchanged, but will require the Commission to act on that directive within the later of 120 days from the bill's enactment or 120 days from the first date on which there are sufficient voting members of the Sentencing Commission to constitute a quorum. I expect that the Sentencing Commission will move expeditiously once its commissioners are in place to complete revision of the applicable sentencing guidelines as directed by the NET ACT, and that it will do so in a manner that is consistent with Congress' intent to provide improved deterrence in this area.

In sum, this bill is an important high-tech measure that will spur creativity and enhance protection for American copyrighted works at home and abroad. I want to thank Senator LEAHY for his assistance, cooperation, and leadership in this process, and I look forward to the Senate swiftly passing this bill with the Hatch-Leahy Amendment.

Mr. BAYH. Mr. President, For years the American people have become increasingly cynical about our federal government and apathetic about political participation. There are many reasons for this unfortunate state of affairs. This year's budget exemplifies several.

One reason is our inability to do what every family and business must do, balance our budget. After years of large, chronic deficits, last year we finally, if barely, balanced the federal budget. If great care is not taken, the budget will not be balanced for long.

Another reason is Washington's unwillingness to be honest with the American people. This budget is only the latest example. Proponents claim it is balanced. It is not. They say it does not raid social security, but it does. It purports to meet certain ''emergencies'', when no reasonable person could possibly consider them such. It's time we ended this ''business as usual'' in Washington and began to regain the trust of the American people.

I oppose this bill because it spends too much and uses gimmicks that will make future budgets even more difficult. It ignores the greatest financial challenge facing our nation, entitlement reform, and makes matters even worse by taking money from the Social Security Trust Fund to pay for spending today. It foreshadows a return of

chronic deficits. If we must resort to such foolishness when times are good, what will happen when times are tough? It makes the prospect of meaningful tax cuts much more remote because it spends the surplus and then some.

There are circumstances that could justify my support for this budget and some of the items that I object to. But none exist now. If meaningful entitlement reform had been included. If the economy were weak and the gimmicks were only temporary expedients, not the permanent fixtures they promise to be. If we had a few more years, not just one, of balanced budgets under our belt. There are several good things in this budget, things I strongly support: funding for 100,000 additional teachers in our classrooms, putting 50,000 additional police officers on our streets, relief for hospitals and other providers from excessive Medicare cuts, enhanced Land and Water Conservation funds, expanded biomedical research through NIH, expanded Head Start and increased After School Care.

All of these have merit. All should be done. But we must have the honesty and integrity to pay for them, or the restraint to wait until we can, and not just perpetuate the cynicism created by annual budget charades.

I look forward to voting for a future budget. One that preserves and strengthens the foundation of financial security so important to our nation's well-being. Even more, I look forward to that day when this Congress enjoys the respect and admiration of our fellow citizens. This budget will not hasten that day.

Mrs. LINCOLN. Mr. President, today is a historic day in the United States Senate. With the inclusion of the Superfund Recycling Equity Act in the 1999 Omnibus Appropriations Bill, we have righted a wrong to the recycling industry of this Nation. We have removed the Superfund bias against recycled materials and set this country back on a path to promoting reuse of all recyclable materials. The Superfund Recycling Equity Act of 1999 will finally place traditional recyclable materials which are used as feedstocks in the manufacturing process on an equal footing with their virgin, or primary feedstock, counterparts. Traditional recyclables are made from paper, glass, plastic, metals, batteries, textiles, and rubber.

Mr. President, we have been working to right this wrong for over six years. During the 103d Congress, I first introduced a bill to relieve legitimate recyclers of scrap metal from unintended Superfund liability. The bill was developed in conjunction with the recycling industry, the environmental community, and the Administration. We worked closely together and consistently agreed that liability relief for recyclers is necessary and right. The language in this bill is the culmination of a process that we have been working on since 1993.

As I'm sure you can see, Mr. President, the push to relieve these legitimate recyclers of this unintended liability has received broad, bipartisan support. This bill has received 67 cosponsors in the Senate this year and thanks to the strong leadership of Senators LOTT, DASCHLE, CHAFEE, and WARNER, we have successfully brought this important piece of legislation to the floor.

Mr. President, as the sponsoring member of this legislation when I was a member of the House of Representatives, I would like to make a couple of important points. First, this Superfund Recycling Equity Act is both retroactive and prospective. Slightly different standards must be met for recyclers to be relieved of Superfund liability for recycling transactions that occurred prior to the date of enactment than for those that occur after the date of enactment. But in either scenario, legitimate recyclers of paper, glass, plastic, metals, textiles, and rubber will no longer be treated as if they were ''arranging for the disposal'' of materials containing hazardous substances each time they sell their materials as manufacturing feedstocks. Rather, they will be treated as if they were selling a product, which is the same standard to which suppliers of virgin materials are held. Virgin materials are in direct competition with recyclables and this legislation will help to increase recycling in our nation.

Recognizing that this issue has been the focus of much litigation, the Congress intended that the recycling situation be clarified through the Superfund Recycling Equity Act. That is why we have written this legislation in such a fashion that virtually all lawsuits that deal with recycling transactions of paper, glass, plastic, metals, textiles, and rubber are extinguished by this legislation. Only those lawsuits brought prior to enactment of this legislation directly by the United States government against a person will remain viable. All other lawsuits brought by private parties, or against third party defendants in lawsuits originally brought by the U.S. Government will no longer proceed under this legislation. This will resolve the inequities suffered by recyclers in a quick, fair, and equitable manner.

It should also be reiterated that this bill addresses the product of recyclers, that is the recyclables they sell which are utilized to make new products. This does not affect liability for contamination that is created at a facility owned or operated by a recycler. Neither does it affect liability related to any process wastes sent by a recycler for treatment or disposal. In order to assure that only bonafide recycling facilities benefit from this bill, a number of tests have been established within the bill by which liability relief will be denied to sham recyclers.

With the passage of this important legislation, we have taken a bold step in the right direction for America. We have taken a step to promote legitimate recycling and to put recycled materials on an equal footing with new materials.

Thank you, Mr. President.

Mr. DEWINE. Mr. President, as original co-sponsors of the Safe Senior Assurance Study Act of 1999 (S. 818), Senator REID and I wish to express, for the record, our gratification for the language contained in the conference report on H.R. 3194 concerning physician supervision of anesthesia services under Medicare's Conditions of Participation.

We read the report as calling upon the Secretary of Health and Human Services to base her determination as to appropriate supervision standards on sound scientific outcome data—a principle which is at the core of S. 818, which was to assure that Medicare beneficiaries will continue to receive the highest quality medical care—one which I am sure is shared by every member of this body—and the Senator from Nevada and I think adoption of the report will help us attain this objective.

Preliminary data from recent outcome research has suggested that supervision of anesthesia care by physicians trained in that discipline represents an important factor in anesthesia safety, and we want to be certain that the Secretary takes the final results of this research into account. Medicare beneficiaries have resoundingly said, in response to recent national surveys, that they favor retention of the current supervision rule, and in our view, any change in that rule must be supported by scientific data showing that anesthesia safety for our nation's seniors would not be impaired. We congratulate the committees with jurisdiction over Medicare in the House and Senate for their clear commitment to this view.

Mrs. MURRAY. Mr. President, as the Senate finally concludes its work for the legislative year, I want to outline my position on a few of the final issues. Unfortunately, I needed to travel back to Washington state to attend the funeral of my good friend and mentor, Pat McMullen, and missed three votes.

Before leaving, I voted in favor of the ''motion to proceed'' to the omnibus appropriations bill, which also included fixes to the Balanced Budget Act of 1997 and the tax extenders package. With that vote, I registered my support for this important funding and corrections bill. I also would have voted in favor of the Work Incentives Act.

First, I would like to address just some important provisions in the omnibus appropriations bill. There are many things that we do here that have little direct impact on the lives of real people and real families. However, this legislation is one of those times when we act to provide real help and real hope to working families, children and our senior citizens.

The package that we are about to enact, provides an additional $2 billion

investment in the National Institutes of Health (NIH). There are few people in this country who are not touched in some way by the research supported by NIH. An additional $2 billion keeps us on track to doubling our investment in medical research. Research that saves lives and prevents human suffering. Our investment has already brought us closer to finding a cure for devastating diseases like Parkinson's, leukemia, heart disease, and breast cancer. We must continue this commitment as this investment is about saving dollars and lives. The impact on Washington state is also significant. I am proud of the fact that Washington state is one of the top recipients of NIH grants. The outstanding research being conducted at research institutions like the University of Washington and the Fred Hutchinson Cancer Research Center are known throughout the world. We are truly a world leader in medical research.

This appropriations package will also provide additional resources to improve access to quality health care for the uninsured and the most vulnerable. The additional funding for the Centers for Disease Control (CDC) and the additional $100 million provided for Community Health and Migrant Health Care Centers provide a critical health care safety net for those working families who simply cannot afford insurance. There are more than 80 clinics in Washington state providing quality, affordable health care services who will be able to expand and meet the growing needs of the uninsured populations.

I am pleased we have been successful in providing, for the first time, a direct appropriation to support poison control efforts and education and training for Children's Hospitals. I have been a long time proponent of these efforts and recognize the importance of this investment in our children.

Overall, this appropriations package includes a $34.5 billion investment in health care programs. This investment will strengthen the public health infrastructure, provide essential prevention and treatment services to individuals with mental illness and ensure that our senior citizens are not forgotten. The additional $45 million provided to support Older Americans Act programs ensures that we can honor our commitment to our nation's elderly by providing important services like nutritional assistance, employment training, respite care, in-home care, and abuse prevention.

In addition, as part of this appropriations bill, we have succeeded in saving quality health care for millions of Medicare beneficiaries. The corrections to the Balanced Budget Act address the unintended consequences of the reductions called for in 1997. Then, we anticipated a total of $100 billion over five years to ensure Medicare's solvency. Unfortunately, our estimates have proven incorrect and we were facing well over $200 billion in reductions which are impacting quality care for millions of seniors and the disabled. The BBA97 corrections provide additional resources for home health care, skilled nursing facilities, nursing homes, hospitals, cancer treatment centers, teaching hospitals like the University of Washington, community health care centers, rehabilitation services, and health maintenance organizations. This one time correction will prevent the closing of facilities or home health care agencies and does not jeopardize our goal of solvency for the Medicare Trust Fund. I know from my own health care providers and my own hospitals what this fix means. I also know that without it, rural health care was in real jeopardy. I told my constituents that I would not leave for the year until we acted to address the looming crisis. This has been accomplished in a bipartisan and comprehensive manner.

I would also like to address the tax extenders package included in this bill. I generally support the tax extenders package. It includes the expansion of some tax credits that I have strongly supported over the years. First, the research and experimentation tax credit represents a critical investment for our nation. If we are to continue creating more and higher-paying jobs for American workers, we must encourage the business community to invest in research and development. This bill does just that. I have cosponsored two bills to make the R&E tax credit permanent, so I look forward to working with my colleagues to make that happen.

I am also pleased this legislation includes extensions of the Welfare-to-Work Tax Credit and the Work Opportunity Tax Credit, which help us move toward our goal of ensuring that all Americans benefit from the new economy.

This extenders package also includes an extension of employer provided educational assistance. I am disappointed the package does not include compensation for graduate school assistance. I believe this commission is short-sighted. At a time when the American economy is so rapidly changing, we need to ensure that our workforce is able to meet the demands of the new economy.

Our tax code should also reflect our commitment to cleaner energy. While this package extends the wind and biomass tax credit, it does not expand the definition of biomass to include open loop biomass. Meanwhile, it expands the code to include incentives for the production of energy from chicken waste. I have no doubt that some of my colleagues are trying to address legitimate animal waste issues in their states. However, if the code is to be expanded, it should be expanded to include open loop biomass. If Congress considers major tax legislation next year, this should be a top priority.

While the efforts I have mentioned above help businesses and the poor, the bill also helps middle class Americans. In 1997, we passed important non-refundable tax credits, like the child tax credit, that have greatly benefitted the middle class. This legislation will ensure families can continue to use these credits without being affected by the alternative minimum tax.

Finally, the Senate passed another piece of important legislation today: the Work Incentives Act. The WIA bill rewards those disabled individuals who want to go back to work but face the prospect of falling off the so called ''health care cliff.'' We have been successful in treating many illnesses and injuries that once permanently disabled workers. They may not be cured but can be productive. Unfortunately, if they do try and return to work they lose their link to life, their health insurance. This legislation, of which I am proud to have been an original cosponsor, will allow workers to return to work and continue to receive Medicare. It will also allow many to buy-in to Medicaid. This legislation is not just about giving people the chance to return to some kind of productive life. It is about saving precious dollars as well. Workers who give up their Social Security disability payments to go back to work will be paying taxes and contributing to the Social Security and Medicare Trust Fund. This is a win-win for all of us. It is also the kind of policy that simply makes sense. People should not be penalized for trying to go back to work.

Mr. President, I have voted in support of the motion to proceed to this omnibus appropriations, B.B.A. of '97, and tax extenders package. I am particularly pleased we have been able to secure yet another year of commitment to our children by helping reduce class sizes in the early grades. I will be working hard to ensure this important program is authorized in the Elementary and Secondary Education Act next year. I must also note extreme disappointment in the decision to pit United Nations dues against women's reproductive health care. I remain committed to family planning throughout the world and will be working with the administration to ensure the United States continues to lead the way in protecting women's health, including our reproductive health.

Mr. ABRAHAM. Mr. President, I rise today to voice my strong support for this final Appropriations package. This is a good package that protects the Social Security surplus from being raided to pay for non-Social Security spending, that provides sufficient funds for important national programs, and which addresses critical issues specifically for Michigan. I trust that the President will be able to sign this quickly and get these Fiscal Year 2000 funds to the programs that will disburse them to Michiganians as soon as possible.

Mr. President, I am confident that this package will not raid the Social Security surplus as has been the norm for almost 30 years. The Congressional Leadership and the Administration

have crafted a package of appropriations and offsets that will not touch the Social Security surplus The precise bookkeeping agreed upon by the Administration and Congress used in this bill will help regulate how these funds are actually spent by the government, so that we don't spend the Social Security surplus. These aren't gimmicks, but finely crafted tools necessary for the Office of Management and Budget to ensure that bureaucrats don't spend their funds faster than Congress intended, so as to protect the Social Security surplus.

However, for those that are concerned that such tools could potentially be insufficient to control the rate of spending, and may in fact lead to the government dipping into the Social Security surplus, I will carefully track the revenue and outlay totals for the Federal Government over the next few months. And if it appears that we are falling behind in maintaining a sufficient buffer to protect the Social Security surplus, then I will immediately introduce and push for as large of a rescission package as necessary to prevent that from occurring. But that, in my opinion, will not be necessary. Already for the first month of Fiscal Year 2000, the Congressional Budget Office is reporting that we are running $6.4 billion ahead of last year, or almost $77 billion more in net revenue than last year. Considering the CBO estimated that net revenues would actually drop by $1 billion between Fiscal Years 1999 and 2000, I believe we will have more than enough of a non-Social Security surplus buffer to accommodate even the worst case assumptions that CBO may put forward.

As a specific note, Mr. President, one of the tools used to control spending in this package is an across-the-board 0.38 percent cut in discretionary spending. Although I would rather see specific cuts to achieve the $1.3 billion in fiscal discipline provided by this cut, such as cutting in half the funding for the Space Station, this is a modest enough cut to be palatable, especially considering the significant latitude given the executive agencies in finding these cuts. However, because of the vagaries of the budget process, the pay of Congressional Members has been exempted from this cut. I cannot support such unequal treatment, and declare that I will return an equal proportion of my Senatorial pay to the Department of Treasury. Nothing else would be fair.

But this package is not just about what it does not do. Mr. President, this appropriations package does a great deal of good as well. It increases funding for Head Start by over 10%, while providing over $35 billion for education in general, including funds for 100,000 new teachers while also significantly expanding the discretion local school districts will have to use that money for teacher testing and quality training. It will put 50,000 more police on our streets as well as providing over $2.1 billion for assistance programs to local law enforcement agencies. The National Institute of Health will see its funding increased by 15% to almost $18 billion, while important high-tech legislation that I sponsored to stop the poaching of corporate and identifiable World Wide Web address names by unscrupulous profiteers and carpetbaggers does not continue unimpeded.

And maybe most significantly, the unintended effects upon Medicare and Medicaid of the Balanced Budget Act of 1997, as well as the onerous additional regulations levied by the Health Care Financing Agency in implementing that Act, will be softened through the provision of over $27 billion in additional health care funds over the next 10 years. This will provide specific relief for Michigan's hospitals by easing the reductions in the reimbursements they receiving for treating our Medicare beneficiaries in Michigan, and thereby expanding the access for quality medical care. It will also increase the unrealistically low reimbursement rates set for Skilled Nursing Facility care, while also ensuring that the arbitrary $1,500 per patient cap on physical and rehabilitative therapy set by the Administration is not allowed to deny our seniors the help they need to recover from such debilitating conditions as strokes and severe heart conditions. It improves the ability of women to receive pap smear tests, provides greater access to renal dialysis treatment, while also making immunosuppressive drugs more readily available. And it provides very much needed protection for Rural Health Clinics and Federally Qualified Health Centers from capricious reductions in their reimbursements, thereby allowing them to protect the uninsured and Medicare dependent population that they overwhelmingly serve.

But, Mr. President, this package is good for Michigan is well as our nation. A number of issues that significantly affect my constituents are addressed in this package. Our unique Great Lakes environment is protected through the continued funding of the Great Lakes Environmental Research Laboratory, increased funding for the Great Lakes Fishery Commission, Sea Lamprey control, and Sea Grant Research funds, as well as funding for a new simulator at the Great Lakes Maritime Academy in Traverse City to ensure our commercial shipping maintains its peerless safety record. This appropriations package funds worthy projects such as Detroit's Focus:HOPE information technology training program for the city's poorest residents, Central Michigan's charter school and education performance institute, Northern Michigan's Olympics Training Facility, and almost $2.5 million in funding to protect and preserve Isle Royale National Park and Keweenaw National Historical Park. This bill brings new Tribal funding for a new band of the Pottawatomi Indians and $15 million more in PILT (Payment in Lieu of Taxes) funds which are desperately needed by Michigan's more rural counties. And on the international front, this package provides almost $2 million to support the Middle East Peace Process through the Wye River Accord agreement, as well as a number of policy and funding initiatives overseas such as continued support for Armenia in its dispute over Nagorno-Karabakh and the further development of education and infrastructure in Lebanon.

Mr. President, many will try to make political hay out of opposing this bill for this or that various reason. But on the whole, this final appropriations package achieves three very important goals: it stops the 30-year raid by big Washington spenders on the Social Security Trust Fund, it adequately funds important national priorities, and it addresses several specific programs in Michigan important to my constituents. We were sent to Washington to govern, Mr. President, and at this point in the session, I asked myself if I was going to be an effective legislator, or simply a politician. I'm glad I chose the former in supporting this bill.

Mr. President, I yield the floor.

Mr. BINGAMAN. Mr. President, the appropriation for the Department of Education includes an additional $134 million, added during final negotiations over the bill, to promote school accountability and improvement under Title I of the Elementary and Secondary Education Act of 1965, which funds educational services to educationally disadvantaged children. These funds will provide critical resources to schools most in need—those in need of improvement and identified for corrective action under Title I.

Dedicated funds are necessary to develop improvement strategies and to hold schools accountable for continuous student improvement. The federal government directs over $8 billion dollars of federal funding to provide critical support programs for disadvantaged students under Title I, but the accountability provisions in Title I have not been adequately implemented due to insufficient resources. Title I authorizes state school support teams to provide support for schoolwide programs and to provide assistance to schools in need of improvement through activities such as professional development or identifying resources for changing instruction and organization. In 1998, only eight states reported that school support terms have been able to serve the majority of schools identified as in need of improvement. Less than half of the schools identified as being in need of improvement in 1997-98 reported that this designation led to additional professional development or assistance. Schools and school districts need additional support and resources to address weaknesses soon after they are identified, promote a progressively intensive range of interventions and continuously assess the results of interventions.

The money provided in this appropriations bill can be used to ensure

that school districts have necessary resources available to implement the corrective action provisions of Title I, by providing immediate, intensive interventions to turn around low-performing schools. The types of intervention that the school district could provide using these funds include:

(1) Purchasing necessary materials such as up-to-date textbooks, curriculum, technology;

(2) Providing intensive, ongoing teacher training.

(3) Providing access to distance learning;

(4) Extending learning time for students—after school, Saturday or summer school—to help students catch up;

(5) Providing rewards to low-performing schools that show significant progress; and

(6) Intensive technical assistance from teams of experts outside the school to help develop and implement school improvement plans in failing schools. The terms would determine the causes of low-performance—for example, low expectations and an outdated curriculum, poorly trained teachers, unsafe conditions) and assist in implementing research-based models for improvement.

The portion of the bill relating to these additional funds also requires that school districts give students in Title I schools the option of transferring to another public school if the schools they attend have been identified as in need of improvement. This requirement applies only to districts that receive a portion of this additional money, and not to districts that do not accept these additional funds. While I have a bill that is supportive of right to transfer at the corrective action stage of the Title I accountability system, it is my understanding that the language in this appropriation bill apples only to schools accepting funding from this new funding source of $134 million.

Mr. BAUCUS. Mr. President, it is very unfortunate that the Senate finds itself in virtually the same position as we did last year with appropriations matters. As my colleagues will recall, we voted on a giant omnibus appropriations bill which contained eight appropriations bills, plus numerous other authorizing legislation. It ran on for nearly 4,000 pages and weighed in at some 40 pounds. It was called a ''gargantuan monstrosity'' by the distinguished Senator from West Virginia, Senator BYRD.

But it was a monstrosity not just because of its length. It was also in the size of its insult to the democratic process, to individual Senators, and to the people they represent.

It was bad enough that no Senator was able to read the bill before they were required to vote on it. Worse still was the fact the bill was presented to the Senate in a ''take it or leave it'' form. No amendments were permitted. Every Senator was effectively muzzled.

I voted against that bill. Not because it didn't contain good provisions, good for the country, and good for my State of Montana. It did. I opposed that bill because writing such an important piece of legislation should not be done behind closed doors among a small group of people with no recourse for the others. I said at the time that the process dangerously disenfranchised most Senators, House Members, and the American people.

Many of my colleagues agreed with my sentiments then. And there were statements that this would not happen again. But it has.

True, this bill is somewhat shorter. It covers only five appropriations bills, not eight. It has fewer authorizing bills attached to it.

However, it still was written largely by a relatively few people, members of the majority, representatives from the Administration, a few members of the minority. And all behind closed doors, again.

But the bigger danger this year is that we are passing major bills by reference. The text of four appropriations bills and four authorizing bills appears nowhere in this bill. Instead, this bill provides for their enactment by referring to them by number and date of introduction, which just so happens to be less than 48 hours ago.

Members of the Senate do not have this language before them. Even if we could offer amendments, how would we do it? How can you amend a bill that is included only by reference? Even more fundamentally, will bills that are enacted into law ''by reference'' withstand a Constitutional challenge that they violate the presentment clause?

The courts will have to decide the Constitutional issues. But it is one more reason why I believe this is a very dangerous process. It further erodes the rights of the minority, indeed the rights of all Senators. Coming, as I do, from a state with a small population, we depend greatly on the Senate to protect our states' interest, something that cannot always be done in the House of Representatives, where population determines voting power.

Mr. President, we already face a population that is increasingly cynical of government and those who serve it. People believe more and more that government does not look after their interests, but only after special interests. And the more we operate behind closed doors, without an open, public process, the more we feed that cynicism. And the more we encourage mistrust.

That is not healthy for our democracy or our people. One of the best things Montanans did when we rewrote our State constitution in 1972 was to require open government, at all levels. It has helped keep government officials honest and helped the people have faith in that government. I wish this process were as open.

Someday, I hope that the Congress will return to the open process on appropriations bills and authorizing bills we had not so long ago. We could debate issues, offer amendments, make compromises, win, lose. But all in front of the people.

But this bill goes too far in the other direction and therefore, I cannot support it.

Mr. ROBB. Mr. President, as we near the end of this session of Congress, there are some accomplishments we should celebrate and some disappointments we should work to remedy in the next session of the 106th Congress. While there are many items in the appropriations and tax bills that benefit our nation, there are a few I'd like to highlight. This year's final budget package will continue to provide more crime reduction and school safety funding so our children are safer in their neighborhoods and in their schools. It will continue our efforts to reduce class size so our children get more individualized attention from a top-quality teacher. And it will provide what I hope will be the first installment of school modernization funding so that our children's schools are safe and equipped for the future.

With the passage of the appropriations and tax measures this session, Congress will uphold its commitment to continue reducing crime on our streets and in our schools. We've come a long way from the original Senate committee bill that would have killed the COPS initiative, which has placed 100,000 new police officers in our communities since 1994. This year's appropriations bill provides enough funding to hire another 50,000 officers over the next few years, and it sets aside $225 million in Department of Justice funding for school safety initiatives. The first obligation of government is to provide for the safety of every man, woman, and child, and I believe our funding levels for COPS and school safety programs live up to that obligation.

We will also be living up to the commitment we made last year to hire 100,000 new teachers so our children's class sizes are smaller and their individual time with their teachers is greater. We made a down payment last year and hired 29,000 teachers. This year, we will provide $1.3 billion to states so we can keep those teachers in the classroom and hire even more. But as we all know, school systems can't hire new teachers if they don't have the extra classrooms. So, I'm especially pleased that we have finally recognized the school infrastructure crisis in America.

The tax package we will pass today will provide an additional $800 million in zero interest bonds under the Qualified Zone Academy Bond Initiative. These bonds will help our neediest schools renovate buildings that are relics of the past and turn them into schools of the future. It will help them purchase new equipment—from classroom computers to new, safe school buses. It will help them train teachers and develop challenging curricula to raise expectations and achievement scores of our nation's students.

The continuation of this school renovation initiative is just one component of the school modernization bill I introduced with many others in July, and I am grateful to so many education, labor, and professional organizations for their unwavering support. I thank my colleagues who co-sponsored the legislation, Rep. Charlie Rangel for his work on similar legislation, and the administration's commitment to ensuring that our schools are safe and modern havens for learning. We're sending the right message to our nation's school boards, teachers, parents, and students: that we see the leaky roofs, that we see the cracked walls, that we see all the trailers—and that we're willing to help.

But there remains much unfinished business. Over 14 million children attend schools in need of extensive repair or complete replacement. Twelve million children attend schools with leaky roofs, and 7 million children attend schools with safety code violations. Our schools are on average over forty years old. They're overcrowded, they're under-equipped with technology, and many are unsafe. In Virginia alone, there are over 3,000 trailers being used to hold classes. In short, our national renovation needs total $112 billion and our new construction needs total $73 billion. Given these tremendous needs, I view the $800 million in the this year's tax package as the first installment of the nationwide renovation and modernization of our children's schools.

Mr. President, the other major disappointment of this session concerns one of our nation's most important transportation arteries. I am quite dismayed that this Congress has not lived up to its responsibility to fund the replacement of the Woodrow Wilson Bridge. This is the only federally owned bridge in the entire country. It is a major gateway in the Washington metropolitan area, and a critical route for commerce along the entire east coast. We have an obligation to support its replacement.

I worked closely with the administration to advance this project, and I was gratified by the fact that funding was among the administration's top priorities during the budget negotiations. Unfortunately, however, Congress declined to provide funding, so we will revisit the issue next year, when construction is scheduled to begin. We have become all too familiar with the devastating effects of traffic jams in this area—on our economy, on our environment, and most importantly, on our quality of life. The unresolved matter of funding for the Woodrow Wilson Memorial Bridge project continues to threaten the region, and I intend to continue the fight next session to be fiscally responsible and responsive to our region's biggest transportation need.

Mrs. BOXER. Mr. President, the two bills we passed today—the tax extenders bill and the Omnibus Appropriations Act—like this entire session of Congress, can be summarized by four words: the good, the bad, the missing, and the undone.

Let me begin with the good, because we have achieved victories on several important Democratic priorities. Funding for after-school programs was more than doubled. As a result, there will be spaces for 675,000 young people.

In another priority of mine, the days of the sweet deal for the big oil companies will be over next March 15. At that time, the Interior Department will finally be allowed to issue a regulation to ensure that oil companies pay their fair share of oil royalties to the federal government when they drill on federal land, ending the $66 million annual loss to the taxpayers.

I was also pleased to see a 42 percent increase in funding for the lands program, known as the Lands Legacy Initiative. Most of this money will be used to acquire lands and historical sites so that they can be preserved for future generations.

There are other good things as part of the budget agreement: funding to reduce elementary school class sizes; putting 6600 cops on the streets and in the schools; paying the arrears the United States owes to the United Nations; debt relief for developing countries; full funding for the Middle East Peace Agreement; a $2.3 billion increase in funding for the National Institutes of Health; correcting problems with Medicare funding that were part of the Balanced Budget Act of 1997, so that we ensure seniors continue to have access to health care, particularly home health care and nursing home care; a $108 million increase in funding for nutrition assistance for pregnant women and infants; extension of some important tax credits, including the Research and Experimentation Tax Credit, employer-provided educational assistance, and trade adjustment assistance; and most of the anti-environmental riders were stripped out of the bill or were significantly weakened.

But, Mr. President, despite these good things, I am voting against the bill because of the bad things as well as the things that are missing.

First, let me comment on the process. If the Republican controlled Congress had done its work and passed the appropriations bills by October 1, which is what is supposed to happen, we would not have needed these protracted and secretive negotiations that gave undue power to just a handful of people. As my colleague from Nebraska said, this whole process turned government ''of the people, by the people, and for the people'' into ''government of and by four people''.

I want to mention three specific provisions of this bill that I oppose. First, the funding for international family planning is inadequate. We have had level funding for this program for four years now. And on top of that, the omnibus appropriations bill reinstates the so-called Mexico City policy that prevents organizations from using their own, privately-raised money to provide abortion services or to lobby against draconian abortion laws. Under the provisions of this bill, the President could waive this restriction, but if he does, the funding would be cut $12.5 billion, which could deny contraception to over 40,000 women for an entire year.

I was also extremely dismayed to find in this bill a provision that would allow pharmacists to deny women in federal health plans prescriptions for contraceptive drugs, if they claim a sort of ''conscientious objector'' status. This is an outrageous assault on the right of women to receive the full range of health benefits.

Also, this bill contains an absolutely unnecessary—and potentially dangerous—across the board spending cut. This cut will affect funding for education and health care and medical research and veterans. It is a silly way to do business, and it is unnecessary. Congress should have done its job and made the decisions about what is important and what is not.

There are also a lot of holes in this legislation, a lot of things missing. These are things that were in there at one point or on the table for discussion, but for some reason were taken out. I am talking about the lack of hate crimes legislation, which passed the Senate. I am talking about my amendment, which also passed the Senate unanimously, to ban the sale of guns to people who are intoxicated. There is once again no long-term, large-scale commitment to repair America's schools. There is no prescription drug benefit under Medicare, so that millions of senior citizens will not have to make a choice between medicine and food. There is not enough money for after-school programs. And the rural loan guarantee program for satellite TV—something that is crucial to rural communities around the country—was taken out of the bill at the request of one senator.

In the category of the undone, this Congress will go home for the year without having acted on several issues of enormous importance to all Americans—things that the people have said over and over again they want us to do. This includes: a real patients bill of rights, common sense gun control, campaign finance reform, and an increase in the minimum wage.

Some will say that we could not do these things because we did not have the money. Let me point out that if this Republican-controlled Congress had not insisted on increasing the defense budget by about $8 billion more than the President said we needed, then we would have had plenty of money to pay for both the well-deserved pay raise for our servicemen and women and the priorities I have just talked about.

So, Mr. President, I regret that this bill was not all it could have been and that this Congress did not accomplish all that it should have. But, I look forward to the next session in the hope

that we finally address the priorities of the American people.

Mr. GRAHAM. Mr. President, to quote Yogi Berra, it's deja vu all over again. A little less than a year ago Congress passed an Omnibus Appropriations bill for fiscal year 1999. That legislation combined eight separate appropriations bills and included $200 billion in discretionary spending. Last year's Omnibus spending bill also included $21 billion in emergency spending—$13 billion of which directly reduced the surplus for Fiscal Year 1999 and $5 billion of which reduced the surplus for Fiscal Year 2000. Members decried the process that led to last year's bill, threw themselves on the mercy of the American public asking forgiveness, and vowed that it would never happen again.

One senior Republican, speaking on condition of anonymity about the level of frustration with last year's budget process, said earlier this year: ''We are looking for ways to avoid what happened last year. We are determined not to go through that again this year.'' Unfortunately, Mr. President, here we are again—only worse. This year's bill clearly demonstrates that Congress has not learned from its past mistakes.

What makes this bill even more insidious is that we not only repeat last year's mistakes, but in fact, build upon them with even more creative ways to flaunt fiscal discipline. For that reason, I will oppose it.

Mr. President, I am not alone. I ask unanimous consent immediately after my remarks an editorial which appeared in today's Washington Post titled ''. . . And Brought Forth a Mouse'' be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered. (See exhibit 1.)

I fully understand, Mr. President, that we work with budget projections that are subject to revision as economic factors change. We must base our decisions, however, using reasonable assumptions of what will occur, not rosy expectations of what the future might bring. The beginning of this congressional session was filled with opportunity—opportunity brought about by 5 years of fiscal discipline. That discipline helped to fuel a strong economy and produce the first budget surplus in more than a generation. Indeed, budget surpluses are projected far into the future.

Instead of seizing this opportunity to use those resources in improving our long-term fiscal future, Congress seems content to fritter them away on short-term political giveaways. A strong economy and favorable budget outlook give Congress a wonderful opportunity to make important investments for our future. What are some of those investments?

Early in 1999, Democrats and Republicans stated that saving Social Security and strengthening Medicare were the first items of business on this year's legislative agenda. The President made this statement during his State of the Union Address earlier this year:

''Now, last year we wisely reserved all of the surplus until we knew what it would take to save Social Security. Again, I say, we shouldn't spend any of it—not any of it—until after Social Security is truly saved. First things first.''

My colleagues may remember that we followed the President's statement with a considerable amount of applause. Both commitments—extending the solvency of Social Security and strengthening Medicare—have been ignored. Both American political parties are identified co-conspirators in this unsavory result. There will be no structural changes to extend the solvency of the Social Security program. In fact, the most positive Social Security achievement we can cite underscores our failure to solve this important problem.

The only meaningful step Congress has taken to improve Social Security is an agreement not to spend the Social Security surplus—an agreement, I might add, that we have violated to the tune of $17 billion. The culmination of these negotiations will result in a budget that reduces the federal debt by $130 billion. That debt reduction, however, would have been $168 billion had we remained true to our commitment to save Social Security first. We could have reduced the Federal debt by an additional $38 billion had we not spent the full $21 billion on-budget surplus and $17 billion of the Social Security surplus. But even had we kept this promise, it would have done nothing to extend the program's insolvency date of 2034. Accomplishing that goal will require additional resources—resources that could come from the on-budget surpluses as long as they can be preserved.

Mr. President, we must hold true to our commitment to ensure Social Security's solvency until 2075. Our actions on Medicare are even more deplorable. We started this year with the goal of extending the solvency of the Medicare Trust fund and possibly expanding the benefits for beneficiaries, such as providing a prescription drug benefit. Instead, however, we've gone backwards. The Medicare benefit package has not been modernized. Efforts to rationalize the program have been rejected.

Finally, and perhaps most disappointingly, the solvency of the Hospital Insurance Trust Fund has been reduced by 1 year. Estimates at the beginning of this year placed the date of insolvency for the Hospital Insurance Trust Fund in Fiscal Year 2015. As a result of the unfunded additional Medicare spending included in this bill, the insolvency date has moved forward to Fiscal Year 2014.

Not only were we unfaithful to the commitments we made regarding Social Security and Medicare, we missed other opportunities to make constructive use of the on-budget surplus.

Mr. President, we could have further strengthened the economy by pursuing tax reform. We could have made critical investments to protect our national treasures such as the National Park system. Or we could have reduced the disgraceful number of Americans, particularly children, who don't have access to health care. These proposals have one thing in common—a bold, coherent vision. This final appropriations bill and its blizzard of special interest handouts reflects no such vision. It contains no bold initiatives worthy of the 21st century. Instead it fritters away a substantial portion of the surplus—squandering resources that could instead be used to build a better future.

Mr. President, how did we get here? At the beginning of the year, CBO projected the FY 2000 on-budget surplus to be $21 billion. In May Congress passed a supplemental appropriations bill providing $15 billion for reconstruction aid for Central America and the Caribbean, assistance to Jordan pursuant to the Wye River accords, farm loan assistance, and funding for our operations in Kosovo. Much of the May supplemental bill was designated as an emergency and thus was not offset with corresponding spending reductions or revenue increases.

The consequence of that legislation was a $15 billion reduction in the non-Social Security surplus—$7 billion of which reduced the FY 2000 on-budget surplus. Passage of the May Supplemental transformed a $21 billion surplus into a $14 billion surplus. In August, Congress passed the fiscal year 2000 Agriculture appropriations bill that included more than $8 billion of ''emergency'' spending. Like the Supplemental before it, these ''emergency'' funds were not offset with corresponding spending reductions or revenue increases.

Therefore, this spending directly reduced the FY 2000 surplus. A $14 billion on-budget surplus quickly shrunk to $6 billion.

In October, Congress considered the appropriations bill covering the Defense Department. Incredibly, that legislation designated funding for routine operations and maintenance as an emergency. That designation, as with those proceeding it, means that the no offsets were required. No offsets, however, does not mean that the spending does not have a real economic effect. The emergency spending included in the Defense Appropriations bill further reduced the Fiscal Year 2000 on-budget surplus by $5 billion, which the next column in my chart illustrates.

Mr. President, by the end of October Congress' voracious spending reduced the on-budget surplus from $21 billion to $1 billion. With passage of this Omnibus appropriations bill, Congress will not only complete its assault on the on-budget surplus but also begin its raid on the Social Security surplus.

The $21 billion on-budget surplus projected for FY 2000 has vanished. In addition, this Omnibus bill spends $17 billion of the FY 2000 Social Security surplus.

Mr. President, no amount of budget trickery or accounting slight of hand can hide these facts. Those attempting to obscure this reality will soon be exposed. At the end of the year the Congressional Budget Office will total up the cost of our actions and tell us how they affected the national debt. The debt will no doubt be reduced in Fiscal Year 2000. Because of these budgetary tricks and shenanigans, however, we will miss the opportunity to make an even more substantial reduction in the national debt and the burden it imposes on our Nation. Worse yet, we have already staked claims against the on-budget surpluses projected beyond next year.

For example, at the beginning of the fiscal year the discretionary spending limit was $572 billion. With this bill, actual spending will be closer to $610 billion. If we assume that Congress maintains this level of spending—$610 billion—for each of the next ten years, CBO's projected on-budget surplus of $996 billion shrinks by $145 billion. These are the on-budget surpluses CBO projected in July assuming we would adhere to the discretionary spending caps.

The orange bars show the surpluses we can expect if we hold freeze spending at the levels established for Fiscal Year 2000 for each of the next four years.

As my colleagues can see, it is increasingly unlikely that the large on-budget surpluses over which we salivated throughout the summer will materialize.

In addition, this budget agreement contains other items—Medicare spending and tax breaks—which are not offset by either spending reductions or additional revenues.

The Omnibus appropriations bill includes changes to the Medicare reimbursement rules which increase Medicare spending by $1 billion in Fiscal Year 2000 and $27 billion over the next ten years.

That increased spending will come directly out of the Social Security surplus in Fiscal Year 2000 and from the on-budget surplus in later years.

This afternoon we will consider a bill to extend certain expired provisions of the Internal Revenue Code.

Earlier this month, the Senate passed legislation that extended these provisions on a fiscally responsible basis.

That bill was fully offset, and as such, would not have jeopardized the on-budget surplus.

I regret that the product coming out of the Conference is not as responsible.

The ''extenders'' bill before us today will reduce the on-budget surplus over the next ten years by $18 billion.

These spending commitments—a higher discretionary spending baseline as a result of the Fiscal Year 2000 appropriations bills, the extenders bill and the BBA addbacks—will spend almost 20 percent of the $996 billion on-budget surplus projected for the next ten years.

In fact, Mr. President, the additional spending as a result of the BBA addbacks and the lost revenue from the extenders bill are likely to completely wipe out the Fiscal Year 2001 surplus.

CBO projects that Medicare spending will increase by $6 billion in Fiscal Year 2001 as a result of this bill.

The Joint Committee on Taxation estimates that the ''extenders'' legislation will reduce revenues in Fiscal Year 2001 by $3 billion.

That $9 billion cost is greater than the $3 billion on-budget surplus that will remain in Fiscal Year 2001 assuming spending for that year is frozen at this year's levels.

Mr. President, what did we buy with this torrent of spending?

Certainly some positive things are included in this legislation.

I am deeply concerned, however, with many of the provisions in this gargantuan bill and their implications for our future.

Let me give you two examples.

YELLOWSTONE

Many of the decisions reflected in this agreement were made in isolation and will have unexpected negative consequences.

The individual operating budgets for the national parks have not been adjusted to accommodate the full 4.8 percent federal employee pay raise.

Instead, their budgets reflect only a pay raise of 4.4 percent.

The additional 0.4 percent must be absorbed through reductions in the remainder of their budgets—principally operations and maintenance.

The parks must absorb an additional 0.4% reduction as a result of the across-the-board cut included in this bill.

Yellowstone National Park's budget is $24 million—90 percent of which goes to pay salaries.

The combination of the pay raise shortfall and the across-the-board cut will force a reduction of $200,000 from the operations and maintenance accounts.

Why is this important?

Yellowstone National Park was included as one of this year's ten most endangered parks by the National Parks and Conservation Association.

It has been referred to as ''the poster child for the neglect that has marred our national parks.''

The policies established in this bill, combined with the previously adopted pay raise, raise serious concerns that the quality of our national parks will continue to decline.

I do not allege that anyone started out with this goal, but the consequences of this budget agreement may have that result.

I suspect this example of Yellowstone National Park will be repeated throughout the federal government.

BBA ADDBACKS

This bill also represents a triumph of special interests.

Having previously beaten back the Patient's Bill of Rights legislation, the managed care industry uses this bill to further advance its financial position.

$8.7 billion of the $27 billion of additional Medicare spending in this bill will go to the HMO industry.

Mr. President, what this means is nearly one-third of the Medicare money in this bill will go to the managed-care industry even though they only cover one-sixth of the beneficiaries.

This comes at a time when the General Accounting Office and Medpac say that HMOs are being overpaid, not underpaid, by Medicare.

I find it strange, Mr. President, that lobbyists for the managed care industry came to Capitol Hill crying for help when they tell their shareholders a very different story.

Let me read excerpts from a few HMOs' recent press releases.

For example, Pacificare said this in its press release announcing its third quarter earnings: ''We posted strong revenue growth * * * due to membership growth and favorable premium pricing. Our confidence in and outlook on the future is very positive.'' (Oct. 27, 1999)

Aetna had this to say: ''This is the seventh consecutive quarter of growth in operating earnings per share for Aetna * * * Aetna U.S. Healthcare continued to post solid commercial HMO membership increases.'' (Oct. 28, 1999)

United Health Group made the following bold proclamation: ''Our strong results continue to be driven by a balanced combination of growth, operating margin expansion, and capital structure enhancement. We look for ongoing progression in these key areas as we move into and through the year 2000.'' (Nov. 3, 1999)

These are surprisingly upbeat statements coming from an industry that came to Congress crying the blues.

The Medicare section of this bill has other deficiencies.

An opportunity for reform through competitive-bidding of the HMO industry was cut off at the knees in a midnight assault.

This bill includes language prohibiting the Secretary of HHS to negotiate with durable medical equipment providers to secure better prices for the Medicare program and Medicare beneficiaries.

By putting off the implementation of these provisions, possibly for years, we are taking millions of potential savings out of the pockets of Medicare beneficiaries.

The question members of Congress must ponder over the coming holidays is how to avoid a repeat of this awful process next year.

I hope that the FY 2001 budget will be one that I can support.

In order for that to occur, next year's budget must start with a bipartisan process.

This first 10 months of this year were spent with the President and Congress ignoring each other's existence.

Only during the past ten days—fully 40 days after the fiscal year end—did the two sides begin negotiating a conclusion to this year's budget clash.

We must break the cycle of end-of-the-year budget showdowns that produce nothing but partisan rancor.

We must also press for budget reforms that will ensure the bad habits of the past two years do not become institutionalized.

While there are many targets for reform, at the top of the list is the need to change the manner in which we designate certain spending as an ''emergency''.

Two-thirds of the reduction of this year's surplus—more than $25 billion—happened because Congress overrode fiscal discipline by using ''emergency'' designations.

Senator SNOWE of Maine and I have introduced legislation that would establish permanent safeguards to protect the surplus from questionable ''emergency'' uses.

Specifically, that legislation would do the following:

1. Create a 60-vote point of order that prevents non-emergency items from being included in emergency spending bills.

2. Create a 60-vote point of order that allows members to challenge the validity of items that are designated as ''emergencies.''

3. Require a 60-vote supermajority in the Senate for the passage of any bill that contains ''emergency'' spending.

Given that next year is a Presidential election year, it is unlikely that much will be accomplished.

An issue that will receive a great deal of attention in next year's election will be how best to use the on-budget surplus.

Several Presidential candidates have already outlined proposals that envision using the on-budget surplus for larger goals.

Vice President GORE supports the President's proposal for using some of the on-budget surplus to extend the solvency of the Social Security program.

He has also outlined a series of steps to expand health care coverage to the uninsured.

Senator BRADLEY has championed a plan to extend health care coverage to 95% percent of the nearly 45 million uninsured adults and children.

Governor Bush supports cuts in marginal tax rates, reductions in the so-called marriage penalty, and the elimination of the estate tax.

Senator MCCAIN would dedicate a portion of the surplus to tax cuts and transitioning the Social Security program to one that incorporates individual accounts.

Incidentally, Senator MCCAIN characterized this deal as ''a scathing, unconscionable depiction of the way we do business in Washington.''

Other candidates have proposals—transitioning to a flat tax, education reform—most of which look to the on-budget surplus as a means of financing.

These are all significant ideas, but if Congress continues this year's pattern in Fiscal Year 2001, they will be ideas starved for the resources to make them a reality, whomever the people elect.

Ultimately, the American people will provide their input on this matter through the decision they make next November.

Next year's budget should not short-circuit those ideas.

Instead, the goal for next year's budget should be to protect the surplus and therefore preserve the options available to the next President.

We must avoid a last minute, unfunded spending spree like that contained in the bill before us today.

Mr. President, it is a major disappointment that we didn't exercise this kind of fiscal discipline in 1999.

But when we return to inaugurate the second session of the 106th Congress, we will have the benefit of a new century, a new millennium, and a fresh start.

I hope that we can use that opportunity to seize the future rather than repeating the mistakes of the past.

This session began with great opportunities. We had a budget surplus. We had a strong economy. We had an opportunity to make decisions that have long-ranging positive effects on our economy. We have largely frittered away all of those opportunities.

The President and the congressional leadership began the year by joint commitment that our first priority was going to be to save Social Security and to strengthen Medicare. What happened after we finished the applause at the State of the Union? What has happened is we have ignored both of those commitments.

Social Security: No structural change. We have not extended by a second the solvency of the Social Security program. Yes, as the Senator from New Mexico said, we have reduced the national debt by $130 billion as a result of funds from the Social Security trust fund. That is the good news. The bad news is we should have reduced it by $168 billion, which is what we would have done had we preserved all of the surplus for strengthening Social Security and Medicare. His statement admits the fact that $17 billion of Social Security surplus has, in fact, been spent for purposes other than reducing the national debt and saving Social Security.

Medicare: We have made no structural changes in Medicare. Medicare, in fact, has 1 year less solvency as a result of what we are doing than it did when we started this process in January.

How did we get here? We got here because we have frittered away $168 million surplus down to $130 billion by a series of, first, emergency spending, and then an avalanche of budget gimmickry at the end of the session, much of which is in the bill we are about to vote on which has chewed up all of the non-Social Security surplus and $17 billion of the Social Security surplus.

What is the long-term consequence? The long-term consequence is we have already spent $190 billion of our 10-year non-Social Security surplus of $996 billion. One out of every $5 that we had in January for the non-Social Security surplus we have either spent or committed in the fiscal year. In fiscal year 2001, we have already spent all but $3 billion of the over $40 billion of the non-Social Security surplus. And with the actions we are about to take, we are going to be into Social Security for the next fiscal year by over $6 billion. That is what we have done with all the opportunities that were available.

I hope we will have learned from these lessons that we will apply some basic principles for next year, that we will try to be more bipartisan, that we will try to adopt some processes that will constrain us against the kinds of actions that have led to this sorry state of affairs this year, that we will commit we will exercise real fiscal discipline so the American people, based on who they elect as President in November of next year, will have an opportunity to make some fundamental decision.

Do they want our surplus to be used for Social Security? Do they want it to be used for Medicare? Do they want it to be used for tax cuts? Do they want it to be used to reduce the number of Americans who do not have health care coverage? What are their priorities? We are spending the money like drunken sailors and the American people are being denied the opportunity to state their opinions as to what we should be doing with their money.

It is with regret, as we have repeated against what we did last year, I must vote no on the legislation that will soon come before the Senate as the concluding fiscal act of 1999 and hope we will do better next year.

EXHIBIT 1

[From the Washington Post, November 19, 1999]

. . . AND BROUGHT FORTH A MOUSE

It is fitting that this legislative year should end with an almost imperceptible across-the-board spending cut that will not be across the board. It is hard to think of a single aspect of the budget that has not been seriously misrepresented in the past nine months of debate. There is always a certain amount of straying from the truth in regard to budgets. This year it has reached Orwellian proportions.

The final agreement on which the House was to vote last night and the Senate thereafter was touted yesterday by both sides as a major achievement. The major achievement consisted of no more than passage six weeks into the fiscal year of the last five of the 13 regular appropriations bills on which the operation of the government depends. Those 13 ordinary bills are the only fiscal accomplishment of a Congress that began with lofty talk on the part of the president as well as the leadership of both parties of solving long-range fiscal problems. They solved

none. The only consolation is that, by virtue of incompetence, they managed not to make any seriously worse, either.

The Republicans crow that they came through the year without using the Social Security surplus to help finance the rest of government. But (a) that's a non-accomplishment, in the sense that the same IOUs are put in the trust fund whether the surplus is used to finance other programs or pay down debt. And (b) it didn't happen. They achieved the result on paper only, by use of gimmicks. In some cases, they simply denied that spending for which they voted—and which they busily called to the voters' attention as evidence of why they should be re-elected—would actually occur. They disappeared it. In other cases, they simply kicked it over into next year. It will hugely compound their problems then. There has been much talk that a new fiscal standard has been obliquely adopted, whereby the rest of government, meaning all but Social Security, will hereafter have to live within its own means. That would be fine with us, but what this year's record suggests is not a new standard to be adhered to so much as a new one to be systematically lied about.

Meanwhile, they did what they always do in writing end-of-session bills. They stuffed it full of goodies, using public funds or power to curry favor with the folks back home. There is fine print in the legislation meant to benefit Sallie Mae, the giant and decidedly non-needy Student Loan Marketing Association; dairy farmers; the recycling industry; transplant surgeons; and who knows who else. Most of these are provisions that, for good reason, could not pass on their own. The president called the agreement a ''hard-won victory for the American people.'' In fact, it's a shabby, showy end to perhaps the least productive, nastiest and most duplicitous session of Congress in modern memory. They should hang their heads as they scurry home.

Mr. FEINGOLD Mr. President, I don't know if many of my colleagues have actually taken the time to read the bill before us.

If they have, they would have found some interesting provisions.

For example, Section 1001, titled ''PAYGO Adjustments.''

It appears at the very end of the printed text of H.R. 3194.

There are three subsections to this provision, and from what I can tell, this is what they do.

The first subsection declares that the mandatory spending that was folded into this bill—I believe mostly the provisions that restore Medicare funding—are not to be scored against the discretionary spending caps.

The second subsection then declares that the Medicare funding shall not be scored on the PAYGO ledger.

In other words, Mr. President, the roughly $16 billion in mandatory spending provided in the Medicare portions of this bill over the next 5 years will be completely excluded from the statutory budget rules that require such spending to be offset.

The last subsection, Mr. President, then zeroes out the PAYGO ledger entirely.

This means that no spending in this bill and none of the net cost of the tax expenditures in the tax extenders bill—none of it—will be counted on the PAYGO ledger.

It won't have to be offset this year, next year, or ever.

Mr. President, what is going on here?

Why is this language needed?

It is needed, Mr. President, if you don't want to pay for the mandatory spending done in this bill or the net revenue losses in the tax extenders bill.

The proponents of this language may wish to argue that they are using the budget surplus to pay for all of this.

Mr. President, let me ask them: ''What surplus is that?''

We did not have a surplus this past fiscal year.

And given the track record of this Congress, when September 30, 2000 rolls around, there is an excellent chance we won't have a surplus then, either—at least not without counting the Social Security Trust Fund revenues.

Mr. President, yesterday I was pleased to add my name to a measure the senior Senator from Texas was circulating honoring among others the Nobel Prize winning economist Milton Friedman.

As many know, Professor Friedman made famous the phrase: ''There is no free lunch.''

Well, Mr. President, I must tell my colleagues that passing a law declaring a free lunch will not make it so.

Congress can declare that the Medicare provisions of this bill will not cost anything, but that doesn't make it true.

Congress can declare that the tax extenders bill will not result in any lost revenue, but again, that will not make it true.

Mr. President, the PAYGO Adjustments section isn't the only one that tries to declare a free lunch.

We see it in the indefensible use of the so-called emergency designation.

I'll take just one example, the decennial census.

Mr. President, we have known for many years that there would be a census taken next year.

In fact, it's provided for in our Constitution.

In a very real sense, we have known for over 200 years that there would be a census next year.

It comes as no surprise.

But you wouldn't know that if you read this bill, Mr. President.

This measure provides that nearly $4.5 billion in funding for the census is to be declared an emergency.

An emergency, Mr. President.

Who are we kidding?

Next year's census is an emergency?

This is nothing more than a budget gimmick to avoid having to make tough choices.

Mr. President, I have no doubt there are other examples of the misuse of the emergency designation in this bill.

Over the next few weeks we will probably see news stories about just what Congress views as an emergency.

Mr. President, as must be painfully obvious to my colleagues by now, the dairy provisions alone in this bill make it completely unacceptable to me, and I will be voting against the bill for that reason.

However, even if those provisions were not included in the legislation, I would still oppose it, and I would oppose it in part for the budget gimmicks that are strewn throughout it.

Mr. President, I yield the floor.

Mr. McCAIN. Mr. President, I cannot support this budget deal because it spends the budget surplus, breaks our pledge to reduce the size and intrusiveness of the government, fails to deliver the tax relief American families deserve, and further imperils the Social Security system upon which so many Americans depend for their retirement security.

The ''budget crisis'' has become an annual, end-of-the-year ritual in which closed-door deals produce even more fodder for public cynicism about their government. This budget deal short-changes American taxpayers and benefits special interests, illustrating once again that the President and a majority of the Congress would rather spend the budget surplus on big government, special interest giveaways, and pork-barrel spending.

This deal makes a mockery of our obligation to responsibly exercise the ''power of the purse'' conferred on the Congress by the Constitution.

It busts the budget caps set just two years ago by more than $20 billion.

It obscures the true cost of the deal by using $36 billion in budget gimmickry.

It contains nearly $14 billion in everyday, garden-variety pork-barrel spending.

It spends every dime of the non-Social Security surplus, instead of setting that money aside to provide tax relief to American families, and shore up Social Security and Medicare.

It resorts to an across-the-board budget cut to avoid dipping into the Social Security surplus, rather than making the hard choices among spending priorities.

Some people have said this year's deal is not as bad as last year's deal. Looking at some statistics, that could be true to a certain extent:

Last year, the omnibus appropriations bill was 4,000 pages long and weighed over 40 pounds; this year's stack of bills is only about 1,500 pages long but it's almost a foot high.

Last year's deal was done 21 days late and covered 8 of the regular appropriations bill that funded 10 federal agencies; this year's deal covers only 5 of the regular spending bills for 7 agencies, but it's 50 days overdue—more than twice as late as last year.

Last year, the negotiators added more than $20 billion in extra spending; this year, they only added a little more than $6 billion.

And last year, the whole deal was wrapped up in a single bill that included the text of 7 spending bills and a host of other legislation; this year, we are casting one vote, but it will count as a vote on each of 10 separate bills.

I guess one could legitimately claim, based on those statistics, that this year's deal is not as bad as last year's deal. But like last year, this year's budget-busting behemoth is not amendable by any Member of Congress not involved in the negotiations over the past several weeks. Like last year, the process was deliberately designed to prevent any Member of Congress from changing any aspect of this back-room deal. What a farce.

Mr. President, like last year, this non-amendable budget deal is loaded down with pork, its true cost is obscured by budget gimmickry, and it is weighed down by policy ''riders'' that have no place in budget bills.

Before this deal was cut, the Senate had already passed spending bills containing over $13 billion in wasteful, unnecessary, and low-priority spending that was added without benefit of consideration in the normal, merit-based review process. That's more than the $11 billion added by Congress for Fiscal Year 1999, and almost twice the $7 billion wasted in Fiscal Year 1998. On my website, I have published 264 pages of pork-barrel spending projects in the appropriations bills that passed the Senate earlier this year.

The bill before the Senate today contains even more everyday, garden-variety pork-barrel spending—almost half a billion dollars more than in the original bills. Some items which agencies were ''encouraged'' or ''urged'' to fund in earlier versions of these appropriations bills have now been earmarked for funding. Other projects that were earmarked in report language are now included in the bill language. Presumably, these further clarifications of Congressional intent were included to improve upon the already near certainty that these pork-barrel projects will be funded ahead of other projects of possibly higher priority or more deserving of the taxpayers' support.

Just a few examples of new earmarks and special interest items in this bill include:

$2 million for the University of Mississippi for a phytomedicine project.

$1 million for the Noble Army Hospital of Alabama bio-terrorism program.

$300,000 for the Vasona Center Youth Science Institute.

$5 million for the International Law Enforcement Center for the Western Hemisphere in Roswell, New Mexico

$160,000 for a Mason City, Iowa, bus facility

$250,000 for the New York Hall of Science in Queens, New York

$100,000 for the Philadelphia Orchestra's Philly Pops to run a jazz-in-the-schools program in Philadelphia

$2.5 million for the Dante-Fascell North-South Center

$1,840,000 for Kansas buses and bus facilities (in addition to the $1.5 million already provided).

Mr. President, as my colleagues know, over $7.4 billion of the pork-barrel spending in this year's budget is in the defense budget, including almost $1 billion in low-priority military construction projects. This waste is disgraceful at a time when the Army's most recent assessments of its forces show none of the Army's divisions is rated at the highest state of readiness, or C–1. Not one of our Army divisions has the resources and training to undertake the wartime missions for which they are ordered to be ready. Shortfalls in personnel, parts, and funding, combined with extended deployments on peacekeeping and other contingency operations, have contributed to a serious decline that puts our soldiers at greater risk if a conflict were to erupt, and threatens the ability of our forces to prevail. This is a disgrace and an abomination that the American people will not tolerate.

Mr. President, for those who wonder how these projects are paid for, let's look at the clever budget gimmicks that are included in this deal.

First, there is the ''emergency'' spending designation, which most reasonable people assume should be used only for disasters, emergencies, and other unforeseeable happenings. Well, in this deal, the Congress has expanded somewhat the definition of ''emergency'' to include: the 2000 census, which we've known about since the Constitution was written, routine military training and base operations, and even the Head Start program.

So-called emergencies in this year's spending bills add up to $24 billion. Some of the uses of these funds are truly emergencies, such as alleviating severe economic hardship on small farmers or assisting those devastated by hurricanes. But over half of the emergency funds are designated as such in a blatant effort to avoid the discipline of the budget caps. The reality, however, is that ''emergency'' spending must still be paid for by tax revenues. And the tax revenues that will pay for most of these emergencies are those generated by Social Security taxes, that are supposed to be reserved to pay benefits for retirees.

Another gimmick is the use of ''forward-funding'', whereby money is appropriated for projects or programs, but it cannot be spent until the first day of the next fiscal year. This money is not counted against this year's budget caps, but again, it is real spending that must be paid for next year, within even more stringent budget caps.

Using the ''forward funding'' gimmick, a staggering $10 billion for job training, medical research, and education grants is pushed into next year, potentially impairing the management and effectiveness of these programs. In addition, the Department of Defense is directed to delay timely payments on its contracts to save $2 billion. This gimmick will result in higher costs for the Pentagon because of late payment fees and disruption in programs under contract.

Mr. President, most disgraceful, however, is a new gimmick that will delay paychecks for all military personnel and federal civilian employees for three days from September 29 to October 2, 2000. For the sake of a few billion dollars worth of pork, the Congress is withholding hard-earned pay from those who volunteer to serve their nation in the military or as a civil servant.

The potential impact on these men and women and their families is immeasurable. Many may have to pay late fees on rent or other bills and penalties and higher interest on credit cards. Some families, especially those who already are forced to subsist on food stamps, will have to struggle doubly hard to put food on the table while they wait for the Congress to pay them for their service.

Mr. President, I find it absolutely outrageous that the Congress would attempt to balance this pork-laden budget deal on the backs of our men and women in uniform. Is this the way we show our respect and appreciation for those who are willing to put their lives at risk for all of our freedoms? Is this the way we repay the families of our service men and women who spend many months and years separated from their loved ones during wars and overseas assignments? This is disgraceful, and I am ashamed that the Congress would take this action against those whose duty and sacrifice we should honor, not abuse.

Mr. President, I think it is important that the American public know that this paycheck slip gimmick—a gimmick that denies our proud men and women in the military, and hard-working people who work for the government the pay they have worked for and deserve—this gimmick does not affect the Congress. No one who works on Capitol Hill will get their paychecks even a day late. No one who was involved in negotiating this abominable deal—not Senators or Congressmen or their staffs—will get their paychecks late. Clearly, this demonstrates to the American people the Congress' opinion of its own importance.

Several other gimmicks abound in this deal—transferring surplus funds from the Federal Reserve into general revenues, improved collection of student loans, and more rescissions of funding from various programs, totaling several billion dollars in claimed savings.

And finally, in order to get closer to balancing the books on this budget deal, the negotiators picked and chose among the cost estimates provided by the competing budget scorekeepers for the Congress and the Administration, taking the lowest estimate they could find for each program so that they could squeeze more pork into the deal. The negotiators claim that their deal costs about $17 billion less the Congressional Budget Office estimates. What this means is that, despite vehement claims to the contrary, $17 billion of the Social Security surplus will be used to pay for the waste and largesse in

this budget deal. Taking another $17 billion from an already financially unstable Social Security system will only exacerbate the fears of many Americans about their retirement security.

Ironically, Mr. President, none of these specific gimmicks yielded enough ''savings'' to bring the budget deal back under control and keep our hands out of the Social Security cookie jar. And since no one was willing to volunteer cuts in any of their special interest programs, the negotiators took the easy way out. Rather than setting budget priorities, like any American family must do to make ends meet, the negotiators resorted to an across-the-board cut of about $2 billion.

At first glance, one would think that the President, who so stridently objected to this indiscriminate cut when he vetoed an earlier bill, would have objected to its inclusion in this deal. But it seems that the negotiators decided to give the President a whole lot of flexibility in choosing the programs that will be cut. For example:

If the President doesn't want to cut the White House travel budget by four-tenths of a percent, he can instead cut funding for the National Security Council staff.

If he doesn't want to cut the staff budget of the Attorney General, he can instead cut the funding for the Waco investigation or take a million dollars out of programs to prevent violence against women.

If he doesn't want to cut the administrative accounts of the Secretary of Education, he can cut Head Start by another couple million dollars.

If he doesn't want to cut the drug czar's office expenses account, he can cut $200,000 or more of the funding for the anti-heroin strategy.

If the President doesn't want to cut four-tenths of a percent of the funding for any one program, he can instead cut up to 15 percent of any line item approved by the Congress in any appropriations bill this year to get the savings.

Even though I clearly don't think Congress has done a very good job of allocating resources among our nation's priorities, why in the world would the Congress cede to the President the ability to decide where to take almost $2 billion from programs that have been approved by Congress through the appropriations process? Frankly, I recommend that the President take that money out of the $13 billion in pork that the Congress added to the budget.

Finally, Mr. President, let me take a moment to talk about the policy ''riders'' that have found their way into the appropriations process this year. As my colleagues know, the Senate has a rule—Rule 16—that is supposed to prevent the inclusion of legislative or authorizing provisions in spending bills. In fact, the Senate voted earlier this year to reinstate that rule. Unfortunately, when a process moves behind closed doors, these ''riders'' seem to proliferate.

There were over 65 legislative riders on the appropriations bills that passed the Senate earlier this year, but it seems that every time I turn around, I hear about another issue that will be rolled into this non-amendable budget package.

Perhaps that is a result of the fact that these end-of-the-year budget deals are usually negotiated by Members of the Appropriations Committee, rather than the authorizers. Or it may be driven by the need to garner support for the deal from Members who may have a special interest in an issue. Whatever the reason, the inclusion of legislative matters thwarts the very process that is needed to ensure that our laws address the concerns and interests of all Americans, not just a few who seek special protection or advantage.

Some of these riders are not necessarily objectionable to me, but the circumvention of the authorization process that took place makes me unable to benefit from the advice and recommendations of the committees of jurisdiction and their members. I should note, however, that many of the reported efforts to add riders to the bill were unsuccessful, for which I applaud the negotiators. However, most of the 32 new riders in this bill are highly objectionable because of their content as well as the process that led to their inclusion in this budget deal.

For example, one of the last-minute riders in this legislation would grant a new lease on life to the milk cartel known as the Northeast Dairy Compact, which milks consumers in New England by providing an above-market price to the region's dairy farmers. The compact is set to expire under a bill this Congress passed in 1996, but the pending legislation would reverse this ''Freedom to Farm'' reform. The legislation before us would also overturn milk pricing reforms mandated by Congress in 1996, supported by our Department of Agriculture, and ratified by the nation's dairy farmers in a referendum last summer. These reforms were developed by USDA over a three-year period and reflect a consensus-based approach worked out with America's dairy farmers and producers. Consumer groups estimate that blocking milk pricing reform in favor of the current system, as this legislation does, will cost consumers across America between $185 million and $1 billion a year—a sharp blow to low-income individuals, who spend more on dairy products as a portion of household income. I cannot in good conscience support the repeal of market-oriented reforms passed by a Republican Congress in 1996 to benefit American consumers. I fear that, yet again, a narrow core of special interests has trumped the people's interest in consumer-oriented milk pricing and marketing reforms.

Another last-minute rider will carve out liability exemptions for certain recycling businesses under the Superfund law. Although these same provisions are under consideration in a separate bill as well as part of a broader Superfund reform effort, this rider affords special treatment to a small group of affected industries with a last-minute add-on that is another of a targeted special interest deal. Superfund reform is important to our nation, yet such piece-meal measures can thwart the intentions and progress of those who have made good-faith efforts to work through a legislative process.

Regarding the inclusion in this deal of the restoration of certain Medicare benefits, in 1997, Congress made some difficult, but necessary changes in the financial structure of the Medicare system as a part of the Balanced Budget Act. These changes were needed to strengthen the system and delay its impending bankruptcy from 2001 until 2015. These reforms allowed us to preserve and protect the Medicare program while increasing choice and expanding benefits for beneficiaries.

However, at the end of last year, many of us began hearing from health care providers and seniors about the unintended negative consequences which certain provisions may be having on current beneficiaries and providers in the Medicare system. There has been increasing concern that certain reimbursement reductions and caps contained in the Balanced Budget Act could result in access problems for our nation's seniors if they were not adjusted this year. Personally, I have grown increasingly concerned about this problem, particularly about the negative impact on health care delivery which it may pose for our nation's most frail or rural elderly.

While I support the overall intentions of these provisions, I am concerned about provisions which have been slipped in to benefit only a select area or specific companies, rather than addressing the national problem of access to safe, quality and affordable health care for Medicare recipients. For example, hospitals in Iredell County, North Carolina; Orange County, New York; Lake County, Indiana; Lee County, Illinois; Hamilton-Middletown, Ohio; Brazoria County, Texas; and Chittenden County, Vermont are given special consideration for reimbursement under the Medicare program. Wesley Medical Center in Mississippi as well as Lehigh Valley Hospital are given special reimbursement consideration under this bill. Meanwhile, the District of Columbia, Minnesota, Wyoming and New Mexico are provided increases for their hospitals. Sadly, Congress has once again taken a well intentioned piece of legislation and inserted provisions directly benefitting only a select few at the expense of all taxpayers.

Finally, Mr. President, nothing would please me more than being able to endorse all the satellite television provisions included in this appropriations bill. Some of them are good news for satellite TV consumers, who would

gain the ability to receive local TV signals as part of their satellite TV service package, have discontinued distant network TV station signal service restored, and be relieved of unfair limitations on their ability to subscribe to distant network signals when their local network stations are unwatchable off-air. Cable TV subscribers would also be indirect beneficiaries, because anything that makes satellite TV a more attractive alternative to cable TV increases the cable operators' incentive to keep monthly rates in check. Considering the fact that cable TV rates have increased more than 20 percent since the passage of the 1996 Telecom Act, cable subscribers more than deserve this kind of break.

Despite all this, and despite the fact that I have worked for over a year and a half to bring procompetitive relief to satellite TV and cable TV subscribers, I find myself having to speak out against some of the other satellite TV provisions that also appear in this bill.

Why? Because these other provisions substantially undercut the bill's promised consumer benefits. Why, then, were they included? To protect special interests—in this case, the TV broadcasters, the TV program producers, and the professional sports leagues.

The primary special interest benefitted by these new provisions is the TV broadcasters. Under the law they're considered to be ''public trustees,'' and as such they have enjoyed considerable protection against competition, thanks to the Congress (which fears the power of the local network stations) and to the FCC (which fears the Congress).

Nevertheless, neither Congress nor the FCC can hold back technology, and local broadcasters have increasingly found themselves subjected to competition from new multichannel video technologies—first cable TV, and now, satellite TV. So the last thing the broadcast TV industry is receptive to is the prospect that satellite TV might be able to increase its competitive power and thereby lure more of the local broadcast audience—and revenue base—away.

That was one of the reasons why local broadcasters finally sued satellite TV companies that were offering distant network TV stations to subscribers who technically weren't entitled to receive them—even though many of these subscribers had, in fact, been receiving them for years without causing any apparent harm to local stations. The lawsuit was successful, and as a result many existing satellite TV subscribers found their distant network stations suddenly dropped, even when they couldn't get satisfactory off-air service from their local stations.

Not surprisingly, this led to widespread consumer protest. The House and the Senate Commerce Committees passed legislation that, taken together, would have solved satellite TV consumers' problems without inflicting material harm on broadcasters. But the legislation before us today contains a number of new provisions that will hurt satellite TV consumers and serve no purpose other than protecting the congruent interests of the well-heeled TV broadcasters, program producers, and professional sports leagues. These new provisions will adversely impact the very competition Congress claims it's trying to enhance, and the very satellite TV consumers Congress claims it's trying to help.

The first of these objectionable new provisions directly affects the ability of satellite TV companies to offer their subscribers local TV stations. Specifically, it governs the process whereby satellite TV companies negotiate with the TV networks for the rights to carry their local affiliates.

This issue has always been one of considerable concern because the TV networks have the stronger bargaining position, and the incentives, to extract unfair prices and conditions from satellite TV companies in return for giving them the right to carry local affiliates. Satellite TV companies' inability to offer local network stations has been cited repeatedly as the principal competitive disadvantage satellite TV companies face. The TV networks, therefore, begin with a strong bargaining advantage. Added to this is the fact that the networks also hold substantial cable TV programming interests, which increases the possibility that they could seek to extract further competition-dampening conditions that would serve the interests of their cable-channel partners. And, of course, the fact that the networks' local affiliates have been in litigation with the satellite TV industry adds to the concerns about the networks' incentives to withhold consent to carry their local affiliates unless, and until, the satellite TV carriers agree to whatever onerous and unfair terms and prices the networks might choose to dictate.

Now let's see how this legislation deals with this critical issue. Not only does this legislation omit fair-dealing requirements that had been included in the House bill; it adds a new provision, dictated by the broadcast industry, that makes a mockery of any notion of fair dealing.

This new provision gives satellite TV companies a six-month ''shot-clock'' to negotiate and obtain a signed retransmission consent agreement from a TV network for carriage of its local affiliate. During this time the satellite TV company could begin offering the station to its subscribers.

But there's a catch if, at the end of six months, the satellite TV company doesn't get the consent. First of all, the broadcaster, and only the broadcaster, is allowed to file a complaint and request a cease-and-desist order from the FCC. Moreover, the legislation doesn't simply deprive an aggrieved satellite TV company of the ability to file a complaint against an unreasonably recalcitrant broadcaster; it goes further, and specifically denies the satellite TV company any right to claim that the broadcaster didn't negotiate in good faith. These patently unfair provisions are complemented by penalties so stringent that no satellite TV company in its right mind would knowingly risk them.

Let's examine exactly what this is will mean in real terms. The big benefit that satellite TV consumers are supposed to get from this legislation is local signals, and their ability to get local signals depends on their satellite TV company's ability to close a deal with the networks, which have strong bargaining power and palpable disincentives to deal dispassionately. So what does this new provision do? It deletes the substantive provision that would have provided a statutory guarantee of fair dealing, adds a complaint process front-loaded to benefit the party that has the stronger bargaining position and the incentive to deal unfairly, deprives the party that's in the weaker bargaining position from raising unfair treatment as a defense, and imposes huge penalties on the party with the weaker bargaining position if it fails to enter into an agreement before the six-month deadline expires.

In practical terms, this presents any underdog satellite TV companies that don't already have retransmission consent agreements with a set of Hobson's Choices when it comes to offering local stations. They can, of course, simply not begin carrying local stations unless and until they have the required retransmission consents. That's the safest thing to do. But if they don't start carrying local signals right away, they certainly won't be offering their customers the ''local stations by Christmas'' promised by those who back this legislation. In addition, they'll not only be perpetuating the competitive disadvantage they already face when it comes to competing with cable TV; they'll be incurring a completely new competitive disadvantage when it comes to competing with other satellite TV companies that already have agreements. If, on the other hand, a satellite TV company begins offering local signals before obtaining the necessary agreements, it entails the risk that if the six month negotiation period runs out without mutually-acceptable terms having been reached, the satellite TV company will have to either drop the local signals or agree to whatever terms the network wants.

Pretty clearly, the effect of this new provision is pro-broadcaster, not pro-consumer or pro-competitive. But it's not the only new provision that protects special interests at the expense of the public's interest. This legislation also protects local network TV stations from any action by the FCC to change an outdated 50-year old law whose effect is to prevent many satellite TV subscribers from receiving additional distant network stations.

The legislation's new program blackout provisions are another Congressional valentine to special interests.

These provisions could result in blackouts of scheduled network programming, non-network programming, and especially sports programming, on the distant stations satellite TV consumers get. This will make the broadcasters and TV program producers happy, at the expense of making millions of satellite TV consumers unhappy when uninterrupted reception of distant station programming becomes a thing of the past. The sports programming that so many satellite TV consumers enjoy is at the greatest risk. In a special favor to the NFL and the other professional sports leagues, the legislation will require satellite TV carriers to black out sports programming on distant network stations unless the FCC finds it's ''economically prohibitive'' for the satellite TV company to do so—a standard that virtually guarantees blackouts. And when these blackouts are imposed, no existing satellite TV subscriber—not even those who have their distant network signal service restored, or the big backyard dish owners who were the very first satellite TV subscribers—would be exempt, no matter how long they have received multiple distant stations without blackouts and without inflicting any detectable harm on any of the special interests at whose behest these new provisions were added.

Rather than prolonging this discussion further, let me sum up. Before you now is the latest example of how special interests can, and do, make Congress shape legislation to suit what they want, rather than what average Americans need and deserve.. At some point, the American people will get fed up, and the ability of special interests to exercise unwarranted influence like this will be constrained. Unfortunately, that's not going to happen today, and therefore I will close—but not without some promises that, I assure you, I intend to keep.

I will continue to do everything I can to make sure that satellite TV consumers are helped, and multichannel competition improves, after this legislation is enacted. I will convene the Commerce Committee early next year to examine how competition and consumers are being affected by this legislation. I will introduce and I will move new legislation to correct any problems we see.

I will also make sure that the FCC does all it can to help Congress serve the interests of satellite TV consumers and multichannel video competition. To begin this process I will send a letter tomorrow to FCC Chairman William Kennard, requesting that the Commission establish, as quickly as possible, the minimum requirements for bargaining in ''good faith'' for retransmission consent agreements, and submit recommendations to Congress, as quickly as possible, on further legislation that will redefine what constitutes a ''viewable'' local TV signal. This will remove the problem that keeps satellite TV subscribers from getting as many distant TV stations from their satellite TV companies as they otherwise could.

All these measures will enable us to cure the problems these particular special-interest provisions will cause. In the meantime, it's helpful to recall that in the final analysis they won't affect our everyday lives as profoundly as other special interests do when it comes to other legislation. The provisions before us today won't determine how much we must pay in taxes, how we are permitted to educate our children, how we obtain health care, or how our seniors will be protected. But in spite of that, they will serve to remind us—when we watch satellite TV or open our monthly cable TV bills—that, when it comes to legislation pending before Congress, no corporate issue is too small, and no consumer issue is too big, to avoid the pervasive grasp of entrenched special interests.

Mr. President, I cannot support this budget deal.

I wonder, Mr. President, when will we begin to listen to the American people? When will we take heed of the absolute cynicism about the ways of Washington? When will we reform the way we do business so that we might reclaim the faith and confidence of the people we are sworn to serve?

Sadly, we seem never to learn. The last-minute, end-of-year budget agreement has become a yearly ritual and a tired cliche.

Mr. President, we have all year to complete our business in a responsible manner like grownups. But every day, at great expense to the taxpayers, we whirl about in our self-importance, never to be diverted from playing at our pathetic partisan political games.

After all the hearings, paper-shuffling, and speech-making, the taxpayers' hard-earned money is spent according to the whims of a massive, hastily compiled budget deal that contains lots of goodies for Members of Congress and special interests, but very little for the American people—an annual monument to our arrogance that is chock full of pork-barrel spending, special-interest riders, and clever budget gimmicks, but not one morsel of family tax relief.

Mr. President, in just a few short weeks, we will usher in a new century and a new millennium. This is a time of renewal and reform. Just as individual Americans take stock of themselves and resolve to do and be better, perhaps we elected officials might resolve to set a better example in the way we conduct the people's business. Perhaps in the year 2000, we might address ourselves not to partisan gridlock and political games, but to restoring the people's faith in their elected leaders. Perhaps next year we can spare the American people the grim faces and high drama of the last-minute budget summit, and simply do our work responsibly, in the open, and on time.

Maybe then we can restore the confidence in our public institutions that is so badly flagging, but is so essential to making the new century worthy of the highest dreams and aspirations of the people we are privileged to serve.

Mr. LUGAR. Mr. President, I will vote for this final appropriations package, because I believe that, on balance, it is a good product. However, the situation we are in today is hauntingly familiar to that of a year ago, and my disappointment in the appropriations process continues. Last minute budgeting makes sound decisions increasingly difficult. We should reform the appropriations process to safeguard the interests of taxpayers and achieve a more balanced use of our time and resources.

We all know that the appropriations process has grown to an inordinate length. We spend months holding hearings and negotiations, crafting sound public policy, only to scrap it in a hasty year-end scramble when we cobble together a bill negotiated by the White House budget chiefs and a few members of Congress. A 1996 CRS study revealed that budget matters eat up 73% of the Senate's time. I can't imagine we spent much less time on budget matters this year.

As I have been recommending since 1993, along with our distinguished Budget Committee Chairman and many other Senators, Congress should adopt a two-year budget cycle, and do the budgeting in non-election years. This would double the time available for non-budget policy issues and for carrying out often neglected oversight duties. Our goal must be to engage in lawmaking in the deliberative manner the Founders intended.

Mr. LEVIN. Mr. President, once again the Senate is considering a massive appropriations bill in the final hours of a session of Congress. This one spends more than $385 billion, contains legislation which rightly belongs in five separate appropriations bills, and other important legislation which doesn't belong in an appropriations bill at all. This is a process which reflects poorly on the Congress both because it represents a failure to get the nation's work done on time, and because the final rush precludes the kind of careful consideration and debate which wise decisionmaking demands. The combination of its enormous size and the swiftness with which it was thrown together makes certain that Senators will only after the fact learn full details about many provisions which have been added.

Democrats have won critical victories in this bill providing funds for new teachers to reduce class size in our schools, a first installment toward 50,000 new police officers by 2005, the necessary funding to implement the Wye River peace agreement and more than $514 million for the Lands Legacy Initiative to preserve and safeguard our most precious public lands, as well as funds for after-school programs to benefit 675,000 students. Other needed legislation is included to reverse some

of the unintended consequences of the 1997 Balanced Budget Act on hospitals, nursing homes and other health care facilities and legislation to benefit consumers by increasing competition between cable and satellite companies and permitting satellite companies to provide local network signals in local markets. However, like last year, even as I acknowledge some important budget victories, I do not support this process and, on balance, cannot vote for this bill.

Mr. FEINGOLD. Mr. President, as some of my colleagues know, I have been posted, here on the Senate floor, day after day this week because of my concerns about the dairy provisions that are included in the budget package, and I know other Senators support those provisions because of the States they represent. For now, I just want to comment more broadly on the budget package and how we got here.

Mr. President, we have before us a measure that we are told will direct something like $400 billion in spending in such areas as the Justice Department including the FBI, Education including funding for local school districts, increased security for our foreign embassies, the Interior Department including our national parks system, Health and Human Services including critical funding for aging programs like the congregate and home delivered meals programs, and much more.

But, Mr. President, you would not know that by reading this bill. That roughly $400 billion in spending is distributed in a few pages of text. With the exception of District of Columbia funding, it's all on one page—the last page.

I have not been here as long as some of my colleagues, but I cannot recall ever seeing anything like this. Last year's omnibus appropriations bill was bad enough. It, too, lumped several appropriations bills together into one giant omnibus appropriations measure. It, too, was loaded with special interest measures that were slipped in, never having been debated, and unlikely to pass on their own. But at least, Mr. President, the spending done in that bill was explicitly a part of the document formally placed before the Senate. If you took the time to read the several thousand page appropriations bill, you would have found those items last year.

Mr. President, the bill before us is another matter entirely. It legislates by reference. Other than the DC Appropriations bill, there are no details provided in this document that indicate how those hundreds of billions of dollars are to be spent, only references to other bills.

Mr. President, when this bill goes to the President for his approval, what will he be signing into law? Essentially, he will be signing into law little more than a glorified table of contents.

Mr. President, this is a horrible precedent. This kind of gimmick may have been used before, but never on anything so momentous as an omnibus appropriations bill. And it is perhaps fitting that this piece of legislation should be structured the way it is.

This bill is the ''poster child'' of the 106th Congress. Unable to meet the budget deadline, we are once again presented with an omnibus appropriations bill, laden with the kind of special interest provisions that undermine our budget as well as the confidence of the public. And unwilling to bring any but a handful of authorizing bills to the floor for open debate, the leadership has now crammed this perverse bill full of legislation that has no business in an appropriations measure.

Mr. President, earlier this year this body voted to restore some order to the appropriations process by re-establishing the point of order against legislating on appropriations. This bill renders that exercise utterly meaningless. Worse, it means that while the Senate is precluded from adding authorizing language after thorough debate on the floor, a few people in a backroom are free to add anything they wish, with no debate and out of public view.

Mr. President, the 106th Congress is not yet half over a but it has already earned itself a sorry reputation. This is the Congress of Convenience. The 106th Congress found it inconvenient to finish the simple job of passing appropriations bills before the end of the fiscal year, so it cuts a few backroom deals and lumps five appropriations bills together. The 106th Congress found it inconvenient to debate authorizing bills fully and openly, so it bundled several together and shoved them into this omnibus appropriations bill. And now, the 106th Congress finds it inconvenient to provide even the details of this $400 billion compost heap, so it engages in some drafting gymnastics, and gives the public little more than a glorified table of contents.

Mr. President, I realize there are some strong feelings about the provisions of this bill. I know that some of my colleagues support some of the provisions in this measure. Chances are there are provisions in this measure that I, too, would support, but how would I know? But I hope that a few weeks from now, after this thing is enacted, my colleagues will consider just what has been wrought this week and this past year. The normal procedures of the Senate and the other body have been run over by a steamroller in the name of political expediency and convenience, and that cannot be good, even for those who may have gained a temporary victory.

In the play A Man for All Seasons, there is an exchange between Sir Thomas More and his son-in-law, Roper. More asks Roper—''What would you do? Cut a great road through the law to get after the devil?'' Roper responds—''I'd cut down every law in England to do that!'' More then replies—''Oh? And when the last law was down, and the devil turned round on you—where would you hide, Roper, the laws all being flat? * * * This country's planted thick with laws from coast to coast—man's laws, not God's—and if you cut them down—and you're just the man to do it—d'you really think you could just stand upright in the winds that would blow then?''

Mr. President, the 106th Congress has done more than its share of flattening our rules and procedures. Those of us in the minority on the issue before us today perhaps feel it most keenly, but let me suggest that many more may come to regret the precedents set by the Congress of Convenience.

Mr. KOHL. Mr. President, before I begin my remarks, I want to express my appreciation for all of the hard work that Senators STEVENS and BYRD, SPECTER and HARKIN have put into the Labor, Health and Human Services, Education Appropriations bill in the face of enormous budgetary challenges. I also appreciate all they have done to accomodate my priorities during this process.

The 20th Century is coming to a close during a time of unprecedented economic growth and budget surpluses. However, as we celebrate our nation's prosperity, we must make sure we don't leave any of our most vulnerable citizens behind. In my opinion, that's what this bill, which funds vital health and education programs in the year 2000, should be about: making a strong commitment to our aging parents and grandparents—who made this country what it is today, as well as to our children—who will determine its future.

I am pleased that this bill takes several important steps in that direction. First, this bill continues to make early childhood education and child care a top priority. I am very pleased that the bill includes a $608 million increase to the Head Start program. This program gives young children from lower-income families a real chance to succeed by providing educational, health, and other child care services.

Second, I am glad to see that this bill includes a nearly $30 million increase for States to inspect nursing homes and ensure they are safe. As a member of the Senate Aging Committee, I have had the unfortunate opportunity to hear firsthand about cases of abuse and neglect in many of our nation's nursing homes. Our seniors and disabled deserve the best possible care, and this funding will help make sure they get it. In addition, the bill includes a $1 million increase for the Long-term Care Ombudsman program. Ombudsmen serve as advocates for long-term care residents and help them to resolve complaints of neglect and abuse. They are a critical component of ensuring the safety of our seniors in nursing homes and other long-term care settings.

I am also extremely pleased that the bill includes another $100 million increase for Community Health Centers. The number of uninsured in our country continues to grow. Health centers

provide treatment to large numbers of uninsured and should be commended for the incredible work they do. This increase will help them meet the increased demand for care, and ensure that patients get the quality health care services they need.

This bill also fully funds the LIHEAP program. This program is vital to low-income families in Wisconsin who need assistance with heating costs during the cold winter months. I am pleased that this bill continues to make this program a top priority.

I am also pleased that in addition to the $2 billion increase for the National Institutes of Health, report language was included in the bill that targets many of the diseases that are devastating families across our nation. The bill includes report language I requested to increase research into epilepsy, particularly intractable epilepsy, which primarily starts in childhood and affects nearly 75,000 of the 3 million individuals with epilepsy.

In addition, at my urging, the bill also includes $90 million for the National Institute of Nursing Research within NIH. Nursing research is different from biomedical research but just as necessary. This research focuses on reducing the burden and suffering of illness, improving the quality of life by preventing and delaying the onset of disease, and by looking for better ways to promote health and prevent disease.

I am pleased that the bill also includes report language that strongly urges more research into Alzheimer's Disease. This devastating disease affects nearly 4 million people in the United States, including 100,000 in Wisconsin. The total annual cost of Alzheimer care is over $100 billion. Searching for new treatments—and ultimately a cure—must be one of our top priorities in biomedical research, to alleviate both the suffering and the costs associated with this awful disease.

I also want to thank Senators SPECTER and HARKIN for their willingness to work with me on some of my other priorities. At my request, language was included in the Senate report to start a demonstration program within HRSA to increase the number of mental health professionals in underserved areas—particularly those suffering from recent farm crises. I am hopeful that HRSA will allocate at least $1 million toward this initiative.

Funds have also been provided to CDC to expand their efforts to prevent birth defects through the promotion of folic acid among women of childbearing age. I have sponsored, along with Senators ABRAHAM and BOND, a bill that would authorize $20 million to CDC for this purpose, and I am pleased that this appropriations bill gets this initiative underway. In addition, I am pleased that the Ryan White Comprehensive Care program received an increase of $86 million to expand services for people living with HIV and AIDS.

I'd now like to talk a bit about funding for education. While I am concerned about the use of advance funding for many of our education programs, I am pleased that this bill provides necessary increases for education. Title I—which provides assistance to disadvantaged youth, received a $209 million increase, although we must do much better than that in the future in order to serve all Title I-eligible children. I am also pleased that Special Education received a large increase in funding, although we still have a great deal of work to do to live up to our commitment to fund 40% of the costs of the program. We still need to do more in both these areas, but this is a good start.

In addition, I strongly support the $253 million increase for 21st Century Community Learning Centers, for a total of $453 million for FY 2000. I have visited several of these afterschool programs in my State and I have seen firsthand how successful and critically important they are. These programs give kids a safe place to go after school, keep them off the streets, and out of trouble. It is supported on a bipartisan basis, by parents, teachers, and police chiefs. Last year, thousands of applications were submitted for only 184 grants. However, I believe it deserves an even stronger investment than this bill provides, which is why I voted for an amendment during consideration of the Senate version to provide $600 million for this worthy program. Although that amendment failed, I will continue to fight for more funding for after-school programs next year.

This bill also makes greater strides to give students the tools they need to go to college. First, the bill increases the maximum Pell Grant award to $3,300, and I am hopeful we can further increase this amount next year. It also increases the Federal Work-Study program by $64 million. TRIO programs also received a $45 million increase, and I am pleased that more students will be able to take advantage of TRIO programs that give lower-income students a better chance to go to college. I also strongly support the $80 million increase for the GEAR-UP program. This program gives many middle school students their first real opportunity to strive toward going to college. I am hopeful that we will further increase funding for this program in future years.

Finally, I am pleased that the conference report maintains and increases our commitment to hiring 100,000 teachers and reducing class sizes in the early grades. Class size reduction efforts have produced tremendous results in Wisconsin and across the nation. It is essential that we continue to provide the resources States and school districts need to put a qualified teacher in every classroom. Our students deserve nothing less.

I am pleased that these important education programs have received increases. However, I also have several significant concerns about the education section of the bill.

First, I am deeply concerned that the bill level funds the Child Care & Development Block Grant. The Senate bill included an amendment, which I supported, to increase funding for the CCDBG from $1.2 billion to $2 billion. This amendment had strong bipartisan support because there is now widespread recognition that child care is critical to the success of working families. Unfortunately, this amendment was dropped during negotiations of the conference report. This is a serious mistake, and one that will have serious repercussions for working families. Programs funded by the CCDBG ensure that parents have a safe, educational place to send their children during the workday. Businesses experience less absenteeism and greater productivity when their employees know their children are well taken care of. When families who need quality, affordable child care are able to find it, everybody wins. It's that simple. I strongly believe that we must renew our commitment to expanding access to child care, and I will continue to make child care funding a top priority and fight hard for future increases.

Second, and even more importantly, I have serious concerns about the bill's substantial use of advance funding for education. I am not convinced that this practice is completely benign, and I believe we must watch carefully how the delayed release of education funds impacts school budgets.

However, I have an even deeper concern about the use of advance funding. The hard truth is this: we would not be forced to use advance funding, nor any budget gimmicks at all, if this bill received the priority it deserved. This bill, which funds our most basic needs—health care and education—was left for dead last. It was raided repeatedly to fund other programs, leaving it at one point with a more than $15 billion shortfall. We would not be in the budgetary box we find ourselves in today if this bill had been the top priority it should be. I hope that in the future my colleagues on the other side of the aisle will have the will to pass this bill early and send a strong message that education and health care are our top priorities, not our last.

Besides education, there are several other areas of the bill that I believe must be improved in future budgets. First, while I am pleased that the bill sets aside $19.1 million in the Child Care & Development Block Grant for Resource and Referral programs, I am concerned this just isn't enough. R&R programs serve as a resource to help parents locate quality, affordable child care in their communities. When parents need child care, they call R&R agencies, who have the tools to direct parents to appropriate child care providers in their area that meet each family's unique needs. With growing numbers of parents entering the workforce, the need for R&R is greater than ever. I would like to continue to work with Senators SPECTER and HARKIN, as

well as all of my colleagues, on increasing this set-aside to $50 million to meet the increasing demand for referral services.

I am also very concerned about the cut in the Social Services Block Grant. The State of Wisconsin and our counties rely on SSBG to fund a variety of social service programs. These include supportive home care and community living services for the elderly and disabled, drug and alcohol abuse treatment, temporary shelter for homeless families, and child abuse prevention and intervention services. States and counties rely on these funds, and it is wrong to renege on our commitment to SSBG funding.

I am also very concerned about programs for senior citizens under the Older Americans Act. I am pleased to see that the bill includes a $35 million increase for home-delivered meals to seniors. However, we must also find a way to make a stronger investment in the Supportive Services and Senior Centers program. This program provides funds to Area Agencies on Aging, which in turn provide a wide range of assistance to frail elderly. In addition, we must also provide assistance to the growing number of Americans who are taking care of elderly and disabled relatives. I am a cosponsor of the Family Caregiver Support Act, which provides $125 million in assistance and respite for caregivers. Unfortunately, this bill does not fund this necessary program, but I hope we can enact it into law quickly next year.

The National Senior Service Corps is a program we should all be proud of and support increased funding. These programs utilize the skills and experience of older Americans in our communities. Foster Grandparents, Senior Companions, and RSVP give seniors a chance to work with children, families and other seniors, and we are all the richer for their contributions. I am pleased that the bill includes increases for these programs, and I believe we must provide more in the future lest we waste this priceless resource we have in our seniors.

In addition to the Labor, HHS component, this Omnibus Appropriations bill includes some desperately needed relief for our nation's health care providers. The Balanced Budget Act of 1997 included many provisions that reduced Medicare payments further than Congress intended. Providers have been forced to reduce benefits or worse—many providers in my State and across the nation have closed altogether. I have strongly supported efforts to alleviate those cuts and have worked with many of my colleagues over the past year to fight for a solution. I am pleased that the Conference Report includes provisions to assist hospitals, home health agencies, skilled nursing facilities and other providers. In the end, Medicare beneficiaries are the ones who truly benefit, and this bill will help ensure that seniors in Wisconsin and throughout the nation continue to receive the health care services they need and deserve.

Overall, I believe this is a good bill, and I commend the Chairmen and Ranking Members of the Appropriations Committee and the Labor, HHS Subcommittee, as well as the Finance Committee, for their hard work. Unfortunately, because unrelated dairy provisions that I strongly oppose were included in this conference report, I reluctantly must vote against it. However, I want to make clear that I strongly support the vast majority of the increases in this bill—increases that will go a long way toward ensuring that our children and our elderly receive the important services they need. I want to thank the Chairman and Ranking Member of the Subcommittee for doing such a great job this year under such difficult budgetary circumstances, and for their willingness to work with me on items of concern to me and my State. I look forward to working with them again next year on this vitally important bill.

Mr. ROTH. Mr. President, I intend to support the consolidated appropriations package. This large legislative package—the result of hard work by many on both sides of the aisle—provides funding for a number of programs which are important and affect people in a direct way. This bill includes funding for programs under the D.C. Appropriations bill, the Interior Appropriations bill, the Foreign Operations Appropriations Bill, the Commerce-Justice-State Appropriations bill, and the Labor-Health and Human Services-Education Appropriations bill.

In addition, incorporated in the legislation are other important measures, including the Satellite Competition and Consumer Protection Act, provisions important for dairy farmers in my State, the State Department Authorization bill, and our Medicare refinement plan. As with any product this large and with as many compromises which were necessary to move the process forward, there will be provisions with which one will disagree.

While this is certainly a substantial legislative undertaking, I would point out that nearly all of the matters contained in this package have previously been debated in full by the Senate and passed by wide margins.

Mr. President, I would like to highlight some provisions contained in this legislation for which I have advocated. This legislation will continue the Trade Adjustment Assistance program.

Earlier this month, my distinguished colleague on the Finance Committee, Senator MOYNIHAN, and I, stressed the importance of this program for our American workers during the debate on the Africa Trade bill. The Africa Trade bill passed by the Senate extended the authority for the TAA program which lapsed in June of this year. As time did not permit us to resolve our differences with the House on the trade package, we needed to insure that the benefits to workers displaced from their jobs as a result of trade activity be continued. I am very pleased that this provision is included in this package.

The package also includes the Satellite Copyright, Competition, and Consumer Protection Act. My State has over 30,000 households which depend on satellite dishes for their television programming and I have long advocated a modernization of the laws affecting satellite television programming. I am also pleased that an agreement was reached to have the Senate consider legislation which will facilitate satellite local to local service in small and rural markets, as this will be important to bring local programming to my constituents.

I have joined with my colleague from Delaware, JOE BIDEN, in sponsoring legislation to continue the important programs he has championed—the COPS program and the Violence Against Women Act. This measure provides funding for these programs. Also contained in the package is funding for the State Side program under the Land and Water Conservation Fund. I had joined with our late colleague, Senator Chafee, in sponsoring legislation to provide these funds for the first time in several years to promote open space and recreation opportunities at the discretion of our State governments.

The package maintains the commitment we made with the passage of the Balanced Budget Act in 1997 to prioritize education. Since the passage of the 1997 bill, we have followed through with substantial increases in funding for our important education programs and have done so in a manner which promotes flexibility.

Finally, Mr. President, I would like to discuss the Finance Committee's Medicare, Medicaid, & SCHIP Refinement Act of 1999, H.R. 3426.

A little more than two years ago Congress passed and the President signed into law the historic Balanced Budget Act of 1997. This important legislation has been instrumental in making possible the budget surpluses we are beginning to see materialize.

However, not all of the consequences of the Balanced Budget Act have been positive, and many of them were unintended. Two years of implementation allowed us to identify some areas, particularly related to Medicare provider reimbursement, that needed to be revisited.

The Finance Committee carefully monitored the impact of the Balanced Budget Act on various categories of health care providers. In fact, this year the Committee held a number of hearings on Medicare and Medicaid matters.

Throughout the course of these hearings, providers presented us with compelling testimony about significant fiscal and patient care-related problems that have resulted, unintentionally, from decisions the Congress made in the Balanced Budget Act of 1997.

Mr. President, let me be clear that we should be proud of the program improvements and the corresponding savings achieved through the Balanced Budget Act. We had no intention of fundamentally undoing that work.

However, there were problems that needed to be addressed to make sure we pay providers appropriately to meet the real health care needs of Medicare beneficiaries. At passage, the 1997 BBA reduced Medicare and Medicaid spending by nearly $120 billion. This package restores $27 billion over 10 years to address unintended consequences of the original law.

New provisions in this bill restore some $17 billion in funding over 10 years. Accordingly, in October, the Committee marked up and overwhelmingly passed a package of payment adjustments to fine tune the policies enacted through the Balanced Budget Act. This package was developed in a bipartisan manner with the close cooperation of Senator MOYNIHAN and his staff.

For the past several days, we have been working to reconcile this Finance Committee package with a similar bill passed by the House of Representatives last Friday.

The bill before us today represents an excellent compromise between the House and Senate bills, with input from the Administration.

The payment adjustments included in the House-Senate compromise package will benefit Medicare beneficiaries by improving payment to all sectors of the health care market place—including hospitals, physicians' offices, nursing facilities, community health centers, and home health care agencies, among many others. In addition, the package includes other technical adjustments to Medicaid and the State Children's Health Insurance Program.

The provisions included in the package are consistent with a few basic goals I have tried to work toward from the beginning of this process. First, I felt that the overriding purpose of this package should be to address the most significant problems resulting from BBA policies.

In my view, larger Medicare reform continues to be an important objective. However, even the White House ultimately agreed this was neither the moment nor the legislative vehicle by which to pursue that goal.

The Senate Finance Committee will continue in its efforts to develop a bipartisan consensus on broader Medicare reform when we resume our work in January. That will be the time and place to consider lasting and far-reaching Medicare reforms.

Second, we sought to keep payment adjustments focused on areas in which we face demonstrated problems resulting from the Balanced Budget Act. Furthermore, we tired to make short-term adjustments in payment practices without revisiting the underlying policies set forth in the BBA.

Finally, it was particularly important to me not to let this become a partisan process. These are not partisan issues and I have tried to resist any effort to make them so. I am hopeful that this compromise can be supported by all Senators.

The provisions included in the package reflect the priorities of Senators on and off the Finance Committee. In addition, like all of you I have consulted extensively with my own constituents in Delaware, as well as with national health care and beneficiary organizations. They are strongly supportive.

Mr. President, the provisions included in this conference agreement make some significant contributions to protecting the care provided to seniors in nursing homes. We provide increased funding for medically complex patients and for rehabilitation services in nursing, homes, and we help these facilities' transition to the new payment systems required under the Balanced Budget Act. The Agreement also includes something I consider to be of vital importance to Medicare beneficiaries; we put a moratorium on the arbitrary annual dollar cap on the amount of rehabilitation therapy services a beneficiary could access. In addition, we mitigate the impact of scheduled reductions for home health agencies, increase funding and regional payment equity for teaching hospitals, and enhance programs for rural health care facilities.

The Conference Agreement also includes important protections for hospitals as the new outpatient prospective payment system goes into effect next year. I am especially pleased at the steps we have taken to stabilize the Medicare+Choice program, so that beneficiaries can count on Medicare health plan choices in the future.

Mr. President, today we have an opportunity to solve the problems that have been interfering with the ability of the provider community to make sure our constituents receive the high quality health care they deserve, without retreating from the important policy reforms enacted in the Balanced Budget Act. I ask all of you to join me in supporting this important legislation.

Mr. GRAHAM. Mr. President, today, the Senate is considering a multi-billion package focused on adjusting certain Medicare provisions in the Balanced Budget Act of 1997.

That historic legislation made changes in payment structures for programs and providers within Medicare and Medicaid.

Many in the Medicare provider community are concerned that these changes have negatively affected their ability to provide adequate access and quality care to their patients.

Mr. President, I commend the Administration and my colleagues for completing the difficult task of designing a bill that addresses many of these concerns.

I have heard from hospitals, physicians, community health centers and a variety of other Medicare providers, all of whom are very concerned that the quality of care provided to Medicare beneficiaries may decline significantly if cuts to provider payments are not softened.

There are many provisions in this bill that I would like to see enacted. These include a moratorium on the $1500 therapy cap, support for the skilled nursing facilities, cancer centers and disproportionate share hospitals, and enhancements to Medicaid and the Children's Health Insurance Program.

But while there is some clear evidence that Congress may have erred in designing some of the Medicare provisions in the Balanced Budget Act, that fact does not relieve us of our fiduciary responsibilities to the American public.

Our commitment to revisiting Medicare provider adjustments must be accompanied by a commitment to pay for these actions.

By refusing to pay for this bill, we are funding changes to a balanced budget agreement in a way that steals from future generations.

This is an irony we cannot afford.

Mr. President, allow me to explain.

To date, we have spent all of our anticipated revenue for Fiscal Year 2000. Any further government spending comes straight from the Social Security surplus.

It is easy to spend money when it is not your own.

Didn't we prove that during the last thirty years of ''borrow and spend'' budgeting—a period in which our national debt rose from $366 million in 1969 to $5.6 billion today?

Let's not start down that slope again.

Mr. President, I clearly remember the day we passed the Balanced Budget Act in 1997. We all congratulated each other on a job well done.

We slapped each other on the back and took full and deserved credit for balancing the budget for the first time in a generation.

Now we are facing up to some of the realities of that great achievement.

Just as we took responsibility for our accomplishments in 1997, we must now take responsibility for fixing some of our mistakes.

If Congress believes that provider relief is necessary, then it must exercise fiscal responsibility and pay for it with true offsets—not surplus funds.

Congress has clearly stated that ensuring retirement security for the American public is its top priority.

Democrats and Republicans have made clear that saving Social Security and Medicare must be the first items of business on any legislative agenda.

But future generations are depending on our deeds—not our words.

Mr. President, we must hold true to our commitment to ensure Social Security's solvency until 2075 and to strengthen and modernize Medicare before we look to the surplus for any other purpose.

During his State of the Union Address, President Clinton made a commitment to bolster Social Security and

Medicare. Congress has joined him in that commitment.

A test of our commitment to protecting Social Security surplus is being played out on the Senate floor today.

Since the beginning of this debate I have offered proposals to restore payments to providers without stealing from Social Security and Medicare.

When the Finance Committee marked up its bill, I offered an amendment that would have fully offset the cost of this package through a series of modest, non-Medicare-related revenue increases.

It was my hope that the Committee would have shown the same enthusiasm for fiscal responsibility as it did two years ago.

However, it thwarted our commitment to save Social Security and Medicare by a vote of 14 to 6.

I also offered an amendment that would have put a down payment on true Medicare reform, while saving the Medicare system $4 billion over 10 years—nearly one third of the overall cost of the bill.

This focused on five proven and tested proposals, including a competitive bidding for part B services provision that was passed unanimously by the Finance Committee in 1997.

By fulfilling our obligation to help the Medicare system provide quality care while promoting cost efficiency, this amendment embraced the same principles that helped us achieve a balanced budget in 1997.

But our dedication to these principles now appears to have vanished.

The audacity of paying for this bill with the Social Security surplus is exacerbated by the fact that it includes provisions that actually do away with cost saving programs enacted in the Balanced Budget Act of 1997

Allow me to direct your attention to two of the less heralded provisions in this package.

First, the postponement of the enactment of the ''inherent reasonableness'' provision in the Balanced Budget Act of 1997 until final regulations are published. This provision prevents beneficiaries from realizing millions of dollars in savings by blocking the government's ability to negotiate rates with home oxygen and durable medical equipment suppliers.

By reimbursing providers on a market basis, the competitive bidding process will save the system money by setting a true price for medical goods and services, while ensuring that beneficiaries continue to receive comprehensive coverage.

By putting off the implementation of this provision, potentially for years, we are essentially taking $500 million of potential savings out of the pockets of Medicare beneficiaries.

Second, is the inclusion of the following language in the conference report concerning the risk adjuster for Medicare+Choice plans:

''The parties to the agreement note that in 1997, when Congress required the Secretary to develop a risk adjuster for Medicare+Choice plans, it was concerned that those plans that treated the most severely ill enrollees were not adequately paid. The Congress envisioned a risk adjuster that would be more clinically based than the old method of adjusting payments. The Congress did not instruct HCFA to implement the provision in a manner that would reduce aggregate Medicare+Choice payments. In addition, the Congressional Budget Office did not estimate that the provision would reduce aggregate Medicare+Choice payments. Consequently, the parties to the agreement urge the Secretary to revise the regulations implementing the risk adjuster so as to provide for more accurate payments, without reducing overall Medicare+Choice payments.''

Mr. President, the Health Financing Administration (HCFA) currently estimates that risk adjustment will decrease plan payments by approximately $10 billion over ten years. This estimate is based on the additional money that plans are paid relative to fee-for-service Medicare after adjusting for health status. Plans that serve a higher proportion of sicker beneficiaries would not see a decrease in payments. Plans that skim the healthiest patients from the Medicare population would see the biggest decrease in payments.

Since first learning that HCFA was planning to decrease plan payments under risk adjustment, lobbyists for the managed care industry have been claiming that congressional intent was for risk adjustment to be budget neutral, and they have been lobbying this issue on the Hill. They tried to get it into the Senate Finance Committee report but were unsuccessful. The language was included in the House Ways and Means committee report, however. The House-Senate agreement language comes straight from the House report.

It's telling that the statute does not explicitly state that risk adjustment should be budget neutral. In addition, it's telling that lobbyists for the managed care industry have not publicly stated that congressional intent was to make risk adjustment budget neutral.

In terms of what congressional intent actually was in BBA 97—I think the story is not entirely clear. It could be that no one thought much about the issue. But regardless of whether you are sympathetic to managed care plans or not, it is disingenuous to claim definitively that congressional intent was not to reduce plan payments in BBA.

This is an outrage Mr. President.

I believe that we should correct mistakes that were made in the BBA and pay for those mistakes. Equally, it is my feeling that we should seize the opportunity to make fundamental reforms to the Medicare program in order to modernize and improve services for Medicare beneficiaries.

In passing this legislation, we are trading fiscal responsibility for fiscal recklessness. We are ignoring innovation in favor of the status quo.

Mr. President, I am committed to working to find a solution to the difficult problem of bringing Medicare into the 21st Century and keeping it solvent.

It was my hope that we would have the opportunity to vote today on a package that represented good public policy and included an offset that upheld our commitment to fiscal responsibility.

I regret that this is not the case.

But most of all, I regret the overt lack of concern that this body has shown for the future generations whose Medicare and Social Security benefits hang in the balance.

Thank you, Mr. President.

Mr. BIDEN. Mr. President, I am pleased that the Conference Report before the Senate contains the State Department authorization bill.

With enactment of this legislation, we will finally—after three years of effort—approve critical legislation to authorize the payment of nearly $1 billion in back dues to the United Nations. Enactment of this legislation will serve, I believe, three important purposes. It should finally end the long-festering feud between the U.N. and Washington about our unpaid back dues; it should bring much-needed reforms to the world body so that it can more effectively perform its missions; and it should, I hope, end the debate about the utility of the U.N., and restore bipartisan support in Congress for the U.N. system.

The agreement before us will allow us to pay $926 million in arrears to the United Nations contingent upon the U.N. achieving specific reform conditions, or ''benchmarks,'' to borrow the Chairman's expression.

The first set of these conditions can be readily certified—thereby releasing $100 million immediately. The second and third set of conditions will be difficult to achieve. But I have great confidence in our ambassador to the United Nations, Richard Holbrooke. And I believe that with the money on the table—that is, with the assurance that the U.S. payment will be available—the reforms will be easier to obtain then they might otherwise be.

The State Department authorization bill contains several other important provisions which I would like to highlight briefly.

First, the bill authorizes $4.5 billion in funding over the next five years for construction of secure embassies overseas. The tragic embassy bombings in East Africa in August 1998 underscored the current vulnerability of our embassies to terrorist attack. Simply stated, the large majority of our embassies around the world do not meet current security standards. Thousands of U.S. government employees—both Americans and foreign nationals—are at risk, and we must do all that we can to protect them. In addition to authorizing funding, this bill codifies many important security standards, including the

requirement of that embassies be set back 100 feet from the street, and the requirement that all agencies be co-located in the embassy compound.

All this is important. But what is essential is that we provide the actual funding. So far, aside from last fall's emergency appropriations bill, funding for embassy security has fallen far short of need. The President requested $3 billion in advance appropriations in his budget request, which was rejected by the Appropriations Committees. We must give our attention to funding this priority matter next year.

Second, the bill provides for the establishment of a Bureau of Verification and Compliance in the Department of State to monitor arms control and non-proliferation agreements. In his plan for the integration of the Arms Control and Disarmament Agency into the State Department, the President proposed that the functions of verification and compliance be handled by a ''Special Adviser'' to the Undersecretary of State for Arms Control and International Security.

We think the Administration's proposal is ill-advised. Given the way the State Department operates—where key policy battles are waged among bureaus at the Assistant Secretary level—this ''adviser'' would be a weak bureaucratic actor, and the function of assuring compliance with arms control treaties and non-proliferation regimes would thereby be unacceptably diminished. Therefore, the conference report includes a provision which requires that this important duty be handled by an Assistant Secretary of State for Verification and Compliance.

Third, the bill reauthorizes Radio Free Asia (RFA) for another ten years. RFA, which was established in 1994 pursuant to legislation I introduced, broadcasts news and information to the People's Republic of China and other non-democratic states in East Asia. I am pleased that Congress has given its further stamp of approval to this important instrument of American foreign policy.

It is fitting that this bill is named for two devoted public servants who were deeply involved in the development of foreign policy legislation for the last two decades—James Nance and Meg Donovan.

Admiral James W. Nance, known to everyone as ''Bud'', served as staff director of the Committee on Foreign Relations for most of the 1990s, working with his long-time friend, the Chairman of the Committee, Senator HELMS. Admiral Nance was a steady hand in guiding the Committee staff for so many years, and was integral to the initial development of the ''Helms-Biden'' legislation in 1997.

Meg Donovan was long-time staffer for our House counterpart committee, serving under Chairman Dante Fascell. After Chairman Fascell retired, Meg worked closely with the Foreign Relations Committee on behalf of Secretary Christopher, and then Secretary Albright, as a senior deputy in the Bureau of Legislative Affairs. Meg's advice and counsel was important on dozens of occasions—not only to senior State Department officials but also to our committee.

Bud Nance and Meg Donovan were both deeply committed to a bipartisan foreign policy. They were both taken from us too soon. It is therefore in tribute to them that we have named this bill—which represents an important act of bipartisanship—in their honor.

THE NEED FOR SMALL BUSINESS SUPERFUND RELIEF

Mr. LOTT. Mr. President, as we end this session of the 106th Congress, it is appropriate to reflect on what we have accomplished and what remains to be done. In particular, Mr. President, I would like to focus on our efforts to enact Superfund reform.

As my colleagues know, I have fought for many Congresses to free our nation's recyclers from needless Superfund liability. I could not be more pleased to finally accomplish this goal by including the text of mine and Senator DASCHLE's bill, S. 1528, in this year's final appropriations package. I know many of you, on both sides of the aisle, join me in celebrating this long-awaited reform of an unfair system.

However, our work is not done, Mr. President. Like the recyclers, thousands of small businesses are needlessly dragged into the Superfund web each year. Although Superfund is intended to clean up the nation's hazardous waste sites, small businesses are being sued for simply throwing out their trash. Certainly we can all agree that potato peels and cardboard boxes are far from toxic waste.

Yet, another year has gone by without reform for small business. In that year, 165 small businesses in Quincy, Illinois were forced to pay over $3 million for legally sending trash to the local landfill. In that year, Administrator Browner again publicly stated her desire to get small businesses out of Superfund. In that year, reform efforts were again stymied by those who want to hold incremental reforms hostage to comprehensive fixes.

Mr. President, we had the opportunity this year to enact targeted Superfund reform for small businesses, but we did not do so. Senators and Congressmen on both sides of the aisle, as well as the EPA, agree that we should provide the relief so desperately needed by the small business community. For nearly a decade, inaction has left thousands of small business owners with no choice but to mortgage their businesses, their employees and their future to pay for damage they did not do. Small businesses struggle to survive under the threat of thousands of dollars in penalties and lawsuits—all for legally disposing of their garbage.

That's why, Mr. President, I will continue to work to free innocent small businesses from Superfund liability. I hope my colleagues on both sides of the aisle will join me in the continued fight for fair treatment of the small businesses that keep our nation's economy strong.

Mr. STEVENS. Mr. President, I have some comments on issues raised by the conference report to the Interior appropriations bill.

On the matter of contract support costs for Bureau of Indian Affairs and Indian Health Service programs operated by native organizations under the provisions of P.L. 93–638, I am pleased that we have been able to add $10 million to BIA funding and $25 million to IHS funding over fiscal year 1999 levels to support additional payments of contract support costs for these programs. This new funding will allow BIA and IHS to bring existing programs' contract support cost payments closer to the full amount of negotiated support and will allow a limited number of new and expanded programs in both agencies to go forward.

However, I am concerned that the tribes have been operating, in the distribution of contract support costs, under the assumption that contract support costs are an entitlement under the law. The House and Senate committees on appropriations have taken exception to that interpretation and have tried to persuade the IHS to change its allocation methodology and to set reasonable limits on the number and size of new and expanded contracts it executes consonant with resources made available by Congress for the payment of contract support costs. The Federal circuit's court of appeals in its October 27, 1999 decision in Babbitt v. Oglala Sioux Tribal Public Safety Department (1999 WL 974155 (Fed. Cir.)) has now affirmed that contract support costs are not an entitlement, but rather are subject to appropriations. Contract support cases raising similar legal issues are pending in the 10th circuit court of appeals and in various Federal district courts around the country. The Federal circuit's decision was correct both in its holding and in its reasoning and should serve as precedent for other pending cases. To assume that Congress would create a system in which tribes receive the majority of their contract support costs through funds appropriated to the Indian Health Service or Bureau of Indian Affairs and which requires tribes to seek the balance in court through the claims and judgment fund turns logic on its ear. ''Subject to appropriations'' means what it says.

The Indian Health Service has made improvements to its distribution methodology in fiscal year 1999 but continues to distribute funds at varying rates for different contracts, compacts and annual funding agreements. More disturbing, the current IHS system pays contractors with high overhead costs (relative to program costs) at the same percentage rate as it pays contractors with low overhead rates, rewarding inefficient operators and creating an incentive to maximize overhead costs.

The bill allows the funding in FY 2000 of a limited number of new and expanded contracts through the Indian Self Determination (ISD) Fund of $10 million. It is expected that, once the contract support cost total (paid at an average rate not to fall above or below the average rate of payment of contract support costs to existing contractors in FY 2000) for new and expanded programs has reached $10 million, IHS will not execute any further new or expanded contracts until Congress has provided funds specifically earmarked for that purpose. Existing IHS policy does not permit reduction of existing service providers' funding in order to fund new entrants into the system. This bill does not modify that policy. If funds remain in the ISD fund after all new entrants have been accommodated, those funds should be distributed equitably across existing programs, with particular emphasis on the most underfunded.

The Indian Health Service should include as part of its FY 2001 budget request a detailed cost estimate for new and expanded contracts so that Congress will be aware of anticipated need when it establishes a funding level for an ISD account in FY 2001. Congress and the courts have made it plain that IHS can no longer enter into new and expanded contracts without regard to the level of funding provided for that purpose by Congress. Congress will be aided in its efforts to establish a reasonable level of support for new and expanded contracts if the IHS provides accurate estimates of anticipated need as part of the budget process.

The authorizing committees in the Senate and House are encouraged, in consultation with the Indian Health Service, the Bureau of Indian Affairs and tribal organizations, to develop timely proposals to address the longer term issues surrounding contract support costs, including the apparent contradiction between the self-determination principles laid out in P.L. 93–638 and the legal requirement that contract support costs are ''subject to appropriations.''

Our committees encourage the transition of employees from Federal to tribal employment as part of self-determination contracts and self-governance compacts and strongly believe that the IHS should not provide disincentives for such transfers. We have noted that each year start-up costs from new and expanded contracts for the previous year are returned to the base for distribution to other contracts. These funds, currently estimated at $4.5 million, will be available in FY 2000. With my support, the House and Senate Committees on Appropriations will soon be sending a letter to the IHS requesting that it set aside a portion of base contract support funds associated with prior year start up costs for use as a transition fund for costs associated with employees who elect to transfer from Federal employment to tribal employment during the period after which contract support costs for individual contracts have been determined for that year. To the extent set aside funds are not needed for employee transition, they should be distributed equitably among existing contractors, with emphasis on the most underfunded contracts.

In the last fiscal year and the one we are funding now, we will have added a total of $60 million in new contract support cost funding to the IHS budget. We know that these funds are critical to the success of Indian-operated health programs and that shortfalls still remain. However, in the current environment of caps on discretionary spending, we must develop policies that support the self-determination principles embodied in P.L. 93–638 while taking into account the fiscal realities of limits on funding for these programs. I look forward to receiving recommendations from the authorizing committees, the IHS and BIA, and tribal organizations which will address these issues in time for the committees' consideration during the FY 2001 appropriations cycle.

The conference report also includes a provision to authorize the investment of Exxon Valdez oil spill—or EVOS—settlement funds outside of the Treasury. This section is the exact language of legislation, S. 711, reported by the Senate Energy and Natural Resources Committee earlier this year, and represents an accord struck among many interests. The details of this accord are discussed more fully in the committee report (Senate Rpt. 106–124) accompanying S. 711. These interests include Koniag, a native regional corporation with a great interests in seeing that their native lands are valued at the level they feel appropriate given their prominence in the oil spill zone.

The continuing availability of EVOS funds for habitat conservation raises another important issue I hope can be resolved in the coming months. It regards revenue sharing payments arising from oil spill area acquisitions. New additions to refuge lands, such as those from EVOS settlement land acquisitions, qualify adjacent communities to increased federal payments in lieu of taxes under the Revenue Sharing Act of 1935.

In 1995, the U.S. Fish and Wildlife Service agreed to purchase from Old Harbor, Akiok-Kaguyak and Koniag Native Corporations over 160,000 acres of land within the Kodiak National Wildlife Refuge. These lands were acquired using funds derived from the consent decree in settling the United States' and State of Alaska's civil claims against Exxon, Inc. for damages caused by the Exxon Valdez oil spill in 1989.

The Exxon Valdez Trustee Council, which was formed to implement the consent decree, adopted its restoration plan in 1994 with habitat protection as a key component of the plan to recover the damages caused by the oil spill. The trustee council subsequently solicited interest from land owners throughout the spill zone and ranked the habitat based on its restoration value for the species and services injured by the spill. The council, working through State and Federal land managing agencies, commissioned land appraisals and authorized negotiations with land owners.

Negotiated agreements with land owners, resulting in significant habitat acquisitions, exceeded the appraisals approved by Federal and State appraisers. The trustee council in its resolutions authorizing these acquisitions with settlement funds made several findings, I'm advised that these findings included the following:

''Biologists, scientists and other resource specialists agree that, in their best professional judgment, protection of habitat in the spill area to levels above and beyond that provided by existing laws and regulations will likely have a beneficial effect on recovery of injured resources and lost or diminished services provided by these resources.''

''There has been widespread public support for the acquisition of these lands, locally, within the spill zone and nationally.''

''It is ordinarily the Federal Government's practice to pay fair market value for the lands it acquires. However, due to the unique circumstances of this proposed acquisition, including the land's exceptional habitat for purposes of promoting recovery of natural resources injured by EVOS and the need to acquire it promptly to prevent degradation of the habitat, the trustee council believes it is appropriate in this case to pay more than fair market value for these particular parcels.''

''This offer is a reasonable price given the significant natural resource and service values protected; the scope and pervasiveness of the EVOS environmental disaster and the need for protection of ecosystems . . .''

The trustee council-commissioned appraisals—which were performed in accordance with Federal regulations—for the three large parcels acquired within Kodiak National Wildlife Refuge are estimates of fair market value. However, they varied substantially from the landowners' appraisals and what they believed to be their fair market value. The landowners rejected the initial offers made by the U.S. Fish and Wildlife Service to purchase the lands based on the trustee council's commissioned appraisals.

The estimates of fair market value based on the Federal appraisals are below the prices actually paid for the various parcels of land, and they do not consider the purchase price paid in these and other governmental acquisitions in Alaska. The trustee council, through its public process, difficult negotiations and subsequent findings determined that the price paid for the lands was a ''reasonable price'' for a variety of reasons including past Federal large scale acquisitions.

The acquisition in fee of these three large parcels within Kodiak NWR now requires the U.S. Fish and Wildlife Service to make payments in lieu of taxes to the Kodiak Island borough in accordance with the Revenue Sharing Act of 1935. The act directs the agency to make such payments based on the fair market value of acquired lands.

The service is currently using the federally approved appraisals estimating fair market value of these three large parcels as the basis for computing the revenue sharing payment to the borough. The borough has rightly challenged the service's determination of fair market value based on the unique circumstances of these acquisitions and the findings made by the trustee council in approving funds for these acquisitions.

A plain reading of the Revenue Sharing Act (which authorizes the Secretary of the Interior to make refuge revenue sharing payments) requires that the determinations of fair market value be made in a manner that ''the Secretary considers to be equitable and in the public interest.'' Clearly, the public interest associated with these unique acquisitions has been well documented in the findings of the trustee council.

The Revenue Sharing Act imposes no legal impediment for the Secretary to make a determination of fair market value that incorporates the unique circumstances of these acquisitions and the specific findings and actions taken by the trustee council. Thus, I urge the Secretary to review the Kodiak Island borough's appeal to the service's determinations for making revenue sharing payments and do what is fair and equitable as called for by the act.

These are unique circumstances that exist nowhere else in the United States and are limited in Alaska to lands acquired in the Exxon Valdez spill zone with settlement funds. Thus, there should be no consequences for how revenue sharing payments are computed for service acquired lands in other parts of Alaska or throughout the rest of the country.

At this opportunity, upon the passage of another year's funding for the Federal and Indian lands management agencies, I must call to the attention of my colleagues and to the attention of the President of the United States, an issue that troubles me deeply. Over the years, our Government has made commitments to native Americans which it has not kept. Many Americans thought that practice ended with the new, more enlightened self-determination approach to Indian policy. But as one of Alaska's representatives in the Senate, members of the President's staff made personal promises to me just last fall on behalf of the native people of the Chugach region which have not been kept.

In 1971 Congress passed the Alaska Native Claims Settlement Act (ANCSA). The act cleared the way for Alaska native people, including the Chugach natives, to receive title to a small portion of their traditional lands as settlement of their aboriginal land claims. The act also cleared the way for the additional millions of acres to our national parks, wildlife refuges, forests, and wilderness areas. Allowing native people to develop their lands freed them from economic bondage to the Federal Government. No longer would they have to depend exclusively on the benevolence of the Federal Government for hand-outs. They could create their own jobs, generate their own income, and determine their own destiny. But only if they had access to their lands.

Both the administration and the Congress recognized the lands would be virtually valueless if there was no way to get to them. The Claims Act recognized that native lands were to be used for both traditional and economic development purposes. Alaska natives were guaranteed a right of access, under law, to their lands across the vast new parks, refuges, and forests that would be created.

In 1971 and again in 1982, under the terms of the Chugach Native Inc. settlement agreement, the Federal Government made a solemn vow to ensure the Chugach people had access to their aboriginal lands. Now, a quarter of a century later, that commitment has not been fulfilled. Many of the native leaders who worked with me to achieve the landmark Native Land Claims Settlement Act have died after waiting for decades without seeing that promise honored. Last year, Congressman DON YOUNG, chairman of the House Resources Committee, added a provision to the House Interior appropriations bill that required, by a date certain, the Federal Government to live up to the access promises it made to the Chugach natives decades ago. In the conference last fall on the omnibus appropriations bill, the administration spoke passionately and repeatedly against the provision.

Why? They fully admitted the obligation to grant an access easement exists. They acknowledged further that access delayed is access denied and that further delays were harmful to the Chugach people. They opposed the provision on the grounds that it was not necessary since they were going to move with all due haste to finalize the easement before the end of 1998. Katie McGinty, then head of the President's Council on Environmental Quality sat across from me, looked me in the eye, and promised me they would fulfill this long overdue promise before the end of the year.

She even offered to issue a ''Presidential proclamation'' promising once again to do what had already been promised and promised and promised. My staff worked with OMB on the content of such a proclamation, but I told them it would not be necessary. I would take her at her word and believed the administration would live up to the personal commitment she made to me.

Here we are a year later. Chugach still has not received its easement. Ms. McGinty is gone, but her commitment on behalf of this administration remains. It is now the responsibility of others to ensure the promises she made to me and to Alaska's native people are kept.

Congressman YOUNG's House resources Committee has reported a bill, H.R. 2547, to address this issue legislatively, in the hope of forcing the administration to do what it has promised to do. Senator MURKOWSKI has been tireless in his efforts to get the Federal Government to live up to the promises made to Alaskans concerning access to our State and native lands. I support those efforts.

But I take the time today to say clearly to this administration that the promises made by our Government to the Chugach people for access to their lands—and to me personally as their representative—must be honored. Make no mistake, if the promises made to me by officials in this administration last fall are not lived up to soon, if they oppose the efforts of Congressman YOUNG and Senator MURKOWSKI on this issue, if they continue to obfuscate and ''slow roll'' this commitment, it will be clear to all that his administration does not perceive the true meaning of Robert Service's memorable phrase: ''A promise made is a debt unpaid!''

Mr. LOTT. Mr. President. On behalf of myself and my cosponsor, Minority Leader DASCHLE, I would like to insert in the RECORD a legislative history which describes the purpose of each section of S. 1528, the Superfund Recycling Equity Act of 1999. Throughout the negotiations of this language there has been quite a bit of misrepresentation of the purpose of this bill. I hope this will be useful in clearing the confusion.

Mr. President, I ask unanimous consent that the legislative history be inserted in the RECORD at this point.

LEGISLATIVE HISTORY FOR S. 1528

SECTION 127—RECYCLING TRANSACTIONS

Summary

The Superfund Recycling Equity Act of 1999 (the language of S. 1528) seeks to correct the unintended consequence of CERCLA that actually discourages legitimate recycling. The Act recognizes that recycling is an activity distinct from disposal or treatment, thus sending material for recycling is not the same as arranging for disposal or treatment, and recyclable materials are not a waste. Removing the threat of CERCLA liability for recyclers will encourage more recycling at all levels.

The Act has three major elements. First, it creates a new CERCLA §127 which clarifies liability for recycling transactions. Second, it defines those recycling transactions for which there is no liability by providing that only those persons who can demonstrate that they ''arranged for the recycling of recyclable material'' as defined by the criteria in sections 127(c) through (e) are not liable under section 107(a)(3) or (a)(4). The specific definition of ''arranged for recycling'' varies depending upon the recyclable material involved. Third, a series of exclusions from the liability clarification are specified such that

persons who arranged for recycling as defined above may still be liable under CERCLA sections 107(a)(3) or (4) if the party bringing an action against such person can prove one of a number of criteria specified in §127(f). Lastly, new CERCLA §§127(g) through 127(l) clarify several miscellaneous issues regarding the proper application of the liability clarification.

Discussion

§127(a)(1) is intended to make it clear that anyone who, subject to the requirements of §127(b), (c), (d) and (e) arranged for the recycling of recyclable materials is not held liable under §§107(a)(3) or (4) of CERCLA. §127 provides for relief from liability for both retroactive and prospective transactions.

§127(a)(2) is intended to preserve the legal defenses that were available to a party prior to enactment of this Act for those materials not covered by either the definition of a recyclable material in §127(b) or the definition of a recycling transaction within the bill. It is not Congress' intent that the absence of a material or transaction from coverage under this Act create a stigma subjecting such material or transaction to Superfund liability.

§127(b)(1) is meant to include the broad spectrum of materials that are recycled and used in place of virgin material feedstocks. Whole scrap tires have been excluded from eligibility under this provision because of concerns about the environmental and health hazards associated with stockpiles of whole scrap tires. Processed tires including material from tires that have been cut or granulated, are eligible for the benefits of this provision.

The term ''recyclable materials'' is defined to include ''minor amounts of material incident to or adhering to the scrap material . . .'' This is because in the normal course of scrap processing various recovered materials may be commingled. An appliance may, for example, be run though a shredder that also shreds automobiles. As a result, the metal recovered from the appliance may come into contact with oil that entered the shredded incident to an automobile. Numerous other examples exist.

§127(b)(1)(A) is intended to exclude from the definition of recyclable material shipping containers between 30 and 3000 liters capacity which have hazardous substances other than metal bits and pieces in them. The terms ''contained in'' or ''adhering to'' do not include any metal alloy, including hazardous substances such as chromium or nickel, that are metallurgically or chemically bonded in the steel to meet appropriate container specifications.

§127(b)(1)(B) means that any item of material which contained PCBs at a concentration of more than 50 parts per million (''ppm'') at the time of the transaction does not qualify as recyclable material. Material, which previously held a concentration of PCBs in excess of 50 ppm, but has been cleaned to levels below 50 ppm, would still qualify for exempt treatment. Item, in this context, is meant to apply only to a distinct unit of material, not an entire shipment.

This legislation builds a test to determine what are recycling transaction that should be encouraged under the legislation and what are recycling transactions that are really treatment or disposal arrangements cloaked in the mantle of recycling. The test specified in 127(c) applies to transactions involving scrap paper, plastic, glass, textiles, or rubber. Transactions can be a sale to a consuming facility; a return for recycling, whether or not accompanied by a fee; or other similar agreement.

§127(c), (d) and (e), the term ''or otherwise arranging for the recycling of recyclable material'' recognizes that while recyclables have intrinsic value they may not always be sold for a net positive amount. Thus a transaction in which one who arranges for recycling does not receive any remuneration for the material but rather pays an amount, less than the cost of disposal, still qualifies for the protection afforded by this §127.

A commercial specification grade as referred to in §127(c)91), can include specifications as those published by industry trade associations, or other historically or widely utilized specifications are acceptable. It is also recognized that specifications will continue to evolve as market conditions and technologies change.

For purposes of Sec. 127(c)(3), evidence of a market can include, but is not limited to: a third-party published price (including a negative price), a market with more than one buyer or one seller for which there is a documentable price, and a history of trade in the recyclable material.

§127(c)(3) means that for a transaction to be deemed arranging for recycling, a substantial portion, but not all, of the recyclable material must have been sold with the intention that the material would be used as a raw material, in place of a virgin material, in the manufacture of a new product. The fact that the recyclable material was not, for some reason beyond the control of the person who arranged for recycling, actually used in the manufacture of a new product should not be evidence that the requirements of this §127 were not met.

Additionally, no single benchmark or recovery rate is appropriate given variable market conditions, changes in technology, and differences between commodities. Instead, a common sense evaluation of how much of the material is recovered is appropriate. For example, in order to be economically viable as a recycling transaction a relatively high volume of the inbound material is expected to be recovered for feedstocks of relatively low per unit economic value (such as paper or plastic), while a dramatically lower volume of material is expected to be recovered to justify the recycling of a feedstock of very high economic value (such as gold or silver).

It is not necessary that the person who arranged for recycling document that a substantial portion of the recyclable material was actually used to make a new product. Instead, the person need only be prepared to demonstrate that it is common practice for recyclable materials that he handles to be made available for use in the manufacture of a new saleable product. For example, if recyclable stainless steel is sold to a stainless steel smelter, it is presumptive that recycling will occur.

The first part of §127(c)(4) acknowledges the fact that modern technology has developed to the point were some consuming facilities exclusively utilize recyclable materials as their raw material feedstock and manufacture a product that, had it been made at another facility, may have been manufactured using virgin materials. Thus, the fact that the recyclable material did not directly displace a virgin material as the raw material feedstock should not be evidence that the requirements of §127 were not met.

Secondary feedstocks may compete both directly and indirectly with virgin or primary feedstocks. In some cases a secondary feedstock can directly substitute for a virgin material in the same manufacturing process. In other cases, however, a secondary feedstock used at a particular manufacturing plant may not be a direct substitute for a virgin feedstock, but the product of that plant completes with a product made elsewhere from virgin material. For example aluminum may be utilized at a given facility using either virgin or secondary feedstocks meeting certain specifications. In this case, the virgin and secondary feedstock materials compete directly. A particular steel mill, however, may only utilize scrap iron and steel as a feedstock because of the design restrictions of the facility. If that mill makes a steel product that competes with the steel product of another mill, which utilizes a virgin feedstock, the conditions of this paragraph have been met. In this example, the two streams of feedstock materials do not directly compete, but the product made from them do. It is the intent of this paragraph that the person be able to demonstrate the general use for which the feedstock material was utilized. It is not the intent that the person show that a specific unit was incorporated into a new product.

Section 127 provides for relief from liability for both retroactive and prospective transactions. However, an additional requirement is placed on prospective transactions in this paragraph such that persons arranging for such transactions take reasonable care to determine the environmental compliance status of the facility to which the recyclable material is being sent. Reasonable care is determined using a variety of factors, of which no one factor is determinant. The clause ''not procedural or administratrative'' is included to protect one who arranges for recycling from losing the protection afforded by §127 due to a record keeping error, missed deadline or similar infraction by the consuming facility which is out of control of the person arranging for recycling. For transactions occurring prior to, or during the 90 days after, enactment of §127 the requirements of §127(c)(5) shall not be considered in determining whether §127 shall apply.

The person arranging for the transaction must exercise reasonable care at the time of the transaction (i.e., at the time when the buyer and seller reach a meeting of the minds). Should a consuming facility's compliance record indicate past non-compliance with the environmental laws, but at the time the person arranged for the transaction the person exercised reasonable care to determine that the consuming facility was in compliance with all applicable laws, the transaction would qualify for relief under §127.

In addition, the person must only determine the status of the consuming facility's compliance with laws, regulations, or orders, which directly apply to the handling, processing, reclamation, storage, or other management activity associated with the recyclable materials sent by the person. Thus, for example, a person who arranges for the recycling of scrap metal to a consuming facility would not be responsible for determining the consuming facility's compliance with regulations governing the consuming facilities production of its product, just the consuming facility's compliance with management of the scrap metal as an in-feed material.

It is common practice in the industry for scrap processors to otherwise arrange for the recycling of a secondary material through a broker. The broker chooses to which consuming facility the secondary material will be sold. In such cases, it is the responsibility of the broker, not the original person who entered into the transaction with the broker, to take reasonable care to determine the compliance status of the consuming facility. Likewise, a scrap processor may sell material to a consuming facility which in turn arranges for recycling of all or part of that material to another consuming facility. It is only the responsibility of the scrap processor to inquire into the compliance status of the party he arranged the transaction with, not subsequent parties.

In determining whether a person exercised reasonable care, the criteria to be applied should be considered in the context of the time of the transaction. Thus, when looking at ''the price paid in the recycling transaction'' in §127(c)(6)(A) one should look not only at whether the price bore a reasonable relationship to other transactions for similar materials at the time of the transaction in question but should also take into account the circumstances surrounding the individual transaction such as whether it was part of a long term deal involving significant quantities. In addition, market conditions vary considerably over any given time period for any given commodity. Thus, when determining whether the price paid was reasonable, general market conditions, and variations should be considered.

Congress recognizes that small businesses often have less resources available to them than large businesses. Thus, §127(c)(6)(B) acknowledges the fact that a small company may be able to determine less information about the consuming facility's operations than a large company. The size of an individual facility may be an important factor in the facility's ability to detect the nature of the consuming facility's operations.

§127(c)(6)(c) requires a responsible person who arranges for the recycling of a recyclable material to inquire of the appropriate environmental agencies as to the compliance status of the consuming facility. Federal, State, and local agencies may not respond quickly (or respond at all) to inquiries made regarding a specific facility's compliance record. §127(c)(5) only requires a person to make *reasonable* inquiries; inquiries need not be made before every transaction. Inquiries need only be made to those agencies having primary responsibilities over environmental matters related to the handling, processing, etc. of the secondary materials involved in the recycling transaction.

§127(d)(1)(B) provides that a person who arranges for the recycling of scrap metal must meet all of the criteria set forth in §127(c) as they relate to scrap metal and be in compliance with federal regulations or standards associated with scrap metal recycling that were in effect at the time of the transaction in question (not regulations promulgated or standards issued sequent to the time of the transaction). In addition, compliance must only be shown with Solid Waste Disposal Act regulations, which were promulgated and came into effect subsequent to enactment of §127.

Section 127(d)(1)(C) as modified by §127(d)(2) is not intended to exclude from liability relief such activities as welding, cutting metals with a torch, ''sweating'' iron from aluminum or other similar activities.

Section 127(d)(3) defines scrap metal using the regulatory definition found at 40 CFR 261.1 The Administrator is given the authority to exclude, by regulation, scrap metals that are determined not to warrant the exclusion from liability. Because §127 grants relief from liability both prospectively and retroactively, any exclusion by the Administrator would only apply to transactions occurring after notice, comment and the final promulgation of a rule to such effect.

Persons who arrange for the recycling of spent batteries must meet the criteria specified in §127(e), in addition to the criteria already discussed above and laid out in §127(c) for transactions involving scrap paper, plastic, glass, textiles, or rubber.

The act of recovering the valuable components of a battery refers to the breaking (or smelting) of the battery itself in order to reclaim the valuable components of such battery. The generation, transportation, and collection of such batteries by persons who arrange for their recycling is an activity distinct from recovery. Thus, a person who generates, transports, and/or collects a spent battery, but does not themselves break or smelt such battery, is not liable under §§107(a)(3) and (4) provided all other requirements set out in this Section are met.

Section 127(e)(2)(A) provides that for spent lead-acid batteries, the party seeking the exemption must show that it met the federal environmental regulations or standards in effect at the time of the transaction in question (not regulations or standards issued subsequent to the time of the transaction).

Persons who arrange for recycling as defined by the criteria specified in sections 127(a)–(e) and discussed above may be liable under CERCLA §§107(a)(3) or (4) if the party bringing an action against such a person can demonstrate that one of the exclusions provided for in section 127(f) apply. Thus, the burden is on the government or other complaining party to demonstrate the criteria specified in section 127(f).

§127(f)(1)(A) is intended to mean that an ''objectively reasonable basis for belief'' is not equivalent to the reasonable care standard. The objectively reasonable basis for belief standard is meant to be a more rigorous standard than the reasonable care standard.

§127(f)(1)(A)(i) means that in order for the government to show that a recycling transaction should not receive the benefit of §127, it would have to prove that a person knew that the material would not be recycled. Moreover, it is not necessary that every component of the recyclable material be recycled and actually find its way into a new product in order to meet this requirement.

For the purposes of §127(f)(1)(A)(ii), smelting, refining, sweating, melting, and other operations which are conducted by a consuming facility for purposes of materials recovery are not considered incineration, nor would they be categorized as burning as fuel or for energy recovery. However, nothing in this bill shall be construed to limit the definition of recycling so as to restrict, inhibit, or otherwise discourage the recovery of energy through pyroprocessing from scrap rubber and other recyclable materials by boilers and industrial furnaces (such as cement kilns).

§127(f)(1)(A)(iii) sets forth certain obligations upon one who arranges for a recycling transaction which occurs within the first 90 days after enactment and had an objectively reasonable basis to believe that the consuming facility was not in substantive compliance with environmental laws and regulations. This is the corollary to §127(c)(5). The clause ''not procedural or administrative'' is included to protect one who arranges for recycling from losing the protection afforded by §127 due to record keeping error, missed deadline or similar infraction by the consuming facility which is out of control of the person arranging for recycling. There is no expectation that the person who arranged for recycling would necessarily have carried out any type of records search or made any extensive inquiries of administrative agencies.

The provision in §127(f)(1)(B) is intended to apply to persons who intentionally add hazardous substances to the recyclable material in order to dispose or otherwise rid themselves of the substance.

§127(f)(1)(C) is intended to mean that reasonable care is to be judged based on industry practices and standards at the time of the transaction. Thus, in order to determine if a person failed to exercise reasonable care with respect to the management and handling of the recyclable material, one should look to the usual and customary management and handling practices in the industry at the time of the transaction.

In enacting §127(i) Congress clearly intends that the exemptions from liability granted by §127 shall not affect any concluded judicial or administrative action. Concluded action means any lawsuit in which a final judgment has been entered or any administrative action, which has been resolved by consent decree, which has been filed in a court of law and approved by such court. Furthermore, §127 shall not affect any pending judicial action brought by the United States prior to enactment of this section. Any pending judicial action, whether it was brought in a trial or appellate court, by a private party shall be subject to the grant of relief from liability. For purposes of this section, Congress intends that any third party action or joinder of defendants brought by a private party shall be considered a private party action, regardless of whether or not the original lawsuit was brought by the United States. Additionally, any administrative action brought by any governmental agency but not yet concluded as set forth above, shall be subject to the grant of relief from liability set forth in this §127.

§127(l)(1) preserves the rights of a person to whom §127(a)(1) does not apply to raise any defenses that might otherwise be raised under CERCLA. This is consistent with the explanation for §127(a)(2).

By adding §127(l)(2) Congress intended to make certain that no presumption of liability is created against a person solely because that person is not afforded the relief granted by §127(a)(1).

Mr. DASCHLE. This past Wednesday—the day we finally produced a fragile budget agreement—marked the 199th anniversary of the first time Congress ever met in Washington, DC. They met that day in what was then an unfinished Capitol. Several times during the negotiations, the thought occurred to me that, if the same people who are running this Congress were in charge back then, the Capitol might still be unfinished.

These negotiations took longer, and were more difficult, than they needed to be. The good news is: We finally have a budget that will keep America moving in the right direction. Many longtime members and observers of Congress say this has been perhaps the most confusing, convoluted budget process they can remember.

There have been a lot of technical questions these last few weeks about accounting methods, economic growth projections, and CBO versus OMB scoring. But the big question—the fundamental question that was at the heart of this budget debate—is quite simple: Are we going to move forward—or backward?

We have chosen, thank goodness, to move forward. This budget continues the progress we've made over the last seven years. It maintains our hard-won fiscal discipline. It invests in America's future. And it honors our values.

This budget will put more teachers in our children's classrooms, and more police on our streets. It will enable us to honor our commitments to our parents, and fulfill America's obligations as a world leader. And, it will enable us to protect our environment and preserve precious wilderness areas for generations not yet born.

I want to thank the Majority Leader, my Democratic colleagues, especially Senator HARRY REID, our whip, and

Senator ROBERT BYRD, ranking member of the Appropriations Committee. I also want to thank some of my colleagues on the other side of the aisle, particularly Senator STEVENS, chairman of the Appropriations Committee.

In addition, I want to acknowledge and thank President Clinton and Vice President GORE, as well as the incredibly skillful, patient White House negotiating team, especially Chief of Staff John Podesta, Deputy Chief of Staff Sylvia Matthews, OMB Director Jack Lew; Larry Stein and Chris Jennings.

I also want to thank my own staff, and the staff of Appropriations Committee, who have worked many weekends, many late nights, to turn our ideas and debate into a workable budget document.

Finally, I want to acknowledge our dear friend, the late Senator John Chafee. Losing Senator Chafee so suddenly was one of the saddest moments in this difficult year. He embodied what is best about the Senate. He was a reasonable, honorable man who cared deeply about people. Completing the budget process was a major challenge. But in the end, I believe we have produced a budget John Chafee would have approved of.

This budget invests in our children's education - the best investment any nation can make. It maintains our commitment to reduce class size by hiring 100,000 teachers. It contains money to help communities repair old schools and build new ones. It will enable more children to get a Head Start in school, and in life. And it will allow more young people to attend after-school programs where they will be safe, and where they will have responsible adult supervision.

This budget protects Medicare beneficiaries by providing fair payments to the hospitals, clinics, home health care providers and nursing homes they rely on.

This budget will make our communities safer by putting 50,000 more police officers on the street—in addition to the 100,000 who have already been hired—and by investing in youth crime prevention.

This budget will help keep Americans healthy . . . by reducing hunger and malnutrition among pregnant women, infants and young children . . . and by increasing funding for the National Institute of Health and the national Centers for Disease Control.

This budget protects our environment. We took out riders that would have harmed our environment, and put in money to fund the President's Lands Legacy program.

This budget will help working families find affordable housing.

It will help farm and ranch families weather these hard times.

This budget protects our national security . . . by increasing military pay and readiness . . . and by reducing the nuclear threat at home and around the world.

This budget will help us fulfill our responsibilities as the world's only superpower. It provides money to pay our UN arrears and fund the Wye Accord to promote peace to the Middle East. It will also enable us to ease the crushing burden of debt on some of the world's poorest countries, so those nations can begin to invest in their own futures.

At the beginning of the year, our Republican colleagues proposed an $800 billion tax cut. For months, we all heard a lot of debate about what such a huge tax cut would mean. This budget makes it clear. There is no way we could have paid for an $800 billion tax cut without exploding the deficit again, or raiding Medicare, education, and other programs working families depend on.

Instead of moving backwards on taxes, we're moving forward. We're cutting taxes the right way. We're widening the circle of opportunity . . . by extending the R&D tax credit, and other tax credits that stimulate the economy . . . and by empowering people with disabilities by allowing them to maintain their Medicare and Medicaid coverage when they return to work.

There is one other point I want to make about the budget: For every dollar Democrats succeeded in restoring these last few weeks . . . for teachers, and police officers and other critical priorities . . . we have provided a dollar in offsets. Dollar for dollar, every one of our priorities is paid for. If CBO determines that this budget exceeds the caps, the overspending is in the basic budget our Republican colleagues drafted—on their own.

THE UNFINISHED AGENDA

As I said, Mr. President, this budget does move the country in the right direction—but only incrementally. My great regret and frustration with this Congress, is that we have achieved so little beyond this budget.

Look what we are leaving undone! In a year in which gun violence horrified America . . . a year in which gun violence invaded our schools and even a day care center . . . the far right has prevented this Congress from passing even the most modest gun safety measures—measures that would make it harder for children and criminals to get guns.

The far right has prevented this Congress—so far—from passing a Patients' Bill of Rights. More than 90 percent of Americans—Democrats and Republicans—support a real Patients' Bill of Rights that holds HMOs accountable. So does the AMA, the American Nurses Association—and 200 other health care and consumer organizations. And so does a bipartisan majority in both the House and Senate. Yet the Republican leaders in this Congress continue to use parliamentary tricks to deny patients their rights. As we leave here for the year, HMO reform, like gun safety, has been stuck for months in the black hole of conference committees.

The Republican leadership clearly is hoping that we will forget about all the shootings . . . forget about the families who have been injured because some HMO accountant overruled their doctor and denied needed medical treatment. I am here to tell them: The American people will not forget. And neither will Senate Democrats.

We will fight to close the gun show loophole. And we will fight to pass a real Patients' Bill of Rights next year. We will continue the fight for meaningful campaign finance reform. We will continue the fight to preserve and strengthen Medicare—including adding a prescription drug benefit. We will resume the fight for a decent minimum wage increase. We will fight for a fair resolution of the dairy-pricing issue. And, we will restore the rural loan guarantee program for satellite TV service, so rural Americans aren't left with second-class service.

It's taken a long time, but we finally have a budget that keeps America moving in the right direction. That is a relief, and a victory for the American people. But we still have a long way to go. We are leaving here with too many urgent needs unmet. We must do better next year.

Mr. LOTT. Mr. President, today the Superfund Recycling Equity Act, S. 1528, is being sent to the President as part of H.R. 3194. This is a great day for environmental law—this is the day that the public policy restores recycling as a rewarded, rather than punished activity.

This is a great day because partisan feuding was set aside so that the Congress could find a realistic, incremental, and common sense environmental fix. The freestanding Superfund Recycling Equity Act has strong bipartisan support with 68 cosponsors—68 Senators who have worked together to advance a fix to a small piece of the Superfund debate.

In this controversial world of environmental legislation it is rare that the leaders of the two parties in either Congressional body would agree on a piece of legislation. Well, here in the Senate we do. I wish to thank Minority Leader DASCHLE who understood the merits of recycling and twice joined with me to sponsor this legislation. Without his leadership, this legislation would not have been possible.

Mr. President, I would also like to commend the Senators who originally joined Senator DASCHLE and me in introducing this legislation. Senators WARNER and LINCOLN, who sponsored this measure in a previous Congress, have long exhibited their enthusiasm for fixing recycling rules. They are true leaders—leaders who have fostered this reasonable, workable, environmental proposal. Senator BAUCUS, the Ranking Minority Member of the Environment and Public Works Committee, has also been an avid supporter of recycling by including a version of the Superfund Recycling Equity Act in his comprehensive Superfund reform bill in the 103rd Congress. His six years of leadership in trying to fix public policy for recyclers is appreciated.

Mr. President, this bill would not be where it is at today, on the cusp of becoming law, had it not been for the active support of the late Senator John Chafee—a dear friend to me and many of our colleagues. John Chafee was a respected leader of the Environment and Public Works Committee. His advice and counsel helped shape my bill and he was an original cosponsor. I am proud to have been associated with him on this bill and its legislative process. I consider it a tribute that this bipartisan bill, negotiated with the Administration, representatives of the national environmental community, and the recycling industry, was supported by John Chafee, a man for whom consensus was so important. I believe this is not a footnote to John Chafee's legacy; rather I believe that he made this kind of cooperation possible.

The former mayor of Warwick, Rhode Island, is now the newly appointed Senator from Rhode Island. I have already had an opportunity to hear our newest senator—Senator LINCOLN CHAFEE—tell me about what Warwick has done with regards to recycling. It is a proud record—a record that would be extended and enhanced by this bill. I find it a credit to John Chafee's legacy that his son would be working with me on this legislation. Less than a month in the Senate and already LINCOLN's voice is being heard in ways that will directly help Rhode Island.

Mr. President, I also must recognize the vision of trade associations like American Petroleum Institute and National Federation of Independent Businesses for supporting an incremental solution. It would have been easier for these groups to oppose the bill because it did not address all the fixes for which they have been advocating. However, AFI and NFIB recognized that this increment would not jeopardize their efforts; rather it exemplifies the efforts of various stakeholders to accomplish something positive for the environment albeit it incremental.

And finally, I must thank the various staff members who have diligently worked toward the passage of this legislation: Eric Washburn and Peter Hanson of Senator DASCHLE's staff, Tom Gibson and Barbara Rogers of the Environment and Public Works committee staff, Charles Barnett of Senator LINCOLN's staff, Ann Loomis of Senator WARNER's staff, and my former staffer, Kristy Simms, who set the stage for this years success.

While too often Senators have seen various interest groups tell Congress why we cannot achieve some worthy environmental goal, the history of the Superfund Recycling Equity Act is replete with evidence of people coming together to correct a problem. Everyone, including myself, realizes that comprehensive reform is necessary to fix the vast array of problems in many different sectors of the environmental community. Unfortunately, we do not live in a perfect world, so Congress must do what is achievable whenever it is possible. This is good public policy—increments will show all parties there is a bridge for bipartisan environmental fixes. Recycling is the first of many necessary fixes, and I would bet my colleagues that it will not be the last fix.

This is a great day for many environmental groups who saw a change that they supported, not be taken hostage by the debate that has for so many years paralyzed reforms to Superfund. The original negotiation that resulted in the basis of the bill was tough and long—but it was fair. Each of the negotiating partners left items on the table that they would have wanted in an otherwise perfect world. Their collective approach was always bipartisan—they never pitted one party against another by pledging one group of interests against another. They remained loyal to their agreement for an unheard of five years—an eternity in Washington. Though this legislation was a long time in coming, I am grateful for its passage.

Mr. President, this is a great day for my good friend and fellow Mississippian, Phillip Morris. It is also a great day for the thousands of mom-and-pop recycling firms across America, like the one owned by Phillip Morris. This legislation protects the legacy of these firms which in most cases have been handed down through generations—often started by new immigrants to America nearly a hundred years ago. This ends the long Superfund nightmare that our nation's recyclers have suffered. Each time they sold their recyclable products they were, unintentionally, exposing themselves to costly Superfund liability. Removing Superfund as an impediment to recycling is a predicate to higher recycling rates throughout the nation.

The Superfund Equity Act is not about special interests getting a fix. No, this bill is about representing constituent interests throughout America and promoting the public interest. That is why Senator DASCHLE and I have 68 cosponsors—cosponsors that range completely across the liberal and conservative political spectrum, and range across all regions of America.

Mr. President, let me be clear, the Superfund Recycling Equity Act corrects a mistake nobody intended to make. When the Comprehensive Emergency Response, Compensation and Liability Act (CERCLA) was enacted in 1980, there was no suggestion that traditional recyclables—paper, plastic, glass, metal, textiles, and rubber were ever intended to be subject to Superfund liability. As a result of court interpretations, however, the sale of recyclables as manufacturing feedstock was considered to be arranging for the disposal of the material and, therefore, subject to Superfund's liability scheme. However, as we have all come to know as a matter of public policy, recycling is not disposal; it is the exact opposite of disposal.

Mr. President, let me say that again—recycling is not disposal, and a law is needed to remove this confusion. Sad, but true.

Enactment of this legislation clarifies this point and corrects the misinterpretations that have cost recyclers—primarily small family-owned businesses—millions and millions of dollars for problems they did not cause. With passage of the Superfund Recycling Equity Act, the costs of cleanup at sites that utilize recyclable materials as feedstock will be borne, rightfully, by those persons who actually cause or contribute to the pollution. As a result, those facilities will be less likely to cause contamination because they will no longer have recyclers to help them pay for Superfund cleanup. That's a powerful market incentive and will cause the consuming facility to become more environmentally conscientious.

Let me be clear, this legislation will not alter the basic tenants of environmental law—polluters will still pay. This legislation does not relieve recyclers of Superfund liability where they have polluted their own facilities. It also does not protect these businesses when they have sent materials destined for disposal to landfills or other facilities where those materials contributed, in whole or in part, to the pollution of those facilities. Furthermore, the public can expect recyclers to continue to be environmentally vigilant because they must operate their businesses in an environmentally sound manner, in order to be relieved of Superfund liability.

Today is a victory for coalition building that avoids the attack strategies that are so often employed by trade associations in DC. I hope they see the wisdom in building coalitions around achievable increments. This is how Congress can move forward. This is how Congress shows that it not only hears from its constituents but it acts successfully. Hostage taking, distortion, and scorch the earth approaches are not productive legislative strategies or lobbying tactics. Trade associations need to seek achievable solutions, develop responsible legislative goals, and avoid Beltway attack politics. I am extremely pleased that Congress has been able to take this tiny but very important step forward in reforming the Superfund law. I hope this accomplishment will inspire others to work for sensible, incremental solutions that help both our environment and our nation's economy.

I am proud that today Congress leveled the playing field and created equity in the statutory treatment of recycled material and virgin materials. I am proud to have removed the disincentives to recycling without loosening any existing liability laws for polluters. I am proud to have represented the mom and pop recyclers across America. I'm especially proud of the fact that this was all done in a bipartisan manner.

Mr. MOYNIHAN. Mr. President, 2 years ago, as part of the effort to balance the Federal budget, Congress enacted the Balanced Budget Act of 1997—which we have come to know as the ''BBA.'' Among other provisions, the BBA enacted major changes in the way Medicare pays for medical services. As implementation of these changes proceeds, concerns have been raised that some of them are having unintended consequences that threaten the viability of health care providers—and consequently the overall availability of health care to our constituents.

In order to alleviate some of these unintended consequences of the BBA, the appropriations conference report before the Senate today incorporates by reference H.R. 3426, the ''Medicare, Medicaid and SCHIP Balanced Budget Refinement Act of 1999.'' This legislation will restore some $17 billion over 10 years to hospitals, skilled nursing facilities, home health agencies, and other Medicare and Medicaid providers. The bill will also facilitate administrative actions that will provide an additional $10 billion of relief to hospital outpatient departments.

H.R. 3426 has many important provisions; here are some of the highlights:

Teaching hospitals will receive $600 million in additional Indirect Medical Education (IME) payments over fiscal years 2000 and 2001. They will also benefit from other provisions that add money back to hospital outpatient departments, and which scale back cuts in Medicare disproportionate share payments to hospitals serving low-income patients. I will have more to say about teaching hospitals in a moment.

Rural hospitals will be assisted by: an exemption from the new payment system for hospital outpatient departments; improvements in the Critical Access Hospital (CAH) program; a 5-year extension of the Medicare Dependent Hospital program; and an update in payments for Sole Community Hospitals (SCHs).

Skilled Nursing Facilities—usually referred to as SNFs—would receive $2.1 billion of assistance over 10 years by: increasing payments for certain medically complex patients; permitting SNFs to switch immediately to a more favorable payment system; and excluding certain high cost items from consolidated billing.

The caps on payments for rehabilitation therapy would be suspended for two years pending development of a better payment system; and hospice facilities, which are covered under Medicare part A, would receive temporary payment increases in fiscal years 2001 and 2002.

Other provisions of the bill would: stabilize the formula used to calculate payment for physician services; lift time limits for state use of a fund for delinking of welfare and Medicaid eligibility; slow the phase-down of a Medicaid cost reimbursement to community health centers and rural health clinics; and provide adjustments to the State Children's Health Insurance Program—known as CHIP—which was enacted by the BBA of 1997

GRADUATE MEDICAL EDUCATION

I would like to focus the remainder of my remarks on one particular aspect of this legislation—funding for graduate medical education. My State of New York is the home to 117 teaching hospitals—almost 10 percent of our Nation's academic medical centers.

The cumulative effect of several provisions in the Balanced Budget Act of 1997 has produced an unintended financial burden on teaching hospitals. First, the BBA enacted a multi-year reduction in payments for the indirect costs associated with medical education, known as IME payments. Second, many teaching hospitals serve a large share of low-income inpatients and have therefore been burdened by the BBA's cuts in disproportionate share hospital (DSH) payments. Finally, many teaching hospitals are also subject to the BBA's reductions in hospital outpatient department reimbursements.

I am pleased that the legislation we are voting on today, mitigates the fiscal pressures on teaching hospitals by adding back Indirect Medical Education (IME) funds in fiscal years 2000 and 2001. Teaching hospitals in New York will receive more than $150 million in additional IME payments over these 2 fiscal years.

In addition, the bill's relief to disproportionate share hospitals—those serving low-income patients—will assist the many teaching hospitals serving those populations. Finally, teaching hospitals across the Nation will benefit from the nearly $10 billion over 10 years in additional payments to hospital outpatient departments.

I am concerned, however, about a change made in this bill to Direct Graduate Medical Education (DGME) payments. Medicare DGME payments compensate teaching hospitals for the costs directly related to the graduate training of physicians. Such DGME costs include residents' salaries and fringe benefits, the salaries and benefits of the faculty who supervise the residents, as well as other direct and overhead costs.

The current payment methodology for DGME was developed in the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA). Under COBRA, a hospital-specific per-resident amount was determined based on each individual hospital's 1984 Medicare allowable costs. This per-resident amount took into account the extent to which teaching hospitals already had alternative sponsorship—such as from a university, medical school, or faculty practice plan—and locked payments at that level, so as not to replace outside funding sources. In determining current DGME payments, 1984 costs are updated for inflation and subjected to a formula based on each hospital's number of current residents (which is capped under BBA), and each hospital's proportion of inpatient Medicare beds.

Consequently, there is wide variation in DGME payments from hospital to hospital. On average, New York has a higher average per-resident amount ($85,000/per resident) than the rest of the country ($67,000/per resident). However, DGME payments are hospital specific, not region specific; even within New York great variation exists. In New York DGME payments range from $156,000 per-resident to $38,000 per-resident. There are a number of factors which account for the variation in the hospital specific payments: the level of outside support from non-hospital sources; the relationship to the medical school; and state or local government appropriations. In addition, residents' salaries, which are determined by geographic cost of living factors, further explains the variation.

The version of this legislation that passed the House of Representatives included DGME language that would change the hospital specific per-resident formula to a payment based on a wage-adjusted national average. I am pleased to say that during negotiations on these provisions, I and the distinguished ranking Democrat on the Ways & Means Committee, Representative Rangel, with Chairman Roth's support were able to significantly narrow the scope of the House provision, thereby protecting many teaching hospitals in New York and elsewhere from abrupt changes in DGME payments. The scaling back of the House provision will provide time to address the complicated DGME system in a comprehensive and fair manner.

The negotiations necessary to reach agreement on both the IME and DGME adjustments in this legislation clearly demonstrate the need for fundamental change in the way that medical education is financed in this country. What is needed is not year-to-year adjustments in Medicare funding but an explicit and dedicated source of funding for these institutions—a Medical Education Trust Fund as I have proposed this year and in the past.

The legislation that I introduced would require that the public sector, through the Medicare and Medicaid programs, and the private sector, through an assessment on health insurance premiums, contribute broad-based and fair financial support. Changing the funding source for graduate medical education from primarily Medicare funds to multiple payers would protect graduate medical education for the long term. Teaching hospitals are national treasures; they are the very best in the world. Yet today they find themselves in a precarious financial situation as market forces reshape the health care delivery system in the United States. The all-payer trust fund I have proposed would ensure that America continues to lead the world in the quality of its health care system.

Mr. THURMOND. Mr. President, I rise in support of the Conference Report to H.R. 1554, the Satellite Home Viewer Improvement Act. This is pro-consumer legislation which will promote much needed competition among television providers.

This legislation allows satellite carriers to carry local television stations for the first time. Consumers now will have a choice between cable companies and satellite companies that offer similar programming. This competition should help lower costs and increase quality service for all consumers.

In addition, this legislation contains many other pro-consumer provisions. For example, it protects consumers who are about to lose their distant signals and establishes a new consumer-friendly process to determine distant signal eligibility.

This legislation also protects local broadcasters who provide a valuable service to our communities. Most importantly, local broadcasters should benefit from the legislation's must carry requirements. The members of the conference also agreed on a provision which would encourage satellite carriers and other entities to provide local into local network service in small and rural markets. However, this provision was taken out at the last minute. I strongly support fiscally sound ways of encouraging satellite carriers and other entities to provide local network television in small and rural markets.

This legislation is a good step in promoting competition among satellite and cable providers. I urge support of this legislation, and I look forward to working early next year with other Senators regarding local into local network service for small and rural markets.

Mr. LIEBERMAN. Mr. President, I rise today with renewed hope for the safety of our public roads. In 1998, 5,374 people were killed in truck-related crashes. In my State there is a strong public sense of alarm about this safety problem. And as trucks get bigger and heavier and the volume of trucks on our roads increases, the General Accounting Office (GAO) predicts that by the year 2000, over 6,000 people will be killed every year as a result of truck-related crashes. This prediction comes at a time when the Office of Motor Carriers (OMC)—the federal agency charged with overseeing truck safety—has failed in its duties to protect the American public. The Department of Transportation Inspector General, the National Transportation Safety Board, the GAO and members of this Congress have all brought to light and documented the many inadequacies of this broken agency.

I commend the leaders of the Senate Commerce Committee for pursuing this very important issue. H.R. 3419, The Motor Carrier Safety Improvement Act of 1999, addresses the numerous failings of the Office of Motor Carriers by strengthening federal motor carrier safety programs, and by creating a new Federal Motor Carrier Safety Administration. Although H.R. 3419 takes a large step in the right direction, federal truck safety oversight needs a new look, with a focus dedicated to reducing truck-related fatalities and injuries, and not simply a new agency with new letterhead.

The Inspector General in his April 1999 report showed that the OMC has not maintained an ''arm's length'' relationship between itself and the industry it regulates. In fact, the report suggests OMC has developed too close a relationship with the industry it must regulate. This has limited OMC in taking the tough regulatory and enforcement actions that the accident data suggests are needed to protect public safety. One example of this problem is that the OMC has consistently awarded research contracts to the regulated industry to perform some of the most critical, and highly sensitive research on future rulemakings governing the industry. This practice appears questionable. In order to protect the American public, an independent relationship should be established by the new Federal Motor Carrier Administration.

H.R. 3419 provides us with an opportunity for real progress in improving truck safety, but only if the new Federal Motor Carrier Safety Administration and its leaders commit to a new culture which truly holds safety as the highest priority. This Congress and the Department of Transportation must restore the American public's trust in federal motor carrier safety programs, and take action that produces safer results.

Mr. STEVENS. Mr. President, I have some comments on issues raised by the conference report to the Interior appropriations bill.

On the matter of contract support costs for Bureau of Indian Affairs and Indian Health Service programs operated by Native organizations under the provisions of P.L. 93–638, I am pleased that we have been able to add $10 million to BIA funding and $25 million to IHS funding over fiscal year 1999 levels to support additional payments of contract support costs for these programs. This new funding will allow BIA and IHS to bring existing programs' contract support cost payments closer to the full amount of negotiated support and will allow a limited number of new and expanded programs in both agencies to go forward.

However, I am concerned that the Tribes have been operating, in the distribution of contract support costs, under the assumption that contract support costs are an entitlement under the law. The House and Senate Committees on Appropriations have taken exception to that interpretation and have tried to persuade the IHS to change its allocation methodology and to set reasonable limits on the number and size of new and expanded contracts it executes consonant with resources made available by Congress for the payment of contract support costs. The Federal Circuits Court of Appeals in its October 27, 1999 decision in *Babbitt* v. *Oglala Sioux Tribal Public Safety Department* (1999 WL 974155 (Fed. Cir.)) has now affirmed that contract support costs are not an entitlement, but rather are subject to appropriations. Contract support cases raising similar legal issues are pending in the 10th Circuit Court of Appeals and in various Federal district courts around the country. The Federal circuit's decision was correct both in its holding and in its reasoning and should serve as precedent for other pending cases. To assume that Congress would create a system in which Tribes receive the majority of their contract support costs through funds appropriated to the Indian Health Service or Bureau of Indian Affairs and which requires Tribes to seek the balance in court through the claims and judgment fund turns logic on its ear. ''Subject to appropriations'' means what it says.

The Indian Health Service has made improvements to its distribution methodology in fiscal year 1999 but continues to distribute funds at varying rates for different contracts, compacts and annual funding agreements. More disturbing, the current IHS system pays contractors with high overhead costs (relative to program costs) at the same percentage rate as it pays contractors with low overhead rates, rewarding inefficient operators and creating an incentive to maximize overhead costs.

The bill allows the funding in fiscal year 2000 of a limited number of new and expanded contracts through the Indian Self Determination (ISD) fund of $10 million. It is expected that, once the contract support cost total (paid at an average rate not to fall above or below the average rate of payment of contract support costs to existing contractors in fiscal year 2000) for new and expanded programs has reached $10 million, IHS will not execute any further new or expanded contracts until Congress has provided funds specifically earmarked for that purpose. Existing IHS policy does not permit reduction of existing service providers' funding in order to fund new entrants into the system. This bill does not modify that policy. If funds remain in the ISD fund after all new entrants have been accommodated, those funds should be distributed equitably across existing programs, with particular emphasis on the most underfunded.

The Indian Health Service should include as part of its fiscal year 2001 budget request a detailed cost estimate for new and expanded contracts so that Congress will be aware of anticipated need when it establishes a funding level for an ISD account in fiscal year 2001. Congress and the courts have made it plain that IHS can no longer enter into new and expanded contracts without regard to the level of funding provided for that purpose by Congress. Congress will be aided in its efforts to establish

a reasonable level of support for new and expanded contracts if the IHS provides accurate estimates of anticipated need as part of the budget process.

The authorizing committees in the Senate and House are encouraged, in consultation with the Indian Health Service, the Bureau of Indian Affairs and Tribal organizations, to develop timely proposals to address the longer term issues surrounding contract support costs, including the apparent contradiction between the self-determination principles laid out in P.L. 93–638 and the legal requirement that contract support costs are subject to appropriations.

Our committees encourage the transition of employees from Federal to Tribal employment as part of self-determination contracts and self-governance compacts and strongly believe that the IHS should not provide disincentives for such transfers. We have noted that each year start-up costs from new and expanded contracts for the previous year are returned to the base for distribution to other contracts. These funds, currently estimated at $4.5 million, will be available in fiscal year 2000. With my support, the House and Senate Committees on Appropriations will soon be sending a letter to the IHS requesting that it set aside a portion of base contract support funds associated with prior year start up costs for use as a transition fund for costs associated with employees who elect to transfer from Federal employment to Tribal employment during the period after which contract support costs for individual contracts have been determined for that year. To the extent set aside funds are not needed for employee transition, they should be distributed equitably among existing contractors, with emphasis on the most underfunded contracts.

In the last fiscal year and the one we are funding now, we will have added a total of $60 million in new contract support cost funding to the IHS budget. We know that these funds are critical to the success of Indian-operated health programs and that shortfalls still remain. However, in the current environment of caps on discretionary spending, we must develop policies that support the self-determination principles embodied in P.L. 93–638 while taking into account the fiscal realities of limits on funding for these programs. I look forward to receiving recommendations from the authorizing committees, the IHS and BIA, and tribal organizations which will address these issues in time for the committees' consideration during the fiscal year 2001 appropriations cycle.

Mr. President, the conference report also includes a provision to authorize the investment of Exxon Valdez oil spill—or EVOS—settlement funds outside of the Treasury. This section is the exact language of legislation, S. 711, reported by the Senate Energy and Natural Resources Committee earlier this year, and represents an accord struck among many interests. The details of this accord are discussed more fully in the committee report (Senate Rpt. 106–124) accompanying S. 711. These interests include Koniag, a native regional corporation with a great interest in seeing that their native lands are valued at the level they feel appropriate given their prominence in the oil spill zone.

The continuing availability of EVOS funds for habitat conservation raises another important issue I hope can be resolved in the coming months. It regards revenue sharing payments arising from oil spill area acquisitions. New additions to refuge lands, such as those from EVOS settlement land acquisitions, qualify adjacent communities to increased Federal payments in lieu of taxes under the Revenue Sharing Act of 1935.

In 1995, the U.S. Fish and Wildlife Service agreed to purchase from Old Harbor, Akiok–Kaguyak and Koniag Native corporations over 160,000 acres of land within the Kodiak National Wildlife Refuge. These lands were acquired using funds derived from the consent decree in settling the United States' and State of Alaska's civil claims against Exxon, Inc. for damages caused by the Exxon *Valdez* oil spill in 1989.

The Exxon Valdez Trustee Council, which was formed to implement the consent decree, adopted its restoration plan in 1994 with habitat protection as a key component of the plan to recover the damages caused by the oil spill. The trustee council subsequently solicited interest from land owners throughout the spill zone and ranked the habitat based on its restoration value for the species and services injured by the spill. The council, working through State and Federal land managing agencies, commissioned land appraisals and authorized negotiations with land owners.

Negotiated agreements with land owners, resulting in significant habitat acquisitions, exceeded the appraisals approved by Federal and State appraisers. The trustee council in its resolutions authorizing these acquisitions with settlement funds made several findings, I'm advised that these findings included the following:

> Biologists, scientists and other resource specialists agree that, in their best professional judgment, protection of habitat in the spill area to levels above and beyond that provided by existing laws and regulations will likely have a beneficial effect on recovery of injured resources and lost or diminished services provided by these resources.
>
> There has been widespread public support for the acquisition of these lands, locally, within the spill zone and nationally.
>
> It is ordinarily the Federal Government's practice to pay fair market value for the lands it acquires. However, due to the unique circumstances of this proposed acquisition, including the land's exceptional habitat for purposes of promoting recovery of natural resources injured by EVOS and the need to acquire it promptly to prevent degradation of the habitat, the trustee council believes it is appropriate in this case to pay more than fair market value for these particular parcels.
>
> This offer is a reasonable price given the significant natural resource and service values protected; the scope and pervasiveness of the EVOS environmental disaster and the need for protection of ecosystems . . .

The trustee council-commissioned appraisals—which were performed in accordance with Federal regulations—for the three large parcels acquired within Kodiak National Wildlife Refuge are estimates of fair market value. However, they varied substantially from the landowners' appraisals and what they believe to be their fair market value. The land owners rejected the initial offers made by the U.S. Fish and Wildlife Service to purchase the lands based on the trustee council's commissioned appraisals.

The estimates of fair market value based on the Federal appraisals are below the prices actually paid for the various parcels of land, and they do not consider the purchase price paid in these and other governmental acquisitions in Alaska. The trustee council, through its public process, difficult negotiations and subsequent findings determined that the price paid for the lands was ''a reasonable price'' for a variety of reasons including past Federal large-scale acquisitions.

The acquisition in fee of these three large parcels within Kodiak NWR now requires the U.S. Fish and Wildlife Service to make payments in lieu of taxes to the Kodiak Island borough in accordance with the Revenue Sharing Act of 1935. The act directs the agency to make such payments based on the fair market value of acquired lands.

The service is currently using the federally approved appraisals estimating fair market value of these three large parcels as the basis for computing the revenue sharing payment to the borough. The borough has rightly challenged the Service's determination of fair market value based on the unique circumstances of these acquisitions and the findings made by the trustee council in approving funds for these acquisitions.

A plain reading of the Revenue Sharing Act (which authorizes the Secretary of the Interior to make refuge revenue sharing payments) requires that the determinations of fair market value be made in a manner that ''The Secretary considers to be equitable and in the public interest.'' Clearly, the public interest associated with these unique acquisitions has been well documented in the findings of the trustee council.

The Revenue Sharing Act imposes no legal impediment for the Secretary to make a determination of fair market value that incorporates the unique circumstances of these acquisitions and the specific findings and actions taken by the trustee council. Thus, I urge the Secretary to review the Kodiak Island Borough's appeal to the Service's determinations for making revenue sharing payments and do what is fair and equitable as called for by the act.

These are unique circumstances that exist nowhere else in the United States and are limited to Alaska to lands acquired in the *Exxon Valdez* spill zone with settlement funds. Thus, there should be no consequences for how revenue sharing payments are computed for service acquired lands in other parts of Alaska or throughout the rest of the country.

At this opportunity, upon the passage of another year's funding for the Federal and Indian land management agencies, I must call to the attention of my colleagues and to the attention of the President of the United States, an issue that troubles me deeply. Over the years, our Government has made commitments to Native Americans which it has not kept. Many Americans thought that practice ended with the new, more enlightened self-determination approach to Indian policy. But as one of Alaska's Representatives in the Senate, members of the President's staff made personal promises to me just last fall on behalf of the Native people of the Chugach region which have not been kept.

In 1971 Congress passed the Alaska Native Claims Settlement Act (ANCSA). The act cleared the way for Alaska Native people, including the Chugach Natives, to receive title to a small portion of their traditional lands as settlement of their aboriginal land claims. The act also cleared the way for the addition of millions of acres to our national parks, wildlife refuges forests, and wilderness areas. Allowing Native people to develop their lands freed them from economic bondage to the Federal Government. No longer would they have to depend exclusively on the benevolence of the Federal Government for hand-outs. They could create their own jobs, generate their own income, and determine their own destiny. But only if they had access to their lands.

Both the administration and the Congress recognized the lands would be virtually valueless if there was no way to get to them. The Claims Act recognized that Native lands were to be used for both traditional and economic development purposes. Alaska Natives were guaranteed a right of access, under law, to their lands across the vast new parks, refuges, and forests that would be created.

In 1971 and again in 1982, under the terms of the Chugach Native Inc. settlement agreement, the Federal Government made a solemn vow to ensure the Chugach people had access to their aboriginal lands. Now a quarter of a century later, that commitment has not been fulfilled. Many of the Native leaders who worked with me to achieve the landmark Native Land Claims Settlement Act have died after waiting for decades without seeing that promise honored.

Last year, Congressman DON YOUNG, Chairman of the House Resources Committee, added a provision to the House Interior Appropriations bill that required, by a date certain, the Federal Government to live up to the access promises it made to the Chugach Natives decades ago. In the conference last fall on the Omnibus appropriations bill, the administration spoke passionately and repeatedly against the provision.

Why? They fully admitted the obligation to grant an access easement exists. They acknowledged further that access delayed is access denied and that further delays were harmful to the Chugach people. They opposed the provision on the grounds that it was not necessary since they were going to move with all due haste to finalize the easement before the end of 1998. Katie McGinty, then head of the President's Council on Environmental Quality sat across from me, looked me in the eye, and promised me they would fulfill this long overdue promise before the end of the year.

She even offered to issue a ''Presidential Proclamation'' promising once again to do what had already been promised and promised and promised. My staff worked with OMB on the content of such a proclamation, but I told them it would not be necessary. I would take her at her word and believed the administration would live up to the personal commitment she made to me.

Here we are a year later, Chugach still has not received its easement. Ms. McGinty is gone, but her commitment on behalf of this administration remains. It is now the responsibility of others to ensure the promises she made to me and to Alaska's Native people are kept.

Congressman YOUNG's House Resources Committee has reported a bill, H.R. 2547, to address this issue legislatively, in the hope of forcing the administration to do what it has promised to do. Senator MURKOWSKI has been tireless in his efforts to get the Federal Government to live up to the promises made to Alaskans concerning access to our State and Native lands. I support those efforts.

But I take the time today to say clearly to this administration that the promises made by our Government to the Chugach people for access to their lands—and to me personally as their Representative—must be honored. Make no mistake, if the promises made to me by officials in this administration last fall are not lived up to soon, if they oppose the efforts of Congressman YOUNG and Senator MURKOWSKI on this issue, if they continue to obfuscate and ''slow roll'' this commitment, it will be clear to all that this administration does not perceive the true meaning of Robert Service's memorable phrase: ''A promise made is a debt unpaid''!

Mrs. FEINSTEIN. Mr. President, today I am pleased the Senate is considering the Balanced Budget Refinement Act of 1999, to restore some of the unanticipated cuts in Medicare and Medicaid made in 1997 and I commend the Senate leadership, the Finance Committee, Senators ROTH and MOYNIHAN, and the Administration for their hard work in developing this bill. The bill includes several important provisions.

The Balanced Budget Act of 1997 has been one of several factors threatening the overall stability of the health care system in California, which many believe to be on the verge of collapse. Today I will focus on eight provisions of the bill which are particularly important to California.

CALIFORNIA'S HEALTH CARE SYSTEM ERODING

During the past few months, I have met with many California health care leaders who have convinced me that the Medicare and Medicaid cuts contained in the Balanced Budget Act of 1997 have undermined the financial stability of California's health care system. In the past 6 months, I have urged President Clinton, Secretary Shalala, and Senators ROTH and MOYNIHAN to join me in addressing the impact the Balanced Budget Act of 1997 is having on our nation's health care system.

California's health care system, in the words of a November 15th Wall Street Journal article, is a ''chaotic and discombobulated environment.'' It is stretched to the limit:

Thirty-seven California hospitals have closed since 1996, and up to 15 percent more may close by 2005.

By 2002, the Balanced Budget Act of 1997 will result in cuts of $5.2 billion for California hospitals. For California's two largest Catholic health systems, Catholic Healthcare West and St. Joseph's Health System, the loss amounts to over $842 million.

Over half of my state's hospitals lose money on hospital operations annually.

Hospitals have laid off staff.

California physician groups are failing at the rate of one a week, with 115 bankruptcies or closures since 1996.

Academic medical centers, which incur added costs unique to their mission, are facing margins reduced to zero and below.

The University of California's five medical centers will lose $225 million.

California hospitals are contending with the impact of BBA while facing a projected margin of negative 7.58 percent by 2002, compared to the national rate of negative 4 percent.

For rural California hospitals, because 40 percent of patients receive Medicare and 20 percent receive Medicaid, 69 percent lost money in 1998, according to the California Health Care Association.

In short, restoring Medicare cuts is crucial to stabilizing California's health delivery system.

HOSPITALS

This bill contains several provisions that will help stabilize California's hospitals by restoring $400 million, according to preliminary estimates of the California Health Care Association. This bill clarifies that Congress' intent was not to impose a 5.7 percent cut in outpatient services, which restores $137

million to California, according to preliminary estimates by the California Health Care Association. Cancer hospitals are held harmless permanently. Since Medicare is a major payer for hospital care, improving payment rates and methods is a significant way to stop further closures and stabilize the system.

SAFETY NET HOSPITALS

I want to thank the Finance Committee and the Administration for including a provision maintaining adequate Medicaid payments to disproportionate share hospitals. California has a disproportionate burden of uncompensated care. We have one of the highest uninsured rates in the country at 24 percent, while the national rate is 17 percent. California has the fourth highest uninsured rate in the country, a rate that has risen over the last 5 years and now totals over seven million people. As a result of Medicaid reductions in the Balanced Budget Act of 1997, California's Medicaid disproportionate share hospital program could lose more than $200 million by 2002, representing a 20 percent reduction in the program, if what is know as the ''transition rule'' for California's public hospitals is not extended. At my urging, this bill continues for California only the ''transition rule'' allowing California DSH hospitals to calculate Medicaid payments at 175 percent of unreimbursed costs. Under this provision, tens of millions of dollars will be restored to California hospitals.

Public hospitals carry a disproportionate share of caring for the poor and uninsured. The uninsured often choose public hospitals and frequently wait until their illnesses are exacerbated when they come to the emergency room, making their care even more costly. Without this transition rule, for example, Kern Medical Center, in Bakersfield, would lose $8 million. Alameda County, would lose $14 million.

Forty percent of all California uninsured hospital patients were treated at public hospitals in 1998, up from 32 percent in 1993. The uninsured as a share of all discharges for public hospitals grew from 22 percent in 1993 to 29 percent in 1998. While overall public hospital discharges declined from 1993 to 1999 by 15 percent, discharges for uninsured patients increased by 11 percent. Large numbers of uninsured add huge uncompensated costs to our public hospitals.

MEDICAID COMMUNITY CLINICS

Another important provision is the Medicaid payment method for community health clinics. Extending the phase out of cost-based reimbursement for community health clinics over four years will help alleviate the financial burden associated with the more expedited phase-out proposed under the Balanced Budget Act of 1997.

BBA 1997 allowed state Medicaid programs to phase-out the previous requirement that clinics be paid on the basis of cost. The phase-out was to occur over 5 years. Under the phase-out, health centers could lose as much as $1.1 billion in Medicaid revenues. California health clinics' could have lost $969 million annually. To halt further decreases in payments to community health, an extended phase-out of cost-based reimbursement has been included in the bill which allows clinics in fiscal year 2000 to be reimbursed at 95 percent and by 2003 at 90 percent of costs.

California has over 7 million uninsured, and 306 federally qualified health centers and 218 rural health clinics that rely on federal funding so that they can provide vital health services to some of the state's sickest and poorest. Over 80 of California's clinics are located in underserved areas and provide primary and preventive services to 10 percent of the uninsured people in the state. According to the federal Bureau of Primary Health Care's Uniform Data System, 42 percent of California community health center patients are children, 52 percent are adults ages 21–64, and 6 percent are the elderly.

HOME HEALTH

I am also pleased that the bill addresses home health care in this bill. For example, the provision which delays the 15 percent reduction in payment for one year will enable home health providers to transition more smoothly and better maintain continuity of services to patients. California will gain $162 million over 5 years as a result of all the home health provisions included in the bill, according to preliminary estimates by the California Association of Health Services at Home.

While the intent of the BBA 1997 law was to restrain the growth of Medicare home health expenditures, it is now anticipated that home health expenditures in fiscal year 2000 will be lower than they were projected in 1997. CBO estimated that BBA 1997 would cut $16 billion over 5 years. Recent estimates show cuts of $48 billion over 5 years, which is three times more than originally expected. HCFA's 1998 data shows that total Medicare payments to home health agencies declined between 1997 and 1998 by 33 percent; reimbursements dropped from $1.1 billion to $745 million.

California home health providers have suffered immeasurably since passage of the BBA. In California, 230 home health agencies have closed since 1997, which is 25 percent of all state licensed agencies, largely due to the effects of BBA, according to the California Association for Health Services at Home. For example, the home health agency at the San Gabriel Valley Medical Center, which was providing nearly 10,000 patient visits per year, was forced to close this year due in part to the effects of the BBA. Additionally, between 1997–1998 there has been a 12 percent decrease in the number of patients served nationally and a 35 percent decrease in the number of home health visits nationally. As the population ages and families are more dispersed, it is especially important to help people stay in their own homes.

MEDICAL EDUCATION

I support the provisions included in the bill which alleviate reductions in graduate medical education and begin to restore equity in payment levels. Freezing cuts in the indirect medical education (IME) payment at the current level of 6.5 percent for fiscal year 2000, 6.25 percent in 2001, and 5.5 percent in 2002 and thereafter could help stabilize teaching hospitals and prevent a loss of about $3 billion for teaching hospitals nationwide over five years. For example, freezing indirect medical education payment rates represents $5 million to UCLA's teaching hospital. California's teaching hospitals as a whole will receive approximately $52 million because of this freeze, according to preliminary estimates by the California Health Care Association.

The bill also takes a good first step to correct Medicare's direct medical education (DME) formula, a geographic disparity in payments, that has paid California teaching hospitals far less than teaching hospitals in the Northeast so that California's teaching hospitals can begin to receive payments for medical residents closer to those of their counterparts in other states. Currently, California teaching hospitals receive 40% less in Medicare payments for medical education than similar New York institutions. The DME provision in this bill begins to reform a longstanding inequity in the formula that has unfairly compensated medical education in California. California's teaching hospitals will benefit from this provision by approximately $52 million over five years, according to the California Health Care Association.

Many of the nation's teaching hospitals, including UCLA in California, are premier research and clinical care facilities and will be forced to close down beds and lower the quality of care they provide if reductions in indirect medical education (IME) payments continues. According to the Association of American Medical Colleges, 30 percent of all teaching hospitals nationwide are now operating in the red, and by 2002, 50 percent of all teaching hospitals will be losing money without this bill.

Academic medical centers deserve protection because they have multiple responsibilities—teaching, research, and patient care—which cause them to incur costs unique to such facilities. There are 400 teaching hospitals across the country. Teaching hospitals only account for 5.5 percent of the nation's 5,000 hospitals but they house 40 percent of all neonatal intensive care units, 53 percent of pediatric intensive care units, and 70 percent of all burn units. Our nation's teaching hospitals are providing care to some of the nation's sickest patients.

Academic medical centers also provide care to a disproportionate share of the uninsured and underinsured. They

provide 44 percent of all care for the poor. The University of California's academic medical centers are the second largest safety net for a state that has the fourth highest uninsured rate in the country.

Medicaid disproportionate share payments to hospitals that serve the impoverished were also reduced five percent over five years as a result of the Balanced Budget Act of 1997. Teaching hospitals receive two-thirds of all Medicaid disproportionate share payments, worth $4.5 billion annually.

In California, graduate medical education (GME) funding helps support 108 hospitals that train more than 6,700 residents over three-to-five year periods. In 1997, the direct medical education funding in California totaled $95 million. Dr. Gerald Levey, the Medical Provost at the University of California Los Angeles wrote that:

> In the 5½ years I have been in my position at UCLA, my colleagues and I have implemented virtually every conceivable cost-cutting measure to keep us financially strong in order to compete in the brutal managed care market and maintain our academic mission of research and teaching. Coming on the heels of these measures, the Balanced Budget Act of 197 has served to literally ''break the camel's back.''

Teaching hospitals' ability to serve their communities, advance research, and train physicians will be compromised if we do not pass this bill.

ADEQUATELY PAYING DOCTORS

I also thank the Finance Committee and Administration for addressing the issue of the ''sustainable growth rate'' factor in payments to physicians under Medicare. The Balanced Budget Act of 1997 changed how Medicare physician payment rates are updated every year, including creating the new sustainable growth rate factor. In the first two years of using the sustainable growth rate, it appears that errors in its calculations were made because projections were used to determine the rate rather than actual data. As a result of these errors, physicians are caring for one million more patients than Medicare anticipated, at a cost of $3 billion according to the American Medical Association.

California's doctors have made a compelling case that errors in its estimates have caused unintended reductions in payments to physicians. The bill would require HCFA to use actual data beginning in 2001 to calculate payments instead of projections in order to stabilize payments to physicians who treat Medicare patients. While it does not go far enough, it is a step in the right direction towards decreasing fluctuations in physician payments from year to year.

RETAINING MEDICAID

Another provision included in this bill that is of great importance to California is removing the December 21, 1999 expiration date for the $500 million Temporary Assistance to Needy Families (TANF) Fund. The expiration date for these funds must be repealed so that states like California can continue to use TANF funds to enroll low-income children and adults in Medicaid and CHIP. As part of the 1996 welfare reform, Medicaid was ''de-linked'' from cash assistance, and states were given increased matching federal funds for administering a new Medicaid family coverage category.

Of the $500 million provided, as of July 1999, states have only spent 10 percent. Unless federal law is changed very soon, 34 states, including California, will lose these funds by the end of this year because under the law, states have to spend the funds within the first 12 calendar quarters that their TANF programs are in effect. Thus, December 31, 1999, California will lose access to the $78 million remaining of the $84 million allocated if we do not act. Fifteen other states will lose access to their remaining funds in December as well. On September 30, 1999, sixteen states lost access their funds due to these time limits.

We cannot let these funds lapse in California because we need to enroll more working, low-income people in Medicaid and children in CHIP and ensure that more Californians have access to health services.

I thank the Committee and Administration for including this provision.

MEDICARE MANAGED CARE REFORM

I am pleased with the five-year moratorium placed on NCFA's use of health status risk adjuster for payments to managed care plans included in the bill. HCFA has been using hospitalizations as a measure of health, which is not only an incomplete measure of health but also unfairly penalizes states like California that historically have had a heavy penetration of managed care, lower hospital admissions rates and shorter hospital lengths of stay. The way Medicare pays managed care plans deserves a thorough review to determine if both the payment methodology and the payment rats are appropriate. This moratorium could give us time to conduct a review as well as give HCFA time to develop a better measure of health. Under this provision, $130 million over five years will be restored so that managed care plans can pay providers more adequately, according to preliminary estimates by the California Health Care Association.

ENVIRONMENT POST-BALANCED BUDGET ACT OF 1997

Circumstances have changed since 1997 when we passed the Balanced Budget Act. We have eliminated the federal deficit. Because we have a robust economy, lower inflation, higher GDO growth and lower unemployment, we also have lowered Medicare spending growth more than anticipated. This climate provides us an opportunity to revisit the reductions made by the Balanced Budget Act of 1997 and to strengthen the stability of health care services, a system that in my state is on the verge of unraveling.

We should not end this session without passing this bill. Without it, we could have a more severe health care crisis on our hands, especially in my state. I urge my colleagues to join me in passing this bill.

Mr. LOTT. Mr. President, today concludes a grueling debate on the state of the dairy industry. Though the process was long and often times quite confusing, I think the Senate has come to an agreement on a package that will prove to be beneficial to most interested parties at this time.

Mr. President, I must say this process would not have been possible without the diligent work of one of my former staffers, Congressman CHIP PICKERING. I have always said ''once a Lott staffer, always a Lott staffer.'' Although CHIP has moved on to represent the people of the third district of Mississippi, he continues to constantly be of great help to me, and to always keep the best interest of the entire state of Mississippi at heart.

CHIP believes that Option 1A is absolutely essential for allowing most dairies in Mississippi and outside the upper Midwest to remain in business, and he worked with me to see that this legislation was put into law. He organized House members from across the country to fight in order to see that the crucial dairy language we needed became law this year.

CHIP realizes Option 1A is the only way the interests of Mississippi's dairy farmers can be protected. Having grown up working on his family's dairy farm, meeting with dairy farmers across Mississippi, and working with Mississippi Farm Bureau, CHIP knows the importance of this legislation to the survival of dairy farms and to the continued fresh supply of milk for all Mississippians. I thank Congressman PICKERING for his relentless efforts on behalf of Mississippi dairy farmers.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the conference report to accompany H.R. 3194.

The yeas and nays have not been ordered.

Mr. LOTT. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays are ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Oregon (Mr. SMITH) is necessarily absent.

I further announce that, if present and voting, the Senator from Oregon (Mr. SMITH) would vote ''yea.''

Mr. REID. I announce that the Senator from Washington (Mrs. MURRAY) is absent attending a funeral.

The result was announced—yeas 74, nays 24, as follows:

[Rollcall Vote No. 374 Leg.]

YEAS—74

Abraham	Bennett	Bond
Akaka	Biden	Breaux
Ashcroft	Bingaman	Brownback

Bryan	Harkin	Mikulski
Bunning	Hatch	Moynihan
Burns	Helms	Murkowski
Campbell	Hollings	Nickles
Chafee, L.	Hutchinson	Reed
Cleland	Hutchison	Reid
Cochran	Inouye	Robb
Collins	Jeffords	Roberts
Coverdell	Johnson	Rockefeller
Craig	Kennedy	Roth
Crapo	Kerrey	Santorum
Daschle	Kerry	Sarbanes
DeWine	Kyl	Schumer
Dodd	Landrieu	Snowe
Domenici	Lautenberg	Specter
Durbin	Leahy	Stevens
Feinstein	Lieberman	Thompson
Frist	Lincoln	Thurmond
Gorton	Lott	Torricelli
Gramm	Lugar	Warner
Grassley	Mack	Wyden
Gregg	McConnell	

NAYS—24

Allard	Enzi	Levin
Baucus	Feingold	McCain
Bayh	Fitzgerald	Sessions
Boxer	Graham	Shelby
Byrd	Grams	Smith (NH)
Conrad	Hagel	Thomas
Dorgan	Inhofe	Voinovich
Edwards	Kohl	Wellstone

NOT VOTING—2

Murray	Smith (OR)

The conference report was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. GORTON. I move to lay that motion on the table.

The motion to table was agreed to.

COLLOQUY BETWEEN SENATOR WARNER AND SENATOR HELMS

Mr. WARNER. I rise to address a number of aspects of the State Department Authorization Act, which has been included in the final omnibus budget package of legislation. This bill contains a number of provisions that, directly and indirectly, affect the jurisdiction of the Armed Services Committee, and I am very concerned by the fact that this major bill was included with virtually no consultation with our committee. I believe that the process works better when the normal legislative procedures are followed.

I would like to raise a specific issue with the distinguished chairman of the Foreign Relations Committee. Section 1134 of the State Department Authorization Act prohibits Executive Branch agencies from withholding information regarding nonproliferation matters, as set forth in section 602(c) of the Nuclear Non-Proliferation Act of 1978, from the Senate Foreign Relations Committee and the House International Relations Committee, including information in special access programs.

I am aware that problems with the dissemination of nonproliferation information have arisen in the past. DOD has taken steps to correct these problems and has established a policy that special access programs will not include nonproliferation information, as defined in section 602(c) of the Nuclear Non-Proliferation Act of 1978. Based on my review of DOD's special access programs, I believe that the Department of Defense does not now have special access programs which include such nonproliferation information. I have been assured that, in the future, DOD will provide nonproliferation information to the appropriate committees of Congress.

Mr. HELMS. I thank my colleague, the chairman of the Armed Services Committee. I too have been assured by the Department that it will not use special access program status to deny the Foreign Relations Committee access to the nonproliferation information required by section 602(c).

Mr. WARNER. I am concerned that some might interpret section 1134 of the State Department Authorization Act as requiring expanded access to sensitive DOD intelligence sources and methods, as contrasted with nonproliferation information itself. I believe that section 1134 would not require DOD to change its current procedures for protecting such sensitive sources and methods. Is this also the understanding of the chairman of the Foreign Relations Committee?

Mr. HELMS. I believe that is correct. If the Department's assurances are accurate, then this provision would not modify DOD's current policies regarding the protection of sensitive sources and methods. The Foreign Relations Committee has no intention of seeking expanded access to such sources and methods, or to DOD special access programs, so long as DOD lives up to its reporting obligations under existing law. DOD's policy of not handling nonproliferation information within special access channels certainly provides a significant reassurance in that regard. Our concern is only to ensure that DOD policy regarding special access programs or intelligence sources and methods not be seen as obviating its long-standing legal obligations to inform appropriate committees of Congress.

Mr. WARNER. That is the case now, and I am pleased that DOD has assured both of us that the prerogatives of the Foreign Relations Committee will be protected. I thank my distinguished colleague, the chairman of the Foreign Relations Committee.

Mr. HELMS. I appreciate these assurances and thank my colleague, the chairman of the Armed Services Committee.

Mr. SHELBY. I am concerned with section 1134 which requires the DCI to provide certain information, including information contained in special access programs, to the chairman and ranking member of the Foreign Relations Committees. I note that this language on special access programs was added after the bill was passed by the Senate. I wish to clarify that the legislative intent of this provision does not wish to clarify that the legislative intent of this provision does not include expanded information relating to intelligence operational activities or sensitive sources and methods.

I ask for the chairman of the Foreign Relations Committee's clarification regarding the companion section in the State Department Authorization bill, section 1131. Am I correct in understanding that this provision does not levy the same requirement upon the Director of Central Intelligence that is required of the Secretaries of Defense, State, and Commerce?

Mr. HELMS. That is correct, Mr. Chairman. Unlike the other Secretaries you have mentioned, the Director of Central Intelligence is required only to disclose information covered under subparagraph (B). That information relates to significant proliferation activities of foreign nations. The Director is exempt from reporting information under subparagraph (A) and (B) which relates to the agency's operational activities. The Foreign Relations Committee understands that intelligence operations fall within the jurisdiction of the Intelligence Committee, and therefore did not include such activities in this reporting requirement.

Mr. SHELBY. I thank the Chairman for that explanation and yield the floor. I look forward to fully reviewing those provisions in the Intelligence Committee next year.

UNANIMOUS CONSENT AGREEMENT—H. CON. RES. 236

The PRESIDING OFFICER. Under the previous order, H. Con. Res. 236 is agreed to.

The motion to reconsider is laid upon the table.

The concurrent resolution (H. Con. Res. 236) was agreed to.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I am prepared to ask unanimous consent to be recognized for 5 minutes as in morning business, but I would certainly defer to the minority leader or majority leader if either has anything to address at this time.

The PRESIDING OFFICER. Without objection, the Senator from Oklahoma.

RECESS APPOINTMENTS

Mr. INHOFE. Mr. President, first of all I applaud the White House—this is probably the first time I have done that in 7 years—for responding to an issue that is very critical, probably one of the most critical issues we will be facing.

Going back in the history of recess appointments, the Constitution provided for recess appointments to be allowed, thereby avoiding the constitutional prerogative of the Senate of advice and consent in certain conditions. The major condition was that a vacancy would occur during the course of the recess. This goes back to the horse-and-buggy days when we were in session for 2 or 3 months at a time and then we were gone. So if someone such as the Secretary of State would die in office, it would allow the President to replace that person without having to go through the advice and consent.

Throughout the years, both Democrat and Republican Presidents have

abused this. They have made recess appointments. In 1985, President Reagan made quite a few of them. The majority at that time, the Democrats, under the majority leadership of Senator BYRD from West Virginia, made the determination that he was making too many recess appointments.

He challenged the President to submit a letter that would outline future recess appointments during the Reagan administration. In 1985, a letter was sent from President Reagan to then-majority leader, Senator BYRD from West Virginia that stated no more recess appointments would take place unless the names of the individuals who were considered for recess appointment were submitted in writing in sufficient time in advance that the majority or minority leaders could take some type of action.

For example, if they were going to have someone recess appointed for the express purpose of avoiding the advice and consent of the Senate, then they would just not go into recess; they would go into pro forma, where they would have someone in the Chair all the time to make sure that did not happen. Also, it would be an opportunity to make sure they were not doing it for the express purpose of avoiding advice and consent.

Last May, there was an appointment during the recess of James Hormel to be Ambassador to Luxembourg. There were several people who were opposed to his appointment and had holds on his appointment. The major reason was not that he was a gay activist, but he had not submitted the appropriate financial information to the appropriate committee for consideration. The President went ahead and appointed him.

Consequently—that was already done, and there was no attempt to undo it even though it was contrary to the Constitution—I sent a letter to the President asking him if he would agree to the same thing Ronald Reagan agreed to back in 1985. Of course, I did not get a very favorable response. However, I said: In the event I do not do that, I will put a hold on every nondefense or nonmilitary appointment or nominee from the President. And I did so.

The weeks went by, and finally I got a letter from the President that said:

> I share your opinion that the understanding reached in 1985 between President Reagan and Senator Byrd cited in your letter remains a fair and constructive framework which my administration will follow.

I have been concerned because this President has a long history of doing things he says he is not going to do and not doing things he says he will do. Consequently, I sent a letter to the President which I submitted for the RECORD last Wednesday. The letter was dated November 10, signed by myself and 16 other Senators, that said: Make sure you comply with the spirit of this agreement, this letter you have sent; we are going to serve notice right now that in the event you have recess appointments that do not comply with the spirit of the letter, we will put holds for the remaining of the term of your Presidency on all of the judicial nominees. A very serious thing. I repeated this several times last Wednesday to make sure there was no misunderstanding.

Since that time, the White House has cooperated and submitted a list of 13 names. I will read these names and the positions for which they have been nominated: Cliff Stuart, EEOC; Delmond Won, Commissioner of the Federal Maritime Commission; Leonard Page, general counsel for the Labor Relations Board; Luis Laurado, Development Bank; Mark Schneider, Peace Corps; Frank Holleman, Deputy Secretary of Education; Mike Walter, Veterans Administration; Mr. Jeffers, whose first name I do not have, J-E-F-F-E-R-S; Bill Lann Lee, Assistant Attorney General for Civil Rights; Sally Katzen, Deputy Director of OMB; John Holum, Under Secretary for Arms Control and International Security of the Department of State; Carl Spielvogel, Ambassador to the Slovak Republic; and Jay Johnson—not to be confused with the military Jay Johnson—a nominee for the U.S. Mint.

Of this list of 13, there are 5 who either have holds on them or there are intended holds on these individuals. Consequently, I make the statement at this time—and I think it is very important the RECORD reflect this accurately and everyone understands it thoroughly—that anyone other than the names I will read off—Cliff Stuart, Delmond Won, Leonard Page, Luis Laurado, Mark Schneider, Frank Holleman, Mike Walker, Mr. Jeffers—if there are any names that are submitted and are sought to be appointed during this recess, recess appointments, we, who undersigned the letter on the 10th of this month, will put a hold on every judicial nominee who comes before the Senate during the entire remainder of the term of President Clinton.

I am going to repeat that because it is very important. Any name, other than these eight names I just read, who is recess appointed, if anyone other than these eight individuals is recess appointed, we will put a hold on every single judicial nominee of this President for the remainder of his term of office. That means specifically we will not agree to Bill Lann Lee, Sally Katzen, John Holum, Carl Spielvogel, and Jay Johnson.

I will conclude with that. I reemphasize, if there is some other interpretation as to the meaning of the letter, it does not make any difference, we are still going to put the holds on them. I want to make sure there is a very clear understanding, if these nominees come in, if he does violate the intent as we interpret it, then we will have holds on these nominees.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. LOTT. Mr. President, what is the pending business?

BANKRUPTCY REFORM ACT OF 1999—Resumed

The PRESIDING OFFICER. The clerk will report the pending business.

The legislative clerk read as follows:

A bill (S. 625) to amend title 11, United States Code, and for other purposes.

Pending:

Hatch/Torricelli amendment No. 1729, to provide for domestic support obligations.

Wellstone amendment No. 2537, to disallow claims of certain insured depository institutions.

Wellstone amendment No. 2538, with respect to the disallowance of certain claims and to prohibit certain coercive debt collection practices.

Feinstein amendment No. 1696, no limit the amount of credit extended under an open end consumer credit plan to persons under the age of 21.

Feinstein amendment No. 2755, to discourage indiscriminate extensions of credit and resulting consumer insolvency.

Schumer/Durbin amendment No. 2759, with respect to national standards and homeowner home maintenance costs.

Schumer/Durbin amendment No. 2762, to modify the means test relating to safe harbor provisions.

Schumer amendment No. 2763, to ensure that debts incurred as a result of clinic violence are nondischargeable.

Schumer amendment No. 2765, to include certain dislocated workers' expenses in the debtor's monthly expenses.

Dodd amendment No. 2531, to protect certain education savings.

Dodd amendment No. 2753, to amend the Truth in Lending Act to provide for enhanced information regarding credit card balance payment terms and conditions, and to provide for enhanced reporting of credit card solicitations to the Board of Governors of the Federal Reserve System and to Congress.

Hatch/Dodd/Gregg amendment No. 2536, to protect certain education savings.

Feingold amendment No. 2748, to provide for an exception to a limitation on an automatic stay under section 362(b) of title 11, United States Code, relating to evictions and similar proceedings to provide for the payment of rent that becomes due after the petition of a debtor is filed.

Schumer/Santorum amendment No. 2761, to improve disclosure of the annual percentage rate for purchases applicable to credit card accounts.

Feingold amendment No. 2779 (to Amendment No. 2748), to modify certain provisions providing for an exception to a limitation on an automatic stay under section 362(b) of title 11, United States Code, relating to evictions and similar proceedings to provide for the payment of rent that becomes due after the petition of a debtor is filed.

Mr. LOTT. Mr. President, the Senate has been considering this bankruptcy bill as the main Senate business since November 4, 1999, after a failed cloture

vote in September. There have been dozen of votes conducted with respect to this issue, and yet there are still at least a dozen amendments pending to be offered, debated, and voted upon. It is with this in mind that I need to file this cloture motion on the bill in order to ensure we get a final vote, and that will be available when we come back after the first of the year.

A lot of good work has been done on this bill on both sides, by the managers of the legislation and a number of Senators who have worked on it—Senator GRASSLEY, Senator HATCH, Senator SESSIONS, on our side; Senator TORRICELLI, on the other side, has been involved; Senator LEAHY has worked on this. So there is a lot of work that has been done and a lot of relevant amendments that have been voted on.

I want to particularly note the good work of Senator REID because he began with, I don't know, probably over 100 amendments.

Mr. DASCHLE. Three hundred.

Mr. LEAHY. Three hundred.

Mr. LOTT. Three hundred amendments. I do not understand how the fertile minds of the Senate can be so productive to produce 300 amendments on a bill such as this that has been already marked up in committee. Then we got it down to 36, and it continued to be narrowed.

I hope when we come back after the first of the year something can be worked out where it will not be necessary to go forward with this. But I do believe there is a necessity to have this protection so that we will have this option of cloture so we can complete the bill, if there is no other way to do it when we come back after the first of the year.

CLOTURE MOTION

Mr. LOTT. So I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 109, S. 625, an act to amend title 11 of the United States Code, and for other purposes:

Trent Lott, Chuck Grassley, Paul Coverdell, Mike Crapo, Craig Thomas, Larry E. Craig, Orrin Hatch, Don Nickles, Conrad Burns, Rod Grams, Mitch McConnell, Pat Roberts, Fred Thompson, Slade Gorton, Phil Gramm, and Mike DeWine.

Mr. LOTT. Under rule XXII, this cloture vote will occur on Tuesday, January 25, 2000. I ask unanimous consent that the vote occur at 12 noon on Tuesday and the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Reserving the right to object, and I certainly will not object, let me say the majority leader and I talked about this. I am appreciative of his position. I am disappointed he has filed cloture. I hope it isn't received in the wrong way by all of those who worked so hard to get to this point.

I had told my colleagues that if they continue to work and if they continue to cooperate, if they continue to allow time agreements, that we would not be in a position where we would have to file cloture and we would get to the final passage. That was my commitment. Senator LOTT did not make that. I made it to my colleagues. In this case, I am going to have to explain to my colleagues why what I said is not what we are going to do.

We are down now to a handful of amendments, with time agreements. So I am as convinced today as I was a couple of days ago, as I was before that, that cloture certainly isn't necessary. I am hopeful, with those tight time agreements, and with the opportunity to dispose of the amendments, we can come to final passage. But I will certainly work with the majority leader to see if we might find a way to make that happen.

I hope he will work with us to assure those who have relevant amendments will have an opportunity to have their votes and we can finish.

I do not object to the request.

Mr. LEAHY. Reserving the right to object, and I will not object, just so we know the numbers, we had 320 amendments and are now down to 14. I compliment Senators on both sides of the aisle. Senator REID deserves enormous credit. Senator GRASSLEY, Senator TORRICELLI, Senator HATCH, and I worked very hard on that. We are working very hard again on both sides of the aisle. I think most Senators want a bankruptcy bill. We know there has to be a change.

Mr. President, I am disappointed that the majority filed cloture on the Bankruptcy Reform Act.

This week we made bipartisan progress on the Bankruptcy Reform Act by disposing of amendments. On Wednesday, we were able to clear 9 more amendments and accepted another one by a roll call vote for a total of 10 amendments that were accepted to improve this bill.

During our debate on the bill, the managers have accepted 37 amendments to improve the Bankruptcy Reform Act, amendments offered by Democrats and Republicans.

Senator TORRICELLI, Senator REID and I worked in good faith with Senator GRASSLEY and Senator HATCH to clear amendments and set roll call votes on amendments that we could not clear.

From a total of 320 amendments that were filed by senators on both sides of the aisle on November 5th, Senator TORRICELLI and I, working with the Assistant Democratic Leader, have narrowed down the remaining Democratic amendments on this bill to a mere handful.

We are ready to debate and vote on these Democratic amendments. The remaining amendments from our list are all relevant to the issues of bankruptcy under our unanimous consent agreement.

It appears the majority is refusing to allow the Senate to consider two amendments. One by Senator LEVIN on firearm-related debts in bankruptcy and one by Senator SCHUMER on debts incurred through the commission of violence at health service clinics.

Both of these amendments are relevant to the issue of bankruptcy.

Senator LEVIN is willing to limit the time on his amendment to 70 minutes and Senator SCHUMER is willing to limit the time on his amendment to only 30 minutes. These are very reasonable time agreement offers.

I am a cosponsor of Senator SCHUMER's amendment, but I am not sure if I will support Senator LEVIN's amendment. But I am sure that both these Senators deserve to debate and vote on their relevant amendments. What is the majority afraid of? Vote on the amendments up or down?

Some of the other remaining amendments focus on adding credit industry reforms to the bill. The millions of credit card solicitations made to American consumers the past few years have caused, in part, the rise in consumer bankruptcy filings. The credit card industry should bear some of this responsibility and reform its lax lending practices. These amendments improve the Truth In Lending Act to provide for better disclosure of credit information so consumers may better manage their debts and avoid bankruptcy altogether.

Last year's Senate bankruptcy reform bill was fair and balanced because it included credit industry reforms. We should remember that last year's fair and balanced bill passed this chamber by a vote of 97–1.

We should strive to follow last year's Senate-passed bill as the model during the remainder of debate on this bill.

Democrats are also ready to offer short time agreements on our remaining amendments if we cannot agree with the majority on them. Many Democratic senators are willing to offer time agreements of a half hour or an hour on their amendments.

Democrats are prepared to debate this bill and vote on amendments. This is how the Senate works and how it should work.

I commend Senators for coming to the floor last week and this week to offer their amendments. Despite hours of debate on four non-germane, nonrelevant amendments and party caucuses and extended morning business hours last week and this week, Senators from both sides of the aisle offered 64 amendments to improve the Bankruptcy Reform Act.

Unfortunately, the Senate did not consider the Bankruptcy Reform Act yesterday or today. I do not understand why the majority is refusing to allow the Senate to debate this bill.

Next year, I hope we can have a full and fair debate on the few remaining

amendments to the Bankruptcy Reform Act and then proceed to a vote on final passage.

With that, I yield the floor.

Mr. HATCH. Mr. President, enough is enough. Hard-working American people are being denied common-sense legislation that they overwhelmingly support, because some on the Democratic side are insisting on votes relating to the politically charged issues of abortions and guns. At some point, I would hope that this will stop, and we can move ahead with the people's agenda, instead of trying to win political points.

We have been on the bankruptcy bill for two weeks now. The Democrats demanded the ability to have votes on other politically motivated, non-relevant issues. We debated and had a vote on minimum wage. We have agreed to or voted on 31 Democrat amendments. These are amendments in addition to the Grassley-Torricelli package amendment which included numerous other provisions insisted upon by the Democrats.

This is a fair, bipartisan bill, drafted jointly by Senators GRASSLEY, TORRICELLI, BIDEN and SESSIONS. This legislation was developed in a fair and inclusive manner. With the more than 31 amendments, plus additional amendments jointly developed by Republicans and Democrats, such as the Grassley-Torricelli healthcare amendment, the Hatch-Torricelli domestic and child support amendment, the Hatch-Dodd amendment on protecting educational savings accounts, among many others, this is a much improved bill that provides unprecedented consumer protections, while preserving the bankruptcy system for those who truly need it. What also is included in this bill are unprecedented consumer disclosures that are not even bankruptcy related, but are banking law amendments which Senators TORRICELLI and GRASSLEY have taken the leadership to develop, and I commend them for that.

Mr. President, throughout the process of consideration of this bill, at both the drafting stage, at the Committee level, and here on the floor, we have worked hard to address any concerns any member has with the bill. Senators GRASSLEY, LOTT and I have been more than patient and cooperative. It is apparent, however, that efforts were underway to defeat this important legislation this year by insisting on extraneous political agenda items, regardless of all the progress we made.

We are open to further debate. But this bill, which the Minority had said would only take two days to complete, was on the floor for two weeks. They did not agree to a time limit for debate, but it is now clear why that was.

I hope we can get the cooperation of the Minority to drop their remaining politically-motivated items and pass legislation early next year that provides meaningful and much-needed reform to the bankruptcy system. Rampant bankruptcy filings are a big problem, and last year over 1.4 million Americans filed for bankruptcy. In the same year, about $45 billion in consumer debt was erased in personal bankruptcies. Under current law, families who do not file for bankruptcy are unfairly having to subsidize those who do. This is our opportunity to do something about it. I would hope that my colleagues would take the time over these next few months and consider the desires of the American public. Let's do what is right and pass this important legislation early next year. Thank you.

Mr. LOTT. Mr. President, let me observe one of the problems we had in not being able to complete it even this week. While the sponsors of some of the amendments had indicated—or maybe all the amendments—indicated a willingness to have limited time agreements, we had, I know, at least a couple of Senators on this side who were not willing to agree to limit the time, therefore possibly tying up half a day or a day one a couple of these amendments.

We may still be able to work out something where we could have a short time agreed to on both sides and get a vote after the first of the year. But you reach a point, in the final days of a session, where motions are such that you just cannot get that kind of agreement.

ORDER OF BUSINESS

Mr. LOTT. Mr. President, the second session of the 106th Congress will convene, then, at 12 noon on Monday, January 24. We do not yet have absolute certainty that there will be a State of the Union Address the next night, although it is preliminary indicated. I believe that is the date we would expect to have a State of the Union Address; that is, Tuesday, the 25th. That could be postponed upon a request from the White House, but we will need to be back and in business in order to be here for that date.

So there will be a need for a live quorum to establish the beginning of the second session on Monday. A period of morning business will commence for the remainder of that day. And this 12 noon cloture vote on Tuesday, January 25, would be the first vote of the second session of the 106th Congress.

Again, I thank my colleagues for their continued cooperation and wish everyone a safe and happy holiday season.

Let me say, too, we have a number of bills that are in conference now. I had an opportunity to discuss the schedule for next year, or some of the bills for next year, with the President. We have a number of bills that are in a position where we could get early agreement out of conference, including the trade bill on which we worked so hard. We spent 2 weeks getting that out for Africa and CBI. We could have maybe even done it this week but we had so many things we were working on we could not get that completed.

We have the FAA reauthorization bill that good work has been done on, and a series of bills, including the juvenile justice bill, which we hope we can get early in the session next year. So we will continue to work on that.

I understand we are about ready to do a series of energy bills.

I suggest the absence of a quorum, Mr. President.

The PRESIDING OFFICER. The Clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. LOTT. Mr. President, we have cleared a number of nominations on the Executive Calendar. I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar: Nos. 228, 273, 292, 326, 327, 329, 331, 332, 333, 366, 377, 394, 404, 405, 406, and all nominations in the Coast Guard on the Secretary's desk.

I further ask consent that the HELP Committee be discharged from further consideration of the following nominations, and the Senate proceed to their consideration, en bloc: Magdalena Jacobsen, Francis Duggan, Ernest DuBester, and John Truesdale.

I further ask consent that the nominations be confirmed, the motions to reconsider be laid upon the table, any statements relating to the nominations be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session, and that the Senator from Vermont be notified that Judge Linn is in this list for confirmation.

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

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF ENERGY

Ivan Itkin, of Pennsylvania, to be Director of the Office of Civilian Radioactive Waste Management, Department of Energy.

DEPARTMENT OF THE TREASURY

Neal S. Wolin, of Illinois, to be General Counsel for the Department of the Treasury.

THE JUDICIARY

Richard Linn, of Virginia, to be United States Circuit Judge for the Federal Circuit.

UNITED STATES INSTITUTE OF PEACE

Stephen Hadley, of the District of Columbia, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2003.

Zalmay Khalilzad, of Maryland, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2001.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Paul Steven Miller, of California, to be a Member of the Equal Employment Opportunity Commission for a term expiring July 1, 2004. (Reappointment)

DEPARTMENT OF LABOR

Irasema Garza, of Maryland, to be Director of the Women's Bureau, Department of Labor.

T. Michael Kerr, of the District of Columbia, to be Administrator of the Wage and Hour Division, Department of Labor.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Anthony Musick, of Virginia, to be Chief Financial Officer, Corporation for National and Community Service.

DEPARTMENT OF STATE

Alan Phillip Larson, of Iowa, to be Under Secretary of State (Economic, Business and Agricultural Affairs.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

Joseph R. Crapa, of Virginia, to be an Assistant Administrator of the United States Agency for International Development.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Susan M. Wachter, of Pennsylvania, to be an Assistant Secretary of Housing and Urban Development.

DEPARTMENT OF COMMERCE

Linda J. Bilmes, of California, to be an Assistant Secretary of Commerce.

Linda J. Bilmes, of California, to be Chief Financial Officer, Department of Commerce.

UNITED STATES INTERNATIONAL TRADE COMMISSION

Deanna Tanner Okun, of Idaho, to be a Member of the United States International Trade Commission for a term expiring June 16, 2008.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE COAST GUARD

Coast Guard nomination of Richard B. Gaines, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of October 12, 1999.

Coast Guard nominations beginning Peter K. Oittinen, and ending Joseph P. Sargent, Jr., which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of October 27, 1999.

NATIONAL LABOR RELATIONS BOARD

John C. Truesdale, of Maryland, to be a Member of the National Labor Relations Board for the term of five years expiring August 27, 2003.

NATIONAL MEDIATION BOARD

Magdalena G. Jacobsen, of Oregon, to be a Member of the National Mediation Board for a term expiring July 1, 2002.

Francis J. Duggan, of Virginia, to be a Member of the National Mediation Board for a term expiring July 1, 2000.

Ernest W. DuBester, of New Jersey, to be a Member of the National Mediation Board for a term expiring July 1, 2002.

Mr. MURKOWSKI. Mr. President, today is a uniquely historic day. One hundred and thirty six years ago, Abraham Lincoln gave the Gettysburg Address. 80 years ago today, the United States Senate rejected the ill-conceived League of Nations. And 30 years ago, the second manned Apollo capsule landed on the moon and two more Americans walked on the surface of the moon.

But for the family of Deanna Tanner Okun, this is a singular day. For the United States Senate has just confirmed her Presidential nomination to be a Commissioner on the International Trade Commission. (ITC). I would note that it has taken Deanna barely nine days to go from nomination to confirmation. That could be close to a Senate record.

One of the reasons that Deanna's nomination has sped through so quickly is because the Chairman of the Senate Finance Committee, BILL ROTH, and the Ranking Member, PAT MOYNIHAN were willing to put in the work to hold a confirmation hearing barely six days after Deanna was nominated. I greatly appreciate their work in expediting that hearing.

But most importantly, I believe the primary reason Deanna's confirmation has gone so smoothly is because of the universal admiration and respect that Senators and professional staff hold for her. Deanna is simply a consummate professional and I know that the Senate's loss will be offset by the tremendous gain that is being achieved today by the ITC. today. I know the Commission will never be the same once Deanna is sworn in.

Mr. President, I have been privileged to have worked with Deanna for more than five years. I cannot imagine anyone who is more qualified to become a Commissioner on the International Trade Commission. Not only is Deanna remarkably bright, she is one of the most thorough and conscientious individuals I have ever met.

She is fully versed in all aspects of international trade matters and an expert on U.S. foreign policy issues. No one can doubt her intellectual and professional capacity to serve as a Commissioner.

Mr. President, I want to repeat some of my prepared remarks for Deanna's confirmation hearing.

But I want to tell the United States Senate a little about Deanna, the person. she is a remarkably affable and charming individual who, no matter what the pressures—whether negotiating in a markup of a trade bill or working under the time constraints of a hearing on spying at U.S. weapons laboratories—Deanna never loses her professionalism. She always gets the job done.

In the years that she has worked on my staff, she has had to deal with some of the most difficult and tough Senate staffers in the leadership and on many committees. I know that every single one of those staff people have universal respect and admiration for the work Deanna does and the charm she brings to the job. That is a singular feat that few other Senate staffers can claim.

Finally, Mr. President, I would note that three years ago, Deanna changed her work schedule from five days a week to four days a week. She did this because she wanted to spend more time raising her two beautiful daughters, Kelsi and Rachel. I can unhesitatingly tell you that in those four days at work, she produces what other staffers could maybe produce in five, more likely six days. She is truly remarkable as a mother and as a professional staffer.

She is a stellar person and I know that her husband Bob and her parents take great pride in her confirmation.

It is difficult to lose Deanna after all these years. I will miss her, but I know that the world trade community will greatly benefit from her appointment to the Commission.

Thank you, Mr. President and to Deanna, I wish you the best of success in your new position.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. I did not want to speak until that was done. I thank the distinguished majority leader and the distinguished Democratic leader. Both of them are dear friends of mine with whom I have served for many, many years.

I thank them for their consideration, especially of Calendar No. 292. That is not simply a number on the calendar. It represents a very real person. Richard Linn is an extraordinary man, extraordinary husband, extraordinary father, and wonderful bother. He will do a great job and be an outstanding judge. I thank both leaders for their help and their consideration.

Mr. HATCH. Mr. President, I rise today to report on the success that the Senate has enjoyed this session in performing its constitutional advice and consent duties with respect to judicial nominees. The Judiciary Committee and the Senate have maintained a low vacancy rate in the federal Judiciary, reached an agreement to have votes on certain controversial nominees, and maintained a fair and principled confirmations process.

At the end of the last Congress, the Judiciary Committee and the Senate had reduced the number of vacancies in the federal Judiciary to 50—the lowest vacancy level since the expansion of the Judiciary in 1990. Indeed, in his January 1999 report on the state of the federal Judiciary, Chief Justice Rehnquist applauded the work of the Senate in bringing the vacancy number to such a low level, stating: ''I am pleased to report on the progress made in 1998 by the Senate and the President in the appointment and confirmation of judges to the federal bench. . . .''

This session, despite partisan rhetoric, the Senate has maintained a low vacancy rate. The Judiciary Committee reported 42 judicial nominees, and the full Senate confirmed 34 of these—a number comparable to the average of 39 confirmations for the first sessions of the past 5 Congresses when vacancy rates were generally much higher. In total, the Senate has confirmed 338 of President Clinton's judicial nominees since he took office in 1993.

In addition, the Committee reported 22 Executive Branch nominees to the Senate floor this Session. The Senate has confirmed all of these nominees,

bringing the total number of confirmations for President Clinton's non-judicial nominees for which the Committee has jurisdiction to 277 since 1993.

After all of these confirmations, we have reduced the number of judicial vacancies to 56—very close to the lowest number of vacancies since the expansion of the Judiciary in 1990. Indeed, the number of vacancies at the end of this Session of Congress is 7 *less* than the 63 vacancies that existed when Congress adjourned in 1994 when Bill Clinton was President and the Democrats controlled the Judiciary Committee. Moreover, we were able to create 9 new district court judgeships for a few districts in which the caseloads are very high.

In addition, the Committee reported two controversial nominees—Marsha Berzon and Richard Paez—to the Senate floor this Session. And Senator LOTT worked in a bipartisan manner with Senator DASCHLE to reach an agreement to vote on these controversial nominees and other nominees by March 15, 2000.

A controversial nominee will, of course, move more slowly than other nominees because it takes longer to garner a consensus to support such a nominee. And, depending on the nature of the controversy, the Committee may have to conduct an even more exacting examination of that nominee's credentials and respect for the rule of law. Nonetheless, a controversial nominee will be treated with the utmost respect and fairness The more controversial a nominee, however, the more crucial the support of the nominee's home state senators and home state grass roots organizations.

It was deeply disturbing that earlier this year some implied or expressly alleged that the Senate's treatment of certain nominees differed based on their race or gender. Indeed, a so-called independent group claimed that the Senate treated female and minorities nominees less favorably than white male nominees.

After a flurry of rhetoric, however, the facts began to surface. First, the so-called independent group—Citizens for Independent Courts—was discovered to have prepared its report with the assistance of the Democratic, but not Republican, Judiciary Committee staff. Second, a close review of the report revealed that for noncontroversial nominees who were confirmed, there was little if any difference between the timing of confirmation for minority nominees and nonminority nominees in 1997 and 1998. Only when the President appointed a controversial female or minority nominee who was not confirmed did a disparity arise. Third, in 1991 and 1992, when George Bush was President, the Democratically controlled Senate confirmed female and minority nominees at a far slower pace than white male nominees. Fourth, this year, over 50% of the nominees that the Judiciary Committee reported to the full Senate have been women and minorities. Finally, even the Democratic former chairman of the Judiciary Committee, Senator JOE BIDEN, stated publicly that the process by which the committee, under my chairmanship, examines and approve judicial nominees ''has not a single thing to do with gender or race.''

As chairman of the Judiciary Committee, I take the constitutional duties of advice and consent and the responsibility for maintaining the institutional dignity of the Senate very seriously. Although the President has occasionally nominated controversial candidates, under my tenure as chairman, not one nominee has suffered a public attack on his, or her, character by this committee. Not one nominee has had his, or her, confidential background information leaked to the public by a member of this committee. And not one nominee has been examined for anything other than his, or her, integrity, competence, temperament, and respect for the rule of law.

The Senate has conducted the confirmations process in a fair and principled manner, and the process has worked well. As the first session of the 106th Congress comes to an end, the federal Judiciary is once again sufficiently staffed to perform its function under Article III of the Constitution. Senator LOTT, and the Senate as a whole, are to be commended.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will not return to legislative session.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. LOTT. Mr. President, as in executive session, I ask unanimous consent that all nominations received by the Senate during the 106th Congress, first session, remain in status quo, notwithstanding the November 19, 1999 adjournment of the Senate, and the provisions of rule XXXI, paragraph 6 of the standing rules of the Senate.

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

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business with Senators permitted to speak for up to 10 minutes each.

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

SHARED APPRECIATION AGREEMENTS

Mr. BURNS. Mr. President, shared appreciation agreements have the potential to cause hundreds of farm foreclosures across the nation, and especially in my home state of Montana. Ten years ago, a large number of farmers signed these agreements. At that time they were under the impression that they would be required to pay these back at the end of ten years, at a reasonable rate of redemption.

However, that has not proved to be the case. The appraisals being conducted by the Farm Service Agency are showing increased values of ridiculous proportions. By all standards, one would expect the value to have decreased. Farm prices are the lowest they have been in years, and there does not seem to be a quick recovery forthcoming. Farmers cannot possibly be expected to pay back a value twice the amount they originally wrote down. Especially in light of the current market situation, I believe something must be done about the way these appraisals are conducted.

USDA is attempting to fix the problem with proposed rules and regulations but farmers need help with these agreements now. The USDA has published several regulations addressing the issue but the comment period will further drag out the process. I am fearful that in the meantime more farmers will be forced into foreclosure.

My bill mandates by legislation these important regulations. It will exclude capital investments from the increase in appreciation and allow farmers to take out a loan at the ''Homestead Rate,'' which is the government's cost of borrowing.

Farmers should not be penalized for attempting to better their operations. Nor can they be expected to delay capital improvements so that they will not be penalized. It will be necessary for most of these agricultural producers to take out an additional loan during these hard times. It is important that the interest rate on that loan will accommodate their needs. The governments current cost of borrowing equals about 6.25 percent, far less than the original 9 percent farmers and ranches were paying.

I look forward to working with members in other states to alleviate the financial burdens imposed by shared appreciation agreements. I hope that we may move this through the legislative process quickly to provide help as soon as possible to our farmers.

TWENTY-FIRST CENTURY RESEARCH LABORATORIES ACT

Mr. KENNEDY. Mr. President, biomedical research is making great strides in providing new treatments for a wide range of diseases. Thousands of talented scientists across the country are making new discoveries about the fundamental mechanisms of health and disease. Yet the talents of these researchers are often undermined by a lack of adequate facilities and equipment to conduct their crucial work.

Numerous authoritative studies have demonstrated that medical research laboratories are critically in need of reconstruction and repair. The National Science Foundation found that

over half the institutions conducting biomedical research in this country suffer from inadequate space for medical research. The Foundation also reported that medical research institutions have had to postpone nearly $11 billion in renovation and construction projects due to lack of adequate funding. As a result, over a quarter of medical research facilities in the nation are in urgent need of renovation or reconstruction.

The need to revitalize the infrastructure of our research enterprise is recognized throughout the medical community. The Association of American Medical Colleges and the Federation of Societies for Experimental Biology have both issued statements calling on the federal government to provide increased resources for reconstruction and renovation of medical research facilities.

The bill before the Senate today significantly increases our commitment by authorizing a substantial increase in the funds available to the National Institute of Health to provide peer-reviewed grants for laboratory construction and renovation.

Not only have medical research facilities fallen into disrepair, but laboratories frequently lack needed research equipment. Modern medical instruments are increasingly sophisticated. Scientists are gaining new insights into such basic processes as the workings of the brain and the genetic basis of disease. With this increase in sophistication has come an increase in cost. The rising price of medical technology means that scientists must often curtail research programs, because they lack access to sensitive instruments such as MRI scanners or high resolution microscopes.

To address the acute need for sophisticated scientific instruments, the bill before us also provides needed funds for medical researchers to purchase major pieces of scientific equipment. Only by giving medical researchers the equipment they need to use their talents fully can we achieve the scientific breakthroughs necessary to meet our most pressing health needs.

We should not enter the twenty-first century with medical laboratories that lack adequate space, adequate facilities and adequate equipment. We must provide the funding that is urgently needed to construct modern laboratories and give researchers the equipment necessary for their cutting-edge research. I urge my colleagues to join with me in supporting this legislation that is so vital to the health care needs of our nation and I commend my distinguished colleague from Iowa, Senator HARKIN, for his leadership on this and many other critical health care issues.

CLINICAL RESEARCH ENHANCEMENT ACT OF 1999

Mr. KENNEDY. Mr. President, biomedical research continues to produce great advances in our ability to combat deadly diseases, and its promise for the future is vast. For that promise to be fully realized in improvements in people's health, we need a stronger commitment to bring medical discoveries from the laboratory to the bedside. Increased support for clinical research is vital for developing cures and better treatments for disease. Clinical research brings insight into the most effective ways to care for patients. It offers effective ways to reduce both the human and financial costs of disease.

Despite these clear benefits, clinical research faces a worsening crisis. The Institute of Medicine, the National Academy of Sciences and the National Institutes of Health have all concluded that the nation's ability to conduct clinical research has declined significantly in recent years. Passing the bill currently before the Senate will reverse this dangerous decline, by addressing the major factors that have led to the weakening of our nation's ability to conduct clinical research.

One of these factors is the steep financial barrier than health care professionals encounter when considering a career in clinical research. Burdened with debt from their professional training, clinicians must often forego a research career in order to earn the money necessary to pay back their loans. Our bill will lower the economic barriers to careers in clinical research by providing financial incentives for doctors to conduct patient-research. The bill authorizes the National Institutes of Health to establish a loan repayment program to lessen the debt they must carry if they pursue careers in clinical research. The bill also provides for peer-reviewed grants to support clinical researchers at all stages of their careers.

While the current state of clinical research is cause for great concern, the future of this vital health care field is even more worrying. Many of today's young clinical investigators have inadequate training in the methods of clinical research. Dr. Harold Varmus, Director of the National Institutes of Health, has emphasized the need for clinicians to have access to specialized training in patient-oriented research. This bill will provide grant support for young medical professionals to receive graduate training in such research.

To meet the nation's need for clinical research, it is not enough to increase the number of doctors conducting such research. Clinical researchers must also have the facilities necessary to conduct their lifesaving work. In these days when hospitals are squeezed more and more tightly by financial pressures, there is little room for them to devote scarce resources to clinical research. To address this problem, the bill provides grants to General Clinical Research Centers, now established in 27 states, where health professionals can have access to the vital hospital resources necessary to conduct high quality patient-oriented research.

This measure is supported by more than 70 biomedical associations. I commend the Chairman of our Health Committee, Senator JEFFORDS, for his effective leadership on this legislation. It is vital to the quality of health care in the nation in years ahead, and I urge the Senate to approve it.

DEBT RELIEF LEGISLATION

Mr. SARBANES. Mr. President, I want to note that Congress is taking the first important step toward providing debt relief for the Heavily Indebted Poor Countries (HIPC) Initiative. As co-sponsor, with Senator MACK, of legislation to authorize U.S. participation in this critically important international initiative, I believe that easing the debt burden of the world's poorest countries is one of the most meaningful things we can do to help these nations eradicate poverty and grow their economies on a sustainable basis.

The final version of the Foreign Operations appropriations bill contained enough money and authorizations to permit the HIPC Initiative to go forward, but there is more we have to do in Congress, beginning early next year, to provide the resources necessary to address the debt burden of the countries that are expected to qualify. As ranking member on the authorizing subcommittee in Foreign Relations, I intend to work hard to achieve the necessary additional authorizations there, including the very important one for U.S. contributions to the HIPC Trust Fund. I would like today to engage Senator GRAMM in a colloquy on the commitment I understand he made to the Administration to act on the necessary remaining IMF authorization in the Banking Committee as well.

Mr. GRAMM. I thank the Senator. As you know, we agreed on language that would permit the U.S. to support mobilization of the amount of IMF gold necessary to provide a stream of interest earnings sufficient for IMF participation in the HIPC initiative. However, we agreed that only 9/14 of the interest earnings could be used for HIPC debt relief, until such time as Congress authorized the U.S. to vote in favor of using the remaining 5/14 of the earnings as well. I committed to the Administration that the Banking Committee would act on this remaining IMF authorization no later than May 1, 2000. It is my hope, of course, that the Foreign Relations Committee could act with similar dispatch.

Mr. SARBANES. Thank you, Senator. I will certainly do everything I can to help you meet your May 1 deadline—in fact, I hope and believe we should be able to act sooner.

FINANCIAL SERVICES MODERNIZATION ACT

Mrs. LINCOLN. Mr. President, a week ago today, President Clinton signed S. 900, The Financial Services

Modernization Act. Beyond the obvious positive implications that this legislation has for the bankers of my state of Arkansas, there is a provision in the bill that I rise to speak of today that has been a long time in coming and will finally bring fairness to Arkansas' banking market.

Section 731 of the Financial Services Modernization Act is titled ''Interest Rates and Other Charges at Interstate Branches.'' This section was not included in the original version of S. 900 that passed this body, but with the support of the entire Arkansas congressional delegation it was added to the House version, and retained in the conference committee. Because of the importance of this provision to my state, because of the role that both Arkansas Senators played in protecting this provision in the conference committee, and because there was no debate on the provision in the Senate, I will speak briefly on the history that led to this new law, and the reason it was so vitally needed.

With the passage of the Riegle-Neal Interstate Banking and Branching Act several years ago, the question arose as to which state law concerning interest rates on loans would apply to branches of interstate banks operating in a ''host state.'' Would those branches be governed by the interest rate ceiling of the charter location or that of their physical location? The Office of the Comptroller of the Currency and the Federal Deposit Insurance Corporation addressed this issue with opinions that basically gave branches of interstate banks the option of being governed by either their home or host state requirements concerning interest rates by structuring the loan process to meet certain requirements.

In Arkansas this had a profound effect upon the local banking community. Under Article 19, Section 13 of the Arkansas Constitution, the state places the maximum rate that can be charged for many classes of loans at 5% above the Federal Reserve Discount Rate. However, over 40% of the banking locations in Arkansas are non-Arkansas based interstate banks, and were, in effect, not governed by this constitutional provision after Riegle-Neal became the law of the land. The out of state banks were able to price freely, while Arkansas banks were bound by the usury restrictions in the Arkansas Constitution. This placed Arkansas banks at a significant competitive disadvantage.

In light of this clear inequity, and because, if left uncorrected, my state could have lost virtually all of its local community banks, the Arkansas delegation wholly supported the language of Section 731 that provides our local banks with loan pricing parity in all regards with non-Arkansas interstate banks operating branches in Arkansas. Remedying this disparity was our intent, Mr. President, and I am pleased that my colleagues supported its inclusion in the Financial Services Modernization Act.

The local banks in Arkansas play such an important role in the small and rural communities they serve. Not only do they provide the capital that fuels the local economy, but they are always out front in charity and community service. You always see their names in the back of the football program, or leading the drive to buy the new band uniforms. The local bankers in my state are much more than business men and women, they are neighbors and friends, and dedicated to their homes.

In short, Mr. President, Congress put Arkansas banks at a severe competitive disadvantage with the passage of the Riegle-Neal Interstate Banking and Branching Act. The entire Arkansas delegation, therefore, considered it appropriate, if not our duty, to work to rectify this inequity here in Congress where it was created. I am glad we were successful.

RICHARD ALLEN LAUDS THE LATE BUD NANCE

Mr. LOTT. Mr. President, I have at hand the printed text of the beautiful remarks by Richard Allen, National Security Advisor to Ronald Reagan during those eventful years of the Reagan presidency. Mr. Allen spoke last evening, November 18, in Greensboro, N.C.

Mr. Allen's ''Tribute to Bud Nance'' was an assessment of the remarkable career of Admiral James W. Nance, a distinguished retired Navy officer. All of us knew and admired Bud Nance, who was a beloved and admired chief of staff of the Senate Committee on Foreign Relations.

Mr. President, I ask unanimous consent that Richard Allen's address be printed in the RECORD at the conclusion of my remarks.

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

TRIBUTE TO BUD NANCE

Just last Friday I flew from Tokyo to Munich, Germany where I met up with President George Bush, who received an important honor in connection with the celebration of the Fall of the Berlin Wall. In his acceptance speech, he said something that struck me as both important and generous: he remarked, ''I am here tonight to accept this award not because of what I did, but because I am standing on the shoulders of giants who made this possible, and in the first instance I refer to my great predecessor in office, Ronald Reagan.''

It was an emotional moment for me, for twenty-one years ago this very month my wife, Pat, who is here with me tonight, and I accompanied Ronald Reagan on his very first trip to Germany. We went to Berlin, and stood in front of the monstrous Wall. Reflecting on what it signified, he tensed, turned to Peter Hannaford and to me and said: ''We've got to find a way to knock this thing down.'' Nine years later, as President, he again stood in front of the Wall, and demanded that Mr. Gorbachev come to Berlin to ''tear down this Wall.''

Ronald Reagan was one of the giants to whom George Bush referred, but my thoughts turned to this Thursday evening event, and the reflection that one more giant who made all this possible, and upon whose sturdy shoulders Ronald Reagan leaned for years, is my friend of many years, Senator Jesse Helms.

So, this evening I have the special honor to pay tribute to two friends with whom I have worked for many years. Both have a special place of honor in my memory and in my heart, and both have given me the great gifts of constant friendship and unfailing loyalty.

You must recognize, ladies and gentlemen, that in the world of politics, policy and public affairs, the essential human qualities undergird all relationships. Trust and the ability to rely on another's word are among the most valuable qualities in any life, and nowhere are they better reflected in the lives of Senator Jesse Helms and Admiral James W. Nance.

For nearly forty years I have lived in and around Washington and have been an eager student of foreign affairs. I began my first active years as an academic, then worked in the 1968 election as Richard Nixon's foreign policy coordinator, later serving twice with him in national security and international economic affairs in the White House.

In the mid-1970s I had the opportunity to meet the freshman Senator from North Carolina, and in 1976 the first real opportunity to work closely with him. In that year, his principled determination made possible a close race between Gerald Ford and Ronald Reagan. Neither side would allow the other to write the foreign policy platform, and so I was asked to take on that task. It was a special opportunity, and I quickly accepted. Determined to write a platform that reflected real American principles, I finished my draft and flew to Kansas City. There, Senator Helms was shaping the work of the Platform Committee, and the issue of Taiwan was of great importance. With the delegates, Senator Helms and I were able to collaborate in shaping a fair, realistic and helpful plank to support Taiwan against its constant threat, Mainland China. The important point in all this was that every time Jesse Helms gave his word, he delivered, never trimming, never flinching, always sticking to fundamental principles—no matter how strong the opposition.

Ever since, he has exemplified the crusade for what is right. Fred Barnes said it best in 1997, when he wrote, ''Next to Ronald Reagan, Jesse Helms is the most important conservative of the last 25 years. No conservative, save Reagan, comes close to matching Helm's influence on American politics and policy—he has led on everything—he has made history. He's an event-making politician, not merely one who's served in eventful times.''

So, ladies and gentlemen, this is why I am especially honored to be here to participate in a tribute to a great Senator, a true leader, a man who always keeps his word.

The Jesse Helms Center Foundation at Wingate University has a distinguished board of Directors, one of whom is Mrs. Dorothy Helms (Roger Milliken, that champion of good causes). But another of those distinguished persons is not with us this evening, and it is about him—a very special person—that I am honored to speak some heartfelt words.

I refer, of course, to Admiral James W. Nance, and extraordinary patriot who was laid to rest on May 19th at Arlington National Cemetery. He was perhaps the Senators' closest confidant after Mrs. Helms, and was a man with whom I was privileged to have a close relationship for nearly two decades.

It's just not possible to capture either the depth of sorrow that reigned over Washington when Bud Nance departed this earth,

nor is it possible to capture in words the grandeur and beauty of the successive honors and tributes so justly showered upon him as we celebrated his extraordinary career, his lifetime with his loving family and with us.

Bud Nance and Jesse Helms, two distinct persons, friends since they were little boys and friends for life, men who knew and understood each other as stalwart loyalists to God, Family and Country, and who fought side by side for freedom, democracy and just causes. To evoke the name of one is to remind us of the other, and this had a special meaning for me.

I had worked for four years with Ronald Reagan in his approach to the 1980 presidential campaign, serving as his foreign policy advisor. Following his landslide victory and during the transition, the Chairman-designate of the Senate Agriculture Committee called to ask if I would meet with a recently retired admiral. As the Chairman put it, ''this is good ole boy I've known for a long time; he's worked in the Pentagon and he knows how to fly planes on and off aircraft carriers. He is tough, smart and loyal.'' The Senator told me he might be interested in ''some kind of junior staff job at the National Security Council,'' which I had been designated to head.

Bud Nance came aboard that transition team steaming at thirty knots, said he liked tough assignments, could execute them well, and what did I have for him to do. For starters, I asked him to take on the task of ''cleaning out'' the Carter National Security Council Staff. Bud said: ''Oh, I get it, I'm supposed to be just like a vacuum cleaner, just blow 'em all out of there?'' And he did just that. It was not the last time that Bud would be called upon to clean up an organization!

At the honors for Bud in May, Secretary of State Madeleine Albright—who was one of those staffers Bud was assigned to show out the front door—reminded me that Bud had called her for a meeting. Some of the Carter staffers actually thought they should be kept on, and Bud was going to make certain that the delusion was quickly erased. Madeleine Albright, a feisty lady, said to Bud, ''Why are you talking to me? I don't want to work with you people anyway!! As it turned out, she was certainly right. But Bud wasn't taking any chances.

Instead of a ''junior position'' on the National Security Council staff, I asked Bud to become my number one Deputy. I knew he would work well with me, but more important, with President Reagan. I was right about that.

Bud Nance was just about the finest associate and the hardest working man a fellow could ever have. He insisted on doing the heavy lifting, and served the National Security Council and his President faithfully and well. On one occasion, in the summer of 1981, the Navy decided to run a very important operation into the Gulf of Sidra, near Libyan waters, to establish freedom of navigation there. After we approved the operation, I flew to California with the President for continuing budget discussions. Bud insisted on sleeping the night in the Situation Room, in order to supervise the operation. At about midnight on the West Coast, I got a hotline call from Bud, who in a matter-of-fact tone said, ''Dick, we sent our carrier in there, and two Libyan fellas came flyin' out at us in Russian Migs. We put up our planes, and now the Libyans ain't flyin' any more because they locked their radars onto our boys, and their planes got all tore up with our missiles, and those Libyan boys are definitely down in the drink. Now, if I was you, I'd be callin' the President, and I'm goin' home to get some sleep.''

If I were to recite the extraordinary career and accomplishments of this very special man, I'd merely repeat what more than twenty Senators of both parties related to eloquently in their special tributes on the floor of the Senate—filling fifteen solid pages of the Congressional Record. Or I'd retell what his granddaughter, Catherine, and son Andrew said so movingly at the memorable funeral services for this patriot.

Leaving the White House in 1982, Bud worked for the Grace Commission on Waste and Fraud in Government, and then for Boeing until Senator Helms drafted him to come up to Capitol Hill and take charge of the Foreign Relations Committee in 1991. After the Navy, after the White House, after the Grace Commission, after Boeing, he again accepted the call to duty. Everyone in Washington knew the basis on which he agreed to work again—he declared that he would work free, saying that his pension and Social Security were quite enough, thank you, and that ''America has been good to me.'' He was not permitted to do that, and had to accept the minimum wage of $2.96 a week, later raised by cost of living increases, and eventually was forced to accept the munificent sum of $4.53 a week.

Each of us who knew, respected and loved him miss him very much.

On May 19th, the motorcade that left the Lewinsville Presbyterian Church in McLean enroute to Arlington National Cemetery stretched for nearly two miles. The cannon fired their salute, the rifles cracked, the bugler played Taps, the Honor Guard stood by, and Bud's pastor asked us to stand for the flyover.

North across the Potomac they came, four magnificent F–18 Navy jets, flying in precise formation; as they roared directly over the assembled mourners, three proceeded straight ahead while one ignited his afterburner, peeled off in a long and beautiful arc, flying straight up into the heavens, at once symbolizing Bud's career and the passage to his Maker. It was a profound moment, reminiscent of how much Bud liked that little placard that President Reagan put on his desk on the first morning of his presidency. Its inscription said. ''There's no limit to what a man can do or where he can go if he doesn't mind who gets the credit.''

That was Ronald Reagan's unspoken message to his staff and to his Cabinet. Some read and heeded it, others did not. Bud Nance did, because he was just the sort of man who did his job well, and never did mind who got the credit.

COY A. SHORT

Mr. THURMOND. Mr. President, everyone recognizes that to field an efficient fighting force, we must have the service of patriotic and selfless individuals who are willing to enter the military and stand ready to defend our nation, its citizens, interests, and ideals. What many do not recognize is the vital importance of building support in the greater community for those brave young men and women who are serving in uniform. We need our citizens who are not in military service to be supportive of those who do, especially of those who serve in the Guard and Reserve. I rise today to pay tribute to a faithful public servant, Mr. Coy A. Short of Atlanta, Georgia, whose hard work and selflessness have contributed greatly to the Reserve and Guard programs of our armed forces.

On December 6th, Coy Short will be honored by the State of Georgia for his nine-years of able and visionary leadership as the Chairman of the Georgia Committee for Employer Support of the Guard and Reserve. In that capacity he has been responsible for helping to raise employer awareness about the importance of Guard and Reserve forces to our national defense.

While Coy is going to be saluted for the work he did as Chairman of the Georgia Committee, his commitment to public service goes far deeper and runs far longer than his tenure in that position. Clearly, his contributions have benefitted the State of Georgia and the nation. Coy began his career in public service when as a young 1957 graduate of Emory University, he took the oath of an officer in the United States Army and accepted a commission in the Artillery. He rose to the rank of Captain before leaving military service, and his time on active duty taught him many valuable lessons, not the least of which was the importance of maintaining a strong defense and supporting those who serve.

After leaving the Army, Coy tried his hand at a number of entrepreneurial enterprises and while successful, he like many who serve their country missed the satisfaction that came from doing something for the benefit of others. In 1977, he began a career with the Social Security Administration that has been a tremendous success by any measure, rising to the position of Deputy Regional Commissioner. The most important gauge of success, however, would be the assistance he has rendered to tens of thousands of Americans. Coy's tireless efforts and adept abilities as a manager have earned him repeated recognitions, including the ''Commissioner's Citation'', the highest award given by the Social Security Administration.

Coy learned at an early age the importance of supporting our men and women in uniform. Nothing does more for the morale of those who serve in the military than to know that they are appreciated by those they protect. Toward that goal, Coy Short has always been more than willing to roll-up his sleeves and lend his support to any effort that makes life for our troops a little easier, or demonstrates to them the high regard in which they are held by their fellow Americans. He is especially well known for his work as Chairman of the Georgia Committee for Employer Support of the Guard and Reserve, where he has sought to involve others in this important endeavor. This work is especially critical in a day and age when we increasingly rely on those who serve in non-active components to support ''real world'' missions. The recognition that is being bestowed upon him early next month is a testament to the fine job he has done in boosting support in the community for our ''citizen-soldiers'', his work has made it easier for men and women to get time off from work to meet their obligations to their units and help us meet our national defense goals.

While we can all be proud of what Coy Short has accomplished as Chairman of the Georgia Committee for Employer Support of the Guard and Reserve, his commitment to helping the military is not limited to his service to that body. He also serves as President of the B–29 Superfortress Association, which has restored and put on display at Dobbins Air Reserve Base one of those classic World War II era bombers, named ''The Sweet Eloise'', and is working on restoring the tenth C–130 Hercules to have been produced in Georgia, which will also be displayed at that facility. Additionally, Coy serves on the Executive Committee of the USO Council of Georgia, as Ambassador for the U.S. Army Reserve, and is a member of the Atlanta Chamber of Commerce's Greater Atlanta Military Affairs Council Executive Committee. In the past, he has served as the President of the Atlanta Chapter of the Association of the United States Army and as the Chairman of Peach Bowl's Community Events Committee. Not surprisingly, Coy's efforts have won him deservingly high praise and recognition in many forms including winning the prestigious Sam Nunn Award for Outstanding Support of the National Guard; the Oglethorpe Distinguished Service Medal for Outstanding Support of the Georgia Guard; the National Distinguished Service Award from the Association of the United States Army; the National Committee for Employer Support of the Guard and Reserve Award for Outstanding Public Service; the Army Commendation Medal, awarded for public service on behalf of Army Forces Command; the Atlanta Chamber of Commerce Phoenix Award; the Dobbins Air Reserve Base Man of the Year Award; the Eli White Award of the Old Guard of the Gate City Guard; and, twice winning the National Guard Association's Patrick Henry Award.

I am pleased and proud to be able to have this opportunity to commend my good friend, Coy Short, on his many years of public service and the invaluable support he has given to our armed forces, particularly those who serve in the Guard and Reserve. It is my hope that others will be inspired to follow the lead that Coy has set for public service. The qualities of patriotism, selflessness, and duty were obviously instilled in him at an early age, and we have all benefitted from his devotion to service. Certainly Coy's mother, Eloise Strom, as well as Coy's wife Judy, deserve special recognition for the role they played in Coy's success.

Coy, we appreciate all your good work and know you will continue to find ways to make a difference in the lives of those who live in Georgia, Atlanta, and all those who serve in the armed forces of the United States.

THE DEPARTURE OF STEVEN APICELLA, LEGISLATIVE FELLOW

Mr. LOTT. Mr. President, I would like to take a moment to recognize my Legislative Fellow, Steven Apicella, who will be leaving the LOTT staff, my team, at the end of this session.

I must admit, when Steven first joined us, I was not sure who he was or why he was lurking in my meetings. However, I quickly learned that thanks to the wisdom of my Chief of staff and then Legislative Director, the Department of Energy had lent me and Mississippi one of their best.

Over the past twenty months, Steven has become an indispensable part of my legislative shop. He has worked hard on a broad range of issues—each time jumping in feet first, soaking up knowledge, and moving legislation forward in this often complicated process.

Steven began his Capitol Hill experience during the lengthy and grueling TEA–21 negotiations. He quickly realized my transportation priorities for my home state of Mississippi, and was helpful in making sure these issues were not ignored. During these long hours spent hammering out the details of TEA–21, Steven earned the respect of staff, as well as mine.

Steven advised me on a variety of high-tech issues, and was an active participant of the team which formulated a focus for the Republican Technology Task Force. He worked with the staffs of several of my colleagues to reach a consensus—often not an easy task.

Steven has also been very diligent in advancing a meaningful and updated encryption policy—one that balances national security, law enforcement and trade interests. He continually made sure that all parties realized that these are not mutually exclusive priorities. Steven detected this significant issue and was responsible for bringing it to my attention and guiding me as the bill worked its way through the Commerce committee.

Digital signatures is another issue Steven has aggressively pursued. He played an active role in getting the government portion of the legislation enacted into law last Congress, and worked extensively toward today's Senate passage of this needed opportunity for the private sector.

An important service on behalf of the State of Mississippi has been Steven's diligence on national parks legislation. This year Steven was very helpful in preparing two bills that I introduced in this area—one to add the battlefield at Corinth as part of the Shiloh National Park, and another to begin the planning for the designation of the Vicksburg Campaign Trail. On each of these bills, Steven worked effectively with the Senate committee of jurisdiction and was responsible for getting the funds authorized before introduction. I am happy to say that today those bills passed the Senate by unanimous consent.

Finally, with Steven's help I again fought the uphill battle of Title Branding. Steven worked with and strengthened a large, bipartisan effort to draft and support legislation to brand the titles of severely damaged salvaged vehicles, so consumers will be able to identify potentially dangerous used cars before they are purchased. Steven searched for a compromise, and constantly pushed the envelope of consensus. Steven tirelessly championed this pro-consumer bill and his efforts brought it to the threshold of Senate passage.

Although Steven was assigned areas which were outside the realm of his ''parent'' employer, Department of Energy—he has been an excellent ambassador. He has helped the staff understand the intricacies of the agency and appreciate its problems. As Steven returns to his duties at DOE, I hope his experiences and the skills and contacts he has developed while serving as a part of my staff will serve him well.

Over the past several years, I have been privileged to have the services of legislative fellows, to provide stellar support for my efforts. Steven has been fantastic. I thank Steven for his dedication and determination, and I thank DOE for their patience—I'm sure they are ready to have him back, working his magic there. I wish Steven, and his son Jarrett, Godspeed in their future endeavors.

REMARKS ON THE DEPARTURE OF IVAN SCHLAGER

Mr. HOLLINGS. Mr. President, I rise today with both pride and sadness as we say goodbye to a long time member of my staff, Ivan Schlager. I have known Ivan for nearly 20 years. One cold afternoon at Northwestern University in 1983, Ivan approached a woman, he thought to be a staffer on the Hollings for President Campaign and offered to volunteer on that effort.

That ''staffer'' turned out to my wife, Peatsy Hollings, and before Ivan knew what had happened, he was driving and wading through the snow of New Hampshire in support of my effort.

After finishing at Northwestern and law school at Georgetown, Ivan joined the Commerce Committee staff in 1989 and began to assist both Senator ROCKEFELLER and myself at the Subcommittee on Tourism and Foreign Commerce. In this job, he played an important role on many of the international trade agreements concluded over the past decade, including most notably the Uruguay Round agreement which created the WTO and the North American Free Trade Agreement.

I truly believe that Ivan is one of the most knowledgeable and substantive individuals with regard to international trade. He was instrumental in insuring that all voices were heard during these important debates.

More than 3 years ago, Ivan became the Commerce Committee's staff director and he has overseen its operations since that time. He has provided the committee Democrats with a thoughtful and pragmatic approach to a remarkable variety of issues. Moreover, he has developed a fine working relationship with Chairman MCCAIN, his

staff and the remainder of the Republicans on the committee.

On many occasions, these relationships have assisted in forging a bipartisan consensus on a variety of issues that have helped advance good public policy in areas such as telecommunications and broadcast policy, aviation, trucking and rail issues, technology development and environmental and oceans concerns.

One particular issue stands out, last year's tobacco debate. Under difficult personal circumstances, Ivan worked closely with both Republicans and Democrats to help craft a compromise that was reported out of the committee by a 19–1 vote.

On other occasions, such as product liability or international trade we have been unable to reach bipartisan consensus and have been forced to hash out our differences on the Senate floor. In those instances, I have been blessed to have Ivan's energy, quick thinking, political intuition and wise counsel during the debate.

As, I mentioned earlier, I first met Ivan when he was in his early twenties. Both Peatsy and I have seen him grow from a college student to a dedicated and accomplished public servant. We rejoiced when he met and married his lovely wife, Martha Verrill. We celebrated when they had a baby boy, Ethan, and then a second, William. We grieved with him when his father passed away last year. And today we wish him well as he moves onto his next step in joining the internationally recognized law firm of Skadden, Arps.

Ivan, thank you for all that you have done for Peatsy and me, the Commerce Committee, and for our country. We will miss you.

JUDICIAL NOMINATIONS IN THE FIRST SESSION OF THE 106TH CONGRESS

Mr. LEAHY. Mr. President, as the Senate concludes this first session of the 106th Congress, I want to take a moment to thank Senator LOTT, the majority leader, and Senator HATCH, the chairman of the Senate Judiciary Committee, for working with us to confirm some of the judges desperately needed around the country.

Senator HATCH has pressed forward with three confirmation hearings since October 5, in the last five weeks of this session to bring the total number of hearings to seven for the year. Those hearings allowed for 12 additional judicial nominees to be reported to the Senate calendar and another two being ready for action by the committee. Senator HATCH supported all but one of the nominees voted upon by the Senate this year and worked hard to clear judicial nominees reported by the committee for action by the Senate.

I thank the majority leader for working with me and Senator DASCHLE, our Democratic leader, to find a way to consider each of the judicial nominations reported to the Senate by the Judiciary Committee. In early October he committed to working with us and last week he announced that he would press forward for votes on the nominations of Judge Richard Paez and Marsha Berzon by March 15 and on the other nominations left pending on the Senate Executive Calendar, as well. With his assurance, Senator BOXER was willing to proceed immediately to consider a nomination important to the Senator from Mississippi. I want to commend Senator BOXER and Senator FEINSTEIN for their efforts on behalf of both Judge Paez and Ms. Berzon. With their support these nominees are each now headed toward final confirmation votes.

For the year, the senate confirmed 33 federal judges to the District Courts and Courts of Appeals around the country and to the Court of International Trade. The Senate has voted to fill only 33 of the 90 vacancies that have existed throughout the year, however, and there remain 36 judicial nominees still pending before the Senate. Most regrettably, the Senate rejected the nomination of Justice Ronnie White on an unprecedented part-line vote. Senator HATCH is fond of saying that the Senate could do better. I agree with him and hope that we will continue to do much better next year.

I began this year challenging the Senate to maintain that pace it established last year when the Senate confirmed 66 judges. I urged the Senate to move away from ''the destructive politics of [1996 and 1997] in which the Republican Senate confirmed only 17 and 36 judges.'' We did not achieve much movement in the first 10 months of this year. It is my hope that developments over the last week signal that the Senate is finally moving toward recognition of our constitutional duty regarding judicial nominations and that we will consider them more promptly and fairly in the coming months.

I note that during the last two years of the Bush Administration, a Democratic Senate confirmed 106 federal judges. To reach that total this Congress, the Senate next year will need to confirm 73 additional judges. That will take commitment and work, but we can achieve it. In 1994, with a Democratic majority in the Senate, we confirmed 101 judges, and in 1992, the last year of the Bush Administration, a Democratic Senate confirmed 64 federal judges.

Meanwhile we end this year with more judicial vacancies than existed when we adjourned at the end of last year. We have again lost ground in our efforts to fill longstanding judicial vacancies that are plaguing the federal courts. In 1983 vacancies numbered only 16. Even after the creation of 85 new judgeships in 1984, the number of vacancies had been reduced to only 33 by the end of the 99th Congress in 1986. At the end of the 100th Congress in 1988, which had a Democratic majority and a Republican President, judicial vacancies numbered only 23. In 1999 the Republican Senate adjourns leaving 57 current vacancies with 10 on the horizon.

Moreover, the Republican Congress has refused to consider the authorization of the additional judges needed by the federal judiciary to deal with their ever-increasing workload. In 1984 and in 1990, Congress did respond to requests for needed judicial resources by the Judicial Conference. Indeed, in 1990, a Democratic majority in the Congress created judgeships during a Republican presidential administration. Two years ago the Judicial Conference of the United States requested that an additional 53 judgeships be authorized around the country. This year the Judicial Conference renewed its request but increased it to 72 judgeships needing to be authorized around the country. If Congress had passed the Federal Judgeship Act of 1999, S. 1145, as it should have, the federal judiciary would have 130 vacancies today. That is the more accurate measure of the needs of the federal judiciary that have been ignored by the Congress over the past several years.

More and more of the vacancies are judicial emergencies that have been left vacant for longer periods of time. The President has sent the Senate qualified nominees for 15 of the current judicial emergency vacancies, which nominations remain pending as the Senate adjourns for the year.

Most troubling is the circuit emergency that had to be declared three months ago by the Chief Judge of the Court of Appeals for the Fifth Circuit. That is a situation that we should have confronted by expediting consideration of the nominations of Alston Johnson and Enrique Moreno this year. I hope that the Senate will consider them both promptly in the early part of next year. In the meantime, I regret that the Senate is adjourning and leaving the Fifth Circuit to deal with the crisis in the federal administration of justice in Texas, Louisiana and Mississippi as best it can but without the resources that it desperately needs.

COMPREHENSIVE TEST BAN TREATY

Mr. DODD. Mr. President, due to the illness of a family member, I was unable to participate in much of the debate on the Comprehensive Test Ban Treaty. I voted in favor of ratification of the treaty, and, now that there is ample time, I want to express my views on the treaty and the debate prior to the Senate's vote against ratification.

In my view, that vote was a sad day for the United States Senate, for our nation and for the world. During the debate, my colleague, Senator CLELAND spoke eloquently of the pride he felt as a young man sitting in this chamber 36 years ago when the Senate voted to ratify the first nuclear test ban treaty which prohibited atmospheric nuclear tests. I doubt that many people can express a similar sense of pride over the

outcome of the Senate's consideration of the Test Ban Treaty earlier this fall.

My disappointment rests, firstly, with the manner in which this treaty was considered. It can only be characterized as hurried, a legislative rush to judgement. For instance, Senator BYRD, one of the most senior members of this chamber and a former majority leader, rose to speak prior to a procedural vote. He dared to ask for fifteen minutes to speak during this chamber's headlong rush to vote against a treaty that would ban nuclear explosions throughout the world. The majority was well aware that there were not 67 votes for this treaty, and they knew what the final outcome would be. Sadly, though, the majority found it necessary to brush aside the most senior member on this side of the aisle. That is not the way we should conduct business in the Senate.

Unfortunately, that episode characterized the entire debate on this treaty. There was a hastiness and a needless sense of urgency about arriving at that ratification vote that we rarely see in this body. The sudden scheduling of the vote, prior to a single hearing, brought one week of frenzied focus that some members characterized as ample consideration. I think that it fell far short. All hearings on this treaty were crammed into one week, and most of the floor debate time was allocated on a Friday, prior to a three day weekend and after the week's final vote.

The brief debate and vote on this treaty were closely watched within this country and around the world. As evidence of that, most, if not all, Senators received a high volume of constituent calls, and no Senator is unaware that foreign leaders made rare appeals to this body.

The process followed with this treaty bore little resemblance to the process the Senate normally follows when it receives a treaty. The normal process includes careful consideration of a treaty's merits, an airing of the arguments from those who have objections, the addition of any safeguards that may be necessary, and, finally, a vote on ratification. In this case, that process was ignored and, some would argue, even maligned.

The Senate could have easily avoided a ratification vote, and, given the haste of its actions and the profound importance of the subject at hand, should have done so. Moreover, some members on the other side of the aisle clearly stated that they needed more time to examine this treaty, study its implications, and propose any appropriate amendments or side agreements. In fact, a majority of this body appeared to want more time to do so. That view is eminently reasonable considering how quickly this treaty was considered. Instead, all Senators were forced to make a fast decision and put their position on record. It is hard to avoid the conclusion that the defeat of this treaty was an end in itself, rather than a byproduct of considered action. Now, by this vote, the United States Senate has allowed friend and foe to conclude that we want more nuclear testing and we need more nuclear explosions. We ignored Senator LEVIN's injunction to, at the very least, ''do no harm.'' Instead, we have at a minimum muddied this nation's position with respect to containing the threat of nuclear warfare. All we had to do to avoid this outcome was to delay the vote. There were those on the other side of the aisle who endorsed doing just that. Regrettably, they were overruled by their colleagues who are overzealous opponents of this Administration.

I support the Comprehensive Test Ban Treaty, and, as the President stated, I expect that the treaty will be ratified—if not this year, then some year. Nuclear test explosions are becoming anachronisms; the tide of history is quickly sweeping away the last vestiges of their legitimacy. Prior to the vote, I had decided to support the President's request to put off the vote on ratification. It had become clear to the President and me and most other members of this chamber that, despite our strong support of this treaty, the Senate was not yet ready to support ratification. It was with regret that I arrived at that conclusion, because no one enjoys putting off a vote that will benefit the people of this nation, and, in this case, the people of the world. This treaty has been signed by over 150 nations. It is supported by nearly every member of the United Nations. Clearly it merited several days or even weeks of hearings in which experts on both sides of this issue would have a chance to present testimony and answer questions. More than that, though, it deserved to be ratified. Our nation is the world's greatest force for peace and freedom. It is not worthy of that stature for us to be outside the community of civilized nations that have committed themselves to an end to nuclear testing.

We have missed an opportunity to lead these nations, and to provide an example to countries like India and Pakistan, both of whom are on the verge of signing this treaty. Instead, we have, I fear, energized forces in those countries and others around the world that favor further testing or revoking pledges not to test.

This treaty will make the world more safe for our children and our children's children. We have a responsibility, despite the vote, to those future generations to do our part to stop nuclear detonations. If we fail in our responsibility, we will dash the hopes of generations yet to come. They may wonder why, when the world finally seemed ready to halt nuclear testing, the United States refused to go along.

Throughout the Cold War, nuclear tests may have been necessary to modernize this nation's nuclear weapons capability. But at the height of tensions with the Soviet Union, President Eisenhower said that the failure to achieve a nuclear test ban ''would have to be classed as the greatest disappointment of any administration, of any decade, of any time and of any party.''

In 1992, President Bush, a former CIA Director and Ambassador to the United Nations, unilaterally halted nuclear weapons tests in the United States. President Clinton subsequently continued the moratorium. This treaty would halt nuclear weapons tests in other nations, as well. It would force other nations to do what this nation has already done and has been doing for these past several years.

Since the first test in 1945, the United States has conducted 1030 nuclear explosions—more than all other nations combined. As a result, we have far more test data and a far more deadly nuclear arsenal than any other nation. This treaty would effectively preserve this nation's position as the preeminent nuclear weapons power.

It would limit the ability of nuclear-capable nations from developing more sophisticated and more deadly nuclear weapons. It does not outlaw improvements and advancements to weapons, but without the ability to test the new weapons, nations would be hesitant to deploy them.

For those nations that do not yet possess a nuclear arsenal, this treaty will hinder their ability to develop such an arsenal. Those nations will be barred from conducting and studying a single nuclear explosion. Perhaps they could develop, at some time in the future, a crude nuclear arsenal, but they would face daunting uncertainties without having witnessed a single explosion.

This treaty enhances our national security. It has the support of the Joint Chiefs of Staff and several former military leaders including Gen. Colin Powell. Besides solidifying this nation's vast lead in nuclear technology and nuclear weaponry, it would assist us in monitoring nuclear explosions throughout the world. Regardless of whether this treaty goes into force, this nation must determine whether other nations are conducting nuclear explosions. This treaty mandates a global network of sensors and allows for on-site inspections, so it would greatly assist this nation in meeting its monitoring responsibilities.

Questions have been raised about whether we can maintain the reliability of our nuclear arsenal absent more nuclear tests. Many nuclear experts, however, assert that we can maintain a reliable deterrent, as we have since 1992, without the nuclear explosions. Furthermore, this nation plans to allocate $45 billion over the next ten years to ensure the reliability of our stockpile. What other nation has greater resources to dedicate to its stockpile? What other nation is better able, given its experience, to ensure the reliability of nuclear weapons?

Our allies, Britain and France, have conducted far fewer nuclear explosions than we have, yet they have ratified

this treaty. Over half of the nuclear-capable nations in the world have ratified this treaty. We have the least to lose and the most to gain if this treaty goes into force. This nation must do its part and help rid the world of these terrible nuclear explosions. I urge my colleagues to support a reexamination of these issues and a reconsideration of the Senate's regrettable course of action.

S CORPORATION ESOPS

Mr. BREAUX. Mr. President, in 1996 and 1997, I supported the creation of S corporation ESOPs, which—while they may sound a bit obscure to some—are an innovative way of giving employees an ownership stake in their companies and providing for their retirement.

The design of these programs was quite deliberate, and intended to accomplish very specific policy objectives. We sought to create not only an administrable structure for these plans, but also a program that encouraged private businesses to give their workers a ''piece of the rock'' and help them save for their retirement. The law therefore allows some deferral of tax liability on current-year revenues of a participating S corporation, but of course only for that portion of the company's revenues that are put into the ESOP accounts of employees. That is to say, the deferral only exists so long as the monies are not realized by employee-owners; when they withdraw the funds for their retirement benefit, they also pay a tax, and in this case, at a much higher rate than standard capital gains.

Recently, some have questioned whether this incentive should be eliminated. I am delighted that a strong bipartisan majority of the members of the Senate Finance Committee and House Ways and Means Committee have indicated they want to preserve the fundamental attributes of S corporation ESOPs. We have carefully scrutinized this matter in recent months, particularly in the context of the tax extenders legislation. We have determined that Treasury's proposal to eliminate the deferral aspect of S corporation ESOPs is a serious threat to the vitality of S corporation ESOPs. In rejecting this proposal, Congress has affirmed that—at a time when national savings rates are abysmally low, when Americans worry how they will fund their retirement, and when we in Congress worry about the future of Social Security—we cannot afford to undo such important programs.

In response to Treasury's concerns with possible abuse of the system, we included a revenue raising provision in the extenders package to strengthen the 1996 law. However, the Treasury Department objected to the provision and it was dropped during the last minute negotiations on the bill. Secretary Summers has agreed to work with me over the coming months on a provision to strengthen and preserve broad-based employee ownership of S corporations through ESOPs in the future.

Today, there are 100,000 or more workers in America who are using and benefiting from the S corporation ESOP rules that we designed. We have reason to be proud of this accomplishment, and to point to it as an example of how we are helping Americans build wealth for their futures and their families through private ownership. I believe more workers stand to benefit from this great opportunity, which is working as Congress intended. I believe, along with a strong bipartisan group of my colleagues, that we must do all we can to sustain and promote S corporation ESOPs. I appreciate the strong support of Chairman ROTH and other members of the Finance Committee in particular to achieve this objective, and look forward to working with them on an ongoing basis for this very important cause.

FALL OF THE BERLIN WALL

Mr. GRAMS. At the Brandenburg Gate, West Berlin, on June 12, 1987, President Reagan issued a stunning challenge: ''General Secretary Gorbachev, if you seek peace if you seek prosperity for the Soviet Union and Eastern Europe, if you seek liberalization: Come here to this gate! Mr. Gorbachev, open this gate! Mr. Gorbachev, tear down this wall!'' And less than three years later, the wall crumbled, along with the threat of communism as a viable, universalist alternative to democracy.

I remember reporting on the fall of the Berlin Wall as a newscaster. I remember those first tentative attempts to climb over it, and the rush of revelers that followed when no shots were fired. Remember, the wall was built to keep people in, and freedom out. The guard posts in the East were facing eastward, not toward West Berlin. It is incredible that the tenth anniversary of this seminal event passed almost without comment. For it marked the end of the Soviet Empire, and foreshadowed the end of the Soviet Union itself. The global correlation of forces, as the Soviets used to say, aligned with freedom, not oppression.

The Wall crumbled because President Reagan was committed to achieving peace through strength. The Reagan Doctrine asserted the need to confront and rollback communism by aiding national liberation movements in Afghanistan, Angola, Grenada, Cambodia, and Nicaragua. He proved that once countries were in the Soviet camp, they need not remain there forever. He realized that our national prestige is reinforced and enhanced when we operate with a coherent, concise, and understandable foreign policy. And by doing so, he succeeded in inspiring and supporting dissidents behind the Iron Curtain who eroded the mortar of that Wall.

In contrast, the Clinton Administration has reacted to foreign policy crises, but has failed to a develop a foreign policy. The Administration has lurched from managing one crisis to another, but never articulated the national interest in accordance with a core philosophy. Instead of consistently safeguarding and promoting our values abroad, it has acted on an ad hoc basis according to the needs of the moment, confusing our allies and emboldening rogue nations. Serbia was emboldened to conduct ethnic cleansing in Kosovo; North Korea was emboldened to develop nuclear weapons; Saddam Hussein was emboldened to strengthen his position in northern Iraq.

What is the Clinton Doctrine? We have been told about a ''do-ability doctrine'' whereby the United States acts ''in the places where our addition of action will, in fact, be the critical difference.'' However, that alone cannot be the criteria for U.S. intervention. Under that formulation we could be expected to intervene anywhere in the world. And as Secretary Albright stated as our Ambassador to the U.N. ''we are not the world's policeman, nor are we running a charity or a fire department.''

However, as a practical matter, the combination of a ''do-ability doctrine'' with so-called ''assertive multilateralism''—places the United States in the very position which Secretary Albright derided. It has resulted in both the abdication of our responsibilities and the misguided projection of our power. Instead of applying the Reagan Doctrine by equipping and training the Bosnian forces over our allies' objections, the Administration subcontracted our role of arming the Bosnians to a terrorist regime in Iran, unnecessarily endangering the lives of U.S. troops. Instead of arming the Bosnians, we supported our allies standing by in U.N. blue helmets, watching unarmed civilians be massacred in Srebrenica. In contrast, the attempt at nation building in Somalia, and the refusal to provide equipment requested on the ground because it would send the wrong signal, sacrificed the lives of 18 brave soldiers without regard to whether such action advanced our vital concerns. When this Administration acts according to the exigencies of the moment instead of according to an underlying philosophy, the country lurches from paralysis to ''mission creep'' without regard to the national interest.

Recently, there has been discussion of the possibility of reworking our entire military force structure—which is presently based on the capacity to fight two simultaneous major regional conflicts—in order to enable us to commit US troops to an ever-growing number of multilateral ''peacekeeping'' missions. I am concerned that we may sacrifice our vital national security interests in order to be able to participate in peripheral endeavors. We should not be shortsighted. We should not lose sight of what we must do in

order to accomplish what we can do. Our military should be used to protect our national security interests, not provide peacekeeping in areas without strategic significance.

That kind of distinction will never happen under the Clinton Administration. President Clinton does not have the clarity of purpose of Ronald Reagan. No walls will be torn down. There is no Clinton Doctrine. There is only a half-hearted attempt to justify random acts under an artificial rubric and a series of slogans. And our country is the worse for it. We should note the fall of the Berlin Wall symbolizes more than just a victory of liberty over totalitarianism. It shows that armed with a core philosophy, a coherent doctrine, and a lot of courage, there is no limit to what we can accomplish.

ROMANIAN CHAIRMANSHIP OF OSCE

Ms. LANDRIEU. Mr. President, as we attempt to conclude our business for this session of Congress, I wanted to mention an important decision that has just occurred in Istanbul. Mr. President, as you know, Turkey is hosting the annual summit of the Organization for Security and Cooperation in Europe (OSCE). Our President was in attendance, and from reports, this summit has been a robust forum for debate.

Given recent history, it is impossible to overstate the importance that the OSCE might play in maintaining Europe's peace and stability. It is the only forum available where all the nations of Europe meet to discuss European concerns. Clearly, the status of European Security is more fluid at this time then at any other in the last 40 years. Therefore, one of the very important decisions that the OSCE must make at the Istanbul Summit, is who will chair the OSCE in 2001.

I am very pleased to announce that the OSCE has chosen the nation of Romania to undertake this important leadership role. The United States and several leading European nations had advanced Romania's candidacy, and I believe that the OSCE has made a very wise choice. Romania's value as OSCE chair derives from a number of factors. First, Romania's geostrategic position places it in the heart of the region where stability is needed most. Despite lying at the crossroads of the Balkans, the Caucasus, and European Russia, Romania has managed to maintain excellent relations with all the parties. The OSCE desperately needs leadership that understands the problems of this region, while having no vested interest in any particular outcome. That is the sort of leadership that only Romania can bring to the table. Second, Romania is a role model for other Balkan nations. The economic and political reforms that Romania has undertaken, have not come easy—but that is part of her attraction to the other nations of the region. Romania's experience demonstrates that if willing to make the necessary sacrifices, democracy and a liberalized economy are within reach. Finally, Romania has a strong tradition of cooperation with this nation. Our friendship has been formalized through the 1997 Strategic Partnership, as well as Romania's vigorous participation in the Partnership for Peace.

Mr. President, Romanian chairmanship is a very positive harbinger for the future of Europe, and for the future of the Balkan Region. I congratulate the OSCE for their excellent choice. I wish Romania's leadership the very best wishes upon assuming this very weighty responsibility. We look forward to another session of productive dialogue and meaningful diplomacy upon their accession to the chairmanship.

THE 1999 STATE PARKS GOLD MEDAL

Mr. GRAHAM. Mr. President, today, I rise with my colleague Senator MACK to take a moment to recognize our Florida state park system, which recently received the prestigious 1999 National State Parks Gold Medal from the National Sports Foundation, Inc., a part of the 25,000-member National Sporting Goods Association. The State Parks Gold Medal is awarded every other year to the state park system considered America's best. We are proud and honored that Florida's state park system, which includes 151 diverse state parks throughout the state covering more than one-half million acres, received this recognition in October at the National Recreation and Park Association Annual Congress in Nashville, Tennessee.

Congratulations to Governor Jeb Bush, Florida Department of Environmental Protection, Secretary David Struhs, and the Department's Division of Recreation and Parks Director, Fran Mainella, on this achievement.

This nation's state parks play a key role in our society—they provide much needed recreational opportunities to Americans while protecting key resources. These parks create the link between our national parks, dedicated specifically to protection of the resources for which the park was created, and our local parks, dedicated specifically to recreation. Without a strong state park system, the resources in our national parks will become stressed as people seek to fill unmet recreational needs. We are proud that the state of Florida recognizes this connection, and works to maintain a strong state park system.

In honor of ''Florida's State Parks—Voted America's Best,'' Governor Bush and the Florida Cabinet have designated Saturday, November 20 as a ''free day'' when admission charges to Florida state parks will be waived for all visitors. We invite all of our colleagues to a free day in one or more of America's best state parks that day.

Thank you, Mr. President, for the opportunity to recognize these outstanding natural areas, preserved forever for the enjoyment of this and future generations.

NOMINATION OF JOSEPH E. BRENNAN

Ms. SNOWE. Mr. President, last Wednesday, the Senate confirmed Governor Joseph E. Brennan as a commissioner on the Federal Maritime Commission, and this week Governor Brennan was sworn in for a term to expire in 2003.

Governor Brennan, who formerly served as a Member of Congress for four years, where he was a member of the House Merchant Marine and Fisheries Committee, and Governor of Maine for eight years prior to that, is eminently qualified to confront the challenges facing the maritime community. With his broad experience at both the state and federal level, Governor Brennan is an outstanding choice to serve as a Commissioner on the FMC.

His service in Congress gave him first-hand knowledge of federal maritime issues as a member of the House Merchant Marine and Fisheries Committee that will be invaluable on the Maritime Commission.

Established in 1961, the Federal Maritime Commission—FMC—is an independent regulatory agency charged with administering laws relating to shipping and the waterborne domestic and offshore commerce of the U.S.

The FMC's jurisdiction encompasses many facets of the maritime industry. The Chairman and four Commissioners of the FMC are responsible for protecting shippers, carriers and others engaged in foreign commerce from restrictive rules and regulations of foreign governments and from the practices of foreign-flag carriers that have an adverse effect on shipping in U.S. trades. The FMC also reviews and monitors agreements under shipping law, reviews and approves or rejects tariff filings, issues licenses for ocean freight activities, administers passenger indemnity laws, reviews alleged or suspected violations of shipping statutes, and promulgates rules and regulations on shipping laws.

The maritime sector is vitally important to our economy, and the FMC's responsibilities are fundamental to sustaining U.S. competitiveness in this area.

As a Senator from Maine, a state with a rich maritime heritage, I am keenly aware that our nation has always been dependent upon the sea and has thus enjoyed a rich maritime tradition. To this day, our merchant marine remains an integral part of our culture and our economy.

Today, one out of every six jobs in the United States is marine related. America's ports support more than 95 percent of all our overseas foreign trade, and within the U.S., more than one billion tons of commercial cargo is transported by ship each year. We must

do all that we can to preserve our maritime legacy for future generations, and the FMC plays a key role in the commercial component of this legacy.

Mr. President, I would also like to recognize Senator MCCAIN, Chairman of the Commerce Committee, for his leadership, and for making it possible to move the nominations of both Governor Brennan and Anthony Merck prior to adjournment. I am grateful to Senator MCCAIN and to Majority Leader LOTT for their efforts to move this nomination expeditiously—and to my colleagues for their support.

Finally, I would like to offer my heartfelt congratulations to Governor Brennan. I am very pleased that the President recognized that he would make a valuable contribution to the FMC. As senior Senator from Maine and a member of the Commerce Committee, I look forward to working with Governor Brennan on maritime issues in the years to come.

Mr. President, once again, I would like to thank Chairman MCCAIN Majority Leader LOTT, and my colleagues, and I yield the floor.

THE RISING COST OF PRESCRIPTION DRUGS

Mr. JOHNSON. Mr. President, I want to address an issue of critical importance to millions and millions of Americans, an issue I have come to the floor previously to discuss and an issue that has become one of my highest legislative priorities, the lack of affordable prescription drugs.

Today, nearly thirty five percent of Medicare beneficiaries, 14 million people, have absolutely no coverage for prescription drugs. Unfortunately, these are also the same individuals who consume the majority of prescription drugs in our country. Studies indicate that eighty percent of retirees take at least one prescription drug every day and those over the age of sixty-five take on average, eighteen and a half prescription drugs per year.

Older Americans spend a tremendous amount of money out of pocket on their health care expenses. It is estimated that seniors spend an average of fourteen percent on hospital admission costs, thirty one percent on physician visits, thirty four percent on prescription drugs and twenty one percent on other health care related expenses. Prescription drugs have become the number one health care expense for senior citizens in our country.

I came to the floor a few weeks ago to talk about this very same issue, but I am addressing this issue again because I believe this matter is too critical for Congress to ignore. It appears as though Congress will not reach an agreement before we adjourn for the year, or even have a meaningful discussion, on how we will provide relief to the millions of needy seniors throughout our country and my state of South Dakota who struggle every day to pay for their medications.

While prices for the prescription drugs most often used by older Americans are skyrocketing far beyond inflation, recently the pharmaceutical industry reveled in record breaking stock prices and an announcement of a proposed multi-billion dollar merger between Warner Lambert and American Home Products. This proposed deal would form the biggest merger in the history of the drug industry and create the largest drug maker in the world. The transaction between Warner Lambert and American Home Products is worth nearly seventy three billion dollars, billions more than the federal government spends on most of their thirteen individual appropriation bills.

News of this proposed merger, prompted another drug industry giant, Pfizer, Inc. to announce a counter offer to buy Warner Lambert at a cost of eighty two and a half billion dollars.

On the heels of the pharmaceutical industry's financial exploits, ''Families USA: The Voice for Health Care Consumers'' recently released a report indicating that more than two thirds of the fifty most commonly prescribed drugs for seniors increased in price nearly two to three times faster than the rate of inflation. Last year, wholesale prices for fifty prescriptions commonly filled by the elderly rose by six and a half percent even though the overall inflation rate that year was just one and a half percent.

For example, the drug Lorazepam, used to treat Parkinson's disease, increased three hundred and eighty five percent over the last five years. The report also found that while the median profit for all Fortune five hundred companies was four and a half percent, manufacturers of drugs most commonly prescribed to seniors relished in profits at or above twenty percent in 1998.

The findings in the Families USA study reflect similar results that I found in a study that I had requested from the House Government Reform Committee on drug prices paid by South Dakota seniors.

The South Dakota study found that South Dakota's elderly pay more than twice as much for their prescription drugs as does a pharmaceutical company's favored customers, such as HMO's, large insurance companies or the federal government. The study found that price differentials are as high as one thousand four hundred and sixty nine percent for some drugs.

For the last several months, I have been holding meetings in communities across South Dakota on the subject of prescription drug prices. The response from seniors and young people alike on this issue has been overwhelming to say the least.

I have received nearly five thousand postcards and hundreds more letters in response to my request for South Dakotans to contact me with their opinions on this issue. I have asked South Dakotans to become a Citizen Cosponsor of the prescription drug legislation that I introduced with Senator KENNEDY, called the Prescription Drug Fairness For Seniors Act''. Our bill would allow Medicare beneficiaries access to the same low prescription drug prices that the drug companies offer their ''favored'' customers, such as HMO's, large insurance companies and the federal government. This bill ends the price discrimination that now exists against the segment of the society who rely on prescription drugs the most, older Americans. South Dakotans have told me that they support this effort to make prescription drugs affordable.

Mr. President, we are forcing our senior citizens to make the unimaginable choice between ''heating and eating'' or buying their medication. This is a choice that no human being should have to make.

With the proposed drug industry merger between Warner Lambert and American Home Products, and the recently released Families USA study, today highlights two more examples which reinforces my belief that we need legislation to help lower the high cost of prescription drugs for American consumers.

A seventy three billion dollar drug industry merger has the potential to decrease any competition that still exists in the industry. Stock prices for the pharmaceutical industry are at an all time high which adds to their record profits. The losers for all of this are the American consumers who are forced to pay increasingly higher prices for prescription drugs.

By joining forces, these two drug companies expect a total cost savings of over one billion dollars over three years by spreading the cost of developing new drugs, while increasing the sales force needed to market old and new products. If this merger deal goes through, I wonder if the drug companies would be willing to pass along any of their one billion dollar savings to the thousands of seniors that I have heard from across South Dakota who cannot afford their monthly medication bills?

I ask that a summary of the Families USA study be inserted into the RECORD following my statement.

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

HARD TO SWALLOW: RISING DRUG PRICES FOR AMERICA'S SENIORS

INTRODUCTION

For older Americans, the affordability of prescription drugs has long been a pressing concern. Outpatient prescription drug coverage is one of the last major benefits still excluded from Medicare, and the elderly are the last major insured consumer group without access to prescription drugs as a standard benefit. Although many Medicare beneficiaries have access to supplemental prescription drug coverage, too often that coverage is very expensive and very limited in scope. What is more, such coverage is on the decline. As a result, older Americans—who are by far the greatest consumers of prescription drugs—pay a larger share of drug

costs out of their own pockets than do those who are under 65. This means the prices of prescription drugs have a greater impact on older Americans than on younger persons.

Four years ago, Families USA found that the prices of prescription drugs commonly used by older Americans were rising faster than the rate of inflation. To determine if this trend of steadily increasing prices for prescription drugs has improved, remained the same, or worsened, Families USA gathered information on the prices of the prescription drugs most heavily used by older Americans over the past five years. Using data from the Pennsylvania Pharmaceutical Assistance Contract for the Elderly (PACE) program, we analyzed the prices of the 50 top-selling prescription drugs most heavily used by older persons.

Our analysis shows that, in each of the past five years, the prices of the 50 prescription drugs most used by older Americans have increased considerably faster than inflation. While senior citizens generally live on fixed incomes that are adjusted to keep up with the rate of inflation, the cost of the prescription drugs they purchase most frequently has risen at approximately two times the rate of inflation over the past five years and more than four times the rate of inflation in the last year.

FINDINGS

The prices of the 50 prescription drugs most frequently used by the elderly rose by more than four times the rate of inflation during calendar year 1998. (The data on average drug price increases used in this report weight drug price increases by sales. This means that the average drug price increases reported take into account the market share of each of the 50 top-selling drugs. This is the methodology often used by industry sources.) On average, the prices of these top 50 drugs increased by 6.6 percent from January 1998 to January 1999, though the general rate of inflation in that period was 1.6 percent.

From January 1998 to January 1999, of the 50 drugs most commonly used by the elderly:

More than two-thirds of these drugs (36 out of 50) rose two or more times faster than the rate of inflation.

Nearly half of these drugs (23 out of 50) rose at more than three times the rate of inflation.

Over one-third of these drugs (17 out of 50) rose at more than four times the rate of inflation.

Among the 50 drugs most frequently used by seniors, the following drugs rose more significantly in price from January 1998 to January 1999:

Lorazepam (manufactured by Mylan and used to treat conditions such as anxiety, convulsions, and Parkinson's), which rose by over 279.4 percent (more than 179 times the rate of inflation);

Furosemide (a diuretic manufactured by Watson that is used to treat conditions such as hypertension and congestive heart failure), which rose by 106.6 percent (more then 68 times the rate of inflation);

Lanoxin (manufactured by Glaxo Wellcome and used to treat congestive heart failure), which rose by 15.4 percent (almost 10 times the rate of inflation);

Xalatan (manufactured by Pharmacia & Upjohn and used to treat glaucoma), which rose by 14.5 percent (more than nine times the rate of inflation); and

Atrovent (manufactured by Boehringer Ingelheim and used as a respiratory agent in the treatment of asthma, bronchitis, and emphysema), which rose by 14.1 percent (more than nine times the rate of inflation.)

Over the five years from January 1994 to January 1999, the prices of the 50 prescription drugs most frequently used by older Americans rose twice as fast as the rate of inflation. On average, the prices of these drugs rose by 25.2 percent—twice the rate of inflation,which was 12.8 percent over that period.

Of the 50 drugs most frequently used by older Americans, 39 have been on the market for the five-year period from January 1994 to January 1999.

The prices of 36 of those 39 drugs increased faster than the rate of inflation over the five-year period.

More than two-thirds of those drugs (28 out of 39) rose at least 1.5 times as fast as the rate of inflation over the five-year period.

Nearly half of those drugs (19 out of 39) rose at more than two times the rate of inflation over the five-year period.

More than one-fourth of those drugs (10 out of 39) rose at least three times the rate of inflation over the five-year period.

Of the 39 drugs that were used most frequently be seniors and that were on the market for the period from January 1994 to January 1999, the drugs that rose most significantly in price are:

Lorazepam, which rose by over 385 percent (more than 30 times the rate of inflation);

Imdur (manufactured by Schering and used to treat angina), which rose by 111 percent (almost nine times the rate of inflation);

Furosemide, which rose by 107 percent (more than eight times the rate of inflation);

Lanoxin, which rose by 88 percent (almost seven times the rate of inflation); and

Klor-Con 10 (manufactured by Upsher-Smith and used as a potassium replacement), which rose by 84 percent (more than six times the rate of inflation).

Of the 39 drugs that were used most frequently by seniors and that were on the market for the period from January 1994 to January 1999, 31 increased in price on at least five occasions during those five years. During those years, the following drugs increased in price at least seven times:

Imdur, which increased 10 times;

Premarin (manufactured by Wyeth-Ayerst and used as an estrogen replacement), which increased eight times;

Atrovent, which increased eight times;

Pravachol (manufactured by Bristol-Myers Squibb and used to reduce cholesterol), which increased seven times;

Synthroid (manufactured by Knoll and used as a synthetic thyroid agent), which increased seven times; and

K-Dur 20 (manufactured by Schering and used as a potassium replacement), which increased seven times.

During the last two years, there has been an acceleration in price increases of the drugs most commonly used by seniors. From 1995 to 1996 to 1997, those drug prices rose 1.3 and 1.2 times faster, respectively, than the rate of inflation. From 1997 to 1998 and 1998 to 1999, those drug prices rose 1.7 and 4.2 times faster, respectively, than the rate of inflation.

The median net profit for manufacturers of the 50 most prescribed drugs for senior citizens was 20.0 percent in 1998—4.5 times larger than the median net profit of 4.4 percent for all Fortune 500 companies.

AMERICA'S ROLE IN THE 21ST CENTURY

Mr. COVERDELL. Mr. President, I rise to day to draw your attention to an informative and thought-provoking foreign policy lecture that our colleague and good friend, MIKE DEWINE, recently gave in Oxford, Ohio, at his alma mater—Miami University. His address was a part of Miami University's distinguished Hammond Lecture Series, which first began nearly 38 years ago in January 1962. Our esteemed former colleague from Arizona, Barry Goldwater, presented the first lecture in the Series, which, incidently, Senator DEWINE attended during his first visit to the Miami campus.

I draw your attention to Senator DEWINE's address because it focuses on a fundamental question that the American people, the President, and we here in Congress must consider. That question is this: ''What role will the United States play in the world, as we enter the 21st Century? In posing this critical question, Senator DEWINE discusses several of the challenges and concerns that our country faces in forming a foreign policy doctrine for the future. I encourage you to take some time to read this reasoned, well-grounded piece, and consider the questions it raises.

Mr. President, I ask unanimous consent that a copy of the 1999 Hammond Lecture, given by Senator MIKE DEWINE, be printed in the RECORD.

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

''AMERICA'S ROLE IN THE WORLD IN THE 21ST CENTURY

Dr. Shriver, thank you very much. It is always a daunting task to follow Dr. Shriver. And, for that kind introduction, I thank you. President Garland and members of the Hammond Lecture Series Committee—thank you for inviting me to be with all of you here tonight.

Dr. Shriver, my wife Fran, and I started at Miami University on the same day. Dr. Shriver started as President in the Fall of 1965, and Fran and I started as freshmen that same day. We all entered Miami together—Dr. Shriver just stayed here a little longer!

Fran and I did spend four very productive years here at Miami. We left with two degrees and two children—two children, by the way, who graduated from Miami and have married Miami graduates. Of our eight children, three—so far—also have graduated from Miami.

I am particularly honored to be giving the Dr. W.A. Hammond Lecture this year. As Dr. Shriver said, Dr. Hammond lived in our home county—in Greene County. He was a chemist, an industrialist, a community leader—a person who cared passionately about our history, about government, about politics, and about America.

His legacy is not just this lecture series. I see his legacy every time that I'm back home. I see it in the long stretch of land that lies along the Little Miami River—still undeveloped and still beautiful. That's just one of his legacies. I also see it when I go to Xenia and see the Galloway log cabin. He was instrumental in preserving it with his own efforts, his own money and his own ingenuity. So, he has left a legacy for us in our home county and a legacy for our state.

As a high school freshman, I came on the Miami University Campus to attend the first W.A. Hammond Lecture. The speaker was then United States Senator Barry Goldwater. It was January 1962. It was a rather interesting day for me, because it was actually not only the first time I saw a United States Senator, but it was also the first time I had seen this wonderful campus.

One of the things that I recall from that speech by Senator Goldwater is that I

thought the question and answer period was a lot more interesting than the speech. I think it's probably typical of most speeches. The speech was fine, but I thought the questions and answers were particularly interesting. So, I hope tonight to spend a significant period of time with you on comment and questions on whatever topics you want to address

As we approach a new millennium, as well as the next presidential election, I think it is appropriate for us to discuss where the United States is going as we enter the next century. What kind of a country do we expect our children, our grandchildren, and our great-grandchildren to live in?

When John F. Kennedy was running for President in 1960, he said that the job of a president is to lay before the American people the unfinished business of the country. That's still the job of the President—a job, I think also, of Senators and other leaders.

So, I'd like to talk tonight about that unfinished business of this country and particularly the unfinished business of this generation and of the next generation.

What are the big challenges and other important things that we have to deal with?

We have a crisis in education, particularly in our inner cities, and particularly in Appalachia.

We must solve—especially in Ohio—the school funding disparity problem and question.

We must, as a country, attract the smartest, the best, and the brightest of our students to the profession of education—the profession of teaching.

And, quite candidly, our schools of education must continue to aggressively reexamine how they prepare our teachers for the future.

We must do a better job of attracting and encouraging professionals and people with real world experiences to make teaching a second career.

The Congress, the President, and the American people must—within the next several years—deal with the Medicare question and deal with the Social Security question. For all of the talk by both the President and the Congress—Democrats and Republicans—about ''saving Social Security'' and ''saving'' this surplus for Social Security, the reality is that Social Security and Medicare cannot be ''saved'' without fundamental reform. All of the surpluses in the world cannot hold back the demographic tidal wave of the baby boom generation as it approaches retirement. Reform—reform, not budget surpluses, will save Social Security.

There are certainly other issues that this generation must tackle: health care, medical research, and a subject near and dear to my heart—the crisis in our country's foster care system.

However, our topic tonight is foreign affairs and what the U.S. role in the world should be in the 21st Century. So, I will now take a stab at that.

When Senator Goldwater addressed Miami in 1961, our nation was in the midst of the Cold War, and certainly no typical American family could go through any day without being touched by that larger, global struggle. It was a time of bomb shelters and of school children crawling under their desks. Young American men and women were sent to all corners of the globe—to places they barely could pronounce, spell, or even find on a map—all in defense against communist expansion. We raced the Soviets to the Moon—and won. The Olympic games were seen as epic struggles to reaffirm the strength of our system.

Senator Goldwater devoted the first Hammond Lecture to a discussion of the ideological struggle between democracy and communism. And, as he said on that January night nearly thirty-eight years ago: ''We are fighting an ideology that is dedicated to destroying us. We can win this fight against Communism without firing a shot or dropping a bomb.''

Perhaps, to his own surprise, Senator Goldwater lived to see the fulfillment of that prophecy. Ten years ago this week, the most dramatic symbol of the Cold War—the Berlin Wall—fell, and most significantly, not because of some advancing army. It fell because its foundation—communism—could no longer sustain itself.

In retrospect, the fall of the Soviet Union was neither a complete defeat for totalitarianism, nor really a complete victory for democracy.

The end of the Cold War also did not end the nuclear threat.

The world remains today a dangerous and very uncertain place. Although we are experiencing a period of peace and prosperity really not seem in our country since the 1920s, this ''peace'' has not been tranquil. American air and ground forces have been dispatched to places such as Saudi Arabia, Somalia, Haiti, Bosnia, and Serbia. We've engineered military actions against Iraq and strikes against terrorists in the Sudan and the hills of Afghanistan.

We stand on the brink of a nuclear arms and missile race in South and East Asia and the Middle East. And, nationalism has raised the prospect of war in several regions—from Central Europe to the Asian Subcontinent. And, nations in our own hemisphere face threats that could undermine—if not overwhelm—the progress of our movement toward democracy that we successfully achieved in this hemisphere over a decade ago. In sum, we have moved from a Cold War to a Hot Peace.

The challenges of global stability did not cease with the end of the Cold War. Peace must be protected, enforced, and advanced with the same vigilance and determination we demonstrated to arrive at this point in our history. As Henry Kissinger observed more than ten years ago: ''History knows no resting places; what does not advance must sooner or later decline.''

Since the beginning of the so-called American century, when a Canton, Ohio, resident named William McKinley was re-elected to the presidency, our nation's chief executives have faced the challenge of defining America's role in shaping and responding to world events.

The eight Presidents who have led our nation during the Cold War were presented with the opportunity to pronounce, or perhaps characterize, the nature of American foreign policy. During that time, we went from a policy of containment to a policy of detente, and from there to a policy of political containment and military buildup. Now, one may agree or disagree with each of these policies, but there is no dispute that each of these Presidents—from Harry Truman to George Bush—led with a clear vision, or doctrine, if you will, that guided U.S. foreign policy and influenced the shaping of multinational affairs during their terms of office.

Unfortunately, our current Administration never seized the opportunity to articulate a clear, thoughtful doctrine, outlining America's role and place in a post-Cold War world.

Sadly, history will not record nor remember the Clinton doctrine.

Instead of a foreign policy geared toward anticipating and shaping events abroad, we have watched events abroad shape our foreign policy.

The future and security of our nation must be—absolutely must be—the dominant theme of the next presidential election. Each candidate has to answer one fundamental question: What should be America's role in this post-Cold War world?

The next President—working with Congress, with the American people, and with our global partners—must develop a new bipartisan foreign policy doctrine—a McCain Doctrine, or a Bradley Doctrine, or a Gore Doctrine, or a Hatch Doctrine—a doctrine for this country and for our people—a doctrine to define our role as we move into the next century.

To be sure, there is not one right answer to what role we should play. These are very, very difficult questions. The world is a complicated place. There are no easy, simple solutions to any of the conflicts and challenges our world faces. But, one thing is certain: Protecting our national security and promoting our interests abroad will depend on the kind of vision, the kind of leadership, and the kind of foreign policy doctrine that our next President brings to this task.

As we enter the 21st Century, our next President must—in a bi-partisan manner—engage Congress and the American people in how best to define and how best to articulate a principled and practical approach to U.S. engagements abroad. This means including the American people in an open, foreign policy dialogue. It means getting their support of U.S. involvements in global struggles. And, finally, it means creating a foreign policy doctrine that is neither a Republican nor a Democrat plan, but is rather ''the American plan.''

In so doing, I believe that there are certain fundamental principles that should serve as the basis for defining America's role in foreign affairs. So, tonight, I'd like to spend a few minutes sharing some of my thoughts about what those principles are and how they can affect our U.S. role in the 21st Century world. I do not mean for this to be an exhaustive list, but I believe that our foreign policy must include, at the very least, these principles.

And so, I offer them in the spirit of discussion and dialogue—in the spirit of what I expect of the next President. That means that I expect the next President to lead this discussion with the American people, with an understanding that the choices are tough, and many times the choices we are faced with are not good ones. And, while it is tough, unless we start the dialogue—unless we start the discussion—unless we frame it with the sense of where do we go as a country in the post-Cold War era, we are never going to end up where we want to be and where we need to be.

PRINCIPLE NO. 1

The first, and perhaps most obvious, principle is that the United States must lead. We have to lead in foreign affairs. Our country must be an active, engaged player in the world, striving for solutions that look beyond the short-term. Our credibility in the world community depends on it.

Without a clear vision and direction for U.S. foreign policy, our nation will continue on an aimless path. After more than forty years of a bipolar-driven foreign policy, the end of the Cold War put this country at a fundamental foreign policy crossroads. Seven years later, tragically, we are still at that crossroads.

A lack of solid U.S. leadership in the area of foreign affairs has not come without cost. Our military has been deployed around the world to its breaking point. Our credibility in the world community certainly has declined. And, the world is even more dangerous and unstable now than during the Cold War.

I've noted already some examples of exactly how dangerous the world is today. What's troubling is how little U.S. involvement has done to reduce the dangers that we

face. Despite billions in U.S. assistance, Russia's government and economy teeter on the verge of collapse under the weight of rampant crime and rampant corruption. North Korea has become the single largest recipient of U.S. aid in East Asia, but continues to develop nuclear technology and missiles capable of reaching most of the Western United States, and, I might add, also continues to starve its own people. Despite our stern warnings, China and Russia continue to assist rogue nations like Iran and Iraq in their obsessive quests to acquire weapons of mass destruction. All these issues, together, present challenges that require strategic thinking and bi-partisan U.S. leadership.

We, as a nation, must take a lead in exporting our democratic values to our neighbors in the Western Hemisphere and to other areas of the world. When the world looks for leadership, it can look to only one place—and that place is the United States. History has put us where we are. If the United States does not lead, there is no one else who can lead—and frankly, no one else who will lead.

PRINCIPLE NO. 2

The second key principle that I believe should guide our foreign policy in the next century is this: The peace and stability of our own hemisphere must be one of our top priorities. You see, the problems of our hemispheric neighbors are our problems, as well. We, as a nation, stand to lose or gain, depending on the economic health and security of our own neighbors. In other words, a strong, and free, and prosperous hemisphere means a strong, and free, and prosperous United States.

Let's look at the example of our neighbors to the south in Latin America. When I was first elected to the U.S. House of Representatives in 1982, Soviet and Cuban influence in Latin America was the dominant issue. Today, the communists have been replaced as a power by the drug dealers. The perverse presence of drug trafficking throughout the region represents a very significant and very real concern—one that puts at risk the stability of our hemisphere.

The disintegraing situation in democractic Colombia really illustrates this.

No democracy in our hemisphere today faces a greater threat to its own survival than does Colombia. That democratically elected government is embroiled in a bloody, complex, three decade-long civil war against two well-financed, heavily-armed guerrilla insurgency groups—the Revolutionary Armed Forces of Colombia (otherwise known as the FARC) and the National Liberation Army (or ELN). Also involved is a competing band of about 5,000 rutheless paramilitary operatives.

The real source of violence and instability in Colombia, though, is the drug traffickers. According to the Colombian Finance Ministry, the Colombian drug trade brings in to Colombia up to $5 billion a year, making it Colombia's top export. To maintain a profitable industry, a significant sum of these drug revenues goes to hire the guerrillas and, increasingly, the paramilitary groups.

Just to give you an idea about how the lives of people in Cincinnati, Ohio, and Bogota, Colombia, are closely linked, consider this: When a drug user buys cocaine on a street corner in Cincinnati, or Cleveland, or Chicago, that person is funding violent anti-democratic activity that threatens the lives of innocent Colombians. I have walked through the poppy fields in Colombia with the President of Colombia and have seen—first-hand—how the drug trade is fueling the violence and instability in that country and in the region.

The United States has a clear economic interest in the future stability of Colombia. Last year's two-way legal trade between the United States and Colombia was more than $11 billion. In fact, the United States is Colombia's number-one trading partner, and Colombia is the fifth largest market for U.S. exports in the region.

I have met with Colombian President Pastrana both in Washington and in Bogota to discuss how our two countries can work together to resolve this deteriorating situation. One way is to invest more in Colombia's drug fighting capability and improve economic opportunities. I have introduced legislation to provide that additional investment. But, this legislation also strengthens the capability of the Colombian government to enforce the law—the rule of law—and provides assistance for human rights training and alternative crop and economic development—two things that are absolutely essential. With this bill, we are investing in making Colombia a stronger, more stable democracy, and a stronger, capable partner in building a hemisphere free from the violence and the decaying influence of drug traffickers and human rights abusers.

Stopping the drug trade, though, in Colombia and Latin America is only one way that we can preserve democracy. We must move forward to integrate the entire hemisphere economically. The North American Free Trade Agreement (NAFTA) is the first and most significant step we've taken in that direction. Recently, the Senate took a positive step toward hemispheric trade liberalization by passing legislation that would extend the benefits of NAFTA to the countries in Central American and the Caribbean.

We have to do even more to pursue a hemispheric free trade initiative. Trade integration will occur in this hemisphere, whether or not we are a part of it. It is in our national interest to bring more Latin American countries into bilateral and multilateral trade agreements with the United States. If we fail, others will fill the void. Right now, Europe, Asia, and Canada are consolidating their economic base throughout Latin America. They certainly are not waiting for the United States. They'd prefer us standing on the sidelines. We must not let this happen. The longer we wait, the more we stand to lose.

PRINCIPLE NO. 3

The third principle that I will offer for discussion tonight is this: Our foreign policy must reinforce and promote our own core values of democracy, free markets, human rights, and the rule of law. I am not at all ashamed to say that our most important export to the international community is our ideals and our ideas. In this country, we are committed to democracy and human rights. We cherish open elections, and we cherish our freedom of speech. We strive to promote free trade and fair trade, so that everyone in our nation has a chance to prosper. We fiercely protect our freedoms, as we should.

I believe passionately that every person in the world should have the same opportunity to enjoy these basic democratic values. We have, over the last twenty years, made significant progress in promoting our democratic values abroad. Let's again look at the example of Latin America.

In 1981, 16 of the 33 countries in our hemisphere were ruled by authoritarian regimes—either of the left or of the right. Today, all but one of those nations—Cuba—have democratically elected heads of government. They're not perfect. Maybe they don't comply exactly with how we see democracy, but they're all moving in the right direction.

The hard, day-to-day work of democracy, however, comes after the elections. It is by no means an easy task to create a democratic society that fosters freedom or expression, where votes matter and human rights are respected. Democracy-building is a slow, often cumbersome process that evolves over time.

Key to sustaining democracy and nurturing prosperity in Latin America, or in any developing democracy, requires a commitment to the rule of law. That means providing effective responses to current threats, including corruption, criminal activity, drug trafficking and violence. Police and impartial judiciaries must be in place to fight such threats.

If no one enforces the law, no one will uphold the law. And, if that is the case, there will be no jobs, and there will be no economic growth, because there will be no foreign or domestic investment.

I have traveled to a number of these countries and what you see in country after country is a struggle for democracy, as the people move from the election process to the tough work of democracy. This is the daunting challenge they face.

The daunting challenge, quite candidly, is that, many times, there is not rule of law after election day. People and companies won't investment in these countries. They are afraid to invest—they are afraid to invest, because they don't know if their assets will be protected or if they will be stolen. And, if they are stolen, they don't know if there will be any redress. That kind of uncertainty does not encourage investment.

People need to be able to look to the courts, and to the prosecutors, and to the judicial system. When you help that judicial system, you help investment, and you ultimately help create jobs and help people come out of poverty.

The same thing is true for farmers—campesinos—in Guatemala, or Honduras, or Nicaragua, or throughout this hemisphere. If they do not believe that they own land—that they can control their land—they won't invest in their land. They won't put anything back into the soil, as farmers must, if they are to prosper.

So, again, it goes back to the judicial system—to the rule of law—and to the courts. One of the greatest things our country has the ability to do is send abroad our judicial and rule of law expertise. We've been doing that. And, while I think we have been doing a pretty good job, there is still more we can do.

Economies cannot expand and democracies cannot thrive without law enforcement officers and judges committed to law and order. The challenge we face today is that a number of Latin American countries do not have the kind of judiciaries needed to make the rule of law work.

Citizens should not fear the police. Law enforcement should be trained to protect the people and to provide stability and tranquility. Many of the emerging democracies have a long, long history of police abusing human rights and of the military abusing human rights. That has to change. And, it can change through our assistance and through our expertise.

We already are investing time and money to export our principles of law enforcement to train police in Central America through the International Criminal Investigative Training Assistance Program, known as ICITAP. This is an important program, but it's only half of the law enforcement equation. A well-trained police force means little or nothing if corrupt and incompetent prosecutors and judges cannot prosecute and sentence criminals.

It means nothing if a certain elite class of the population—economic, political, ethnic—is above the rule of law and operates in the country with impunity. That has to change in these countries, as well. And, that we can accomplish.

The U.S. government already has worked to help strengthen some aspects of the judiciary systems in Latin America and in other places in the world such as Bosnia, but we have a great deal farther to go. If we fail to focus on this matter, we will miss a great opportunity to build on the foundation we worked so hard to establish. Even worse, we put the very foundation, itself, at risk of collapse. One of the great wonders of a free society is that all of its core values—democracy, free markets, rule of law, and human rights—really reinforce the others. To strengthen one strengthens them all.

CONCLUSION

As we enter the 21st Century and contemplate our nation's role in the world, we must think about past mistakes, learn from them, and move forward toward a more balanced, principled, bi-partisan foreign policy. In doing so, we should consider these principles, which I have outlined tonight:

1. The United States must lead in foreign affairs;
2. The peace and stability of our own hemisphere must be one of our top priorities; and
3. Our foreign policy must reinforce and promote our own core values of democracy, free markets, human rights, and rule of law.

In the global struggle for peace and stability, there is no substitute for strong, effective U.S. leadership. Leadership means foresight. It means thinking ahead. It also means credibility.

This week, ten years ago, the Berlin Wall fell, marking the beginning of the end of the Cold War. During this time of remembrance for this anniversary and as we pause, as Dr. Shriver so appropriately pointed out, to pay honor to our veterans, the following words. I think, have significance:

''Ladies and gentleman, the United States stands at this time at the pinnacle of world power. It is a solemn moment for the American democracy. For with this primacy in power is also joined an awe-inspiring accountability to the future. As you look around you, you must feel not only the sense of duty done, but also you must feel anxiety lest you fall below the level of achievement.''

Now these words, while they would be a fitting tribute to the resilience of our nation during the Cold War, actually were spoken by Winston Churchill more than fifty years ago at Westminister College in Fulton, Missouri. Although known for its reference to ''the iron curtain,'' Mr. Churchill's now famous speech was actually titled, ''The Sinews of Peace.'' In his typically less than subtle manner, Mr. Churchill was suggesting that times of peace require the same strength of purpose as times of war. He certainly was right.

Winston Churchill saw, before many did, what lay ahead for the world. He saw a difficult, uncertain, and volatile peace. He did advise his American allies to pursue an overall strategic concept and outline the methods and resources needed to enforce this strategy. He was calling on America to define its role in a post-World War II world. President Harry Truman, fortunately for us, had the vision and the resolve to accept this challenge and to redefine America's role in foreign affairs.

No doubt, Mr. Churchill would offer similar advice today. All of us here do have an ''awe-inspiring accountability to the future.'' The challenges are many, but I believe they can be met. Doing so requires one significant first step: We must develop, as a country, a doctrine that will guide and define our role in the world. If our next President does that—if our next President follows the example of John Kennedy, Dwight Eisenhower, or Harry Truman, we will have a doctrine that will take us into the next century. And, we will have a doctrine that will be consistent with our principles, with our values, and with our vision of the types of world in which we want our children, our grandchildren, and our great-grandchildren to grow up.

FLORIDA'S ANTI-TOBACCO YOUTH MOVEMENT: THE SWAT TEAM

Mr. GRAHAM. Mr. President, I have been to the floor many times in the past to speak about the expense smoking has cost this great country—both in terms of dollars that the federal and state governments have paid for the care of those afflicted with tobacco-related illnesses and in terms of lives lost from this dreadful addiction.

I have supported state and federal efforts to recoup a portion of these lost dollars from the tobacco industry, as well as their efforts to begin education campaigns that would teach all Americans about tobacco's harmful effects.

And, most importantly, I have worked with my colleagues to ensure that tobacco companies are no longer targeting our youth.

Tobacco companies must stop marketing their wares to our most vulnerable population, be it through magazine ads that depict smoking as the ''cool'' thing to do or through the strategic placement of billboard advertisements near their schools and play areas.

Mr. President, I am here today to let this distinguished body know that in Florida our message is being heard.

Florida's children are learning about the health hazards that tobacco poses, and they are deciding not to smoke.

This great news is due, in large part, to the successes of our innovative anti-tobacco pilot program—the ''Truth'' campaign.

Funded with the monies awarded in Florida's 1997 tobacco settlement, the ''Truth'' campaign has a very simple mission—to counter the misinformation that our youth hear about smoking.

Funded with the monies awarded in Florida's 1997 tobacco settlement, the ''Truth'' campaign has a very simple mission—to counter the misinformation that our youth hear about smoking.

Much of this truth-telling is done by students working in what are known as SWAT teams.

The Students Working Against Tobacco concept was created in February 1998.

Today, SWAT teams are operating in all 67 counties of Florida, with more than 10,000 members throughout the state.

With a goal of reducing teen smoking through youth empowerment, the SWAT teams have formed partnerships with their communities and developed both marketing and education campaigns to impart the truth about tobacco.

Although SWAT teams have been operational for less than two years, they are already making progress in the war against tobacco.

Statewide studies are showing that over 95 percent of Florida's youth recognize the ''Truth'' Campaign and know its message to be anti-tobacco.

Additonally, surveys are showing that teenage smoking has decreased since SWAT's 1998 inception.

Tobacco use among high school students has dropped by 8.5 percent, and middle schools have seen a dramatic 21 percent decline in student tobacco use.

This reduction is particularly significant when compared to national statistics showing that states without an anti-tobacco campaign have seen an approximately eleven percent rise in tobacco use.

Florida's success may be due to SWAT's willingness to employ both education and mass media as means of spreading their message.

Ads that are designed by students are played on local television stations, informing teens of the perils of tobacco use.

Similarly, billboards that the SWAT teams have designed are displayed within the communities.

These are complemented by an education component that is adaptable for all school grades.

Health classes provide an opportunity to discuss the impact smoking has upon the body, from halitosis to lung cancer.

In reading classes, young children learn to read using books that are about how to stay healthy and smoke-free.

Science courses have moved the anti-tobacco campaign into the technology age, employing CD-Rom programs such as ''Science, Tobacco and You,'' an innovative computer program that demonstrates tobacco's effects on the body—from first puff to final drag.

Students scan their photo into the computer, becoming a virtual reality smoker.

As the program progresses, students watch their teeth, skin, bones and lungs begin to deteriorate.

Currently, SWAT teams are strengthening their community outreach and grassroots work.

In their current effort, students are working to get tobacco ads removed from magazines that have either one million youth readers or over ten percent of total readership under age 18.

They are collecting these ads and returning them in bulk to the tobacco companies, with a cover letter stating that Big Tobacco needs to strengthen their commitment to reducing teen smoking.

SWAT teams have offered to meet with industry representatives to share ideas about how this mutual goal might be met.

Once again, the SWAT program has achieved success.

At their next board meeting, they will be joined by representatives from Brown & Williamson Tobacco Company to discuss how to better target tobacco ad campaigns to adults, not youth.

Mr. President, I am very proud of these young people.

I am here today to commend them publicly, and to share their accomplishments with all of you because they are truly making a difference in the battle against teenage smoking.

Florida has encouraged its youth to creatively combat one of the foremost problems facing today's teenagers, entrusting them with the tools and means to successfully meet their goals.

As other areas work towards the development of a youth-based anti-tobacco initiative, SWAT will be the model upon which their programs will be based.

To the over 10,000 members of SWAT, thank you for your efforts to educate Floridians about the dangers of tobacco.

DEATH ON THE HIGH SEAS ACT

Mr. SPECTER. Mr. President, as it appears unlikely the House and Senate conferees will come to agreement this year on a bill to reauthorize the Federal Aviation Administration, I have sought recognition today to introduce legislation which will provide equitable treatment for families of passengers involved in international aviation disasters. This measure is identical to legislation I introduced in the 105th Congress, and similar to provisions contained in both the House and Senate FAA bills.

As my colleagues know, the devastating crash of Trans World Airlines Flight 800 on July 17, 1996 took the lives of 230 individuals. Perhaps the community hardest hit by this tragedy was Montoursville, PA, which lost 16 students and 5 adult chaperones from Montoursville High School who were participating in a long-awaited French Club trip to France.

Last Congress it was brought to my attention by constituents, who include parents of the Montoursville children lost on TWA 800, that their ability to seek redress in court is hampered by a 1920 shipping law known as the Death on the High Seas Act, which was originally intended to cover the widows of seafarers, not the relatives of jumbo-jet passengers embarking on international air travel.

Under the Warsaw Convention of 1929, airlines are limited in the amount they must pay to families of passengers who died on an international flight. However, domestic air crashes are covered by U.S. law, which allow for greater damages if negligent conduct is proven in court.

The Warsaw Convention limit on liability can be waived if the passengers' families show that there was intentional misconduct which led to the crash. This is where the Death on the High Seas Act comes into play. This law states that where the death of a person is caused by wrongful act, neglect, or default occurring on the high seas more than 1 marine league which is 3 miles from U.S. shores, a personal representative of a decedent can sue for pecuniary loss sustained by the decedent's wife, child, husband, parent, or dependent relative. The Act, however, does not allow families of the victims of TWA 800 or other aviation incidents such as the Swissair Flight 111 crash and the recent EgyptAir 990 tragedy to obtain other types of damages, such as recovery for loss of society or punitive damages, no matter how great the wrongful act or neglect by an airline or airplane manufacturer.

My legislation would amend Federal law to provide that the Death on the High Seas Act shall not affect any remedy existing at common law or under State law with respect to any injury or death arising out of an aviation incident occurring after January 1, 1995. In effect, it would clarify that federal aviation law does not limit remedies in the same manner as maritime law, and permits international flights to be governed by the same laws as domestic flights.

My legislation is not about blaming an airline or airplane manufacturer. It is not about miltimillion dollar damage awards. It is about ensuring access to justice and clarifying the rights of families of victims of plane crashes.

The need for this legislation is suggested by the Supreme Court decision *Zicherman* v. *Korean Airlines*, 116 S. Ct. 629 (1996), in which a unanimous Court held that the Death on the High Seas Act of 1920 applies to determine damages in airline accidents that occur more than 3 miles from shore. By contrast, the Court has ruled that State tort law applies to determine damages in accidents that occur in waters 3 miles or less from our shores. *Yamaha* v. *Calhoun*, (1996 WL 5518)

I believe it is inequitable to make such a distinction at the 3 mile limit in civil aviation cases where the underlying statute predates international air travel. I would note that the Gore Commission on Aviation Safety and Security noted in its final report that "certain statutes and international treaties, established over 50 years ago, historically have not provided equitable treatment for families of passengers involved in international aviation disasters. Specifically, the Death on the High Seas Act of 1920 and the Warsaw Convention of 1929, although designed to aid families of victims of maritime and aviation disasters, have inhibited the ability of family members of international aviation disasters from obtaining fair compensation."

I would further note that in an October, 1996 brief filed at the Department of Transportation by the Air Transport Association, the trade association of U.S. airlines, there is an acknowledgment that the Supreme Court in Zicherman did not apparently consider 49 U.S.C. §40120(a) and (c), which preserve the application of State and common law remedies in tort cases and also prohibit the application of Federal shipping laws to aviation. My legislation amends 49 U.S.C. §40120(c) to clarify that nothing in the Death on the High Seas Act restricts the availability of remedies in suits arising out of aviation disasters.

In September, 1998, during consideration of the Federal Aviation Administration authorization bill, I offered a compromise amendment with a limit on damages in order to move ahead to obtain some possible compensation for victims' families beyond pecuniary damages. I did so because had an amendment to the Death on the High Seas Act been enacted which would have had unlimited damages, there was the announced intent to filibuster the bill. While my amendment was accepted by a voice vote in the Senate, the underlying FAA bill was not enacted into law.

This year the Senate passed a new FAA reauthorization bill which included the compromise provision agreed to last year. As the bill conferees appear unlikely to reach agreement with the House this year, I am reintroducing the original version of my bill because I fundamentally oppose any cap on damages and am hopeful that this legislation can be enacted independently of the FAA bill to provide the fullest amount of relief to the families of aviation disaster victims.

At a time when so many Americans live, work, and travel abroad, taking part in the global economy or seeing the cultural riches of foreign lands, they and their families should know that the American civil justice system will be accessible to the fullest extent if the unthinkable occurs.

I urge my colleagues to support this legislation and look forward to working with them to ensure its ultimate enactment during the second session of the 106th Congress.

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

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

S. —

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

SECTION 1. DEATH ON THE HIGH SEAS ACT.

Section 40120(c) of title 49, United States Code, is amended to read as follows:

"(c) ADDITIONAL REMEDIES.—

"(1) IN GENERAL.—Nothing in this part or the Act entitled 'An Act relating to the maintenance of actions for death on the high seas and other navigable waters' approved March 30, 1920 (46 U.S.C. App. 761 et seq.), popularly known as the 'Death on the High Seas Act,' shall, with respect to any injury or death arising out of any covered aviation incident, affect any remedy—

"(A) under common law; or

"(B) under State law.

"(2) ADDITIONAL REMEDIES.—Any remedy provided for under this part or the Act referred to in paragraph (1) for an injury or death arising out of any covered aviation incident shall be in addition to any of the remedies described in subparagraphs (A) and (B) of paragraph (1).

"(3) COVERED AVIATION INCIDENT DEFINED.—In this subsection, the term 'covered aviation incident' means an aviation disaster occurring on or after January 1, 1995.".

75TH ANNIVERSARY OF THE U.S. BORDER PATROL

Mrs. HUTCHISON. Mr. President, on behalf of Senators ABRAHAM, KYL, and GRAMM, I am proud to introduce Senate Concurrent Resolution No. 74, honoring the 75th anniversary of the United States Border Patrol.

Mr. President, the men and women of the Border Patrol are our Nation's first line of defense in the war on drugs and illegal immigration. Since 1924, the Border Patrol has guarded some 8,000 miles of international boundaries, and has maintained a reputation for getting the job done. The Border Patrol story is one of long hours and hard work in defense of our country.

The Department of Labor Appropriations Act of 1924 created a Border Patrol within the Bureau of Immigration, with an initial force of 450 Patrol Inspectors, a yearly budget of $1 million, and a yearly salary of $1,300 for each Patrol Inspector, with each patrolman furnishing their own house.

The Border Patrol has grown from that initial force of 450 to more than 8,000 today, located in 146 stations under 21 sectors. The Border Patrol's officers have assisted in controlling civil disturbances, performing National security details, aided in foreign training and assessments, and responded with security and humanitarian assistance in the aftermath of numerous natural disasters. 86 agents and pilots have lost their lives in the line of duty—six in 1998 alone.

By far, the Border Patrol's greatest challenge has come along our nation's Southwest Border, which is a sieve for illegal drugs and aliens. Last year, there were 6,359 drug seizures along the Southwest Border by the Border Patrol. These drugs had an estimated street value of $2 billion. There were also nearly 5 million illegal crossings.

The Border Patrol and the Congress are responding to this challenge, providing funding to hire 1,000 new agents in fiscal year 2000, just as we have for the past two years. I hope that the Immigration and Naturalization Service will put these funds to good use, hiring these critical agents, and using other resources Congress has provided to improve the equipment and technology available to the Border Patrol.

The United States Border Patrol has the difficult dual mission of protecting our borders and enforcing our immigration laws in a fair and humane manner. They do both very well under difficult conditions.

I want to congratulate all who serve with the U.S. Border Patrol on this 75th anniversary and express to them to thanks of a grateful nation.

• Mrs. FEINSTEIN. Mr. President, I rise today to submit a resolution that commends and remembers events that transpired in Remy, France as its citizens honored the fallen World War II Army Air Corps pilot, Lieutenant Houston Braly. This inspiring story happened over fifty years ago, but its example of compassion and brotherhood remains in our hearts and minds.

On August 2, 1944, Lt. Braly's squadron of P–51 fighters on patrol in northern France encountered a German munitions train. After three unsuccessful attack runs at the camouflaged train, Lt. Braly's fire hit a car carrying explosives, causing a tremendous explosion.

Airplanes circling 13,000 feet over the battle were hit by shrapnel from the train, haystacks in fields some distance away burned, and nearly all buildings in the small French town were demolished. A 13th century church in the town of Remy barely escaped destruction, but its historic stained-glass windows were shattered.

It was this explosion that tragically claimed the life of Lt. Braly at only twenty-two years of age.

Despite the near total destruction of the small town, the residents of Remy regarded that young American as a hero. A young woman pulled Braly's body from the burning wreck of the plane, wrapped him in the nylon of his parachute, and placed him in the town's courtyard. Hundreds of villagers left flowers around his body, stunning German authorities.

The next morning, German authorities discovered that villagers continued to pay tribute to the young pilot despite threats of punishment. The placement of flowers on Lt. Braly's grave continued until American forces liberated Remy to the cheers of the townspeople.

Almost 50 years later, Steven Lea Vell of Danville, California, discovered this story in his research. Mr. Lea Vell was so moved by the story that he visited Remy, France, only to find that the stained glass windows of the magnificent 13th century church which were destroyed in the explosion had never been replaced. He contacted members of the 364th Fighter Group, under which Lt. Braly had served. After hearing how the residents of Remy had honored their fallen friend, veterans joined together to form Windows for Remy, a non-profit organization that would raise $200,000 to replace the stained glass windows as a gesture of thanks to Remy for its deeds.

On Armistice Day, November 11, 1995, fifty years after the war ended, the town of Remy paid tribute once more to Lt. Braly. On that day they renamed the crossroads where he perished to ''Rue de Houston L. Braly, Jr.''

I know that my fellow senators will want to join me in commending the people of Remy for their kindness and recognize the comrades of Lt. Braly for their good will.

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

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

S. CON. RES. —

Whereas on August 2, 1944, a squadron of P–51s from the United States 364th Fighter Group strafed a German munitions train in Remy, France;

Whereas the resulting explosion killed Lieutenant Houston Braly, one of the attacking pilots, and destroyed much of the village of Remy, including 7 stained glass windows in the 13th century church;

Whereas despite threats of reprisals from the occupying German authorities, the citizens of Remy recovered Lieutenant Braly's body from the wreckage, buried his body with dignity and honor in the church's cemetery, and decorated the grave site daily with fresh flowers;

Whereas on Armistice Day, 1995, the village of Remy renamed the crossroads near the site of Lieutenant Braly's death in his honor;

Whereas the surviving members of the 364th Fighter Group desire to express their gratitude to the brave citizens of Remy; and

Whereas to express their gratitude, the surviving members of the 364th Fighter Group have organized a nonprofit corporation to raise funds through its project ''Windows for Remy'' to restore the church's stained glass windows: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) commends the bravery and honor of the citizens of Remy, France, for their actions with respect to the American fighter pilot Lieutenant Houston Braly, during and after August 1944; and

(2) recognizes the efforts of the surviving members of the United States 364th Fighter Group to raise funds to restore the stained glass windows of Remy's 13th century church.

THE WAKPA SICA RECONCILIATION PLACE ACT

Mr. JOHNSON. Mr. President, I am pleased to join with my colleague from South Dakota, Senate Democratic Leader TOM DASCHLE, as a cosponsor of the Wakpa Sica Reconciliation Place Act, which will establish the Wakpa Sica Reconciliation Place in Ft. Pierre, South Dakota. The Wakpa Sica Reconciliation Place would be an important cultural and interpretive center, in part to compliment the National Lewis and Clark Trail, but with the unique perspective of the Sioux tribes and the impact of the Lewis and Clark encounter on tribal culture and economics.

During the Lewis and Clark expedition, Captains Merriweather Lewis and William Clark anchored their river boats where the Wakpa Sica, or Bad River, flows into the Missouri. After four months of travel from St. Louis, history was made on September 24, 1804. The next day 44 men landed on the west bank of the Missouri and paraded under the United States flag.

These men then joined Chief Black Buffalo and braves from the Teton Sioux for council in the chief's buffalo skin lodge. This was a key and pivotal meeting between representatives of the great Sioux tribes and those of the United States of America. This meeting was less than amicable.

Throughout the rest of South Dakotas history the relationship between native peoples and non-natives has not been a peaceful one. Today we are still facing the challenging experience of working and living together side by side. I am proud of the South Dakotans

who set their differences aside and came together and created the Mni Wiconi water project. There is a growing need for a Reconciliation Place.

The Reconciliation Place would occupy the site in which Captains Lewis and Clark, and the members of the tribes came together to meet for the first time—which is a fitting site to bring Indian and non-Indian peoples together. It is my hope that this center will bring people together to learn about the culture and the rich history this area of the United States holds. Through this understanding, it is my hope that we may be able to achieve better relations between Tribal and non-Tribal peoples.

This project is a cultural center which will serve as a home for Sioux law, history, culture and arts for the Lakota, Dakota, and Nakota peoples. It will also serve as a repository for Sioux historical documents, which are currently scattered throughout the West. Many native people do not have access to these documents. With the construction of this facility the native people will be able to house these documents close to home. This will allow interested parties to research their rich past.

The Reconciliation Place will also be the home of the Sioux Nation Supreme Court. This will serve to be a stable legal setting to assist in achieving greater social and economic welfare in Indian Country. Increased legal stability will help promote business investment in the vast human resources that are situated on the reservations in my state. This will bring about more self sufficiency, and less reliance by tribes on the federal government. Similarly, the Native American Economic Development Council will be located in this same facility. This council will assist tribes and tribal members to provide opportunities for economic development. The council will assist in opening the doors to private investment and other resources that are designed to promote development and job creation.

Mr. President, this focal point for Native American culture, law, and economic development assistance is desperately needed. It is apparent that there is a need to strengthen current, and build future understanding between Indian and non-Indian peoples, as well as promote the government-to-government relationship between the tribes and the United States. I urge my colleagues to join myself and Senator DASCHLE to support this legislation, and recognize the need for such an important center. I ask unanimous consent that I be added as a cosponsor of the Wakpa Sica Reconciliation Place Act, and that my statement be included in the RECORD.

CHILD ABUSE PREVENTION AND ENFORCEMENT ACT

Mr. LEAHY. Mr. President, I am pleased that the Senate has approved the Child Abuse Prevention and Enforcement Act, which Senator DEWINE and I recently introduced in the Senate. Our bipartisan legislation builds on the successful passage into law of the Crime Identification Technology Act of 1998, which Senator DEWINE and I sponsored in the last Congress. Our bill also complements S. 249, the Missing, Exploited and Runaway Children Protection Act, which Senator HATCH and I worked together to steer to final passage just last month.

Unfortunately, the number of abused or neglected children in this country nearly doubled between 1986 and 1993. Each day there are 9,000 reports of child abuse in America and more than three million cases annually of abused or neglected children. In my home state of Vermont, 2,309 children were reported to child protective services for child abuse or neglect investigations in 1997, the last year data is available. After investigation, 1,041 of these reports found substantiated cases of child maltreatment in Vermont.

Each child behind these statistics is an American tragedy.

But we can help. The Child Abuse Prevention and Enforcement Act provides these abused or neglected children with the Federal assistance that they deserve. And our legislation can make a real difference in the lives of our nation's children without any additional cost to taxpayers.

Our bipartisan legislation will make a difference by giving State and local officials the flexibility to use existing Department of Justice grant programs to prevent child abuse and neglect, investigate child abuse and neglect crimes and protect children who have suffered from abuse and neglect. The bill does this by making three changes to current law.

First, the Child Abuse Prevention and Enforcement Act amends the Crime Identification Technology Act of 1998 to make grant dollars available specifically to enhance the capability of criminal history information to agencies and workers for child welfare, child abuse and adoption purposes. Congress has authorized $250 million annually for grants under the Crime Identification Technology Act.

Second, the Child Abuse Prevention and Enforcement Act amends the Byrne Grant Program to permit funds to be used for enforcing child abuse and neglect laws, including laws protecting against child sexual abuse, and promoting programs designed to prevent child abuse and neglect. Congress has traditionally funded the Byrne Grant Program at about $500 million a year.

Third, the Child Abuse Prevention and Enforcement Act doubles the available funds, from $10 million to $20 million, for grants to each State for child abuse treatment and prevention from the Crime Victims Fund. This fund is financed through the collection of criminal fines, penalties and other assessments against persons convicted of crimes against the United States. In the 1998 fiscal year, the Crime Victims Fund held $363 million. To ensure that other crime victim programs support by the Fund are not reduced, the expansion of the child abuse treatment and prevention earmark applies only when the Fund exceeds $363 million in a fiscal year. This year, the Crime Victims Fund is expected to collect more than $1 billion due in part to large anti-trust penalties.

Despite the tireless efforts of concerned Vermonters, including the many dedicated workers and volunteers at Prevent Child Abuse in Vermont and the Vermont Department of Social and Rehabilitative Services, Vermont is below the national average for its ability to provide services to abused or neglected children. In 1997, 411 children found to be abused or neglected received no services, about 40 percent of investigated cases. Nationally, about 25 percent of all abused or neglected children received no services. Our legislation provides more resources to help Vermonters and other Americans provide services to all abused or neglected children.

I want to thank the many advocates who support our bill and the companion legislation introduced by Representatives PRYCE and TUBBS JONES, H.R. 764, which passed the House of Representatives by a vote of 425–2 on October 5, 1999. These advocates include the diverse National Child Abuse Coalition: ACTION for Child Protection; Alliance for Children and Families; American Academy of Pediatrics; American Bar Association; American Dental Association; American Professional Society on the Abuse of Children; American Prosecutors Research Institute; American Psychological Association; Association of Junior Leagues International; Boy Scouts of America; Child Welfare League of America; Childhelp USA; Children's Defense Fund; General Federation of Women's Club; National Alliance of Children's Trust and Prevention Funds; National Association of Child Advocates; National Association of Counsel for Children; National Association of Social Workers; National Children's Alliance; National Committee to Prevent Child Abuse; National Council of Jewish Women; National Court Appointed Special Advocates Association; National Education Association; National Exchange Club Foundation for Prevention of Child Abuse; National Network for Youth; National PTA; Parents Anonymous; and Parents United. In addition, the National Center for Missing and Exploited Children and Prevent Child Abuse America have endorsed our bill and its House counterpart.

I look forward to the House of Representatives passing the Child Abuse Prevention and Enforcement Act for the sake of our nation's children.

SENATOR BYRD'S 82ND BIRTHDAY

Mr. MCCONNELL. Mr. President, I rise today on a personal note. I had

planned to make these remarks as we passed the midnight milestone on our way to cloture on the appropriations bill, because, as the clock strikes twelve, and November 20 begins, my Committee colleague, our Ranking Member, ROBERT C. BYRD will celebrate a birthday. I wish my colleague a happy and productive 82nd year.

Senator BYRD has a wonderful and widely quoted sign up on his office wall: ''There are four things people in West Virginia believe: God Almighty, Sears Roebuck, Carter's Little Liver Pills, and Robert C. Byrd.'' I'd like to take a little literary license to suggest that there are four things that ROBERT C. BYRD believes in: God Almighty, his 62 year long love affair with his wife, Erma, his constituents and the Senate.

And, Senator BYRD is not just your run of the mill believer. I have listened many times to the wisdom and intensity of his words, words which flow from a faith that runs as deep as his West Virginia roots, as deep as the coal mines which seam the earth of Appalachia. His words are what have led many to see Senator BYRD as the faithful historian and effective guardian of the precedents and privileges, of the rules and Constitutional role of the United States Senate. But, Senator BYRD is more than an institutional advocate, he is a living history of the Senate and democracy. The Senator from West Virginia gives a clear voice both to our finest traditions and what he sees as his life long purpose, serving what he so nobly refers to as ''my people.'' His reverence and respect for the Senate are surpassed by the deep regard and abiding passion he has for the needs of his constituents.

He speaks of those needs virtually every week. Senator BYRD breathes life into images of each West Virginian he introduces to us in remarks on the floor—even those who have passed from the scene. When he describes a man who dies in a slate fall while mining West Virginia's coal, he speaks softly of a man, alone, who died in the dark. The illuminating power of this image flows from the passion of his commitment.

It is his commitment which crosses partisan lines and has earned Senator BYRD legendary respect. In the last week, I have been privileged to experience this commitment while working with him to protect our coal miner's from the predatory reach of an overbearing judge.

As Senator BYRD begins another year and the Senate another session, I will look forward to continuing our work together, succeeding in reversing the devastating consequences of a bad decision, and serving well our constituents.

HONORING NOTAH BEGAY III AN INSPIRATION FOR ALL AMERICANS

Mr. BINGAMAN. Mr. President, in celebration of American Indian Heritage Month I rise today to celebrate the accomplishments of one remarkable young man Notah Begay III. You may have heard of Mr. Begay as he was a two-time PGA tour winner this season with victories at the Reno-Tahoe Open and the Michelob Championship. This is a true accomplishment by any standard, but even more significant when you consider that he is only 27. I rise today to honor Mr. Begay because of the fact that he is the first full-blooded Native American to play on the Professional Golf Association Tour.

Notah's path to success is uncommon among his peers in the PGA. He didn't grow up in a privileged environment. While the Begay family was not poor, they did not have the resources to pay for costly private golf lessons for young Notah. In exchange for golf balls and practice time, Notah often woke up at 5:00 AM to move carts, wash range balls and serve as an all-around gopher at the city-owned course in Albuquerque. And when Notah visited his grandparents on the Navajo Reservation, the determined young golfer would hit golf balls off of the hard clay dirt of the reservation. Still today, the Navajo Nation does not have one golf course on its 25,000 square miles.

Despite his uncommon beginnings, Notah has been truly successful at every level of competition. During high school, Notah led his high school basketball team to back-to-back state championships. But more impressive, he was the No. 2 junior golfer in the nation.

After high school, Notah traveled west to Stanford University. Although Notah's teammate, Tiger Woods, is often spotlighted by the media, it was Notah and his Stanford teammates who won the 1994 NCAA Championship trophy, one year before Mr. Woods joined the team. Notah played an integral role by shooting a 62 in the second round of the Championship tournament, a tournament record that remains today. And while many great college athletes do not finish their studies, I am very proud to say that Notah is a fellow graduate of Stanford, earning a degree in economics.

Notah turned pro after college and has been quickly rising in the PGA ranks. At the Nike Dominion Open this year he became only the third player in history to shoot a 59 on a U.S. pro tour. He joins Al Geiberger and Chip Beck as the only players to score such a feat. Because of his outstanding success this year, Notah is a candidate for top rookie honors.

Notah has dedicated himself to providing new opportunities for young Native Americans. By working to raise money to establish golf programs at reservation schools and seeking donations of golf equipment for kids who could never afford the costly clubs, Notah is providing the tools that may lead to more great golfers with Native American roots.

In some ways, Notah Begay's success is not surprising. He is half Navajo and half Pueblo Indian and he follows a tradition of courage and strength, exemplified by his grandfather. Notah's grandfather, Notah Begay I, was one of the famous Code Talkers during World War II. The Code Talkers relayed sensitive information for the United States military through a code based on the Navajo language. They proved to be a critical component of the military intelligence during World War II.

Notah's unprecedented success has shown a generation of young Americans that with hard work and dedication, any dream is achievable. The success Notah has earned is equal only to the inspiration he provides for Native American youth in my home state of New Mexico and across the country. I commend him not only for his golf success, but also for his commitment to the youth of New Mexico.

Mr. President, I yield the floor.

EAST TIMOR

Mr. FEINGOLD. Mr. President, I want to say a few words about a piece of legislation that is not moving this year. I want to speak about it because it deals with an extremely important topic, one that has not received the attention and commitment that it deserves from this body.

That topic is the appropriate state of U.S.-Indonesian relations today.

Mr. President, I introduced S. 1568, the East Timor Self-Determination Act of 1999, on September 8—well over two months ago. That legislation, which passed the Foreign Relations Committee on September 27 by an overwhelming vote of 17–1, was cosponsored by the Chairman of that Committee as well as many other Members of the Senate.

I took that action, in cooperation with my colleagues, because events in East and West Timor demanded it.

On August 30, well over 99% of registered voters in East Timor courageously came to the polls to express their will regarding the political status of that territory.

More than 78% of those voters marked their ballot in favor of independence.

But weeks of violence immediately followed the vote, as the Indonesian military—a military that our country has long supported—colluded with militia groups in waging a scorched earth campaign against the East Timorese people and their democratic aspirations throughout the territory.

Hundreds of thousands of people were forced to flee, and many were killed.

But for the East Timorese run out of their homes in the fray, the nightmare did not end there.

There seems to be a perception out there that all is well in Indonesia today, and that the East Timor crisis is over. Unfortunately, that is simply not true.

Last week, the Associated Press reported on the public comments of the spokesperson for the United Nations High Commissioner for Refugees. The

spokesman said that many East Timorese are being forced at gunpoint to remain in camps that lack food, sanitation and medical care. He said, and this is a direct quote, that ''the moment an East Timorese expresses a desire to leave the camps and go home their life is in danger.'' And the UNHCR spokesperson noted, in last week's AP report, that many relief organizations have received reports of refugees being raped and beaten by militiamen.

Mr. President, to this day, militia members harass and intimidate East Timorese in West Timor's refugee camps. Only about 56,000 refugees have returned home to East Timor. Approximately two hundred thousand remain, in many cases against their will, in the refugee camps of West Timor.

To this day, humanitarian organizations do not have the access that they need to all of the refugee camps to which East Timorese fled.

Throughout all of this pain, throughout the destruction of lives and property, throughout this brutal retaliation for courageous acts of democratic expression, this Senate has been silent. We have had no floor debate and no vote. My original bill, despite being voted out of committee with only one dissenting vote, has languished on the calendar for weeks.

In response to that silence, Mr. President, I negotiated an arrangement to introduce an amendment to the bankruptcy bill addressing this issue. Squeezing this important topic into the middle of a debate on an unrelated bill was certainly not the most desirable approach, but I was determined to pursue this legislation.

The amendment I had planned to offer was considerably different from my original bill. I made significant alterations to it in order to respond to changing events and the concerns of other Senators and the Administration.

Mr. President, I wanted to pursue this legislation to encourage democracy and accountability in Indonesia, and to hold out clear incentives for a policy of accountability and cooperation. And I wanted to hold this Administration to its word, ensuring that passing political whims do not soften America's rejection of the kind of methods that the Indonesian military used in East Timor.

The amendment would have reached out to the Indonesian government, celebrating its democratic transition and recognizing its economic needs, while keeping the pressure on elements in Indonesia that are moving in the opposite direction—elements moving away from democracy, reform, and accountability and moving toward repression, violence, and impunity.

With its clear message and incentives, this amendment would have set the stage for a responsible and strong partnership between the U.S. and Indonesia.

Mr. President, it concerns me that the Administration has behaved as though they wish this legislation would just go away, although it is a codification of their own policy.

The Administration has told me that they desire more flexibility—particularly with regard to licensing defense related articles for export to Indonesia—than this amendment would allow.

Despite the fact that I worked closely and carefully with the State Department to develop a reasonable list of conditions that must be met in order to re-establish miliary and security relations, in the end, the Administration did not want to be pinned down to any standards at all.

Mr. President, I will speak frankly. The Administration's unwillingness to commit to a responsible policy and to a solid series of prerequisites for resuming military and security ties concerns me, and convinces me that vigilance will be necessary in the months ahead.

And so Mr. President, while I foresee no opportunity to move this legislation this year, I want to remind this Senate and this Administration that my amendment will remain in order when we return to the bankruptcy bill, and I am prepared to take up this issue again in January, or at any other time the circumstances warrant it.

I will continue to be certain that this Senate has a voice in the future of U.S.-Indonesian relations. I will continue to push for accountability for the abuses perpetrated by the Indonesian military and militia groups. And I will continue to insist that U.S. engagement with the Indonesian miliary is contingent upon an end to the harassment and intimidation of East Timorese refugees with impunity.

I pledge to my colleagues and to this Administration that I will monitor this matter, and monitor it closely in the weeks and months ahead. I will stand by, ready with several versions of my legislation, should the Indonesian military fail to take the steps toward reform and accountability that are absolutely essential prerequisites to a military and security relationship with the United States.

And make no mistake, I will come to the floor again and again should this Administration appear ready to engage with and support an Indonesian military that has not seriously lived up to its own commitment to respect the rights of ordinary East Timorese civilians who seek only to live their lives in peace and security.

Mr. President, I yield the floor.

BIENNIAL BUDGETING

Mr. DOMENICI. Yesterday (November 18), House Rules Committee Chairman DAVID DREIER introduced H. Res. 396, a resolution expressing the sense of the House that biennial budgeting legislation should be enacted in the second session of the 106th Congress.

Notably, this resolution has 245 cosponsors, significantly more than a majority of that body. Those sponsors include the entire House Republican leadership, 25 members of the House Appropriations Committee, including the Chairman, and 45 Democrats.

Critics of biennial budgeting often point to lack of support in the House as a reason why the proposal will never be adopted. That hurdle seems now to have been swept away, as significantly more than a majority of the House has been convinced by the inescapable logic and numerous advantages of a biennial budget process.

This year, we have yet again been faced with a numbing repetition of the all-too-familiar appropriations end game. Annual appropriations have been stalled because of a handful of controversial policy and funding issues.

While the vast bulk of appropriations are routine and are funded from year to year with only incremental change, they nonetheless are held hostage to these controversial and often unrelated budget and policy debates. This is unnecessary and counterproductive.

A biennial budget process would restore the integrity and effectiveness of the appropriations process, would reinvigorate the tradition of separate Congressional authorization and oversight, and would give Federal departments and agencies badly needed time to carry out and evaluate Federal programs more effectively.

Many Senators of both parties have long acknowledged the need for a biennial budget process. A majority of House members now concurs. Both President Clinton and Vice-President GORE support biennial budgeting, and recently Governor George W. Bush voice strong support for the idea.

All sides now agree that biennial budgeting is the right thing to do. Now is time to go forward. We have studied, talked, and debated enough. Let's now resolve to act on this important bill as soon as possible when we return from the congressional adjournment.

Mr. HATCH. Mr. President, I would like to take just a few minutes in these final hours of the First Session of the 106th Congress to comment on several legislative initiatives I authored this year, and which I am pleased to say have either passed or were substantially incorporated into other bills that were approved and will be sent to the President.

One of the most important issues for my state of Utah is the Radiation Exposure Compensation Act (RECA) Amendments of 1999, S. 1515, which I introduced earlier. I am delighted that the Senate passed this important legislation earlier today.

This bill will guarantee that our government provides fair compensation to the thousands of individuals adversely affected by the mining of uranium and from fallout during the testing of nuclear weapons in the early post-war years.

Senator BEN NIGHTHORSE CAMPBELL; the distinguished Senate Minority Leader, Senator TOM DASCHLE; Senator JEFF BINGAMAN; and Senator PETE

DOMENICI all joined me in introducing this legislation, and I appreciate their support.

In 1990, the Radiation Exposure Compensation Act (42 U.S.C. 2210) was enacted in law. RECA, which I was proud to sponsor, required the federal government to compensate those who were harmed by the radioactive fallout from atomic testing. Administered through the Department of Justice, RECA has been responsible for compensating approximately 6,000 individuals for their injuries. Since the passage of the 1990 law, I have been continuously monitoring the implementation of the RECA program.

Quite candidly, I have been disturbed over numerous reports from my Utah constituents about the difficulty they have encountered when they have attempted to file claims with the Department of Justice. I introduced S. 1515 in response to their concerns.

This bill honors our nation's commitment to the thousands of individuals who were victims of radiation exposure while supporting our country's national defense. I believe we have an obligation to care for those who were injured, especially since, at the time, they were not adequately warned about the potential health hazards involved with their work.

Another issue which many of my constituents contacted me about over the past year was the Medicare provisions contained in the 1997 Balanced Budget Act (BBA) and the impact of these provisions on health care providers and Medicare beneficiaries.

I am pleased that the House has given its approval to the Medicare, Medicaid, and CHIP Adjustment Act of 1999 which is now ready for Senate consideration and passage today.

This important measure will help to ensure that Medicare beneficiaries can continue to receive high-quality, accessible health care.

Overall, the bill increases payments for nursing homes, hospitals, home health agencies, managed care plans, and other Medicare providers. It will also increase payments for rehabilitative therapy services, and longer coverage of immunosuppresive drugs.

Over $27 billion in legislative restorations are contained in this package for the next 10 years.

Clearly we now know that there were unintended consequences as a result of the reimbursement provisions contained in the BBA. Many of the changes provided for in the BBA resulted in far more severe reductions in spending tham we projected in 1997. As a result, skilled nursing facilities, home health agencies and hospitals have been particularly hard hit from these changes in the Medicare law.

In 1997, Medicare was in a serious financial condition and was projected to go bankrupt in the year 2001. The changes we made in 1997 saved Medicare from financial insolvency and have resulted in extending the program's solvency until 2015.

Nevertheless, the reductions we enacted in 1997 created a serious situation for many health care providers who simply are not being adequately reimbursed for the level and quality of care they were providing.

This situation is particularly evident in the nursing home industry. Many skilled nursing facilities, or SNFs, are now facing bankruptcy because the current prospective payment system, which was enacted as part of the BBA, does not adequately compensate for the costs of care to medically complex patients.

As a result, I introduced the Medicare Beneficiary Access to Quality Nursing Home Care Act of 1999, S. 1500, which was designed to provide immediate financial relief to nursing homes who care for medically complex patients.

The Chairman of the Budget Committee, Senator DOMENICI, was the principal cosponsor of this important legislation. And I would like to take this opportunity now to thank him for the extraordinary effort he made in helping to have major provisions of our bill incorporated into the final conference agreement on the BBA Restorations bill.

Moreover, I want to thank the other 44 Senators who cosponsored S. 1500 and who lent their support in helping to move this issue to conference.

This is an important victory for Medicare beneficiaries who depend on nursing home care. As we have seen over the past several years, those beneficiaries with medically complex conditions were having difficulty in gaining access to nursing home facilities, or SNFs, because many SNFs simply did not want to accept these patients due to the low reimbursement levels paid by Medicare.

The current prospective payment system is flawed. It does not accurately account for the costs of these patients with complex conditions. The Health Care Financing Administration (HCFA) has acknowledged that the system needs to be corrected.

Under the provisions of the BBA Restoration bill we are passing today, reimbursement rates are increased by 20% for 15 payment categories, or the Resource Utilization Groups—RUGs—beginning in April 2000. These increases are temporary until HCFA has fine-tuned the PPS and made adjustments to reflect a more accurate cost for these payment categories.

Moreover, after the temporary increases have expired, all payment categories will be increased by 4% in fiscal year 2001 and 2002.

These provisions will provide immediate increases of $1.4 billion to nursing home facilities to care for these high-cost patients.

In addition, the bill also gives nursing homes the option to elect to be paid at the full federal rate for SNF PPS which will provide an additional $700 million to the nursing community.

I would also add that I am pleased the conference report includes a provision to provide a two-year moratorium on the physical/speech therapy and occupational therapy caps that were enacted as part of the BBA. As we all well know, these arbitrary caps have resulted in considerable pain and difficulty for thousands of Medicare beneficiaries who have met and exceeded the therapy caps.

I joined my colleague and good friend, Senator GRASSLEY, as a cosponsor of this important legislation, and I want to commend him for his leadership in getting this bill incorporated into the final BBA Restoration conference report.

There are many other important features of this bill that are included in the conference report agreement and, clearly, these provisions will do a great deal to health restore needed Medicare funding to providers. Overall, $2.7 billion is restored to SNFs under this legislation.

The bottomline is all of this is ensuring that Medicare beneficiaries have access to quality health care. We need to keep that promise and I believe we have done that through the passage of this legislation today.

With respect to other providers, I would briefly add that the bill contains funding for home health agencies as well. The bill will ease the administrative requirements on home health agencies as well as delay the 15 percent reduction in reimbursement rate for one year. This reduction was to have taken effect on October 2000 but will now be delayed for one year until October 1, 2001.

I have worked very closely with my home health agencies in my state who were extremely concerned over the impact of the 15% reduction next year. I am pleased to tell them that we have addressed their concerns by delaying this reduction for another year. I think this time will give us an opportunity to focus on this provision to determine what other adjustments, if any, may be required in the future.

Overall, the bill adds $1.3 billion back into the home health care component of Medicare.

So I believe we have taken some significant steps to ensure that home health care agencies will be able to operate without the threat of increased Medicare reductions on their bottomline.

We have also taken steps to help hospitals and teaching hospitals with over $7 billion in Medicare restorations. These increases will help to smooth the transition to the PPS for outpatient services—an issue that was brought to my attention by practically every hospital administrator in my state.

On the separate, but equally important issue of children's graduate medical education funding, I am especially pleased that the House has passed legislation that will authorize, for the first time, a new program to provide children's hospitals with direct and indirect graduate medical education funding.

Independent children's hospitals, including Primary Children's Hospital in Salt Lake City, receive very little Medicare graduate medical education funding (GME). This is because they treat very few Medicare patients, only children with end stage renal disease, and thus do not benefit from federal GME support through Medicare.

I cosponsored this legislation in the Senate which passed earlier this year. The measure has now cleared the House and will soon be sent to the President who is expected to sign the measure into law very soon.

Moreover, $40 million is contained in the appropriation's bill that will serve as an excellent foundation on which to provide assistance to children's hospitals.

I am also pleased that provisions from S. 1626, the Medicare Patient Access to Technology Act, were included in the BBA Restoration measure.

These important provisions guarantee senior citizens access to the best medical technology and pharmaceuticals. Currently, Medicare beneficiaries do not always have access to the most innovative treatments because Medicare reimbursement rates are inadequate. And I just don't think that it's fair to older Americans. My provisions contained in the restoration bill change this by allowing more reasonable Medicare reimbursements for these therapies.

Take, John Rapp, my constituent from Salt Lake City, Utah. Mr. Rapp, who is 71 years old, was diagnosed with prostate cancer last May. He was presented with a series of treatment options and decided to have BRACHY therapy because it was minimally invasive, he could receive it as an outpatient and it had fewer complications than radical surgery.

This new innovative therapy implants radioactive seeds in the prostate gland in order to kill cancer cells. The success rate of this therapy has been overwhelming.

So, what's the problem? Without my legislation, services such as BRACHY therapy would not be available in the hospital outpatient setting to future Medicare patients due to the way the outpatient prospective payment system is being designed. Life saving services such as BRACHY therapy would be reimbursed at significantly lower-reimbursement rates, from approximately about $10,000 to $1500, and, therefore, it would not be cost-effective for hospitals to offer this service. Fortunately, the provisions included in the omnibus spending bill change all of that—innovative treatments, such as BRACHY therapy, will now be available to future prostate cancer patients.

We must get the newest technology, to seniors as quickly as possible. Government bureaucracy should not stand in the way of seniors receiving the best care available. We must put Medicare patients first, not government bureaucracy. That is why my legislation is necessary and I am so pleased that it was included in the Medicare package.

Finally, I am pleased that this package also addressed the serious concerns of the community health centers. The community health centers community came to us because there were concerns about the financial hardship that the Balanced Budget Act would have imposed on these health centers and their patients. I worked hard with Finance Committee Chairman ROTH, Senator GRASSLEY, and Senator BAUCUS to resolve this important issue. I believe that the conference committee came up with a good solution, however, I intend to monitor this situation closely over the next couple of years.

Mr. President, there are numerous other provisions in this restoration package that I will not take the time to comment on now, but they are equally important. I want to commend the leadership in the Senate and House for working to put together this important measure that will clearly help millions of Medicare beneficiaries throughout the country.

THE DAKOTA WATER RESOURCES ACT

Mr. CONRAD. Mr. President, I rise today to discuss an important piece of legislation for my State of North Dakota. S. 623, the Dakota Water Resources Act, is legislation I introduced in the last Congress and early in this Congress to re-direct the existing Garrison Diversion project. This bill is designed to meet the contemporary water needs of the State of North Dakota, substantially reduce the cost of the project, and require compliance with environmental laws and our international treaty obligations with Canada.

North Dakota has significant water quality and water quantity needs that must be addressed. In many parts of my state, well water in rural communities resembles weak coffee or strong tea. It turns the laundry gray after the first wash, and in many places is unfit even for cattle to drink. This bill is designed to address those situations and help provide clean, reliable water to families and businesses across North Dakota.

This bill was favorably reported from the Senate Energy Committee earlier this year, after hearings were held in this Congress and in the previous Congress. During consideration in the Energy Committee, several amendments were adopted that reduced the cost of the bill by $140 million and strengthened environmental protections in the bill. I should also note that this bill reduces the cost of constructing the currently-authorized project by about $1 billion.

The bill is now pending on the Senate calendar, and was packaged with a group of other bills reported by the Energy Committee to be considered by this body. Unfortunately, when the Senate attempted to consider this legislation in recent days, objections to its consideration were registered by other Senators from another state who had concerns about the bill. In response, Senator Dorgan and I have worked with those Senators to address their concerns. We have engaged in those discussions in good faith, believing that if we continued to work with other states we would be able to address their concerns.

Unfortunately, those discussions have not yielded the results we were hoping for that would have allowed the bill to pass the Senate. Enacting this legislation will help my state overcome the tremendous water needs that are well documented, and I will continue to work in good faith with other Senators to pass this important bill. I am willing to address the concerns of other states, but it must be a two-way street. I look forward to our discussions under the auspices of the Energy Committee in February to resolve those issues.

I thank the Chair and yield the floor.

THE VERY BAD DEBT BOXSCORE

Mr HELMS. Mr. President, at the close of business yesterday, Thursday, November 18, 1999, the Federal debt stood at $5,693,813,174,823.97 (Five trillion, six hundred ninety-three billion, eight hundred thirteen million, one hundred seventy-four thousand, eight hundred twenty-three dollars and ninety-seven cents).

One year ago, November 18, 1998, the Federal debt stood at $5,586,312,000,000 (Five trillion, five hundred eighty-six billion, three hundred twelve million).

Five years ago, November 18, 1994, the Federal debt stood at $4,752,722,000,000 (Four trillion, seven hundred fifty-two billion, seven hundred twenty-two million).

Twenty-five years ago, November 18, 1974, the Federal debt stood at $481,413,000,000 (Four hundred eighty-one billion, four hundred thirteen million) which reflects a debt increase of more than $5 trillion—$5,212,400,174,823.97 (Five trillion, two hundred twelve billion, four hundred million, one hundred seventy-four thousand, eight hundred twenty-three dollars and ninety-seven cents) during the past 25 years.

VIEQUES ISLAND TRAINING FACILITY

Mr. WARNER. Mr. President, I rise today to speak about a very important issue that threatens to undermine the readiness of our Navy and Marine Corps units that are scheduled to deploy to the Mediterranean Sea and the Persian Gulf in February. That issue is the current situation on the Puerto Rican Island of Vieques where the Navy is being prevented by unrestrained civil disobedience from conducting training critical to its preparations for deploying into a possible combat environment.

Two weeks ago, I and four of my colleagues introduced Senate Resolution 220, that would express the Sense of the

Congress that the Secretary of the Navy should initiate the required training for the Eisenhower Battle Group and the 24th Marine Expeditionary Unit on the island of Vieques, and that the President should not deploy these forces unless the President determines that they are free of serious deficiencies in their major warfare areas.

Over the past two weeks there have been discussions between the Federal government and the Government of Puerto Rico to try and reach an accommodation that would resolve the current impasse between the Navy and the people of Vieques. Unfortunately, these discussions have not born fruit and there is no resolution in sight. The simple fact is the President needs to act to resolve this impasse.

Today, the Armed Forces are at risk of reaching unacceptably low levels of preparedness. Last week we learned that two Army Divisions are not ready to execute the National Military Strategy without unacceptable risk to the personnel in those units.

If the required training for the Eisenhower Battle Group and the 24th Marine Expeditionary Unit is not conducted in December, in February these two units will be unable to deploy without serious deficiencies in their warfighting capabilities. We cannot allow this degradation in the readiness of our Armed Forces to occur if we intend to maintain our position as a world leader, and honor our commitment to our military personnel to reduce the risk they incur when they sail into harm's way. As Vice Admiral Murphy, Commander of the Sixth Fleet of the Navy, recently testified before the Armed Services Committee, the loss of training on Vieques would ''cost American lives.'' Over the past several weeks, the Armed Services Committee has held a series of hearings on the important issue of Vieques. Over the course of these hearings, I have become increasingly convinced that it would be irresponsible to deploy our naval forces without the training that takes place at the Vieques facilities.

On Tuesday, September 22, 1999, the Readiness and Management Support Subcommittee, under the leadership of Senator INHOFE, held a hearing to review the need for Vieques as a training facility and explore alternative sites that might be utilized. At that hearing both Admiral Fallon, commander of the Navy's Second Fleet, and General Pace, commander of all Marine Forces in the Atlantic, testified that the Armed Forces of the United States need Vieques as a training ground to prepare our young men and women for the challenges of deployed military operations.

On October 13th, the Seapower Subcommittee, under the leadership of Senator SNOWE, heard from Admiral Murphy, commander of the Navy's Sixth Fleet and the commander who receives the naval forces trained at Vieques, who stated that a loss of Vieques would ''cost American lives.''

Earlier this month, after the release of the report prepared by the Special Panel on Military Operations on Vieques, the so-called Rush Panel, I held a hearing of the Senate Armed Services Committee to discuss with Administration and Puerto Rican officials the recommendations of that report, and to search for a compromise solution that addresses the national security requirements and the interests of the people of Vieques. In outlining the need for Vieques at that hearing, Secretary Danzig, the Secretary of the Navy, stated that only by providing the necessary training can we fairly ask our service members to put their lives at risk. Admiral Johnson, Chief of Naval Operations, stated that the Eisenhower Battle Group would not be able to deploy in February without a significant increase in the risk to the lives of the men and women of that battle group unless they are allowed to conduct required training on Vieques. Finally, General Jones, Commandant of the Marine Corps, testified that the loss of training provided on Vieques ''will result in degraded cohesion on the part of our battalions and our squadrons and our crews, decreased confidence in their ability to do their very dangerous jobs and missions, a decreased level of competence and the ability to fight and win on the battlefield.''

At that hearing, I asked Admiral Johnson and General Jones ''Is there any training that can be substituted for Vieques live fire training between now and February that will constitute, in your professional judgment, a sufficient level of training to enable you to say to the Chairman of the Joint chiefs of Staff, the Eisenhower Battle Group and the 24th Marine Expeditionary Unit are ready to go.'' In response they stated ''no, sir, not without—not without greatly increasing the risk to those men and women who we ask to go in harm's way, no, sir.''

I remain convinced that the training requirement is real and will continue to directly effect the readiness of our Carrier Battle Groups and Marine Expeditionary Units. As General Shelton recently testified before the Senate Armed Services Committee, the training on Vieques is ''critical'' to military readiness. He further stated that he ''certainly would not want to see our troops sent into an area where there was going to be combat, without having had this type of an experience. We should not deploy them under those conditions.''

All of the military officers with whom we have spoken on this issue have informed us that the loss of Vieques would increase the risk to our military personnel deploying to potential combat environments. The Rush Panel, appointed at the request of the Resident Commissioner from Puerto Rico and the direction of the President, recognized the need for Vieques and recommended its continued use for at least five years.

What we have learned in these hearings is that Vieques is a unique training asset, both in terms of its geography with deep open water and unrestricted airspace and its training support infrastructure. The last two East coast carrier battle groups which deployed to the Adriatic and Persian Gulf completed their final integrated live fire training at Vieques. Both battle groups, led by the carriers U.S.S. *Enterprise* and U.S.S. *Theodore Roosevelt*, subsequently saw combat in Operations Desert Fox (Iraq) and Allied Force (Kosovo) within days of arriving in the respective theater of operations. Their success in these operations, with no loss of American life, was largely attributable to the realistic and integrated live fire training completed at Vieques prior to their deployment.

According to Article II, section 2, of the Constitution of the United States, the President is the Commander-in-Chief of the U.S. Armed Forces. As such, he bears the ultimate responsibility for ensuring that the men and women in uniform he orders into harm's way, receive the training necessary to perform their mission with the least risk to their lives.

I am encouraged that the President has tried to resolve this matter with the Governor of Puerto Rico in such a way that would allow the Navy to conduct the necessary training. However, I am disappointed that the President and the Governor have been unable to achieve such a resolution.

Mr. President, as long as we are committing our nation's youth to military operations throughout the world; and as long as Vieques is necessary to train these individuals so that they can perform their missions safely and successfully; it would be unconscionable to deploy these forces without first allowing them to train at this vital facility.

Mr. President, the Eisenhower Battle Group and the 24th Marine Expeditionary Unit will soon deploy to the Mediterranean Sea and the Persian Gulf. In order to do so safely, they must begin preparations to conduct the necessary pre-deployment training on the island of Vieques in December.

The time has come for the President to make a decision to protect our national security and the safety of our men and women in uniform. He must decide to allow the Navy and the Marine Corps to conduct this training, and to notify the Secretary of the Navy and the Governor of Puerto Rico of his decision.

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 executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting two withdrawals and 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 4:00 p.m., a message from the House of Representatives, delivered by Ms. Niland 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. 34. An act to direct the Secretary of the Interior to make technical corrections to a map relating to the Coastal Barrier Resources System.

H.R. 642. An act to redesignate the Federal building located at 701 South Santa Fe Avenue in Compton, California, and know as the Compton Main Post Office, as the ''Mervyn Malcolm Dymally Post Office Building.''

H.R. 3456. An act to amend statutory damages provisions of title 17, United States Code.

H.R. 3419. An act to amend title 49, United State Code, to establish the Federal Motor Carrier Safety Administration, and for other purposes.

H.R. 3443. An act 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.

The message also announced that the House has passed the following bill, with amendments, in which it requests the concurrence of the Senate:

S. 1769. An act to continue the reporting requirements of section 2519 of title 18, United States Code, beyond December 21, 1999, and for other purposes.

The message further announced that pursuant to House Resolution 395, the Speaker appoints the following named Members of the House of Representatives to the Committee to notify the President: Mr. ARMEY and Mr. GEPHARDT.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 218. Concurrent resolution expressing the sense of the Congress that the Government of the People's Republic of China should stop its persecution of Falun Gong practitioners.

H. Con. Res. 239. Concurrent resolution directing the Clerk of the House of Representatives to make a technical correction in the enrollment of the bill H.R. 3194.

MEASURES REFERRED

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

H.R. 34, An act to direct the Secretary of the Interior to make technical corrections to a map relating to the Coastal Barrier Resources System; to the Committee on Environment and Public Works.

H.R. 642. An act to redesignate the Federal building located at 701 South Santa Fe Avenue in Compton, California, and known as the Compton Main Post Office, as the ''Mervyn Malcolm Dymally Post Office Building''; to the Committee on Governmental Affairs.

The following bills, previously received from the House of the Representatives for the concurrence of the Senate, were read the first and second times by unanimous consent and referred as indicated:

H.R. 862. An act to direct the Secretary of the Interior to implement the provisions of an agreement conveying title to a distribution system from the United States to the Clear Creek Community Service District; to the Committee on Energy and Natural Resources.

H.R. 916. An act to make technical amendments to section 10 of title 9, United States Code, and for the other purposes; to the Committee on the Judiciary.

H.R. 992. An act, to convey the Sly Park Dam and Reservoir to the El Dorado Irrigation District, and for the other purposes; to the Committee on Energy and Natural Resources.

H.R. 1235. An act to authorize the Secretary of the Interior to enter into contracts with the Solano County Water Agency, California, to use Solano Project facilities for impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purpose; to the Committee on Energy and Natural Resources.

H.R. 1444. An act to authorize the Secretary of the Interior to plan design, and construct fish screens, fish passage devices, and related features to mitigate adverse impacts associated with irrigation system water diversions by local governmental entities in the States of Oregon, Washington, Montana, Idaho, and California; to the Committee on Energy and Natural Resources.

H.R. 1691. An act to protect religious liberty; to the Committee on the Judiciary.

H.R. 1714. An act to facilitate the use of electronic records and signatures in the interstate or foreign commerce; to the Committee on Commerce Science, and Transportation.

H.R. 1875. An act to amend title 28, United States Code, to allow the applications of the principles of Federal diversity jurisdiction to interstate class actions; to the Committee on the Judiciary.

H.R. 1869. An act to amend title 18, United States Code, to expand the prohibition on stalking, and for other purposes; to the Committee on the Judiciary.

H.R. 1953. An act to authorize leases for terms not to exceed 99 years on land held in trust for the Torres Martinez Desert Cahuilla Indians and the Guidiville Band of Pomo Indians of the Guidiville Indian Rancheria; to the Committee on Indian Affairs.

H.R. 2260. An act to amend the Controlled Substances Act to promote pain management and palliative care without permitting assisted suicide and euthanasia, and for other purposes; to the Committee on the Judiciary.

H.R. 2307. An act to designate the building of the United States Postal Service located at 5 Cedar Street in Hopkinton, Massachusetts, as the ''Thomas J. Brown Post Office Building''; to the Committee on Governmental Affairs.

H.R. 2389. An act to restore stability and predictability to the annual payments made to States and counties containing National Forest System lands and public domain lands managed by the Bureau of Land Management for use by the counties for the benefit of public schools, roads, and other purposes; to the Committee on Energy and Natural Resources.

H.R. 2442. An act to provide for the preparation of a Government report detailing injustices suffered by Italian Americans during World War II, and a formal acknowledgment of such injustices by the President; to the Committee on the Judiciary.

H.R. 2513. An act to direct the Administrator of General Services to acquire a building located in Terre Haute, Indiana, and for other purposes; to the Committee on Governmental Affairs.

H.R. 2541. An act to adjust the boundaries of the Gulf Islands National Seashore to include Cat Island, Mississippi; to the Committee on Energy and Natural Resources.

H.R. 2607. An act to promote the development of the commercial space transportation industry, to authorize appropriations for the Office of the Associate Administrator for Commercial Space Transportation, to authorize appropriations for the Office of Space Commercialization, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 2818. An act to prohibit oil and gas drilling in Mosquito Creek Lake in Cortland, Ohio; to the Committee on Energy and Natural Resources.

H.R. 2862. An act to direct the Secretary of the Interior to release reversionary interests held by the United States in certain parcels of land in Washington County, Utah, to facilitate an anticipated land exchange; to the Committee on Energy and Natural Resources.

H.R. 2863. An act to clarify the legal effect on the United States of the acquisition of a parcel of land in the Red Cliffs Desert Reserve in the State of Utah; to the Committee on Energy and Natural Resources.

H.R. 2879. An Act to provide for the placement at the Lincoln Memorial of a plaque commemorating the speech of Martin Luther King, Jr., known as the ''I have A Dream'' speech; to the Committee on Energy and Natural Resources.

H.R. 3002. An act to provide for continued preparation of certain useful reports concerning public lands, Native Americans, fisheries, wildlife, insular areas, and other natural resources-related matters, and to repeal provisions of law regarding terminated reporting requirements concerning such matters; to the Committee on Energy and Natural Resources.

H.R. 3051. An act to direct the Secretary of the Interior, the Bureau of Reclamation, to conduct a feasibility study on the Jicarilla Apache Reservation in the State of New Mexico, and for other purposes; to the Committee on Indian Affairs.

H.R. 3063. An act to amend the Mineral Leasing Act to increase the maximum acreage of Federal leases for sodium that may be held by an entity in any one State, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3073. An act to amend part A of title IV of the Social Security Act to provide for grants for projects designed to promote responsible fatherhood, and for other purposes; to the Committee on Finance.

H.R. 3075. An act to amend titles XVIII, XIX, and XXI of the Social Security Act to make corrections and refinements in the Medicare, Medicaid, and State children's health insurance programs, as revised by the Balanced Budget Act of 1997; to the Committee on Finance.

H.R. 3077. An act to amend the Act that authorized construction of the San Luis Unit of the Central Valley Project, California, to facilitate water transfers in the Central Valley Project; to the Committee on Energy and Natural Resources.

H.R. 3090. An Act to amend the Alaska Native Claims Settlement Act to restore certain lands to the Elim Native Corporation, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3137. An act to amend the Presidential Transition Act of 1963 to provide for training of individuals a President-elect intends to nominate as department heads or appoint to

key positions in the Executive Office of the President; to the Committee on Governmental Affairs.

H.R. 3164. An act to provide for the imposition of economic sanctions on certain foreign persons engaging in, or otherwise involved in, international narcotics trafficking; to the Committee on Foreign Relations.

H.R. 3189. An act to designate the United States post office located at 14071 Peyton Drive in Chino Hills, California, as the ''Joseph Ileto Post Office''; to the Committee on Governmental Affairs.

H.R. 3234. An act to exempt certain reports from automatic elimination and sunset pursuant to the Federal Reports and Elimination and Sunset Act of 1995; to the Committee on Governmental Affairs.

The following concurrent resolution was read and referred as indicated:

H. Con. Res. 218. Concurrent resolution expressing the sense of the Congress that the Government of the People's Republic of China should stop its persecution of Falum Gong practitioners; to the Committee on Foreign Relations.

The following concurrent resolutions, previously received from the House of Representatives for the concurrence of the Senate, were read and referred as indicated:

H. Con. Res. 124. Concurrent resolution expressing the sense of the Congress relating to recent allegations of espionage and illegal campaign financing that have brought into question the loyalty and probity of Americans of Asian ancestry; to the Committee on the Judiciary.

H. Con. Res. 165. Concurrent resolution expressing United States policy toward the Slovak Republic; to the Committee on Foreign Relations.

H. Con. Res. 189. Concurrent resolution expressing the sense of the Congress regarding the wasteful and unsportsmanlike practice known as shark finning: to the Committee on Commerce, Science, and Transportation.

H. Con. Res. 193. Concurrent resolution expressing the support of Congress for activities to increase public participation in the decennial census; to the Committee on Governmental Affairs.

H. Con. Res. 199. Concurrent resolution expressing the sense of the Congress that prayers and invocations at public school sporting events contribute to the moral foundation of our Nation and urging the Supreme Court to uphold their constitutionality; to the Committee on the Judiciary.

H. Con. Res. 206. Concurrent resolution expressing grave concern regarding armed conflict in the North Caucasus region of the Russian Federation which has resulted in civilian casualties and internally displaced persons, and urging all sides to pursue dialog for peaceful resolution of the conflict; to the Committee on Foreign Relations.

H. Con. Res. 211. Concurrent resolution expressing the strong support of the Congress for the recently concluded elections in the Republic of India and urging the President to travel to India; to the Committee on Foreign Relations.

H. Con. Res. 213. Concurrent resolution encouraging the Secretary of Education to promote, and State and local educational agencies to incorporate in their education programs, financial literacy training; to the Committee on Health, Education, Labor, and Pensions.

H. Con. Res. 222. Concurrent resolution condemning the assassination of Armenian Prime Minister Vazgen Sargsian and other officials of the Armenian Government and expressing the sense of the Congress in mourning this tragic loss of the duly elected leadership of Armenia; to the Committee on Foreign Relations.

H. Con. Res. 223. Concurrent resolution expressing the sense of the Congress regarding Freedom Day; to the Committee on the Judiciary.

H. Con. Res. 234. Concurrent resolution tabling the bill (H.R. 2466) entitled ''An Act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes; to the Committee on Appropriations.

MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times and placed on the calendar:

H.R. 170. An act to require certain notices in any mailing using a game of chance for the promotion of a product or service, and for other purposes.

H.R. 1167. An act to amend the Indian Self-Determination and Education Assistance Act to provide for further self-governance by Indian tribes, and for other purposes.

H.R. 1801. An act to make technical corrections to various antitrust laws and to references to such laws.

H.R. 1832. An act to reform unfair and anticompetitive practices in the professional boxing industry.

H.R. 2904. An act to amend the Ethics in Government Act of 1978 to reauthorize funding for the Office of Government Ethics, and to clarify the definition of a ''special Government employee'' under title 18, United States Code.

The following bill was read twice and ordered placed on the calendar:

S. 1982. A bill to clarify the standing of United States citizens to challenge the blocking of assets by the United States under the Foreign Narcotics Kingpin Designation Act.

ENROLLED JOINT RESOLUTION SIGNED

The following enrolled joint resolution, previously signed by the Speaker of the House, was signed on November 18, 1999, by the President pro tempore (Mr. THURMOND):

H.J. Res. 83. Joint resolution making further continuing appropriations for the fiscal year 2000, and for other purposes.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on November 19, 1999, he had presented to the President of the United States, the following enrolled bills:

S. 278. An act to direct the Secretary of the Interior to convey certain lands to the country of Rio Arriba, New Mexico.

S. 382. An act to establish the Minuteman Missile National Historic Site in the State of South Dakota, and for other purposes.

S. 1235. An act to amend part G of title I of the Omnibus Crime Control and Safe Streets Act of 1968 to allow railroad police officers to attend the Federal Bureau of Investigation National Academy for law enforcement training.

S. 1398. An act to clarify certain boundaries on maps relating to the Coastal Barrier Resources System.

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–6269. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 737 Series Airplanes; Docket No. 99–NM–02 {11–2/11–4}'' (RIN2120–AA64) (1999–0436), received November 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC–6270. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 777–200 Series Airplanes; Docket No. 99–NM–03 {11–2/11–4}'' (RIN2120–AA64) (1999–0435), received November 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC–6271. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Saab Model SAAB SF340A and 340B Series Airplanes; Docket No. 99–NM–199 {11–2/11–4}'' (RIN2120–AA64) (1999–0433), received November 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC–6272. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Dornier Model 328–100 Series Airplanes; Docket No. 99–NM–01 {11–2/11–4}'' (RIN2120–AA64) (1999–0434), received November 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC–6273. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Eurocopter France Model SA–365N, SA–365N1, and AS 365N2 Helicopters; Docket No. 98–SW–60 {11–3/11–4}'' (RIN2120–AA64) (1999–0431), received November 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC–6274. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Eurocopter France Model SA330F, G, J, and AS322C, L, and L.1 Helicopters; Request for Comments; Docket No. 99–SW–01 {11–5/11–8}'' (RIN2120–AA64) (1999–0437), received November 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC–6275. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bell Helicopter Textron Canada Model 222, 222B, and 222U Helicopters; Request for Comments; Docket No. 99–SW–51 {11–4/11–4}'' (RIN2120–AA64) (1999–0429), received November 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC–6276. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled

''Airworthiness Directives; Bell Helicopter Textron Canada Model 430 Helicopters; Request for Comments; Docket No. 99–SW–50 {11–4/11–4}'' (RIN2120–AA64) (1999–0430), received November 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC–6277. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Robinson Helicopter Company Model R44 Helicopters; Request for Comments; Docket No. 99–SW–12 {11–3/11–4}'' (RIN2120–AA64) (1999–0432), received November 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC–6278. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Mountain View, MO; Direct Final Rule; Request for Comments; Docket No. 99–CE–46 {11–3/11–4)'' (RIN2120–AA66) (1999–0362), received November 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC–6279. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Change Name of Using Restricted Area R–5203; Oswego, NY; Docket No. 99–AEA–12 {11–5/11–8}'' (RIN2120–AA66) (1999–0364), received November 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC–6280. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of the San Juan Low Offshore Airspace Area, PR; Docket No. 99–ASO–1 {11–5/11–8}'' (RIN2120–AA66) (1999–0363), received November 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC–6281. A communication from the Assistant Bureau Chief, International Bureau, Satellite Radiocommunications Division, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''First Order of Reconsideration in the Matter of Amendment of the Commission's Regulatory Policies to Allow Non-U.S. Licensed Space Stations to Provide Domestic and International Satellite Service in the United States'' (IB Docket No. 96–111) (FCC 99–325), received November 17, 1999; to the Committee on Commerce, Science, and Transportation.

EC–6282. A communication from the Deputy Chief, Wireless Telecommunications Commission, Auctions and Industry Analysis Division, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Allocation of Spectrum Below 5 GHz Transferred from Federal Government Use; 4660–4685 MHz; ET Docket No. 94–32; 'Fourth Report and Order', FCC 98–213'' (ET Docket No. 94–32) (FCC 98–213), received November 17, 1999; to the Committee on Commerce, Science, and Transportation.

EC–6283. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna Fishery; Purse Seine Category Allocation Adjustment'' (I.D. 061899A), received November 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC–6284. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Final Rule to Implement Amendment 1 to the Fishery Management Plan for Corals and Reef Associated Plants and Invertebrates of Puerto Rico and the U.S. Virgin Islands'' (RIN0648–AG88), received November 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC–6285. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Termination of the Georges Bank Sea Scallop Exemption Program'' (RIN0648–AM24), received November 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC–6286. A communication from the Deputy Assistant Administrator, National Ocean Service, Coastal Services Center, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Federal Register Notice/Coastal Services Center Broad Area Announcement: Fiscal Year 2000 Programs'' (RIN0648–ZA73), received November 16, 1999; to the Committee on Commerce, Science, and Transportation.

EC–6287. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Avermectin B1 and its delta-8,9-isomer; Extension of Tolerance for Emergency Exemptions'' (FRL #6391–8, received November 17, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6288. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Clopyralid; Pesticide Tolerance for Emergency Exemptions'' (FRL #6388–5), received November 17, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6289. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Herbicide Safener HOE–107892; Extension of Tolerance for Emergency Exemptions'' (FRL #6385–5), received November 17, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6290. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Glyphosate; Pesticide Tolerance'' (FRL #6390–5), received November 17, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6291. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants: Generic Maximum Achievable Control Technology (Generic MACT); Process Wastewater Provisions'' (FRL #6478–6), received November 17, 1999; to the Committee on Environment and Public Works.

EC–6292. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants: Generic Maximum Achievable Control Technology (Generic MACT); Process Wastewater Provisions'' (FRL #6478–8), received November 17, 1999; to the Committee on Environment and Public Works.

EC–6293. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Iowa Update of Materials Incorporated by Reference'' (FRL #6462–3), received November 17, 1999; to the Committee on Environment and Public Works.

EC–6294. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; New Jersey; Approval of Carbon Monoxide State Implementation Plan Revisions; Determination of Carbon Monoxide Attainment; Removal of Oxygenated Gasoline Program'' (FRL #6477–3), received November 17, 1999; to the Committee on Environment and Public Works.

EC–6295. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; States of Colorado, Utah, and Wyoming; General Conformity'' (FRL #6471–4), received November 17, 1999; to the Committee on Environment and Public Works.

EC–6296. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''NESHAPS: Final Standards for Hazardous Air Pollutants for Hazardous Waste Combustors'' (FRL #6477–9), received November 17, 1999; to the Committee on Environment and Public Works.

EC–6297. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, two reports relative to EPA regulatory programs; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCAIN, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 795. A bill to amend the Fastener Quality Act to strengthen the protection against the sale of mismarked, misrepresented, and counterfeit fasteners and eliminate unnecessary requirements, and for other purposes (Rept. No. 106–224).

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. GRAMM (for himself, Mr. ABRAHAM, Mr. ALLARD, Mr. ASHCROFT, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BOND, Mr. BROWNBACK, Mr. BRYAN, Mr. BUNNING, Mr. BURNS, Mr. CAMPBELL, Mr. CHAFEE, Mr. COCHRAN, Ms. COLLINS, Mr. COVERDELL, Mr. CRAIG,

Mr. CRAPO, Mr. DASCHLE, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. DURBIN, Mr. ENZI, Mr. FEINGOLD, Mr. FITZGERALD, Mr. GRAMS, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HATCH, Mr. HELMS, Mr. HUTCHINSON, Mrs. HUTCHISON, Mr. INHOFE, Mr. JEFFORDS, Mr. KERREY, Mr. KERRY, Mr. KYL, Ms. LANDRIEU, Mr. LEAHY, Mr. LOTT, Mr. LUGAR, Mr. MACK, Mr. MCCONNELL, Mr. MURKOWSKI, Mr. NICKLES, Mr. REED, Mr. REID, Mr. ROBERTS, Mr. ROTH, Mr. SANTORUM, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH of New Hampshire, Mr. SMITH of Oregon, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, Mr. THURMOND, Mr. VOINOVICH, Mr. WARNER, Mr. WELLSTONE, Mr. WYDEN, Mr. FRIST, and Mr. MOYNIHAN):

S. 1971. A bill to authorize the President to award a gold medal on behalf of the Congress to Milton Friedman, in recognition of his outstanding and enduring contributions to individual freedom and opportunity in American society through his exhaustive research and teaching of economics, and his extensive writings on economics and public policy; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ALLARD:

S. 1972. A bill to direct the Secretary of Agriculture to convey to the town of Dolores, Colorado, the current site of the Joe Rowell Park; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN:

S. 1973. A bill to simplify Federal oil and gas revenue distributions, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SCHUMER (for himself, Ms. SNOWE, Mr. BAYH, and Mr. SMITH of Oregon):

S. 1974. A bill to amend the Internal Revenue Code of 1986 to make higher education more affordable by providing a full tax deduction for higher education expenses and a tax credit for student education loans; to the Committee on Finance.

By Mr. MACK (for himself and Mr. BREAUX):

S. 1975. A bill to amend the Internal Revenue Code of 1986 to modify the tax on generation-skipping transfers to eliminate certain traps for the unwary and otherwise improve the fairness of such tax; to the Committee on Finance.

By Mr. THOMPSON:

S. 1976. A bill to amend the Internal Revenue Code of 1986 to provide that certain uses of a facility owned by a tax-exempt organization shall not be treated as private business use for purposes of determining whether bonds issued to provide the facility are tax-exempt bonds; to the Committee on Finance.

By Mr. MCCAIN (for himself, Mr. THOMPSON, Mr. LIEBERMAN, and Mr. ABRAHAM):

S. 1977. A bill to review, reform, and terminate unnecessary and inequitable Federal subsidies; to the Committee on Governmental Affairs.

By Mr. DOMENICI:

S. 1978. A bill to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in the Albuquerque, New Mexico, metropolitan area; to the Committee on Veterans Affairs.

By Mr. CONRAD (for himself and Mr. MOYNIHAN):

S. 1979. A bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to provide that restrictions on application of State laws to pension benefits shall not apply to State laws prohibiting individuals from benefitting from crimes involving the death of pension plan participants; to the Committee on Finance.

By Mr. BAUCUS (for himself, Mr. HARKIN, Mr. DASCHLE, Mr. KERREY, Mr. DURBIN, Mr. JOHNSON, Mr. WELLSTONE, Mr. CONRAD, Mr. ROCKEFELLER, Mr. BRYAN, Mr. REID, Mr. LEAHY, Mr. WYDEN, and Mrs. MURRAY):

S. 1980. A bill to amend the Rural Electrification Act of 1936 to ensure improved access to the signals of local television stations by multichannel video providers to all households which desire such service in unserved and underserved rural areas by December 31, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. KENNEDY:

S. 1981. A bill to amend title XI of the Public Health Service Act to provide for the use of new genetic technologies to meet the health care needs of the public; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEVIN:

S. 1982. A bill to clarify the standing of United States citizens to challenge the blocking of assets by the United States under the Foreign Narcotics Kingpin Designation Act; read twice.

By Mrs. MURRAY (for herself, Mr. CRAIG, Mr. SMITH of Oregon, Mrs. BOXER, and Mrs. FEINSTEIN):

S. 1983. A bill to amend the Agricultural Trade Act of 1978 to increase the amount of funds available for certain agricultural trade programs; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HARKIN (for himself and Mr. LUGAR):

S. 1984. A bill to establish in the Antitrust Division of the Department of Justice a position with responsibility for agricultural antitrust matters; to the Committee on the Judiciary.

By Mr. TORRICELLI:

S. 1985. A bill to amend the Internal Revenue Code of 1986 to lower the adjusted gross income threshold for deductible disaster casualty losses to 5 percent, to make such deduction an above-the-line deduction, and to allow an election to take such deduction for the preceding or succeeding year; to the Committee on Finance.

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

S. 1986. A bill to amend title X of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act of 1998, relating to the Canyon Ferry Reservoir, Montana; to the Committee on Energy and Natural Resources.

By Mr. DURBIN (for himself, Ms. COLLINS, Mr. KOHL, Mr. WELLSTONE, Mr. REID, Mr. GRAHAM, Mr. HARKIN, Ms. MIKULSKI, Ms. LANDRIEU, Mr. DODD, Mrs. BOXER, Mr. JOHNSON, and Mr. CLELAND):

S. 1987. A bill to amend the Violence Against Women Act of 1994, the Family Violence Prevention and Services Act, the Older Americans Act of 1965, and the Public Health Service Act to ensure that older women are protected from institutional, community, and domestic violence and sexual assault and to improve outreach efforts and other services available to older women victimized by such violence, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DASCHLE (for himself, Mr. HATCH, Mr. BROWNBACK, Mr. HARKIN, Mr. JOHNSON, Mr. DORGAN, Mr. BAUCUS, Mr. CONRAD, Mr. BINGAMAN, Mr. VOINOVICH, and Mr. BURNS):

S. 1988. A bill to reform the State inspection of meat and poultry in the United States, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. KOHL:

S. 1989. A bill to ensure that employees of traveling sales crews are protected under the Fair Labor Standards Act of 1938 and under other provisions of law; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 1990. A bill to designate the Federal building located at 501 I Street in Sacramento, California, as the ''Joe Serna, Jr. United States Courthouse and Federal Building''; to the Committee on Environment and Public Works.

By Mr. THOMPSON (for himself, Mr. LIEBERMAN, Ms. COLLINS, and Mr. LEAHY):

S. 1991. A bill to amend the Federal Election Campaign Act of 1971 to enhance criminal penalties for election law violations, to clarify current provisions of law regarding donations from foreign nationals, and for other purposes; to the Committee on Rules and Administration.

By Ms. SNOWE:

S. 1992. A bill to provide States with loans to enable State entities or local governments within the States to make interest payments on qualified school construction bonds issued by the State entities or local governments, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. THOMPSON (for himself and Mr. LIEBERMAN):

S. 1993. A bill to reform Government information security by strengthening information security practices throughout the Federal Government; to the Committee on Governmental Affairs.

By Mr. KERRY (for himself and Mr. BRYAN):

S. 1994. A bill to amend the Internal Revenue Code of 1986 to provide assistance to first-time homebuyers; to the Committee on Finance.

By Mr. KOHL:

S. 1995. A bill to amend the National School Lunch Act to revise the eligibility of private organizations under the child and adult care food program; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. JEFFORDS (for himself, Mr. KENNEDY, and Mr. FRIST):

S. 1996. A bill to amend the Public Health Service Act to clarify provisions relation to the content of petitions for compensation under the vaccine injury compensation program; considered and passed.

By Mr. BINGAMAN:

S. 1997. A bill to simplify Federal oil and gas revenue distributions, and for other proposes; to the Committee on Energy and Natural Resources.

By Mr. MCCAIN:

S. 1998. A bill to establish the Yuma Crossing National Heritage Area; 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 Mr. BAYH (for himself, Mr. BREAUX, Mr. GRASSLEY, Mr. BURNS, Mr. REED, Mr. JEFFORDS, Mr. LUGAR, Mr. WARNER, Mr. ABRAHAM, Mr. DURBIN, Mr. BRYAN, Mr. KENNEDY, Mrs. MURRAY, Mr. SMITH of Oregon, Mr. REID, Mr. EDWARDS, Mr. DORGAN, Mr. COCHRAN, Ms. MIKULSKI, Mr. JOHNSON, Mr. STEVENS, Mr. CLELAND, Mr. AKAKA, Mr.

SPECTER, Ms. LANDRIEU, Mr. WELLSTONE, Mr. BAUCUS, Mr. KERRY, Mr. DEWINE, Mr. LIEBERMAN, Mr. WYDEN, Mr. ENZI, Mr. BINGAMAN, Mr. ROBB, Mr. INOUYE, Mrs. BOXER, Mrs. LINCOLN, Mr. DODD, Mr. TORRICELLI, Mr. SCHUMER, Mr. GRAHAM, Mr. FEINGOLD, and Mrs. FEINSTEIN):

S. Res. 234. A resolution recognizing the contribution of older persons to their communities and commending the work of organizations that participate in programs assisting older persons and that promote the goals of the International Year of Older Persons; considered and agreed to.

By Mr. MCCONNELL:

S. Res. 235. A resolution to authorize the printing of a revised edition of the Senate Election Law Guidebook; considered and agreed to.

S. Res. 236. A resolution to authorize the printing of a revised edition of the Nomination and Election of the President and Vice President of the United States; considered and agreed to.

By Mrs. BOXER (for herself, Mrs. MURRAY, Mrs. LINCOLN, Ms. MIKULSKI, Mrs. FEINSTEIN, Ms. COLLINS, Ms. LANDRIEU, and Ms. SNOWE):

S. Res. 237. A resolution expressing the sense of the Senate that the United States Senate Committee on Foreign Relations should hold hearings and the Senate should act on the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 238. A resolution to authorize representation of Member of the Senate in the case of Brett Kimberlin v. Orrin Hatch, et al; considered and agreed to.

By Mr. ROBB:

S. Res. 239. A resolution expressing the sense of the Senate that Nadia Dabbagh, who was abducted from the United States, should be returned home to her mother, Ms. Maureen Dabbagh; to the Committee on Foreign Relations.

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 240. A resolution commending Stephen G. Bale, Keeper of the Stationery, United States Senate; considered and agreed to.

By Mr. LOTT:

S. Res. 241. A resolution to direct the Senate Commission on Art to recommend to the Senate two outstanding individuals whose paintings shall be placed in two of the remaining unfilled spaces in the Senate reception room; considered and agreed to.

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Con. Res. 77. A concurrent resolution making technical corrections to the enrollment of H.R. 3194; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MACK (for himself and Mr. BREAUX):

S. 1975. A bill to amend the Internal Revenue Code of 1986 to modify the tax on generation-skipping transfers to eliminate certain traps for the unwary and otherwise improve the fairness of such tax; to the Committee on Finance.

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

THE GENERATION-SKIPPING TRANSFER TAX AMENDMENTS ACT

Mr. MACK: Mr. President, today Senator BREAUX and I join in introducing legislation to correct serious problems in the allocation of generation-skipping transfer tax (GST) exemptions. This legislation would provide relief to taxpayers for missed allocations of the GST exemption and would make the exemption allocation automatic, in place of the current law requirement that the taxpayers take an affirmative step to claim the exemption. This proposed change was included in the Taxpayer Refund and Relief Act of 1999, but failed to become law due to the President's veto of that bill.

Under this legislation, the GST exemption is automatically allocated to ''indirect skip'' transfers made while the donor is alive. An indirect skip is a transfer of property subject to the gift tax that is made to a GST trust. Direct skips (generally, transfers solely for the benefit of grandchildren) are already covered by an automatic allocation rule. An individual may elect not to have the automatic allocation rule apply to an indirect skip. Also, under this legislation, the GST exemption may be allocated retroactively when there is an unnatural order of death. If a lineal descendant of the transferor predeceased the transferor, then the transferor may allocate the unused GST exemption to any previous transfer or transfers to the trust on a chronological basis.

This legislation also provides authorization and direction to the Treasury Secretary to grant extensions of time to make the election to allocate the GST exemption and to grant exceptions to the time requirement. If such relief is granted, then the value on the date of transfer to the trust would be used for determining GST exemption allocation.

Mr. President, this is important legislation which deserves enactment at the earliest possible date. 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. 1975

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 ''Generation-Skipping Transfer Tax Amendments Act of 1999''.

SEC. 2. DEEMED ALLOCATION OF GST EXEMPTION TO LIFETIME TRANSFERS TO TRUSTS; RETROACTIVE ALLOCATIONS.

(a) IN GENERAL.—Section 2632 of the Internal Revenue Code of 1986 (relating to special rules for allocation of GST exemption) is amended by redesignating subsection (c) as subsection (e) and by inserting after subsection (b) the following new subsections:

''(c) DEEMED ALLOCATION TO CERTAIN LIFETIME TRANSFERS TO GST TRUSTS.—

''(1) IN GENERAL.—If any individual makes an indirect skip during such individual's lifetime, any unused portion of such individual's GST exemption shall be allocated to the property transferred to the extent necessary to make the inclusion ratio for such property zero. If the amount of the indirect skip exceeds such unused portion, the entire unused portion shall be allocated to the property transferred.

''(2) UNUSED PORTION.—For purposes of paragraph (1), the unused portion of an individual's GST exemption is that portion of such exemption which has not previously been—

''(A) allocated by such individual,

''(B) treated as allocated under subsection (b) with respect to a direct skip occurring during or before the calendar year in which the indirect skip is made, or

''(C) treated as allocated under paragraph (1) with respect to a prior indirect skip.

''(3) DEFINITIONS.—

''(A) INDIRECT SKIP.—For purposes of this subsection, the term 'indirect skip' means any transfer of property subject to the tax imposed by chapter 12 made to a GST trust.

''(B) GST TRUST.—The term 'GST trust' means a trust that could have a generation-skipping transfer with respect to the transferor unless—

''(i) the trust instrument provides that more than 25 percent of the trust corpus must be distributed to or may be withdrawn by 1 or more individuals who are non-skip persons—

''(I) before the date that the individual attains age 46,

''(II) on or before 1 or more dates specified in the trust instrument that will occur before the date that such individual attains age 46, or

''(III) upon the occurrence of an event that, in accordance with regulations prescribed by the Secretary, may reasonably be expected to occur before the date that such individual attains age 46;

''(ii) the trust instrument provides that more than 25 percent of the trust corpus must be distributed to or may be withdrawn by 1 or more individuals who are non-skip persons and who are living on the date of death of another person identified in the instrument (by name or by class) who is more than 10 years older than such individuals;

''(iii) the trust instrument provides that, if 1 or more individuals who are non-skip persons die on or before a date or event described in clause (i) or (ii), more than 25 percent of the trust corpus either must be distributed to the estate or estates of 1 or more of such individuals or is subject to a general power of appointment exercisable by 1 or more of such individuals;

''(iv) the trust is a trust any portion of which would be included in the gross estate of a non-skip person (other than the transferor) if such person died immediately after the transfer;

''(v) the trust is a charitable lead annuity trust (within the meaning of section 2642(e)(3)(A)) or a charitable remainder annuity trust or a charitable remainder unitrust (within the meaning of section 664(d)); or

''(vi) the trust is a trust with respect to which a deduction was allowed under section 2522 for the amount of an interest in the form of the right to receive annual payments of a fixed percentage of the net fair market value of the trust property (determined yearly) and which is required to pay principal to a non-skip person if such person is alive when the yearly payments for which the deduction was allowed terminate.

For purposes of this subparagraph, the value of transferred property shall not be considered to be includible in the gross estate of a non-skip person or subject to a right of withdrawal by reason of such person holding a right to withdraw so much of such property as does not exceed the amount referred to in

section 2503(b) with respect to any transferor, and it shall be assumed that powers of appointment held by non-skip persons will not be exercised.

''(4) AUTOMATIC ALLOCATIONS TO CERTAIN GST TRUSTS.—For purposes of this subsection, an indirect skip to which section 2642(f) applies shall be deemed to have been made only at the close of the estate tax inclusion period. The fair market value of such transfer shall be the fair market value of the trust property at the close of the estate tax inclusion period.

''(5) APPLICABILITY AND EFFECT.—

''(A) IN GENERAL.—An individual—

''(i) may elect to have this subsection not apply to—

''(I) an indirect skip, or

''(II) any or all transfers made by such individual to a particular trust, and

''(ii) may elect to treat any trust as a GST trust for purposes of this subsection with respect to any or all transfers made by such individual to such trust.

''(B) ELECTIONS.—

''(i) ELECTIONS WITH RESPECT TO INDIRECT SKIPS.—An election under subparagraph (A)(i)(I) shall be deemed to be timely if filed on a timely filed gift tax return for the calendar year in which the transfer was made or deemed to have been made pursuant to paragraph (4) or on such later date or dates as may be prescribed by the Secretary.

''(ii) OTHER ELECTIONS.—An election under clause (i)(II) or (ii) of subparagraph (A) may be made on a timely filed gift tax return for the calendar year for which the election is to become effective.

''(d) RETROACTIVE ALLOCATIONS.—

''(1) IN GENERAL.—If—

''(A) a non-skip person has an interest or a future interest in a trust to which any transfer has been made,

''(B) such person—

''(i) is a lineal descendant of a grandparent of the transferor or of a grandparent of the transferor's spouse or former spouse, and

''(ii) is assigned to a generation below the generation assignment of the transferor, and

''(C) such person predeceases the transferor,

then the transferor may make an allocation of any of such transferor's unused GST exemption to any previous transfer or transfers to the trust on a chronological basis.

''(2) SPECIAL RULES.—If the allocation under paragraph (1) by the transferor is made on a gift tax return filed on or before the date prescribed by section 6075(b) for gifts made within the calendar year within which the non-skip person's death occurred—

''(A) the value of such transfer or transfers for purposes of section 2642(a) shall be determined as if such allocation had been made on a timely filed gift tax return for each calendar year within which each transfer was made,

''(B) such allocation shall be effective immediately before such death, and

''(C) the amount of the transferor's unused GST exemption available to be allocated shall be determined immediately before such death.

''(3) FUTURE INTEREST.—For purposes of this subsection, a person has a future interest in a trust if the trust may permit income or corpus to be paid to such person on a date or dates in the future.''.

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 2632(b) of such Code is amended by striking ''with respect to a direct skip'' and inserting ''or subsection (c)(1)''.

(c) EFFECTIVE DATES.—

(1) DEEMED ALLOCATION.—Section 2632(c) of the Internal Revenue Code of 1986 (as added by subsection (a)), and the amendment made by subsection (b), shall apply to transfers subject to chapter 11 or 12 of such Code made after December 31, 1999, and to estate tax inclusion periods ending after December 31, 1999.

(2) RETROACTIVE ALLOCATIONS.—Section 2632(d) of the Internal Revenue Code of 1986 (as added by subsection (a)) shall apply to deaths of non-skip persons occurring after the date of the enactment of this Act.

SEC. 3. SEVERING OF TRUSTS.

(a) IN GENERAL.—Subsection (a) of section 2642 of the Internal Revenue Code of 1986 (relating to inclusion ratio) is amended by adding at the end the following new paragraph:

''(3) SEVERING OF TRUSTS.—

''(A) IN GENERAL.—If a trust is severed in a qualified severance, the trusts resulting from such severance shall be treated as separate trusts thereafter for purposes of this chapter.

''(B) QUALIFIED SEVERANCE.—For purposes of subparagraph (A)—

''(i) IN GENERAL.—The term 'qualified severance' means the division of a single trust and the creation (by any means available under the governing instrument or under local law) of 2 or more trusts if—

''(I) the single trust was divided on a fractional basis, and

''(II) the terms of the new trusts, in the aggregate, provide for the same succession of interests of beneficiaries as are provided in the original trust.

''(ii) TRUSTS WITH INCLUSION RATIO GREATER THAN ZERO.—If a trust has an inclusion ratio of greater than zero and less than 1, a severance is a qualified severance only if the single trust is divided into 2 trusts, one of which receives a fractional share of the total value of all trust assets equal to the applicable fraction of the single trust immediately before the severance. In such case, the trust receiving such fractional share shall have an inclusion ratio of zero and the other trust shall have an inclusion ratio of 1.

''(iii) REGULATIONS.—The term 'qualified severance' includes any other severance permitted under regulations prescribed by the Secretary.

''(C) TIMING AND MANNER OF SEVERANCES.—A severance pursuant to this paragraph may be made at any time. The Secretary shall prescribe by forms or regulations the manner in which the qualified severance shall be reported to the Secretary.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to severances after the date of the enactment of this Act.

SEC. 4. MODIFICATION OF CERTAIN VALUATION RULES.

(a) GIFTS FOR WHICH GIFT TAX RETURN FILED OR DEEMED ALLOCATION MADE.—Paragraph (1) of section 2642(b) of the Internal Revenue Code of 1986 (relating to valuation rules, etc.) is amended to read as follows:

''(1) GIFTS FOR WHICH GIFT TAX RETURN FILED OR DEEMED ALLOCATION MADE.—If the allocation of the GST exemption to any transfers of property is made on a gift tax return filed on or before the date prescribed by section 6075(b) for such transfer or is deemed to be made under section 2632 (b)(1) or (c)(1)—

''(A) the value of such property for purposes of subsection (a) shall be its value as finally determined for purposes of chapter 12 (within the meaning of section 2001(f)(2)), or, in the case of an allocation deemed to have been made at the close of an estate tax inclusion period, its value at the time of the close of the estate tax inclusion period, and

''(B) such allocation shall be effective on and after the date of such transfer, or, in the case of an allocation deemed to have been made at the close of an estate tax inclusion period, on and after the close of such estate tax inclusion period.''.

(b) TRANSFERS AT DEATH.—Subparagraph (A) of section 2642(b)(2) of such Code is amended to read as follows:

''(A) TRANSFERS AT DEATH.—If property is transferred as a result of the death of the transferor, the value of such property for purposes of subsection (a) shall be its value as finally determined for purposes of chapter 11; except that, if the requirements prescribed by the Secretary respecting allocation of post-death changes in value are not met, the value of such property shall be determined as of the time of the distribution concerned.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the amendments made by section 1431 of the Tax Reform Act of 1986.

SEC. 5. RELIEF PROVISIONS.

(a) IN GENERAL.—Section 2642 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(g) RELIEF PROVISIONS.—

''(1) RELIEF FOR LATE ELECTIONS.—

''(A) IN GENERAL.—The Secretary shall by regulation prescribe such circumstances and procedures under which extensions of time will be granted to make—

''(i) an allocation of GST exemption described in paragraph (1) or (2) of subsection (b), and

''(ii) an election under subsection (b)(3) or (c)(5) of section 2632.

Such regulations shall include procedures for requesting comparable relief with respect to transfers made before the date of enactment of this paragraph.

''(B) BASIS FOR DETERMINATIONS.—In determining whether to grant relief under this paragraph, the Secretary shall take into account all relevant circumstances, including evidence of intent contained in the trust instrument or instrument of transfer and such other factors as the Secretary deems relevant. For purposes of determining whether to grant relief under this paragraph, the time for making the allocation (or election) shall be treated as if not expressly prescribed by statute.

''(2) SUBSTANTIAL COMPLIANCE.—An allocation of GST exemption under section 2632 that demonstrates an intent to have a zero inclusion ratio with respect to a transfer or a trust shall be deemed to be an allocation of so much of the transferor's unused GST exemption as produces, to the extent possible, a zero inclusion ratio. In determining whether there has been substantial compliance, all relevant circumstances shall be taken into account, including evidence of intent contained in the trust instrument or instrument of transfer and such other factors as the Secretary deems relevant.''.

(b) EFFECTIVE DATES.—

(1) RELIEF FOR LATE ELECTIONS.—Section 2642(g)(1) of the Internal Revenue Code of 1986 (as added by subsection (a)) shall apply to requests pending on, or filed after, the date of the enactment of this Act.

(2) SUBSTANTIAL COMPLIANCE.—Section 2642(g)(2) of such Code (as so added) shall take effect on the date of the enactment of this Act and shall apply to allocations made prior to such date for purposes of determining the tax consequences of generation-skipping transfers with respect to which the period of time for filing claims for refund has not expired. No negative implication is intended with respect to the availability of relief for late elections or the application of a rule of substantial compliance prior to the enactment of this amendment.

• Mr. BREAUX. Mr. President, I am pleased to join my colleague from the Senate Finance Committee, Senator MACK, in introducing legislation designated to address past problems with

the allocation of the generation-skipping transfer (GST) exemption, and to provide for automatic allocations going forward.

Under current law, taxpayers must make affirmative allocations of the GST exemption for transfers to a trust. As a result, many taxpayers have not made timely allocations and face the prospect of losing a significant portion of the exemption's benefit. This legislation is designed to assure that taxpayers get the full benefit of the law by making GST exemption allocations automatic for transfers to a trust and to give taxpayers the opportunity to cure past allocations which were not made on a timely basis.

This legislation was included in the tax bill that was sent to the President earlier this summer. It enjoys Republican and Democratic support on both sides of the hill. I urge its inclusion in the next tax bill sent to the White House.●

By Mr. McCAIN (for himself, Mr. THOMPSON, Mr. LIEBERMAN, and Mr. ABRAHAM):

S. 1977. A bill to review, reform, and terminate unnecessary and inequitable Federal subsidies; to the Committee on Governmental Affairs.

CORPORATE SUBSIDY REFORM COMMISSION ACT OF 1999

● Mr. McCAIN. Mr. President, I rise today to introduce legislation to establish a process to eliminate and reform federal subsidies and tax advantages received by corporations. This bill, ''The Corporate Subsidy Reform Commission Act'' is identical to a bill that was reported out of the Senate Governmental Affairs Committee in May, 1997. I am pleased to have as cosponsors Senators THOMPSON, LIEBERMAN, and ABRAHAM.

I would like to briefly describe the major provisions of the Corporate Subsidy Reform Commission Act. It defines inequitable subsidies as those provided to corporations without a reasonable expectation that they will return a commensurate benefit to the public.

The Act excludes any subsidies that are primarily for research and development, education, public health, safety, or the environment. Also excluded are subsidies or tax advantages necessary to comply with international trade or treaty obligations.

The Act would create a nine-member commission nominated by the President and the Congressional leadership. Federal agencies would be required to submit to the Commission, at the time of the Administration's next budget, a list of subsidies and tax advantages that it believes are inequitable. The Commission will provide recommendations to either terminate or reduce the corporate subsidies. The President has the authority under the Act to either terminate the process, or submit the Commission's recommendations to the Congress as a legislative initiative.

The Congress would then have four months to review the Commission's recommendations which have been endorsed by the President. At that time, the actions of all involved committees in each respective body would be sent to the floor for debate, under expedited procedures.

Many federal subsidies and special-interest tax breaks for corporations are unnecessary, and do not provide a fair return to the taxpayers who bear the heavy burden of their cost. If a corporation is receiving taxpayer-funded subsidies or tax breaks that are unsupported by a compelling benefit to the public, the subsidy should be ended.

Our nation is just now beginning to pay down a national debt of over $5 trillion. Every American shoulders an unconscionable amount of debt—somewhere in the range of $19,000 each—not due to any profligate spending of their own, but because of the fiscal irresponsibility of their elected officials in Congress. The citizens who expect leadership and accountability from their representatives have gotten special interest pandering in return. This is devastating to our nation's fiscal stability, and crippling to the ability of the Congress to respond to truly urgent social needs such as health care, education, and national security.

Let me note a couple of estimates of this scope of unjustified federal subsidies to corporations that illustrates how expensive this burden is. When I first introduced this legislation, the CATO Institute had identified 125 federal programs that provided over $85 billion in industry subsidies. The Progressive Policy Institute identified an additional $30 billion in tax loopholes for major industries.

Unfortunately, the pervasive system of pork-barreling and special interest legislating is speeding along unabated in Washington. Instead of pursuing our nation's priorities in a bipartisan manner, both parties continue to legislate, posture, and spend for partisan advantage. I have worked hard during my service in the Senate to eliminate wasteful earmarks in appropriations bills. Yet this year alone, more than $13 billion in pork barrel spending was approved by the Senate. I was also dismayed at the inclusion of numerous special-interest tax breaks contained in the comprehensive tax bill passed by the Congress this year, then vetoed.

Mr. President, I want to state openly that I would strongly prefer to eliminate corporate subsidies and inequitable tax subsidies without resorting to a commission. I would rather have every committee in the House and Senate open the next session of Congress by expeditiously examining their areas of jurisdiction for unwarranted corporate pork. Then, each respective body could engage in a full and thorough debate on the merits of each subsidy, and vote on their termination or modification. However, I regret that approach is unlikely to occur, because of the difficulty in resisting the requests of the special interests. The bill I am introducing today represents a practical approach to establishing not only a credible process to identify corporate pork, but to then take the important next step of achieving real reductions on behalf of over-taxed constituents.

I look forward to this bill being brought before the Senate Governmental Affairs Committee early next year. To ensure that the Senate Committee on Finance has an opportunity to evaluate any tax policy modifications contained in this Act, I have agreed to a sequential referral consent request with the leadership of those two committees. I am hopeful that this bill represents the beginning of a serious and productive process to alleviate the public burden of unnecessary corporate subsidies and tax breaks.

By Mr. DOMENICI:

S. 1978. A bill to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in the Albuquerque, New Mexico, metropolitan area; to the Committee on Veterans' Affairs.

ALBUQUERQUE NATIONAL CEMETERY LEGISLATION

Mr. DOMENICI. Mr. President, it is with great pleasure and honor that I rise today to introduce a bill to create a National Veterans Cemetery in Albuquerque, New Mexico.

The men and women who have served in the United States Armed Forces have made immeasurable sacrifices for the principles of freedom and liberty that make this Nation unique throughout civilization. The service of veterans has been vital to the history of the Nation, and the sacrifices made by veterans and their families should not be forgotten.

These veterans at the very least deserve every opportunity to be buried at a National Cemetery with their fellow comrades. However, the Santa Fe National Cemetery, which serves the Northern two thirds of New Mexico, is rapidly approaching maximum capacity.

Unfortunately, even though the Senate has already passed my legislation to extend the useful life of the Santa Fe National Cemetery by authorizing the use of flat grave markers the life of the Cemetery will only be extended to 2008. Consequently, I would submit that it is not too soon to being planning or the day when Santa Fe will no longer be available.

Before I continue, I would like to take a moment to talk about the Santa Fe National Cemetery. I believe all New Mexicans can be proud of the Santa Fe National Cemetery that has grow from 39/100 of an acre to its current 77 acres.

The cemetery first opened in 1868 and within several years was designated a National Cemetery in April of 1875. Men and women who have fought in all of nation's wars hold an honored spot within the hallowed ground of the cemetery.

With that said, I believe now is the right time to begin looking for another

suitable site to serve as the last resting place for those New Mexico veterans who gave of themselves to protect the American ideals of liberty and freedom. The need to begin planning becomes even more pressing by virtue of the fact that more than half of New Mexico's 180,000 veterans live in the Albuquerque/Santa Fe area and interments are expected to peak in 2008.

Consequently, I am introducing legislation today to create a National Veterans Cemetery in Albuquerque, New Mexico. I also want to compliment Congresswoman Heather Wilson who offered this far-sighted legislation in the House of Representatives last week with the knowledge that there is only a finite amount of space available over the long term at the existing national cemetery in Santa Fe.

The Bill simply directs the Secretary of Veterans Affairs to establish a national cemetery in the Albuquerque metropolitan area and to submit a report to Congress setting forth a schedule for establishing the cemetery.

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

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

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

SECTION 1. ESTABLISHMENT OF NATIONAL CEMETERY.

(A) IN GENERAL.—The Secretary of Veterans Affairs shall establish, in accordance with chapter 124 of title 38, United States Code, a national cemetery in the Albuquerque, New Mexico, metropolitan area to serve the needs of veterans and their families.

(b) REPORT.—As soon as practicable after the date of the enactment of this Act. The Secretary shall submit to Congress a report that sets forth a schedule for the establishment of the national cemetery under subsection (a) and an estimate of the costs associated with the establishment of the national cemetery.

By Mr. CONRAD (for himself and Mr. MOYNIHAN):

S. 1979. A bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to provide that restrictions on application of State laws to pension benefits shall not apply to State laws prohibiting individuals from benefitting from crimes involving the death of pension plan participants; to the Committee on Finance.

THE SLAYER STATUTE ACT

• Mr. CONRAD. Mr. President, I rise to address an oversight in the Employment Retirement Income Security Act (ERISA) brought to my attention by a constituent of mine in Grand Forks, North Dakota.

On October 14, 1997, Betty Rambel disappeared. Two days later, the burnt-out shell of her car was found. Inside the trunk was an unrecognizable body. On October 24, 1997, using dental records, the body was identified as Betty. That day, her husband, Steve, was arrested for her murder.

Steve Rambel's trial took place in November of 1998, roughly a year ago. After a week-long trial the jury found him guilty of murder in the second degree, assault with a deadly weapon, and arson. Steve was sentenced to life in prison on March 5, 1999.

Even once is too often, yet this sort of situation occurs more frequently than that: people are killed by people they trust. We read the headlines, are bombarded with the lurid details, and our thoughts move to other matters when the killer is convicted and sentenced. However, for the other victims of these crimes—the family and friends of the victim—the nightmare drags on. In the midst of the shock, the anger, the inconsolable sorrow of their loss, these victims have to pick up the pieces of their lives and go through the business of getting back on their feet. I rise today to speak about the ''business'' of moving on.

With her sister gone and her brother-in-law in jail, Phyllis Marden assumed responsibility for the care of her minor niece and nephew. In the midst of settling her deceased sister's estate, Phyllis was notified that she was named as the second beneficiary to Betty's pension benefits. When coming to agreement with her sister's employer on the award of benefits, Ms. Marden was upset to find that, although it is prohibited by state law, under ERISA her sister's killer can lay future claim to her pension benefits. Justifiably disturbed by this oversight in federal law, Phyllis contacted my office.

ERISA preempts state laws that govern the award of pension benefits, even clear-cut rulings like those made against Steven Ramble. To correct this situation and others like it, we have drafted a bill which would waive the ERISA preemption in cases where a state's ''slayer statute'' applies to the application of benefits. This bill simply provides that individuals will not have access to ERISA benefits as a result of crimes they commit causing the death of pension plan participants. While many insurance plans already have language to this effect, ERISA does not. The aim of the bill is to codify the direction of the court in recent decisions of this issue and the Internal Revenue Service decision made on this matter in February 24, 1999, private letter ruling.

While no one thinks that killers should benefit from their victims' pension plans, some suggest that waiving the ERISA preemption in these cases might start us down a ''slippery slope,'' where we begin waiving the ERISA preemption to support and enforce social policy. They would prefer to deal with these matters on a case-by-case basis. I understand this line of reasoning; however, I strenuously disagree. I side with the Phyllis Mardens of America.

Individuals subjected to these tragic, uncommon circumstances have been through enough both emotionally and financially; they should not be responsible for added legal costs on a clear-cut issue. At a time like this, they should not be expected to realize that they need a lawyer familiar with the intricacies of ERISA.

I have alluded to the fact that not all lawyers are familiar with the available legal remedies to these problems; ERISA is notoriously complex. A bright line should be drawn that—without affecting the ERISA preemption on the whole—allows survivors of this specific sort of crime relief from further emotional and financial hardship at the hands of the perpetrator. I feel that this bill makes that sort of clear distinction.

A day does not pass that Betty is not on Phyllis's mind. Phyllis understands that this bill will not affect her situation—she is already paying her legal bills. However, she knows that someone else will have to go through the legal process she has been through. This bill will remove an obstacle from their path and get them on their way home.•

By Mr. BAUCUS (for himself, Mr. HARKIN, Mr. DASCHLE, Mr. KERREY, Mr. DURBIN, Mr. JOHNSON, Mr. WELLSTONE, Mr. CONRAD, Mr. ROCKEFELLER, Mr. BRYAN, Mr. REID, Mr. LEAHY, Mr. WYDEN, and Mrs. MURRAY):

S. 1980. A bill to amend the Rural Electrification Act of 1936 to ensure improved access to the signals of local television stations by multichannel video providers to all households which desire such service in unserved and underserved rural areas by December 31, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

21ST CENTURY RURAL UTILITY SERVICE RURAL DEVELOPMENT ENHANCEMENT THROUGH LOCAL INFORMATION ACT

• Mr. BAUCUS. Mr. President, along with Senators HARKIN, DASCHLE, KERREY, DURBIN, JOHNSON, WELLSTONE, CONRAD, ROCKEFELLER, BRYAN, REID, LEAHY, WYDEN, and MURRAY, I am pleased to introduce a bill today on behalf of our country's rural satellite consumers. This is a bill to amend the Rural Electrification Act of 1936, appropriately entitled, ''the 21st Century Rural Utility Service Rural Development Enhancement Through Local Information Act.''

We all know that modern technology has made it possible to broadcast TV programming directly from satellites. Nationwide, over 11 million households subscribe to satellite TV, and that number increases by over 2 million households a year.

Rural areas have come to depend on the network coverage that satellites provide. In Montana, where over 35 percent of homes depend on satellite broadcasting for their TV reception, this development has been a real boon.

While satellite broadcasting has improved the quality of life for folks in rural America, it hasn't been perfect. Satellite systems haven't been able to carry local broadcast stations. So local viewers haven't always been able to get local broadcasting.

And this is not just a problem for satellite subscribers. It's a problem for the local TV broadcasters and for the fabric of local communities. Local broadcasters play a key role in our communities.

They provide local news, local weather, and public service programs. Viewers depend on these broadcasts to find out about what's going on in their community. When the school board, PTA, and city council are meeting. Or when there's a parade or a fund-raiser for their church or civic groups.

Local broadcasters are vital to our local economies. They provide jobs, and they allow local businesses to grow through advertising. In short, the importance of local broadcasting is evident in all parts of community life.

And they also provide network programming: NBC, ABC, CBS, and FOX. Nineteen of the twenty TV stations in Montana are affiliated with one of these networks, or with the Public Broadcasting System.

These stations air national news, sports and entertainment at times of the day when people with jobs and kids can watch.

Without these local broadcasts, you might miss the evening network news because it comes on before you get home from work, or because it airs late at night. People want local network coverage because it works in their lives.

Until now, technology has not provided for rebroadcast of local signals by satellites. Many rural residents haven't been able to get decent reception over the air.

Of course, we in the Senate cannot change technology or geography. What we can do is change the law. We can make local into local broadcasting a reality, and we should.

Last spring, we passed H.R. 1554. At the time, we neglected an important responsibility. The language we passed would have required the turn-off of network programming to many rural satellite viewers.

It would have done nothing to help the many local broadcasts in smaller cities and towns. A big oversight.

Following the vote, I wrote a letter to the conference asking that it pay attention to the needs of the many viewers, communities, businesses and stations that had been ignored. Twenty-three of my colleagues, from both sides of the aisle, signed the letter.

As you know, Mr. President, yesterday the House passed the omnibus appropriations bill, and the Senate is slated to take the same vote this evening. Mr. President, I was very disheartened when I learned that the ever important loan guarantee provision was pulled out of the Conference Report on the Satellite bill at the last minute. That is why I'm introducing this bill today, because this loan guarantee will help America's 11 million rural satellite consumers. It's time for us as lawmakers to say ''we care about those folks up in 2 Dot that simply want to watch local news.'' This is our chance to expand rural access so that no matter how large or small your town is, you're going to be able to enjoy the benefits of Satellite TV.

This bill includes a loan guarantee that will make it possible for all local stations to be broadcast on satellite. Not just those in the very largest cities and towns. Without this, the other ''local into local'' provisions of the Satellite Home Viewer Act are an empty promise to the rural and small town Americans who depend on satellites.

Mr. President, I look forward to holding hearings on this bill during our adjournment and coming back to see a swift resolution to this issue in January. It is time, no, it's overtime, for us to act on this important issue.●

By Mr. KENNEDY:

S. 1981. A bill to amend title XI of the Public Health Service Act to provide for the use of new genetic technologies to meet the health care needs of the public; to the Committee on Health, Education, Labor, and Pensions.

GENETICS AND PUBLIC HEALTH SERVICES ACT

Mr. KENNEDY. Mr. President, advances in biomedical science and technology in this century have given us many tools to improve our understanding of the causes of disease, and to develop better strategies to prevent and treat human illness. The recent explosion of knowledge in genetics offers us the newest and most powerful weapons in the war against disease and suffering.

The legislation I am introducing, the Genetics and Public Health Services Act, will increase the federal, state and local public health resources needed to translate genetic information and technology into strategies to improve public health.

Our national investment in science, and in particular in the National Institutes of Health, is reaping important dividends for the entire country. As a result of the Human Genome Project and other public and private sector research, we soon may have access to the entire human genetic code. From work accomplished so far, scientists have begun to develop a greater understanding of how genes contribute to the development of common diseases, such as cancer, diabetes, hypertension, depression, heart disease and many other illnesses. Genetic information and technology have enormous potential for improving our efforts to promote health and combat disease.

Based on current understanding of genes and human disease, we know that at least 65 percent of Americans have or will have a health problem for which there is a clear genetic contribution. Some have rare, but serious, conditions—such as cystic fibrosis, sickle cell disease or phenylketonuria. Many more have common disorders—asthma, diabetes, cancer, heart disease, stroke and depression—in which genetic predisposition plays an important role.

Genetic information can help us to understand and identify those at risk for serious diseases and conditions, and help doctors monitor their health in order to diagnose and treat the diseases before they cause irreversible injury or death.

Advancing our understand of genetics will revolutionize the treatment of disease. For example, understanding the genetic factors that contribute to Alzheimer's disease will help us to understand why some patients seem to respond to a new treatment, while others do not. Genetic information may soon be able to predict the types of individuals who have intolerable side effects from certain therapies. Doctors will be able to use genetic information to choose safer and more effective treatments that are tailored to each individual.

Medical scientists are now beginning to think about genetic-based strategies to prevent illness, too. Understanding how genes contribute to the development of disease will give us new ways to intervene before disease develops. We will be able to use new therapies to prevent stroke, heart disease and many other conditions that cause disability and premature death.

We have an unprecedented opportunity to use the expanding knowledge in genetics to improve health care. Scientific discoveries based on genetic information will change the face of health care in the future. But we lack the resources and systems needed today to translate that information into effective steps to diagnose, treat, and ultimately prevented disease.

In order to realize the potential benefits of genetic information and technology, we must invest the resources needed to translate this knowledge into practical approaches to health care. We must do this quickly, to keep pace with the explosion of knowledge coming from public and private sector scientists.

This legislation accomplishes these goals by creating two new grant programs in the Department of Health and Human Services. The first provides grants to states to develop and maintain ways to safely and effectively use genetic information in their state and local public health programs. The second grant program focuses on the translation of new genetic information and technologies to practical public health strategies that can be used in public and private health care.

The grant program for states will support methods to incorporate genetics at every level of state and local public health systems. Each state and territory has a unique population and a unique public health program. This proposal provides states with the support and flexibility to design approaches tailored to their specific needs and existing resources. States may use funds to establish and maintain essential resources, such as information systems, service programs, and other fundamental elements. States

will be required to monitor, evaluate and report on the impact of programs and systems funded by the Act.

Responsible use of genetic information must be based on scientific data. The second grant program created by this legislation addresses the need for ongoing development and evaluation of public health strategies that use genetic information and technology. The bill creates a demonstration program for public and private non-profit organizations to test innovative approaches for using genetic information to improve people's health, and to evaluate the suitability of such approaches for incorporation into state and local public health programs.

Broad input from all parties is a key ingredient for successful and safe use of genetic information to improve public health. Individuals must not be coerced to participate in genetic testing. It is important to involve the public in local, state and federal decisions about how to use genetic information in developing public health policy.

Evidence suggests that many people are afraid to take advantage of available genetic tests because they fear discrimination in the workplace or in the health insurance market. Until we pass legislation to stop such discrimination, those fears are grounded in reality. We know that steps can be taken to protect the confidentiality of genetic information and to better educate the public about the issues surrounding genetic testing. This legislation requires each state to show how it plans to involve the public in the design and implementation of its proposal. The legislation also establishes a federal advisory committee to assist the Secretary of Health and Human Services in the implementation and oversight of programs under this Act.

Public participation is essential. Our system has failed if we offer population-wide testing for predisposition to stroke, but fail to educate individuals who must decide whether to be tested. Our system has failed if we implement population-wide testing for predisposition to breast cancer, but fail to provide access to the care that is needed to reduce the risk of developing disease.

Effective integration of genetics into public health systems must build on current efforts of the private and the public sector, including the work of many federal agencies. These include the achievements of the Human Genome Project at the National Institutes of Health, the Food and Drug Administration's oversight of certain aspects of genetic testing, the ongoing work of the Secretary's Advisory Committee on Genetic Testing, and the contributions of the project on the Ethical Legal and Social Implications of the Human Genome Project at the Department of Energy. Our new Federal commitment to safe and effective use of new genetic information and technology in the public health system will also draw significantly upon the expertise of the Health Resources and Services Administration. Translating genetic information and technology into practice will benefit as well from the expertise of the Centers for Disease Control and Prevention in disease surveillance and in developing and testing new public health strategies.

This legislation emphasizes the need to educate both health care providers and the general public. It also provides the structure and resources to include genetics in all aspects of public health—from the development of policy to the delivery of services. We must ensure that our entire public health system is ready and able to respond to the challenge of using genetic information for improving health.

The Genetics and Public Health Services Act is supported by leading public health and genetics organizations, including the American Public Health Association, the American College of Medical Genetics, the National, Society of Genetic Counselors, and the American Society of Human Genetics. The Alliance of Genetic Support Groups—representing those who live with genetic diseases—has written eloquently about the need to improve the resources dedicated to integrating genetics into public health. I am confident this support will grow in the coming months.

Genetics research has brought us to an era of limitless possibility. The 21st century will be the century of life sciences. I hope my colleagues will join me in this effort to take advantage of this unprecedented opportunity to improve America's health. I ask unanimous consent that a summary of the bill and letters of support be printed in the RECORD.

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

THE GENETICS AND PUBLIC HEALTH SERVICES ACT

Amends the Public Health Service Act to (1) establish, expand and maintain resources and expertise needed for safe and effective use of genetic information and technology in state and local public health programs and (2) support essential applied research and systems development to translate new and emerging genetic information into practical public health strategies.

BLOCK GRANTS, APPLIED RESEARCH AND DEMONSTRATION PROJECTS

Creates a new federal-state matching block grant program to (1) develop systems that promote access to quality genetic services regardless of race, ethnicity, and ability to pay; (2) establish, maintain, or supervise programs to reduce the mortality and morbidity for heritable disorders in the population of the state; (3) identify and develop a network of experts within state and county health agencies to assess the need for and assure the referral to or provision of quality genetic services; (4) promote understanding among the public and health care professionals of genetic disorders; and (5) provide a mechanism for public input on state-designed genetic policies and programs.

Establishes new authority to develop and evaluate strategies to use emerging genetic information and technology to improve the public health.

Application requirements and procedures

Block grants: In general, individual states will apply for and receive the block grants; however, two or more states may submit a joint multi-state application.

Applied research/demonstration projects: Eligible entities are states and public or private non-profit organizations, which may partner with other entities in the private sector.

ESTABLISHES AN ADVISORY COMMITTEE

Members include representatives from other appropriate federal agencies, the clinical genetics community, research community, private sector, the public, and state health agencies. The Committee shall (1) assist the Secretary in the implementation of the Act, (2) assist with coordination among participating agencies and (3) maintain involvement of the broader health community in the development and oversight of related Public Health and Genetics programs.

AUTHORIZATION AND ALLOCATIONS

Authorizes $100,000,000 for each of fiscal years 2000 through 2009. Seventy percent is dedicated to state block grant programs, evaluation activities and the Advisory Committee. Thirty percent of the total allocation is set-aside for funding demonstration projects. States are eligible for a minimum of up to $400,000 annually from the block grant; allocations in excess of $400,000 are determined by a formula based upon population. Funds may be expended for two fiscal years after initial award; unspent funds may be reallocated. States must provide $2 for every $3 federal dollars.

REPORTS

States report annually to HHS on the activities supported by the block grant. HRSA and CDC submit an annual report to the Advisory Committee on activities supported by the Act; this report is transmitted by the Advisory Committee with comments to the Secretary and to Congress.

AMERICAN PUBLIC HEALTH ASSOCIATION,
Washington, DC, November 9, 1999.

Hon. EDWARD M. KENNEDY,
U.S. Senate, Washington, DC.

DEAR SENATOR KENNEDY: The American Public Health Association (APHA), representing over 50,000 public health professionals dedicated to advancing the nation's health is pleased with your introduction of the Genetics and Public Health Services Act.

This legislation would amend the Public Health Service Act to expand public health resources needed to translate genetic information and technology into practical strategies to improve the public health. APHA strongly supports the safe and effective integration of genetic information and technology into public health practice.

Specifically, the legislation would provide funding to states to develop and maintain resources needed to use genetic information and technology at all levels of public health systems. The bill would support the development of expertise within state and county health agencies to evaluate the potential impact of public health strategies based on genetic information, to assess the need for genetic services, to provide expert input for policy development, and to assure appropriate referral to or provision of quality genetic services regardless of race, ethnicity or ability to pay.

APHA looks forward to working with you in moving this important legislation forward. Thank you again for your leadership on this important public health matter.

Sincerely,

MOHAMMAD N. AKHER,
Executive Director.

ALLIANCE OF GENETIC SUPPORT GROUPS,
Washington, DC, November 10, 1999.

Senator EDWARD KENNEDY,
U.S. Senate, Washington DC.

DEAR SENATOR KENNEDY: On behalf of the members of the Alliance of Genetic Support Groups, I am writing to express our strong interest in increasing resources for the necessary expansion of genetic services within state, federal and local public health systems.

The Alliance of Genetic Support Groups is a national coalition of individuals, families and professionals working together to enhance the lives of everyone with genetic conditions. The Alliance mission is to bring the ''people perspective'' to the forefront of discussions about access to quality healthcare, privacy, discrimination and research. Representing 280 support groups of individuals and families with genetic conditions and professional organizations, the Alliance acts on behalf of over three million individuals and families.

We know, through our membership network and callers to our Genetics Helpline, that resources are desperately needed to address the disparities across the state and federal public health systems.

We want to emphasize that genetics, from a public health perspective, is much more than simply genetic testing. Vastly increased resources are needed to prepare public health systems to deliver comprehensive and quality genetic services. We need to train public health professionals, educate the public, create family-centered public policies and develop a comprehensive care system that links people to all the services they need—before, after and as a result of genetic testing.

We applaud your commitment to address these concerns, as well as others close to our members' hearts, about genetic discrimination, privacy and access to quality health care. The Alliance of Genetic Support Groups deeply appreciates all that you have done and are continuing to do to ensure the translation of genetic knowledge into improved public health.

Sincerely,

MARY E. DAVIDSON,
Executive Director.

AMERICAN COLLEGE
OF MEDICAL GENETICS
Bethesda, MD, November 10, 1999.

Hon. EDWARD M. KENNEDY,
U.S. Senate, Washington, DC.

DEAR SENATOR KENNEDY: As President of the American College of Medical Genetics (ACMG), I am writing to express our deep appreciation and support for your efforts to address the need for more extensive resources and services for public health genetics at the state and federal levels.

The ACMG is a professional organization representing board-certified clinical and laboratory geneticists. We are the newest specialty to be recognized by the American Board of Medical Specialties, and we have full representation in the House of Delegates of the American Medical Association.

As I recently testified before the Secretary's Advisory Committee on Genetic Testing, knowledge of genetics has expanded rapidly thanks to the enormous international investment in the Human Genome Project. However, little attention has been paid to the crucial issue of integrating it into health care delivery. Medical geneticists are uniquely aware of the need for a thoughtful and organized approach to the translation of achievements in research so that all physicians can more effectively address the problems of individuals who suffer from or have a predisposition toward diseases caused by genetic defects. It is increasingly clear that virtually every common (or rare) disease has a genetic component, thereby making every American citizen a potential beneficiary of medical genetic services. Thus the tools to prevent and to effectively treat diabetes, cancer, hypertension, heart disease, Alzheimer's, asthma, and so many others, will depend not only on knowledge and technology, but also on a systematic integration of these into our health care system at all levels.

The bill you have introduced (Genetic and Public Health Services Act) provides the resources and organization that can unite the expertise of geneticists and public health officials and help us enter the next century with tools to dramatically improve the public health.

Sincerely,

R. RODNEY HOWELL,
President.

NATIONAL SOCIETY OF
GENETIC COUNSELORS, INC.,
Wallingford, PA, November 16, 1999.

Senator EDWARD M. KENNEDY,
U.S. Senate, Washington, DC.

DEAR SENATOR KENNEDY: The National Society of Genetic Counselors (NSGC) is pleased to write this letter of support for a bill you are introducing to establish ''The Genetics and Public Health Services Act.''

The National Society of Genetic Counselors is the leading voice, authority and advocate for the genetic counseling profession and represents over 1700 genetic counselors. Genetic counselors are master's degree level trained healthcare professionals. We work with patients to help them understand the genetics of their condition and implications for other family members, coordinate evaluations, testing and care and link patients with supportive resources. In our work with patients, we translate complex genetic information into understandable terms and promote autonomous decision-making about their healthcare. Additional information about the NSGC can be found on our website (*http://www.nsgc.org*).

Advances are rapidly being made on the identification of gene mutations that cause diseases and genetic conditions. The Human Genome Project, which was initiated in 1990, is mapping the location of all genes. The wealth of genetic information generated by the Human Genome Project will require wide dissemination. Strategies must be developed to translate this genetic information into quality healthcare. Clearly, there is a great need for the development of programs that will ensure that patients are appropriately referred and have access to quality genetic services regardless of race, ethnicity and ability to pay. It will also be important to develop programs that will ease the physical burden associated with genetic conditions and improve treatment.

We would like to express our appreciation for your past efforts on healthcare issues, particularly your efforts with the Kennedy-Kassebaum bill to address the risk of genetic discrimination. With the introduction of ''The Genetics and Public Health Services Act,'' you demonstrate foresight in anticipating the greater need for genetic services, once again showing your commitment to quality healthcare for all of us.

Sincerely,

WENDY R. UHLMANN,
President.

THE AMERICAN SOCIETY
OF HUMAN GENETICS,
Bethesda, MD, November 10, 1999.

Hon. EDWARD M. KENNEDY,
U.S. Senate, Washington, DC.

DEAR SENATOR KENNEDY: As President of the American Society of Human Genetics (ASHG), I am writing to express our deep appreciation and support for your efforts to address the need for more extensive resources and services for public health genetics at the state and local levels.

The ASHG is a professional organization representing a wide spectrum of human genetics professionals including clinical and laboratory geneticists, genetic counselors, nurses and others interested in the many phases of human genetics studies.

As was recently stated before the Secretary's Advisory Committee on Genetic Testing, knowledge of genetics has expanded rapidly thanks to the enormous international investment in the Human Genome Project. However, little attention has been paid to the crucial issue of integrating this knowledge into health care delivery. Medical geneticists are uniquely aware of the need for a thoughtful and organized approach to the translation of achievements in research, so that all physicians can more effectively address the problems of individuals who suffer from or have a predisposition to diseases caused by genetic defects. It is increasingly clear that genetic factors are important for virtually every common condition that affects large segments of the population. Thus, the capability to prevent and effectively treat diabetes, cancer, hypertension, heart disease, Alzheimer's, asthma, and many others, will depend not only on expanding knowledge and technology, but also on a systematic integration of these advances into our health care system at all levels.

The bill you have introduced (Genetic and Public Health Services Act) provides the resources and organization that can unite the expertise of geneticists and public health officials and provide the means to dramatically improve the health of the people by the provision of quality genetic services.

Sincerely,

UTA FRANCKE,
President.

By Mrs. MURRAY (for herself, Mr. CRAIG, Mr. SMITH of Oregon, Mrs. BOXER, and Mrs. FEINSTEIN):

S. 1983. a bill to amend the Agricultural Trade Act of 1978 to increase the amount of funds available for certain agricultural trade programs; to the Committee on Agriculture, Nutrition, and Forestry.

THE AGRICULTURAL MARKET ACCESS AND DEVELOPMENT ACT

Mrs. MURRAY. Mr. President, I rise today with Senators CRAIG, SMITH of Oregon, BOXER, and FEINSTEIN to introduce the Agricultural Market Access and Development Act.

Mr. President, farmers and ranchers in our nation are hurting. Rural communities in my home state of Washington have been severely impacted by the current crisis in agriculture. The causes are complex and diverse, and have been discussed at great length on the floor of the United States Senate. Low prices, the loss of markets in Asia, foreign trade barriers, dumping, and industry concentration are just a few of the difficulties farmers and ranchers, the Administration, and Members of Congress are struggling to overcome.

I am pleased Congress acted to provide emergency assistance as part of the fiscal year 2000 agriculture appropriations act. However, while this package was desperately needed, it left

our many so-called ''minor crop'' producers across the country. It failed to reform our nation's plicy on unilateral sanctions. And it didn't compel us to dedicate time to really resolve long-term issues that will put American agriculture on a more solid foundation. One long-term issue that deserves attention is federal support for market access and development.

Today, I am introducing the Agricultural Market Access and Development Act to ensure our producers have the resources they need to expand their overseas markets. My bill would authorize the Secretary of Agriculture to spend up to $200 million—but not less than the current $90 million—for the Market Access Program. And it would set a floor of $35 million for spending on the foreign Market Development ''Cooperator'' Program.

While many Members of Congress and producers have advocated increased funding for MAP and the Cooperator Program, these efforts have been complicated by our work to balance the budget and meet other important national commitments. At the same time, the agricultural community is frustrated over the use—or lack of use—of the Export Enhancement Program.

Debate will continue on the merits of using the Export Enhancement Program. Nevertheless, I believe we cannot afford to continue wasting the precious dollars we target toward agricultural trade. That is exactly what is happening now: hundreds of millions of dollars in the Export Enhancement Program remain unspent and unused while foreign governments heavily subsidize and protect their agricultural economies to the detriment of American producers.

My bill seeks to recover some of our lost trade resources and convert them into new opportunities for our farmers and ranchers. My bill would give the Secretary of Agriculture the authority to direct a percentage of unspent Export Enhancement Program dollars to market access and development programs within the Commodity Credit Corporation. If less than 20 percent of funds authorized for the Export Enhancement Program are spent by July 1 of a given fiscal year, the Secretary could direct up to 50 percent of unspent EEP funds to other programs. If less than 50 percent—but more than 20 percent—of funds authorized for EEP are spent by July 1 of a given fiscal year, the Secretary could direct up to 20 percent of unspent EEP funds to other programs.

Mr. President, I am introducing this legislation today to advance the discussion on using all of our trade resources. The numbers included in my bill will be subject to further discussion and I welcome it. However, I believe this legislation represents a serious effort to use our scarce resources wisely.

Our current trade negotiations on agriculture show that we must be willing and able to use federal resources to promote trade. If we do not, our negotiations and our producers cannot succeed.

As we head into the Seattle Round of the World Trade Organization this fall, we need to commit ourselves to promoting trade and expanding market access. Without this commitment, we will lose opportunities to market our products overseas. Without this commitment, the changes we made to our farm policy in 1996 will not have a chance in the world of succeeding.

As I said before, Mr. President, agricultural producers in my state of Washington are hurting. My state is home to more than 200 ''minor'' crops. Washington state is known for its productive apple industry. Unfortunately, that industry is in the midst of a terrible economic crisis. The loss of markets in Asia, non-frozen apple juice concentrate dumping by China, oversupply, poor weather conditions in 1998, and generally low prices are driving hundreds of family farms out of business.

This Congress needs to do a better job of addressing the plight of all commodity producers, not just those who grow major commodities. My legislation is a step in the right direction. It seeks to increase funding for the Market Access Program, which is popular among fruit and vegetable growers. In fact, it is one of the few federal programs that benefit fruit and vegetable producers. Since this Congress has shown its reluctance to target meaningful federal aid to minor crop producers, the least we can do is strengthen the voluntary programs that work for these producers. If we do not, we will be failing to promote economic stability in many rural communities.

However, my bill is not just intended to help fruit and vegetable producers. It also encourages transferring unused trade dollars to the Foreign Market Development Program, which is used by program commodities. Both MAP and FMD represent the kind of federal-industry partnerships we should be encouraging at a time of limited government resources.

Mr. President, let me briefly address one criticism of the Market Access Program: the issue of whether it is primarily a program that benefits large corporations. Congress reformed MAP—known before the 1996 farm bill as the Market Promotion Program—in 1996 to ensure that large corporations with no connections to producers could not access MAP funds. I strongly supported that change.

The new law did allow for the program's continued use by farmers' cooperatives, some of which are major industry players. However, it is clear to me, and to others who follow the farm economy, that encouraging the development of farmers' cooperatives is one of the few bright spots in our efforts to keep family farms on the land. Therefore, while opponents will continue to point to a few examples of entities they believe in no way should be involved in the program, I believe my colleagues should keep the broader picture in mind. MAP deserves our support.

Next year, Congress should address long-term agricultural issues. And one of those issues should be the transfer of unused Export Enhancement Program funds to market access and development programs. I urge my colleagues to join me in this effort.

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

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

S. 1983

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 ''Agricultural Market Access and Development Act of 1999''.

SEC. 2. MARKET ACCESS PROGRAM.

Section 211(c)(1) of the Agricultural Trade Act of 1978 (7 U.S.C. 5641(c)(1)) is amended by striking ''and not more than $90,000,000 for each of fiscal years 1996 through 2002,'' and inserting ''not more than $90,000,000 for each of fiscal years 1996 through 1999, and not less than $90,000,000 nor more than $200,000,000 for each of fiscal years 2000 through 2002,''.

SEC. 3. USE OF EXPORT ENHANCEMENT PROGRAM FUNDS FOR MARKET ACCESS OR DEVELOPMENT PROGRAMS.

Section 301(e) of the Agricultural Trade Act of 1978 (7 U.S.C. 5651) is amended by adding at the end the following:

''(3) USE OF EXPORT ENHANCEMENT PROGRAM FUNDS FOR MARKET ACCESS OR DEVELOPMENT PROGRAMS.—

''(A) LESS THAN 20 PERCENT USE.—If on July 1 of a fiscal year less than 20 percent of the maximum amount of funds authorized to carry out the program established under this section have been expended during that fiscal year to carry out the program established under this section, the Commodity Credit Corporation may use not more than 50 percent of the unexpended amount to carry out market access and development programs of the Commodity Credit Corporation during that fiscal year.

''(B) LESS THAN 50 PERCENT USE.—If on July 1 of a fiscal year less than 50 percent, but more than 20 percent, of the maximum amount of funds authorized to carry out the program established under this section have been expended during that fiscal year to carry out the program established under this section, the Commodity Credit Corporation may use not more than 20 percent of the unexpended amount to carry out market access and development programs of the Commodity Credit Corporation during that fiscal year.''.

SEC. 4. FOREIGN MARKET DEVELOPMENT COOPERATOR PROGRAM.

Section 703 of the Agricultural Trade Act of 1978 (7 U.S.C. 5723) is amended to read as follows:

''SEC. 703. FUNDING.

''The Secretary shall use to carry out this title for each of fiscal years 2000 through 2002 not less than $35,000,000 of the funds of the Commodity Credit Corporation.''.

● Mr. SMITH of Oregon. Mr. President, I rise before the Senate today to express my support for legislation, introduced by Senator MURRAY and others, that would allow the U.S. Department

of Agriculture to allocate to the Market Access Program unused Export Enhancement Program funds.

I have long been a supporter of the Market Access Program, which was designed to promote American agricultural products in foreign markets. Since its inception, it has proven to be a model program and has successfully fostered the growth of American agriculture producers through the expansion of exports. For smaller states like Oregon, the Market Access Program has played a critical role in getting the word out on an array of agricultural goods that otherwise have difficulty penetrating overseas markets. Many Oregon commodities, such as grass seed, tree fruits, and potatoes have benefitted greatly in recent years from the Market Access Program funding. For example, last year the Market Access Program enabled a delegation of Oregon grass seed growers to travel to China to meet with government officials interested in finding quality grass seed to stabilize river banks near the Three Gorges Dam project on the Yangtze River. There are numerous other examples where Oregon commodities have been able to make good use of these federal dollars.

Despite the achievements of the Market Access Program in recent years, funding for the program has been capped at $90 million. I am pleased today to cosponsor this bill which authorizes the Secretary of Agriculture to increase the Market Access Program funding up to a total of $200 million using unapportioned Export Enhancement Program funds.

This proposal has widespread support in my state from farmers and the agricultural groups that represent them. they recognize, as I do, that expanding markets overseas will be key to restoring the farm economy.

Mr. President, I am hopeful that the Senate will take up this issue early in the next session. I urge my colleagues to join in support of this legislation to enhance American agricultural export efforts and the family farms that depend upon them.●

By Mr. TORRICELLI:

S. 1985. A bill to amend the Internal Revenue Code of 1986 to lower the adjusted gross income threshold for deductible disaster casualty losses to 5 percent, to make such deduction an above-the-line deduction, and to allow an election to take such deduction for the preceding or succeeding year; to the Committee on Finance.

● Mr. TORRICELLI. Mr. President, I rise today to introduce the Disaster Victims Tax Relief Act. This legislation will help mitigate the losses that hundreds of thousands of Americans incur each year as a result of natural disasters, and helps clear the path towards full recovery.

My home state of New Jersey is not known as a place which suffers tropical storms or hurricanes with great frequency. However, this past September, many of my constituent witnessed nature's fury first hand. Hurricane Floyd, one of the largest storms in recent history, battered much of New Jersey, along with the several other Eastern states, with winds in excess of 140 miles per hour and flash downpours which caused extensive flooding. To date, the flooding caused by this disaster has inflicted more than $500 million in damages in New Jersey alone, and it is estimated that this figure may exceed more than $1 billion when the final costs are calculated. In terms of economic damages, New Jersey was the second most heavily damaged state as a result of Floyd.

Natural disasters, such as the one we recently witnessed, too often cause people to lose their homes and the businesses that were made successful through a lifetime of hard work. This pain is exacerbated by the fact that they are still required to meet a heavy tax burden for that year. It is unreasonable to expect these unfortunate Americans to meet their full tax responsibilities after suffering a cataclysmic disaster such as a hurricane such as a hurricane or flood. While our current tax code includes a provision that addresses this situation, qualification requirements ensure that the overwhelming majority of victims cannot utilize the provision to their benefit.

Under current law, an individual may deduct uninsured damages or ''casualty losses'' incurred from a natural disaster so long as those losses exceed 10 percent of their adjusted gross income (AGI). Unfortunately, many victims of disasters have found that this threshold is too high for them to qualify. Compounding this situation is the fact that only the small percentage of taxpayers who itemize their deductions are effectively eligible to claim their disaster losses as a deduction. This is troubling because 75 percent of taxpayers who do not itemize, comprised mostly of lower and middle class families who need this benefit most, cannot participate.

The bill I introduce today is straight forward. First it would reduce the current AGI threshold from 10 percent to 5 percent. Second, it would make the deductions available an ''above the line'' deduction. These two provisions would enable the majority of American taxpayers, who do not itemize their returns, to benefit. Third, my bill would institute a 2-year ''carry back or forward'' provision which would allow people who incur casualty losses to claim the deductions on either the previous year's return, or they can defer and claim the losses either the following year or the year after. Finally this bill is narrowly tailored to provide relief to those people who need it most; those who live in a federally declared disaster area. This will help avoid abuse of the provision.

Mr. President, people who have emerged from earthquakes, tornadoes, hurricanes and floods are confronted with the daunting task of rebuilding their lives in the face of overwhelming economic loss and the emotional trauma of losing everything they own. Their tax burden should not be one of the obstacles that they must overcome in order to embark on the road to recovery. This bill will help ensure that this is not the case. I would urge my colleagues in the Senate to fully support this legislation.●

By Mr. DASCHLE (for himself, Mr. HATCH, Mr. BROWNBACK, Mr. HARKIN, Mr. JOHNSON, Mr. DORGAN, Mr. BAUCUS, Mr. CONRAD, Mr. BINGAMAN, Mr. VOINOVICH, and Mr. BURNS):

S. 1988. A bill to reform the State inspection of meat and poultry in the United States, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

NEW MARKETS FOR STATE-INSPECTED MEAT ACT OF 1999

Mr. DASCHLE. 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. 1988

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 ''New Markets for State-Inspected Meat Act of 1999''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Review of State meat and poultry inspection programs.
TITLE I—MEAT INSPECTION
Sec. 101. Federal and State cooperation on meat inspection for intrastate distribution.
Sec. 102. State meat inspection programs.
TITLE II—POULTRY INSPECTION
Sec. 201. Federal and State cooperation on poultry inspection for intrastate distribution.
Sec. 202. State poultry inspection programs.
TITLE III—GENERAL PROVISIONS
Sec. 301. Regulations.
Sec. 302. Termination of authority to establish interstate inspection programs.

SEC. 2. REVIEW OF STATE MEAT AND POULTRY INSPECTION PROGRAMS.

(a) IN GENERAL.—Not later than September 30, 2001, the Secretary of Agriculture shall conduct a comprehensive review of each State meat and poultry inspection program, which shall include—

(1) a determination of the effectiveness of the State program; and

(2) identification of changes that are necessary to enable future transition to a State program of enforcing Federal inspection requirements as described in the amendments made by sections 102 and 202.

(b) COMMENT FROM INTERESTED PARTIES.—In designing the review described in subsection (a), the Secretary of Agriculture shall, to the maximum extent practicable, obtain comment from interested parties.

(c) FUNDING.—

(1) IN GENERAL.—There are authorized to be appropriated such sums as are necessary to carry out this section.

(2) AVAILABLE FUNDS.—Notwithstanding any other provision of law, only funds specifically appropriated under paragraph (1) may be used to carry out this section.

TITLE I—MEAT INSPECTION

SEC. 101. FEDERAL AND STATE COOPERATION ON MEAT INSPECTION FOR INTRASTATE DISTRIBUTION.

(a) REDESIGNATION.—

(1) IN GENERAL.—The Federal Meat Inspection Act is amended—

(A) by redesignating title III (21 U.S.C. 661 et seq.) as title V and moving that title to the end of that Act;

(B) by redesignating section 301 (21 U.S.C. 661) as section 501;

(C) in title V (as redesignated by subparagraph (A)), by striking the title heading and inserting the following:

"TITLE V—FEDERAL AND STATE COOPERATION ON MEAT INSPECTION FOR INTRASTATE DISTRIBUTION";

and

(D) in the fourth sentence of section 501(c)(1) (as redesignated by subparagraph (B)), by striking ''section 301 of the Act'' and inserting ''subsection (a)(4)''.

(2) CONFORMING AMENDMENTS.—

(A) Section 7(c) of the Federal Meat Inspection Act (21 U.S.C. 607(c)) is amended in the second sentence by striking ''section 301 of this Act'' and inserting ''section 501(a)(4)''.

(B) Section 24 of the Federal Meat Inspection Act (21 U.S.C. 624) is amended in the last sentence by striking ''section 301 of this Act'' and inserting ''section 501(a)(4)''.

(C) Section 205 of the Federal Meat Inspection Act (21 U.S.C. 645) is amended by striking ''section 301 of this Act'' and inserting ''section 501(a)(4)''.

(3) EFFECTIVE DATE.—This subsection takes effect on October 1, 2001.

(b) REPEAL.—

(1) IN GENERAL.—Title V of the Federal Meat Inspection Act (as amended by subsection (a)(1)) is repealed.

(2) CONFORMING AMENDMENTS.—

(A) Section 7(c) of the Federal Meat Inspection Act (21 U.S.C. 607(c)) (as amended by subsection (a)(2)(A)) is amended in the second sentence by striking ''section 501(a)(4)'' and inserting ''section 413''.

(B) Section 24 of the Federal Meat Inspection Act (21 U.S.C. 624) (as amended by subsection (a)(2)(B)) is amended in the last sentence by striking ''section 501(a)(4)'' and inserting ''section 413''.

(C) Section 205 of the Federal Meat Inspection Act (21 U.S.C. 645) (as amended by subsection (a)(2)(C)) is amended by striking ''section 501(a)(4)'' and inserting ''section 413''.

(3) EFFECTIVE DATE.—Except as provided in section 302, this subsection takes effect on October 1, 2002.

SEC. 102. STATE MEAT INSPECTION PROGRAMS.

(a) IN GENERAL.—The Federal Meat Inspection Act (as amended by section 101(a)(1)(A)) is amended by inserting after title II (21 U.S.C. 641 et seq.) the following:

"TITLE III—STATE MEAT INSPECTION PROGRAMS

"SEC. 301. POLICY AND FINDINGS.

''(a) POLICY.—It is the policy of Congress to protect the public from meat and meat food products that are adulterated or misbranded and to assist in efforts by State and other government agencies to accomplish that policy.

''(b) FINDINGS.—Congress finds that—

''(1) the goal of a safe and wholesome supply of meat and meat food products throughout the United States would be better served if a consistent set of requirements, established by the Federal Government, were applied to all meat and meat food products, whether produced under State inspection or Federal inspection;

''(2) under such a system, State and Federal meat inspection programs would function together to create a seamless inspection system to ensure food safety and inspire consumer confidence in the food supply in interstate commerce; and

''(3) such a system would ensure the viability of State meat inspection programs, which should help to foster the viability of small establishments.

"SEC. 302. APPROVAL OF STATE MEAT INSPECTION PROGRAMS.

''(a) IN GENERAL.—Notwithstanding any other provision of this Act, the Secretary may approve a State meat inspection program and allow the shipment in commerce of carcasses, parts of carcasses, meat, and meat food products inspected under the State meat inspection program in accordance with this title.

''(b) ELIGIBILITY.—

''(1) IN GENERAL.—To receive or maintain approval from the Secretary for a State meat inspection program in accordance with subsection (a), a State shall—

''(A) implement a State meat inspection program that enforces the mandatory antemortem and postmortem inspection, reinspection, sanitation, and related Federal requirements of titles I, II, and IV (including the regulations issued under those titles); and

''(B) enter into a cooperative agreement with the Secretary in accordance with subsection (c).

''(2) ADDITIONAL REQUIREMENTS.—

''(A) IN GENERAL.—In addition to the requirements specified in paragraph (1), a State meat inspection program reviewed in accordance with section 2 of the Federal Meat and Poultry State Inspection Requirements Act of 1999 shall implement, not later than October 1, 2002, all recommendations from the review, in a manner approved by the Secretary.

''(B) REVIEW OF NEW STATE MEAT INSPECTION PROGRAMS.—

''(i) DEFINITION OF NEW STATE MEAT INSPECTION PROGRAM.—In this subparagraph, the term 'new State meat inspection program' means a State meat inspection program that is not approved in accordance with subsection (a) between October 1, 2001, and September 30, 2002.

''(ii) REVIEW REQUIREMENT.—Not later than 1 year after the date on which the Secretary approves a new State meat inspection program, the Secretary shall conduct a comprehensive review of the new State meat inspection program, which shall include—

''(I) a determination of the effectiveness of the new State meat inspection program; and

''(II) identification of changes necessary to ensure enforcement of Federal inspection requirements.

''(iii) IMPLEMENTATION REQUIREMENTS.—In addition to the requirements specified in paragraph (1), to continue to be an approved State meat inspection program, a new State meat inspection program shall implement all recommendations from the review conducted in accordance with this subparagraph, in a manner approved by the Secretary.

''(c) COOPERATIVE AGREEMENT.—Notwithstanding chapter 63 of title 31, United States Code, the Secretary may enter into a cooperative agreement with a State that establishes the terms governing the relationship between the Secretary and the State meat inspection program and provides for the following:

''(1) PROVISIONS CONSISTENT WITH THIS ACT.—The State will adopt (including adoption by reference) provisions identical to titles I, II, and IV (including the regulations issued under those titles).

''(2) MARKING OF PRODUCT.—

''(A) OFFICIAL MARKS.—State-inspected and passed meat and meat food products will be marked under the supervision of a State inspector with the official mark and be deemed to have been inspected by the Secretary for the purposes of this Act and to have passed the inspection.

''(B) ADDITIONAL MARKS.—In addition to the official mark, State-inspected and passed meat and meat food products may be marked with the mark of State inspection, in accordance with requirements issued by the Secretary.

''(3) LABELING REQUIREMENTS.—The State will comply with all labeling requirements issued by the Secretary governing meat and meat food products inspected under the State meat inspection program.

''(4) AUTHORITY OF THE SECRETARY.—The Secretary shall have authority—

''(A) to detain and seize livestock, carcasses, parts of carcasses, meat, and meat food products under the State meat inspection program;

''(B) to obtain access to facilities, records, livestock, carcasses, parts of carcasses, meat, and meat food products of any person, firm, or corporation that slaughters, processes, handles, stores, transports, or sells meat or meat food products inspected under the State meat inspection program to determine compliance with this Act (including the regulations issued under this Act); and

''(C) to direct the State to conduct any activity authorized to be conducted by the Secretary under this Act (including the regulations issued under this Act).

''(5) OTHER TERMS.—The cooperative agreement shall include such other terms as the Secretary determines to be necessary to ensure that the actions of the State and the State meat inspection program are consistent with this Act (including the regulations issued under this Act).

''(d) ADDITIONAL REQUIREMENTS.—

''(1) IN GENERAL.—A State may impose additional requirements on establishments under the State meat inspection program, as approved by the Secretary.

''(2) RESTRICTION ON ESTABLISHMENT SIZE.—The Secretary shall authorize a State to establish the maximum size of establishments that the State will accept into the State meat inspection program.

''(e) REIMBURSEMENT OF STATE COSTS.—The Secretary may reimburse the State for not more than 60 percent of the State's costs of meeting the Federal requirements for the State meat inspection program.

''(f) SAMPLING.—

''(1) SALMONELLA SAMPLING AND TESTING.—To the extent that the Secretary requires establishments to meet microbiological performance standards for Salmonella, the Secretary shall sample and test for Salmonella in establishments subject to inspection under the State meat inspection program.

''(2) OTHER SAMPLING AND TESTING.—In addition to the activities described in paragraph (1), the Secretary may perform other sampling and testing of meat and meat food products in establishments described in that paragraph.

''(g) NONCOMPLIANCE.—If the Secretary determines that a State meat inspection program does not comply with this title or the cooperative agreement under subsection (c), the Secretary shall take such action as the Secretary determines to be necessary to ensure that the carcasses, parts of carcasses, meat, and meat food products in the State are inspected in a manner that effectuates this Act (including the regulations issued under this Act).

"SEC. 303. AUTHORITY TO TAKE OVER STATE MEAT INSPECTION PROGRAMS.

"(a) NOTIFICATION.—If the Secretary has reason to believe that a State is not in compliance with this Act (including the regulations issued under this Act) or the cooperative agreement under section 302(c) and is considering the revocation or temporary suspension of the approval of the State meat inspection program, the Secretary shall promptly notify and consult with the Governor of the State.

"(b) SUSPENSION AND REVOCATION.—

"(1) IN GENERAL.—The Secretary may revoke or temporarily suspend the approval of a State meat inspection program and take over a State meat inspection program if the Secretary determines that the State meat inspection program is not in compliance with this Act (including the regulations issued under this Act) or the cooperative agreement.

"(2) PROCEDURES FOR REINSTATEMENT.—A State meat inspection program that has been the subject of a revocation may be reinstated as an approved State meat inspection program under this Act only in accordance with the procedures under section 302(b)(2)(B).

"(c) PUBLICATION.—If the Secretary revokes or temporarily suspends the approval of a State meat inspection program in accordance with subsection (b), the Secretary shall publish the determination under that subsection in the Federal Register.

"(d) INSPECTION OF ESTABLISHMENTS.—Upon the expiration of 30 days after the date of publication of a determination under subsection (c), an establishment subject to a State meat inspection program with respect to which the Secretary makes a determination under subsection (b) shall be inspected by the Secretary.

"SEC. 304. EXPEDITED AUTHORITY TO TAKE OVER INSPECTION OF STATE-INSPECTED ESTABLISHMENTS.

"Notwithstanding any other provision of this title, if the Secretary determines that an establishment operating under a State meat inspection program is not operating in accordance with this Act (including the regulations issued under this Act) or the cooperative agreement under section 302(c), and the State, after notification by the Secretary to the Governor, has not taken appropriate action within a reasonable time as determined by the Secretary, the Secretary may immediately determine that the establishment is an establishment that shall be inspected by the Secretary, until such time as the Secretary determines that the State will meet the requirements of this Act (including the regulations) and the cooperative agreement with respect to the establishment.

"SEC. 305. ANNUAL REVIEW.

"(a) IN GENERAL.—The Secretary shall develop and implement a process to review annually each State meat inspection program approved under this title and to certify the State meat inspection programs that comply with the cooperative agreement entered into with the State under section 302(c).

"(b) COMMENT FROM INTERESTED PARTIES.—In designing the review process described in subsection (a), the Secretary shall solicit comment from interested parties.

"SEC. 306. FEDERAL INSPECTION OPTION.

"(a) IN GENERAL.—An establishment that operates in a State with an approved State meat inspection program may apply for inspection under the State meat inspection program or for Federal inspection.

"(b) LIMITATION.—An establishment shall not make an application under subsection (a) more than once every 4 years.".

(b) RESTAURANTS AND RETAIL STORES.—Title IV of the Federal Meat Inspection Act is amended—

(1) by redesignating section 411 (21 U.S.C. 681) as section 414; and

(2) by inserting after section 410 (21 U.S.C. 680) the following:

"SEC. 411. RESTAURANTS AND RETAIL STORES.

"(a) LIMITATION ON APPLICABILITY OF INSPECTION REQUIREMENTS.—The provisions of this Act requiring inspection of the slaughter of animals and the preparation of carcasses, parts of carcasses, meat, and meat food products shall not apply to operations of types traditionally and usually conducted at retail stores and restaurants, if the operations are conducted at a retail store, restaurant, or similar retail establishment for sale of such prepared articles in normal retail quantities or for service of the articles to consumers at such an establishment.

"(b) CENTRAL KITCHEN FACILITIES.—

"(1) IN GENERAL.—For the purposes of this section, operations conducted at a central kitchen facility of a restaurant shall be considered to be conducted at a restaurant if the central kitchen of the restaurant prepares meat or meat food products that are ready to eat when they leave the facility and are served in meals or as entrees only to customers at restaurants owned or operated by the same person, firm, or corporation that owns or operates the facility.

"(2) EXCEPTION.—A facility described in paragraph (1) shall be subject to section 202 and may be subject to the inspection requirements of title I for as long as the Secretary determines to be necessary, if the Secretary determines that the sanitary conditions or practices of the facility or the processing procedures or methods at the facility are such that any of the meat or meat food products of the facility are rendered adulterated.

"SEC. 412. ACCEPTANCE OF INTERSTATE SHIPMENTS OF MEAT AND MEAT FOOD PRODUCTS.

"Notwithstanding any provision of State law, a State or local government shall not prohibit or restrict the movement or sale of meat or meat food products that have been inspected and passed in accordance with this Act for interstate commerce.

"SEC. 413. ADVISORY COMMITTEES FOR FEDERAL AND STATE PROGRAMS.

"The Secretary may appoint advisory committees consisting of such representatives of appropriate State agencies as the Secretary and the State agencies may designate to consult with the Secretary concerning State and Federal programs with respect to meat inspection and other matters within the scope of this Act.".

(c) EFFECTIVE DATE.—This section takes effect on October 1, 2001.

TITLE II—POULTRY INSPECTION

SEC. 201. FEDERAL AND STATE COOPERATION ON POULTRY INSPECTION FOR INTRASTATE DISTRIBUTION.

(a) REDESIGNATION.—

(1) IN GENERAL.—Section 5 of the Poultry Products Inspection Act (21 U.S.C. 454) is redesignated as section 34 and moved to the end of that Act.

(2) INTRASTATE PROGRAM.—Section 34 of the Poultry Products Inspection Act (as redesignated by paragraph (1)) is amended by striking the section heading and inserting the following:

"SEC. 34. FEDERAL AND STATE COOPERATION ON POULTRY INSPECTION FOR INTRASTATE DISTRIBUTION.".

(3) CONFORMING AMENDMENTS.—

(A) Section 8(b) of the Poultry Products Inspection Act (21 U.S.C. 457(b)) is amended in the second sentence by striking "section 5 of this Act" and inserting "section 34(a)(4)".

(B) Section 11(e) of the Poultry Products Inspection Act (21 U.S.C. 460(e)) is amended by striking "section 5 of this Act" and inserting "section 34(a)(4)".

(4) EFFECTIVE DATE.—This subsection takes effect on October 1, 2001.

(b) REPEAL.—

(1) IN GENERAL.—Section 34 of the Poultry Products Inspection Act (as redesignated by subsection (a)(1)) is repealed.

(2) CONFORMING AMENDMENTS.—

(A) Section 8(b) of the Poultry Products Inspection Act (21 U.S.C. 457(b)) (as amended by subsection (a)(3)(A)) is amended in the second sentence by striking "section 34(a)(4)" and inserting "section 33".

(B) Section 11(e) of the Poultry Products Inspection Act (21 U.S.C. 460(e)) (as amended by subsection (a)(3)(B)) is amended by striking "section 34(a)(4)" and inserting "section 33".

(3) EFFECTIVE DATE.—Except as provided in section 302, this subsection takes effect on October 1, 2002.

SEC. 202. STATE POULTRY INSPECTION PROGRAMS.

(a) IN GENERAL.—The Poultry Products Inspection Act (21 U.S.C. 451 et seq.) (as amended by section 201(a)(1)) is amended by inserting after section 4 the following:

"SEC. 5. STATE POULTRY INSPECTION PROGRAMS.

"(a) POLICY.—It is the policy of Congress to protect the public from poultry products that are adulterated or misbranded and to assist in efforts by State and other government agencies to accomplish that policy.

"(b) FINDINGS.—Congress finds that—

"(1) the goal of a safe and wholesome supply of poultry products throughout the United States would be better served if a consistent set of requirements, established by the Federal Government, were applied to all poultry products, whether produced under State inspection or Federal inspection;

"(2) under such a system, State and Federal poultry inspection programs would function together to create a seamless inspection system to ensure food safety and inspire consumer confidence in the food supply in interstate commerce; and

"(3) such a system would ensure the viability of State poultry inspection programs, which should help to foster the viability of small official establishments.

"(c) APPROVAL OF STATE POULTRY INSPECTION PROGRAMS.—

"(1) IN GENERAL.—Notwithstanding any other provision of this Act, the Secretary may approve a State poultry inspection program and allow the shipment in commerce of poultry products inspected under the State poultry inspection program in accordance with this section and section 5A.

"(2) ELIGIBILITY.—

"(A) IN GENERAL.—To receive or maintain approval from the Secretary for a State poultry inspection program in accordance with paragraph (1), a State shall—

"(i) implement a State poultry inspection program that enforces the mandatory antemortem and postmortem inspection, reinspection, sanitation, and related Federal requirements of sections 1 through 4 and 6 through 33 (including the regulations issued under those sections); and

"(ii) enter into a cooperative agreement with the Secretary in accordance with paragraph (3).

"(B) ADDITIONAL REQUIREMENTS.—

"(i) IN GENERAL.—In addition to the requirements specified in subparagraph (A), a State poultry inspection program reviewed in accordance with section 2 of the Federal Meat and Poultry State Inspection Requirements Act of 1999 shall implement, not later than October 1, 2002, all recommendations from the review, in a manner approved by the Secretary.

"(ii) REVIEW OF NEW STATE POULTRY INSPECTION PROGRAMS.—

''(I) DEFINITION OF NEW STATE POULTRY INSPECTION PROGRAM.—In this clause, the term 'new State poultry inspection program' means a State poultry inspection program that is not approved in accordance with paragraph (1) between October 1, 2001, and September 30, 2002.

''(II) REVIEW REQUIREMENT.—Not later than 1 year after the date on which the Secretary approves a new State poultry inspection program, the Secretary shall conduct a comprehensive review of the new State poultry inspection program, which shall include—

''(aa) a determination of the effectiveness of the new State poultry inspection program; and

''(bb) identification of changes necessary to ensure enforcement under the new State poultry inspection program of Federal inspection requirements.

''(III) IMPLEMENTATION REQUIREMENTS.—In addition to the requirements specified in subparagraph (A), to continue to be an approved State poultry inspection program, a new State poultry inspection program shall implement all recommendations from the review conducted in accordance with this clause, in a manner approved by the Secretary.

''(3) COOPERATIVE AGREEMENT.—Notwithstanding chapter 63 of title 31, United States Code, the Secretary may enter into a cooperative agreement with a State that establishes the terms governing the relationship between the Secretary and the State poultry inspection program and provides for the following:

''(A) PROVISIONS CONSISTENT WITH THIS ACT.—The State will adopt (including adoption by reference) provisions identical to sections 1 through 4 and 6 through 33 (including the regulations issued under those sections).

''(B) MARKING OF PRODUCT.—

''(i) OFFICIAL MARKS.—State-inspected and passed poultry products will be marked under the supervision of a State inspector with the official mark and be deemed to have been inspected by the Secretary for the purposes of this Act and to have passed the inspection.

''(ii) ADDITIONAL MARKS.—In addition to the official mark, State-inspected and passed poultry products may be marked with the mark of State inspection, in accordance with requirements issued by the Secretary.

''(C) LABELING REQUIREMENTS.—The State will comply with all labeling requirements issued by the Secretary governing poultry products inspected under the State poultry inspection program.

''(D) AUTHORITY OF THE SECRETARY.—The Secretary shall have authority—

''(i) to detain and seize poultry and poultry products under the State poultry inspection program;

''(ii) to obtain access to facilities, records, and poultry products of any person that slaughters, processes, handles, stores, transports, or sells poultry products inspected under the State poultry inspection program to determine compliance with this Act (including the regulations issued under this Act); and

''(iii) to direct the State to conduct any activity authorized to be conducted by the Secretary under this Act (including the regulations issued under this Act).

''(E) OTHER TERMS.—The cooperative agreement shall include such other terms as the Secretary determines to be necessary to ensure that the actions of the State and the State poultry inspection program are consistent with this Act (including the regulations issued under this Act).

''(4) ADDITIONAL REQUIREMENTS.—

''(A) IN GENERAL.—A State may impose additional requirements on official establishments under the State poultry inspection program, as approved by the Secretary.

''(B) RESTRICTION ON ESTABLISHMENT SIZE.—The Secretary shall authorize a State to establish the maximum size of official establishments that the State will accept into the State poultry inspection program.

''(5) REIMBURSEMENT OF STATE COSTS.—The Secretary may reimburse the State for not more than 60 percent of the State's costs of meeting the Federal requirements for the State poultry inspection program.

''(6) SAMPLING.—

''(A) SALMONELLA SAMPLING AND TESTING.—To the extent that the Secretary requires official establishments to meet microbiological performance standards for Salmonella, the Secretary shall sample and test for Salmonella in official establishments subject to inspection under the State poultry inspection program.

''(B) OTHER SAMPLING AND TESTING.—In addition to the activities described in subparagraph (A), the Secretary may perform other sampling and testing of poultry products in official establishments described in that subparagraph.

''(7) NONCOMPLIANCE.—If the Secretary determines that a State poultry inspection program does not comply with this section, section 5A, or the cooperative agreement under paragraph (3), the Secretary shall take such action as the Secretary determines to be necessary to ensure that the poultry products in the State are inspected in a manner that effectuates this Act (including the regulations issued under this Act).

''(d) ANNUAL REVIEW.—

''(1) IN GENERAL.—The Secretary shall develop and implement a process to review annually each State poultry inspection program approved under this section and to certify the State poultry inspection programs that comply with the cooperative agreement entered into with the State under subsection (c)(3).

''(2) COMMENT FROM INTERESTED PARTIES.—In designing the review process described in paragraph (1), the Secretary shall solicit comment from interested parties.

''(e) FEDERAL INSPECTION OPTION.—

''(1) IN GENERAL.—An official establishment that operates in a State with an approved State poultry inspection program may apply for inspection under the State poultry inspection program or for Federal inspection.

''(2) LIMITATION.—An official establishment shall not make an application under paragraph (1) more than once every 4 years.

''SEC. 5A. AUTHORITY TO TAKE OVER STATE POULTRY INSPECTION ACTIVITIES.

''(a) AUTHORITY TO TAKE OVER STATE POULTRY INSPECTION PROGRAMS.—

''(1) NOTIFICATION.—If the Secretary has reason to believe that a State is not in compliance with this Act (including the regulations issued under this Act) or the cooperative agreement under section 5(c)(3) and is considering the revocation or temporary suspension of the approval of the State poultry inspection program, the Secretary shall promptly notify and consult with the Governor of the State.

''(2) SUSPENSION AND REVOCATION.—

''(A) IN GENERAL.—The Secretary may revoke or temporarily suspend the approval of a State poultry inspection program and take over a State poultry inspection program if the Secretary determines that the State poultry inspection program is not in compliance with this Act (including the regulations issued under this Act) or the cooperative agreement.

''(B) PROCEDURES FOR REINSTATEMENT.—A State poultry inspection program that has been the subject of a revocation may be reinstated as an approved State poultry inspection program under this Act only in accordance with the procedures under section 5(c)(2)(B)(ii).

''(3) PUBLICATION.—If the Secretary revokes or temporarily suspends the approval of a State poultry inspection program in accordance with paragraph (2), the Secretary shall publish the determination under that paragraph in the Federal Register.

''(4) INSPECTION OF ESTABLISHMENTS.—Upon the expiration of 30 days after the date of publication of a determination under paragraph (3), an official establishment subject to a State poultry inspection program with respect to which the Secretary makes a determination under paragraph (2) shall be inspected by the Secretary.

''(b) EXPEDITED AUTHORITY TO TAKE OVER INSPECTION OF STATE-INSPECTED OFFICIAL ESTABLISHMENTS.—Notwithstanding any other provision of this title, if the Secretary determines that an official establishment operating under a State poultry inspection program is not operating in accordance with this Act (including the regulations issued under this Act) or the cooperative agreement under section 5(c)(3), and the State, after notification by the Secretary to the Governor, has not taken appropriate action within a reasonable time as determined by the Secretary, the Secretary may immediately determine that the official establishment is an establishment that shall be inspected by the Secretary, until such time as the Secretary determines that the State will meet the requirements of this Act (including the regulations) and the cooperative agreement with respect to the official establishment.''.

(b) RESTAURANTS AND RETAIL STORES, ACCEPTANCE OF INTERSTATE SHIPMENTS OF POULTRY PRODUCTS, AND ADVISORY COMMITTEES FOR FEDERAL AND STATE PROGRAMS.—The Poultry Products Inspection Act (21 U.S.C. 451 et seq.) is amended by inserting after section 30 the following:

''SEC. 31. RESTAURANTS AND RETAIL STORES.

''(a) LIMITATION ON APPLICABILITY OF INSPECTION REQUIREMENTS.—The provisions of this Act requiring inspection of the slaughter of poultry and the processing of poultry products shall not apply to operations of types traditionally and usually conducted at retail stores and restaurants, if the operations are conducted at a retail store, restaurant, or similar retail establishment for sale of such prepared articles in normal retail quantities or for service of the articles to consumers at such an establishment.

''(b) CENTRAL KITCHEN FACILITIES.—

''(1) IN GENERAL.—For the purposes of this section, operations conducted at a central kitchen facility of a restaurant shall be considered to be conducted at a restaurant if the central kitchen of the restaurant prepares poultry products that are ready to eat when they leave the facility and are served in meals or as entrees only to customers at restaurants owned or operated by the same person that owns or operates the facility.

''(2) EXCEPTION.—A facility described in paragraph (1) shall be subject to section 11(b) and may be subject to the inspection requirements of this Act for as long as the Secretary determines to be necessary, if the Secretary determines that the sanitary conditions or practices of the facility or the processing procedures or methods at the facility are such that any of the poultry products of the facility are rendered adulterated.

''SEC. 32. ACCEPTANCE OF INTERSTATE SHIPMENTS OF POULTRY PRODUCTS.

''Notwithstanding any provision of State law, a State or local government shall not prohibit or restrict the movement or sale of poultry products that have been inspected and passed in accordance with this Act for interstate commerce.

"SEC. 33. ADVISORY COMMITTEES FOR FEDERAL AND STATE PROGRAMS.

''The Secretary may appoint advisory committees consisting of such representatives of appropriate State agencies as the Secretary and the State agencies may designate to consult with the Secretary concerning State and Federal programs with respect to poultry product inspection and other matters within the scope of this Act.''.

(c) EFFECTIVE DATE.—This section takes effect on October 1, 2001.

TITLE III—GENERAL PROVISIONS

SEC. 301. REGULATIONS.

Not later than October 1, 2001, the Secretary of Agriculture may promulgate such regulations as are necessary to implement the amendments made by sections 102 and 202.

SEC. 302. TERMINATION OF AUTHORITY TO ESTABLISH AN INTERSTATE INSPECTION PROGRAMS.

If the Secretary of Agriculture has not approved any State meat inspection program or State poultry inspection program by entering into a cooperative agreement under title III of the Federal Meat Inspection Act and sections 5 and 5A of the Poultry Products Inspection Act (as amended by this Act) by September 30, 2002, sections 101(b), 102, 201(b), and 202, and the amendments made by those sections, are repealed effective as of that date.

By Mr. KOHL:

S. 1989. A bill to ensure that employees of traveling sales crews are protected under the Fair Labor Standards Act of 1938 and under other provisions of law; to the Committee on Health, Education, Labor, and Pensions.

TRAVELING SALES CREW PROTECTION ACT

Mr. KOHL. Mr. President, today I have introduced legislation to crack down on abuses in the traveling sales crew industry. These companies employ crews who travel from city to city selling products door to door. Often times, however, these companies mistreat their workers and violate local, state, and federal labor law. Because they rapidly move from state to state, enforcement efforts are difficult if not impossible for local authorities.

The plight of the workers in this business came home to me, and the citizens of Wisconsin, as a result of a particularly tragic crash in March of this year. A van carrying 14 young people overturned due to reckless driving, killing seven and injuring the others, many seriously. The driver had a suspended license and a series of violations. Unfortunately this is not an isolated incident. Since 1992, forty-two sales people have been killed or injured in similar crashes. The company involved in the Wisconsin crash had 92 labor violations and 105 violations for soliciting without a license.

Regrettably, there is more to these companies than just bad driving records. In 1987 Senator ROTH, as part of the Permanent Subcommittee on Investigations looked into this industry, and was appalled at what he found. Incidents of verbal and physical abuse of workers were widespread. Young people were coerced into continuing to sell long after they wanted to leave through threats and taunts from their employees. When sellers were able to get free they were often unpaid or denied the bus ticket home they were promised when they signed up.

The compensation system for the workers was also rigged to ensure that workers could not leave. Prospective sellers were promised big bucks when they were recruited, but soon found that decent pay was difficult to come by. Sellers were paid on a commission basis according to their sales, but they were also charged by the company for their accommodations and fined for small infractions like showing up late to meetings or sleeping on the van. Salespeople were not paid in a timely manner, but their earnings were kept on ''paper'' and the employees only drew a daily allowance to pay for food. Employees were seldom allowed to see the paper work that tracked their earnings so they had little idea about how much they are entitled. Many found that they were not able to keep up with the sales and fell in debt to the company. After working 12 hours days, six days a week for months, employees actually owed the company money! These young people became indentured servants, working long hours for only room and board.

In the twelve years since Senator ROTH's investigation, nothing has changed. These abuses continue, and Congress should act.

In the Wisconsin case the company's record of disregard for local and state laws was a signal of their disdain for the safety of their workers. This company should not have been allowed to continue to operate with this kind of record. Government needed to step in earlier, before this tragedy occurred, instead of picking up the pieces afterward.

I am not one to frivolously engage in regulating business, but in this case the need for federal involvement is clear. Because of the mobility of these companies, states cannot crack down on these groups alone. They need federal help to eliminate the unscrupulous actors in the industry.

The Traveling Sales Crew Protection Act would take important steps to eliminate employers who abuse their workers. First, it would no longer allow minors to be employed in this line of work. Door to door sales can be dangerous work and combined with the long hours and hazardous travel, creates a job too dangerous for children. Second, the bill would narrowly eliminate the exemption under the Fair Labor Standards Act for these specific kinds of operations. Covering these employees with minimum wages laws and overtime requirements protects them from becoming indentured servants to their employers through complex compensation systems. This provision is carefully crafted to cover only traveling sales crews, individuals who sell over the road, or at trade shows would be unaffected. Lastly the bill creates a licensing procedure through the Department of Labor to monitor those engaged in supervising and running these operations.

These measures are important steps forward in a nationwide effort to eliminate this particularly abusive form of worker exploitation. I hope I will have my colleagues support as I try to make the painful crash in Janesville, the last chapter in this shameful story.

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

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

S. 1989

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 ''Traveling Sales Crew Protection Act''.

TITLE I—FAIR LABOR STANDARDS ACT OF 1938

SEC. 101. APPLICATION OF PROVISIONS TO CERTAIN OUTSIDE SALESMAN.

(a) IN GENERAL.—Section 13 of the Fair Labor Standards Act of 1938 (29 U.S.C. 213) is amended by adding at the end the following:

''(k) For purposes of subsection (a)(1), and notwithstanding any other provision of law, the term 'outside salesman' shall not include any individual employed in the position of a salesman where the individual travels with a group of salespeople, including a supervisor, team leader or crew leader, and the employees in the group do not return to their permanent residences at the end of the work day.''.

(b) LIMITATION ON CHILD LABOR.—Section 12 of the Fair Labor Standards Act of 1938 (29 U.S.C. 212) is amended by adding at the end the following:

''(e) No individual under 18 years of age may be employed in a position requiring the individual to engaged in door to door sales or in related support work in a manner that requires the individual to remain away from his or her permanent residence for more than 24 hours.''.

(c) RULES AND REGULATIONS.—The Secretary of Labor may issue such rules and regulations as are necessary to carry out the amendments made by this section, consistent with the requirements of chapter 5 of title 5, United States Code.

TITLE II—PROTECTION OF TRAVELING SALES CREWS

SEC. 201. PURPOSE.

It is the purpose of this title—

(1) to remove the restraints on interstate commerce caused by activities detrimental to traveling sales crew workers;

(2) to require the employers of such workers to register under this Act; and

(3) to assure necessary protections for such employees.

SEC. 202. DEFINITIONS.

In this title:

(1) CERTIFICATE OF REGISTRATION.—The term ''Certificate of Registration'' means a Certificate issued by the Secretary under section 203(c)(1).

(2) EMPLOY.—The term ''employ'' has the meaning given such term by section 3(g) of the Fair Labor Standards Act of 1938 (29 U.S.C. 201(g)).

(3) GOODS.—The term ''goods'' means wares, products, commodities, merchandise, or articles or subjects of interstate commerce of any character, or any part or ingredient thereof.

(4) PERSON.—The term ''person'' means any individual, partnership, association, joint

stock company, trust, cooperative, or corporation.

(5) SALE, SELL.—The terms ''sale'' or ''sell'' include any sale, exchange, contract to sell, consignment for sale, shipment for sale, or other disposition of goods.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Labor.

(7) TRAVELING SALES CREW WORKER.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term ''traveling sales crew worker'' means an individual who—

(i) is employed as a salesperson or in related support work;

(ii) travels with a group of salespersons, including a supervisor; and

(iii) is required to be absent overnight from his or her permanent place of residence.

(B) LIMITATION.—The term ''traveling sales crew worker'' does not include—

(i) any individual who meets the requirements of subparagraph (A) if such individual is traveling to a trade show or convention; or

(ii) any immediate family member of a traveling sales crew employer.

SEC. 203. REGISTRATION OF EMPLOYERS AND SUPERVISORS OF TRAVELING SALES CREW WORKERS.

(a) REGISTRATION REQUIREMENT.—

(1) IN GENERAL.—No person shall engage in any form of employment of traveling sales crew workers, unless such person has a certificate of registration from the Secretary.

(2) SUPERVISORS.—A traveling sales crew employer shall not hire, employ, or use any individual as a supervisor of a traveling sales crew, unless such individual has a certificate of registration from the Secretary.

(3) DISPLAY OF CERTIFICATE OF REGISTRATION.—Each registered traveling sales crew employer and each registered traveling sales crew supervisor shall carry at all times while engaging in traveling sales crew activities a certificate of registration from the Secretary and, upon request, shall exhibit that certificate to all persons with whom they intend to deal.

(b) APPLICATION FOR REGISTRATION.—Any person desiring to be issued a certificate of registration from the Secretary, as either a traveling sales crew employer or traveling sales crew supervisor, shall file with the Secretary a written application that contains the following:

(1) A declaration, subscribed and sworn to by the applicant, stating the applicant's permanent place of residence, the type or types of sales activities to be performed, and such other relevant information as the Secretary may require.

(2) A statement identifying each vehicle to be used to transport any member of any traveling sales crew and, if the vehicle is or will be owned or controlled by the applicant, documentation showing that the applicant is in compliance with the requirements of section 204(d) with respect to each such vehicle.

(3) A statement identifying, with as much specificity as the Secretary may require, each facility or real property to be used to house any member of any traveling sales crew and, if the facility or real property is or will be owned or controlled by the applicant, documentation showing that the applicant is in compliance with section 204(e) with respect to each such facility or real property.

(4) A set of fingerprints of the applicant.

(5) A declaration, subscribed and sworn to by the applicant, consenting to the designation by a court of the Secretary as an agent available to accept service of summons in any action against the applicant, if the applicant has left the jurisdiction in which the action is commenced or otherwise has become unavailable to accept service.

(c) ISSUANCE OF CERTIFICATE OF REGISTRATION.—

(1) IN GENERAL.—In accordance with regulations, and after any investigation which the Secretary may deem appropriate, the Secretary shall issue a Certificate of Registration, as either a traveling sales crew employer or traveling sales crew supervisor, to any person who meets the standards for such registration.

(2) REFUSAL TO ISSUE OR RENEW, SUSPENSION AND REVOCATION.—The Secretary may refuse to issue or renew, or may suspend or revoke, a Certificate of Registration if the applicant for or holder or the Certificate—

(1) has knowingly made any misrepresentation in the application for such Certificate of Registration;

(2) is not the real party in interest with respect to the application or Certificate of Registration and the real party in interest is a person who—

(A) has been refused issuance or renewal of a Certificate;

(B) has had a Certificate suspended or revoked; or

(C) does not qualify for a Certificate under this section;

(3) has failed to comply with this title or any regulation promulgated under this title;

(4) has failed—

(A) to pay any court judgment obtained by the Secretary or any other person under this title or any regulation promulgated under this title; or

(B) to comply with any final order issued by the Secretary as a result of a violation of this title or any regulation promulgated under this title;

(5) has been convicted within the 5 years preceding the date on which the application was filed or the Certificate was issued—

(A) of any crime under Federal or State law relating to the sale, distribution or possession of alcoholic beverages or narcotics, in connection with or incident to any traveling sales crew activities;

(B) of any crime under Federal or State law relating to child abuse, neglect, or endangerment; or

(C) of any felony under Federal or State law involving robbery, bribery, extortion, embezzlement, grand larceny, burglary, arson, murder, rape, assault with intent to kill, assault which inflicts grievous bodily injury, prostitution, peonage, or smuggling or harboring individuals who have entered the United States illegally;

(6) has been found to have violated paragraph (1) or (2) of section 274A(a) of the Immigration and Nationality Act (8 U.S.C. 1324a(a)(1) or (2));

(7) has failed to comply with any bonding or security requirements as the Secretary may establish; or

(8) has failed to satisfy any other requirement which the Secretary may by regulation establish.

(d) ADMINISTRATIVE PROCEEDINGS AND JUDICIAL REVIEW.—

(1) IN GENERAL.—A person who is refused the issuance or renewal of a Certificate or Registration, or whose Certificate of Registration is suspended or revoked, shall be afforded an opportunity for an agency hearing, upon a request made within 30 days after the date of issuance of the notice of refusal, suspension, or revocation. If no hearing is requested as provided for in this subsection, the refusal, suspension, or revocation shall constitute a final and unappealable order.

(2) HEARING.—If a hearing is requested under paragraph (1), the initial agency decision shall be made by an administrative law judge, with all issues to be determined on the record pursuant to section 554 of title 5, United States Code, and such decision shall become the final order unless the Secretary modifies or vacates the decision. Notice of intent to modify or vacate the decision of the administrative law judge shall be issued to the parties within 90 days after the decision of the administrative law judge. A final order which takes effect under this paragraph shall be subject to review only as provided under paragraph (3).

(3) REVIEW BY COURT.—Any person against whom an order has been entered after an agency hearing under this subsection may obtain review by the United States district court for any district in which the person is located, or the United States District Court for the District of Columbia, by filing a notice of appeal in such court within 30 days from the date of such agency order, and simultaneously sending a copy of such notice by registered mail to the Secretary. The Secretary shall promptly certify and file in such court the record upon which the agency order was based. The findings of the Secretary shall be set aside only if found to be unsupported by substantial evidence as provided by section 706(2)(E) of title 5, United States code. Any final decision, order, or judgment of such District Court concerning such review shall be subject to appeal as provided for in chapter 83 of title 28, United States Code.

(e) TRANSFER OR ASSIGNMENT OF CERTIFICATE; EXPIRATION; RENEWAL.—

(1) LIMITATION.—A Certificate of Registration may not be transferred or assigned.

(2) EXPIRATION AND EXTENSION.—

(A) EXPIRATION.—Unless earlier suspended or revoked, a Certificate of Registration shall expire 12 months from the date of issuance.

(B) EXTENSION.—A Certificate of Registration may be temporarily extended, at the Secretary's discretion, by the filing of an application with the Secretary at least 30 days prior to the Certificate's expiration date.

(3) RENEWAL.—A Certificate of Registration may be renewed through the application process provided for in subsections (b) and (c).

(f) NOTICE OF ADDRESS CHANGE; AMENDMENT OF CERTIFICATE OF REGISTRATION.—During the period for which a Certificate of Registration is in effect, the traveling sales crew employer or supervisor named on the Certificate shall—

(1) provide to the Secretary within 30 days a notice of each change of permanent place of residence; and

(2) apply to the Secretary to amend the Certificate of Registration whenever the person intends to—

(A) engage in any form of traveling sales crew activity not identified on the Certificate;

(B) use or cause to be used any vehicle not covered by the Certificate to transport any traveling sales crew worker; or

(C) use or cause to be used any facility or real property not covered by the Certificate to house any traveling sales crew worker.

(g) FILING FEE.—The Secretary shall require the payment of a fee by an employer filing an application for the issuance or renewal of a Certificate of Registration. The amount of the fee shall be $500 for a Certificate for an employer and $50 for a Certificate for a supervisor. Sums collected pursuant to this section shall be applied by the Secretary toward reimbursement of the costs of administering this title.

SEC. 204. OBLIGATIONS OF EMPLOYERS OF TRAVELING SALES CREW WORKERS.

(a) DISCLOSURE OF TERMS AND CONDITIONS OF EMPLOYMENT.—

(1) WRITTEN DISCLOSURE.—At the time of recruitment, each traveling sales crew worker shall be provided with a written disclosure of the following information, which shall be accurate and complete to the best of the employer's knowledge:

(A) The place or places of employment, stated with as much specificity as possible.

(B) The wage rate or rates to be paid.

(C) The type or types of work on which the worker may be employed.

(D) The period of employment.

(E) The transportation, housing, and any other employee benefit to be provided, and any costs to be charged to the worker for each such benefit.

(F) The existence of any strike or other concerted work stoppage, slowdown, or interruption of operations by employees at the place of employment.

(G) Whether State workers' compensation insurance is provided and, if so, the name of the State workers' compensation insurance carrier, the name of the policyholder of such insurance, the name and the telephone number of each person who must be notified of an injury or death, and the time period within which such notice must be given.

(2) RECORDS AND STATEMENTS.—Each employer of traveling sales crew workers shall—

(A) with respect to each such worker, make, keep, and preserve records for 3 years of the—

(i) basis on which wages are paid;

(ii) number of piecework units earned, if paid on a piecework basis;

(iii) number of hours worked;

(iv) total pay period earnings;

(v) specific sums withheld and the purpose of each sum withheld; and

(vi) net pay; and

(B) provide to each worker for each pay period, an itemized written statement of the information required under subparagraph (A).

(b) PAYMENT OF WAGES WHEN DUE.—Each traveling sales crew worker shall be paid the wages owed that worker when due. The payment of wages shall be in United States currency or in a negotiable instrument such as a bank check. The payment of wages shall be accompanied by the written disclosure required by subsection (a)(2)(B).

(c) COSTS OF GOODS, SERVICES, AND BUSINESS EXPENSES.—

(1) PROHIBITION.—No employer of traveling sales crew workers shall—

(A) require any worker to purchase any goods or services solely from such employer; or

(B) impose on any worker any of the employer's business expenses, such as the cost of maintaining and operating a vehicle used to transport the traveling sales crew.

(2) INCLUSION AS PART OF WAGES.—An employer may include as part of the wages paid to a traveling sales crew worker the reasonable cost to the employer of furnishing board, lodging, or other facilities to such worker, so long as—

(A) such facilities are customarily furnished by such employer to the employees of the employer; and

(B) such cost does not exceed the fair market value of such facility and does not include any profit to the employer.

(d) SAFETY AND HEALTH IN TRANSPORTATION.—

(1) STANDARDS.—An employer of traveling sales crew workers shall provide transportation for such workers in a manner that is consistent with the following standards:

(A) The employer shall ensure that each vehicle which the employer uses or causes to be used for such transportation conforms to the standards prescribed by the Secretary under paragraph (2) and conforms to other applicable Federal and State safety standards.

(B) The employer shall ensure that each driver of each such vehicle has a valid and appropriate license, as provided by State law, to operate the vehicle.

(C) The employer shall have an insurance policy or fidelity bond in accordance with subsection (c).

(2) PROMULGATION BY SECRETARY.—The Secretary shall prescribe, by regulation, such safety and health standards as may be appropriate for vehicles used to transport traveling sales crew workers. In establishing such standards, the Secretary shall consider—

(A) the type of vehicle used;

(B) the passenger capacity of the vehicle;

(C) the distance which such workers will be carried in the vehicle;

(D) the type of roads and highways on which such workers will be carried in the vehicle;

(E) the extent to which a proposed standard would cause an undue burden on an employer of traveling sales crew workers; and

(F) any standard prescribed by the Secretary of Transportation under part II of the Interstate Commerce Act (49 U.S.C. 301 et seq.) or any successor provision of subtitle IV of title 49, United States Code.

(e) SAFETY AND HEALTH IN HOUSING.—An employer of traveling sales crew workers shall provide housing for such workers in a manner that is consistent with the following standards:

(1) If the employer owns or controls the facility or real property which is used for housing traveling sales crew workers, the employer shall be responsible for ensuring that the facility or real property complies with substantive Federal and State safety and health standards applicable to that housing. Prior to occupancy by such workers, the facility or real property shall be certified by a State or local health authority or other appropriate agency as meeting applicable safety and health standards. Written notice shall be posted in the facility or real property, prior to and throughout the occupancy by such workers, informing such workers that the applicable safety and health standards are met.

(2) If the employer does not own or control the facility or real property which is used for housing traveling sales crew workers, the employer shall be responsible for ensuring that the owner or operator of such facility or real property complies with substantive Federal and State safety and health standards applicable to that housing. Such assurance by the employer shall include the verification that the owner or operator of such facility or real property is licensed and insured in accordance with all applicable State and local laws. The employer shall obtain such assurance prior to housing any workers in the facility or real property.

(f) INSURANCE OF VEHICLES; WORKERS' COMPENSATION INSURANCE.—

(1) INSURANCE.—An employer of traveling sales crew workers shall ensure that there is in effect, for each vehicle used to transport such workers, an insurance policy or a liability bond which insures the employer against liability for damage to persons and property arising from the ownership, operation, or the causing to be operated of such vehicle for such purpose. The level of insurance or liability bond required shall be determined by the Secretary considering at least the factors set forth in subsection (d)(2) and any relevant State law.

(2) WORKERS' COMPENSATION.—If an employer of traveling sales crew workers is the employer of such workers for purposes of a State workers' compensation law and such employer provides workers' compensation coverage for such workers as provided for by such State law, the following modifications to the requirements of paragraph (1) shall apply:

(A) No insurance policy or liability bond shall be required of the employer if such workers are transported only under circumstances for which there is workers' compensation coverage under such State law.

(B) An insurance policy or liability bond shall be required of the employer for all circumstances under which workers' compensation coverage for the transportation of such workers is not provided under such State law.

SEC. 205. ENFORCEMENT PROVISIONS.

(a) CRIMINAL SANCTIONS.—An employer who willfully and knowingly violates this title, or any regulation promulgated under this title, shall be fined not more than $10,000 or imprisoned for not to exceed 1 year, or both. Upon conviction for any subsequent violation of this title, or any such regulation, an employer shall be fined not more than $50,000 or imprisoned for not to exceed 3 years, or both.

(b) JUDICIAL ENFORCEMENT.—

(1) INJUNCTIVE RELIEF.—The Secretary may petition any appropriate district court of the United States for temporary or permanent injunctive relief if the Secretary determines that this title, or any regulation promulgated under this title, has been violated.

(2) SOLICITOR OF LABOR.—Except as provided in section 518(a) of title 28, United States Code, relating to litigation before the Supreme Court, the Solicitor of Labor may appear for and represent the Secretary in any civil litigation brought under this title, but all such litigation shall be subject to the direction and control of the Attorney General.

(c) ADMINISTRATIVE SANCTIONS; PROCEEDINGS.—

(1) CIVIL MONEY PENALTY.—Subject to paragraph (2), an employer that violates this title, or any regulation promulgated under this title, may be assessed a civil money penalty of not more than $10,000 for each such violation.

(2) DETERMINATION OF PENALTY.—In determining the amount of any penalty to be assessed under paragraph (1), the Secretary shall take into account—

(A) the previous record of the employer in terms of compliance with this title and the regulations promulgated under this title; and

(B) the gravity of the violation.

(3) PROCEEDINGS.—

(A) IN GENERAL.—An employer that is assessed a civil money penalty under this subsection shall be afforded an opportunity for an agency hearing, upon request made within 30 days after the date of issuance of the notice of assessment. In such hearing, all issues shall be determined on the record pursuant to section 554 of title 5, United States Code. If no hearing is requested as provided for in this paragraph, the assessment shall constitute a final and unappealable order.

(B) ADMINISTRATIVE LAW JUDGE.—If a hearing is requested under subparagraph (A), the initial agency decision shall be made by an administrative law judge, and such decision shall become the final order unless the Secretary modifies or vacates this decision. Notice of intent to modify or vacate the decision of the administrative law judge shall be issued to the parties within 90 days after the decision of the administrative law judge. A final order which takes effect under this paragraph shall be subject to review only as provided for under subparagraph (C).

(C) REVIEW.—An employer against whom an order imposing a civil money penalty has been entered after an agency hearing under this section may obtain review by the United States district court for any district in which the employer is located, or the United States District Court for the District of Columbia, by filing a notice of appeal in such court within 30 days from the date of such

order and simultaneously sending a copy of such notice by registered mail to the Secretary. The Secretary shall promptly certify and file in such court the record upon which the penalty was imposed. The findings of the Secretary shall be set aside only if found to be unsupported by substantial evidence as provided by section 706(2)(E) of title 5, United States Code. Any final decision, order, or judgment of such District Court concerning such review shall be subject to appeal as provided in chapter 83 of title 28, United States Code.

(D) FAILURE TO PAY.—If any person fails to pay an assessment after it has become a final and unappealable order under this paragraph, or after the court has entered final judgment in favor of the agency, the Secretary shall refer the matter to the Attorney General, who shall recover the amount assessed by action in the appropriate United States district court. In such action, the validity and appropriateness of the final order imposing the penalty shall not be subject to review.

(E) PAYMENT OF PENALTIES.—All penalties collected under authority of this section shall be paid into the Treasury of the United States.

(d) PRIVATE RIGHT OF ACTION.—

(1) IN GENERAL.—Any traveling sales crew worker aggrieved by a violation of this title, or any regulation promulgated under this title, by an employer may file suit in any district court of the United States having jurisdiction over the parties, without respect to the amount in controversy and without regard to exhaustion of any alternative administrative remedies provided for in this title.

(2) DAMAGES.—

(A) IN GENERAL.—If the court in an action under paragraph (1) finds that the defendant intentionally violated a provision of this Act, or a regulation promulgated under this Act, the court may award—

(i) damages up to and including an amount equal to the amount of actual damages;

(ii) statutory damages of not more than $1,000 per plaintiff per violation or, if such complaint is certified as a class action, not more than $1,000,000 for all plaintiffs in the class; or

(iii) other equitable relief.

(B) DETERMINATION OF AMOUNT.—In determining the amount of damages to be awarded under subparagraph (A), the court may consider whether an attempt was made to resolve the issues in dispute before the resort to litigation.

(C) WORKERS' COMPENSATION.—

(i) IN GENERAL.—Notwithstanding any other provision of this title, where a State workers' compensation law is applicable and coverage is provided for a traveling sales crew worker, the workers' compensation benefits shall be the exclusive remedy for loss of such worker under this title in the case of bodily injury or death in accordance with such State's workers' compensation law.

(ii) LIMITATION.—The exclusive remedy provided for under clause (i) precludes the recovery under subparagraph (A) of actual damages for loss from an injury or death but does not preclude recovery under such subparagraph for statutory damages (as provided for in clause (iii)) or equitable relief, except that such relief shall not include back or front pay or in any manner, directly or indirectly, expand or otherwise alter or affect—

(I) a recovery under a State workers' compensation law; or

(II) rights conferred under a State workers' compensation law.

(iii) STATUTORY DAMAGES.—In an action in which a claim for actual damages is precluded as provided for in clause (ii), the court shall award statutory damages of not more than $20,000 per plaintiff per violation or, in the case of a class action, not more than $1,000,000 for all plaintiffs in the class, if the court finds any of the following:

(I) The defendant violated section 204(d) by knowingly requiring or permitting a driver to drive a vehicle for the transportation of the plaintiff or plaintiffs while under the influence of alcohol or a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)), the defendant had actual knowledge of the driver's condition, such violation resulted in the injury or death of the plaintiff or plaintiffs, and such injury or death arose out of and in the course of employment as defined under the State worker's compensation law.

(II) The defendant was found by the court or was determined in a previous administrative or judicial proceeding to have violated a safety standard prescribed by the Secretary under section 204 and such violation resulted in the injury or death of the plaintiff or plaintiffs.

(III) The defendant willfully disabled or removed a safety device prescribed by the Secretary under section 204, or the defendant in conscious disregard of the requirements of such section failed to provide a safety device required by the Secretary, and such disablement, removal, or failure to provide a safety device resulted in the injury or death of the plaintiff or plaintiffs.

(IV) At the time of the violation of section 204, which resulted in the injury or death of the plaintiff or plaintiffs, the employer or the supervisor of the traveling sales crew did not have a Certificate of Registration in accordance with section 203.

(iv) DETERMINATION OF AMOUNT.—For purposes of determining the amount of statutory damages due to a plaintiff under this subparagraph, multiple infractions of a single provision of this title, or of regulations promulgated under this title, shall constitute a single violation.

(D) ATTORNEY'S FEE.—The court shall, in addition to any judgment awarded to the plaintiff or plaintiffs under this paragraph, allow a reasonable attorney's fee to be paid by the defendant or defendants, and costs of the action.

(E) APPEALS.—Any civil action brought under this subsection shall be subject to appeal as provided for in chapter 83 of title 28, United States Code.

(e) DISCRIMINATION PROHIBITED.—

(1) IN GENERAL.—No person shall intimidate, threaten, restrain, coerce, blacklist, discharge, or in any manner discriminate against any traveling sales crew worker because such worker has, with just cause, filed any complaint or instituted, or caused to be instituted, any proceeding under or related to this title, or has testified or is about to testify in any such proceedings, or because of the exercise, with just cause, by such worker on behalf of the worker or others of any right or protection afforded by this title.

(2) COMPLAINT.—

(A) IN GENERAL.—A traveling sales crew worker who believes, with just cause, that such worker has been discriminated against in violation of this subsection may, within 12 months of the date of such violation, file a complaint with the Secretary alleging such discrimination.

(B) INVESTIGATION.—Upon receipt of a complaint under subparagraph (A), the Secretary shall cause such investigation to be made as the determines to be appropriate.

(C) ACTIONS.—If upon an investigation under subparagraph (B), the Secretary determines that the provisions of this subsection have been violated, the Secretary shall bring an action in any appropriate United States district court against the person involved.

(D) RELIEF.—In any action under subparagraph (C), the United States district court shall have jurisdiction, for cause shown, to restrain violations of this subsection and order all appropriate relief, including rehiring or reinstatement of the worker, with back pay, or damages.

(f) WAIVER OF RIGHTS.—Agreements by workers purporting to waive or to modify their rights under this title shall be void as contrary to public policy, except that a waiver or modification of rights in favor of the Secretary shall be valid for purposes of enforcement of this title.

(g) AUTHORITY TO OBTAIN INFORMATION.—

(1) IN GENERAL.—To carry out this title, the Secretary, either pursuant to a complaint or otherwise, shall, as may be appropriate, investigate and, in connection with such investigation, enter and inspect such places (including housing and vehicles) and such records (and make transcriptions thereof), question such persons and gather such information to determine compliance with this title, or regulations promulgated under this title.

(2) PRODUCTION AND RECEIPT OF EVIDENCE.—The Secretary may issue subpoenas requiring the attendance and testimony of witnesses or the production of any evidence in connection with investigations under paragraph (1). The Secretary may administer oaths, examine witnesses, and receive evidence. For the purpose of any hearing or investigation provided for in this title, the authority contained in sections 9 and 10 of the Federal Trade Commission Act (15 U.S.C. 49 and 50), relating to the attendance of witnesses and the production of books, papers, and documents, shall be available to the Secretary.

(3) CONFIDENTIALITY.—The Secretary shall conduct investigations under paragraph (1) in a manner which protects the confidentiality of any complainant or other party who provides information to the Secretary in good faith.

(4) VIOLATION.—It shall be violation of this title for any person to unlawfully resist, oppose, impede, intimidate, or interfere with any official of the Department of Labor assigned to perform any investigation, inspection, or law enforcement function pursuant to this title during the performance of such duties.

(h) STATE LAWS AND REGULATIONS; GOVERNMENT AGENCIES.—

(1) RELATION TO STATE LAWS.—This title is intended to supplement State law, and compliance with this title shall not be construed to excuse any person from compliance with appropriate State laws and regulations.

(2) AGREEMENTS.—The Secretary may enter into agreements with Federal and State agencies—

(A) to use their facilities and services;

(B) to delegate to Federal and State agencies such authority, other than rulemaking, as may be useful in carrying out this title; and

(C) to allocate or transfer funds to, or otherwise pay or reimburse, such agencies for expenses incurred pursuant to agreements under this paragraph.

(i) RULES AND REGULATIONS.—The Secretary may issue such rules and regulations as may be necessary to carry out this title, consistent with the requirements of chapter 5 of title 5, United States Code.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 1990. A bill to designate the Federal building located at 501 I Street in Sacramento, California, as the ''Joe

Serna, Jr. United States Courthouse and Federal Building''; to the Committee on Environment and Public Works.

JOE SERNA, JR. UNITED STATES COURTHOUSE AND FEDERAL BUILDING

• Mrs. BOXER. Mr. President, today I am introducing legislation to honor one of the finest mayors to serve in California. My state, particularly my constituents in Sacramento lost a great Californian this fall with the passing of Sacramento Mayor Joe Serna.

My bill will name the new Federal Courthouse at 501 I Street the ''Joe Serna, Jr. United States Courthouse and Federal Building'' in honor of his contributions to Sacramento and the working men and women of California. Joe Serna was a man of great vision, courage, energy, warmth, and humor.

He was also a living embodiment of the American Dream: a first-generation American who helped to reshape the capital of our nation's largest state.

Mayor Serna was born in 1939, the son of Mexican immigrants. As the oldest of four children, Joe grew up in a bunkhouse and worked with his family in the beet fields around Lodi.

Mayor Serna never forgot his roots. After attending Sacramento City College and graduating from California State University, Sacramento, he served in the Peace Corps and went to work for the United Farm Workers, where Cesar Chavez became his mentor and role model.

After serving on the city's redevelopment agency in the 1970s, Mayor Serna was elected to the Council himself in 1981. He was elected mayor in 1992 and re-elected in 1996, winning both races by wide margins. Throughout his terms in office, he continued to work as a professor of government and ethnic studies at his alma mater, Cal State Sacramento.

Mayor Serna virtually rebuilt the city of Sacramento. He forged public-private partnerships to redevelop the downtown, revitalize the neighborhoods, and reform the public school system. He presided over an urban renaissance that transformed Sacramento into a dynamic modern metropolis. The new Sacramento Federal Building is a visible reminder of the redevelopment of Sacramento. Naming this building after Mayor Serna would be a fitting tribute.

Mayor Serna died as he lived: with great strength and dignity. Last month, as he publicly discussed his impending death from cancer, he said, ''I was supposed to live and die as a farm worker, not as a mayor and a college professor. I have everything to be thankful for. I have the people to thank for allowing me to be their mayor. I have society to thank for the opportunity it has given me.''

Mr. President, it is we who are thankful today for having had such a man serve the people of California, and I ask my colleagues to support this legislation to honor the legacy of Joe Serna, Jr.

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

The bill follows:

S. 1990

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

SECTION 1. DESIGNATION OF JOE SERNA, JR. UNITED STATES COURTHOUSE AND FEDERAL BUILDING.

The Federal building located at 501 I Street in Sacramento, California, shall be known and designated as the ''Joe Serna, Jr. United States Courthouse and Federal Building''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the Joe Serna, Jr. United States Courthouse and Federal Building.•

By Ms. SNOWE:

S. 1992. A bill to provide States with loans to enable State entities or local governments within the States to make interest payments on qualified school construction bonds issued by the State entities or local governments, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

BUILDING, RENOVATING, IMPROVING, AND CONSTRUCTING KIDS' SCHOOLS ACT

Ms. SNOWE. Mr. President, I rise today to introduce the ''Building, Renovating, Improving, and Constructing Kids' Schools (BRICKS) Act''—legislation that would address our nation's burgeoning need for K–12 school construction, renovation, and repair. The legislation would accomplish this in a fiscally-responsible manner while seeking to find the middle ground between those who support a very direct, active federal role in school construction, and those who are concerned about an expanded federal role in what has been—and remains—a state and local responsibility.

Mr. President, the condition of many of our nation's existing public schools is abysmal even as the need for additional schools and classroom space grows. Specifically, according to reports issued by the General Accounting Office (GAO) in 1995 and 1996, fully one-third of all public schools needing extensive repair or replacement.

As further evidence of this problem, an issue brief prepared by the National Center for Education Statistics (NCES) in 1999 stated that the average public school in America is 42 years old, with school buildings beginning rapid deterioration after 40 years. In addition, the NCES brief found that 29 percent of all public schools are in the ''oldest condition,'' which means that they were built prior to 1970 and have either never been renovated or were renovated prior to 1980.

Not only are our nation's schools in need of repair and renovation, but there is a growing demand for additional schools and classrooms due to an ongoing surge in student enrollment. Specifically, according to the NCES, at least 2,400 new public schools will need to be built by the year 2003 to accommodate our nation's burgeoning school rolls, which will grow from a record 52.7 million children today to 54.3 million by 2008.

Needless to say, the cost of addressing our nation's need for school renovations and construction is enormous. In fact, according to the General Accounting Office (GAO), it will cost $112 billion just to bring our nation's schools into good overall condition. Nowhere is this cost better understood than in my home state of Maine, where a recently-completed study by the Maine Department of Education and the State Board of Education determined that the cost of addressing the state's school building and construction needs stood at $637 million.

Mr. President, we simply cannot allow our nation's schools to fall into utter disrepair and obsolescence with children sitting in classrooms that have leaky ceilings or rotting walls. We cannot ignore the need for new schools as the record number of children enrolled in K–12 schools continues to grow.

Accordingly, because the cost of repairing and building these facilities may prove to be more than many state and local governments can bear in a short period of time, I believe the federal government can and should assist Maine and other state and local governments in addressing this growing national crisis.

Admittedly, not all members support strong federal intervention in what has been historically a state and local responsibility. In fact, many argue with merit that the best form of federal assistance for school construction or other local educational needs would be for the federal government to fulfill its commitment to fund 40 percent of the cost of special education. This long-standing commitment was made when the Individuals with Disabilities Education (IDEA) Act was signed into law more than 20 years ago, but the federal government has fallen woefully short in upholding its end of the bargain, only recently increasing its share to approximately 10 percent.

Needless to say, I strongly agree with those who argue that the federal government's failure to fulfill this mandate represents nothing less than a raid on the pocketbook of every state and local government. Accordingly, I am pleased that recent efforts in the Congress have increased federal funding for IDEA by a full 85 percent over the past three years, and I support ongoing efforts to achieve the 40 percent federal commitment in the near future.

Yet, even as we work to fulfill this long-standing commitment and thereby free up local resources to address local needs, I believe the federal government can do more to assist state and local governments in addressing their school construction needs without infringing on local control.

Mr. President, the legislation I am offering today—the ''BRICKS Act''—will do just that . Specifically, it addresses our nation's school construction needs in a responsible fiscal manner while bridging the gap between those who advocate a more activist federal role in school construction and those who do not.

First, my legislation will provide $20 billion in federal loans to support school construction, renovation, and repair at the local level. By designating that these loans may only be used to pay the interests owed to bondholders on new, 15-year school construction bonds that are issued by state and local governments through the year 2002, the federal government will leverage the issuing of new bonds by states and localities that would not otherwise be made.

Of importance, these loan moneys—which will be distributed on an annual basis using the Title I distribution formula—will become available to each state at the request of a Governor. While the federal loans can only be used to support bond issues that will supplement, and not supplant, the amount of school construction that would have occurred in the absence of the loans, there will be no requirement that states engage in a lengthy application process that does not even assure them of their rightful share of the $20 billion pot.

Second, my bill ensures that these loans are made by the federal government in a fiscally responsible manner that does not cut into the Social Security surplus or claim a portion of non-Social Security surpluses that may prove ephemeral in the future.

Specifically, my bill would make these loans to states from the Exchange Stabilization Fund (ESF)—a fund that was created through the Gold Reserve Act of 1934 and has grown to hold more than $40 billion in assets. The principal activity of the fund—which is controlled solely by the Secretary of the Treasury—is foreign exchange intervention that is intended to limit fluctuations in exchange rates. However, the fund has also been used to provide stabilization loans to foreign countries, including a $20 billion line of credit to Mexico in 1995 to support the peso.

In light of the controversial manner in which the ESF has been used, some have argued that additional constraints should be placed on the fund. Still others—including former Federal Reserve Board Governor Lawrence B. Lindsey—have stated that, for various reasons, the fund should be liquidated.

Regardless of how one feels about exercising greater constraint over the ESF or liquidating it, I believe that if this $40 billion fund can be used to bailout foreign currencies, it certainly can be used to help America's schools.

Accordingly, I believe it is appropriate that the $20 billion in loans provided by my legislation will be made from the ESF—an amount identical to the line of credit that was extended to Mexico by the Secretary of the Treasury in 1995. Of importance, these loans will be made from the ESF on a progressive, annual basis—not in a sudden or immediate manner. Furthermore, these monies will be repaid to the fund with interest, to ensure that the ESF is compensated for the loans it makes.

Although the ESF will recoup all of the monies it lends plus interest, it should also be noted that my proposal ensures that state and local governments will not be forced to pay excessive interest—or that they will be forced to repay over an unreasonable time line. Specifically, my bill sets the interest rate for the loans at the average prime lending rate for the year in which the bonds are issued, with a cap of 4.5 percent—an amount that is lower than the prime lending rate in any of the previous 15 years. Furthermore, no payments will be owed—and no interest will accrue—until 2005, unless the federal government fulfills its commitment to fund 40 percent of the cost of special education prior to that time.

Combined, these provisions will minimize the cost of these loans to the states, and maximize the utilization of these loans for school construction, renovation, and repair.

Mr. President, by providing low-interest loans to states and local governments to support school construction, I believe that my bill represents a fiscally-responsible, centrist solution to a national problem.

For those who support a direct, active federal role in school construction, my bill provides substantial federal assistance by dedicating $20 billion to leverage a significant amount of new school construction bonds. For those who are concerned about the federal government becoming overly-engaged in an historically state and local responsibility—and thereby stepping on local control—my bill directs that the monies provided to states will be repaid with interest, and that no onerous applications or demands are placed on states to receive their share of these monies.

Mr. President, I urge that my colleagues support the ''BRICKS Act''—legislation that is intended to bridge the gap between competing philosophies on the federal role in school construction. Ultimately, if we work together, we can make a tangible difference in the condition of America's schools without turning it into a partisan or ideological battle that is better suited to sound bites than actual solutions.

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. 1992

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 ''Building, Renovating, Improving, and Constructing Kids' Schools Act''.

SEC. 2. FINDINGS.

Congress make the following findings:

(1) According to a 1999 issue brief prepared by the National Center for Education Statistics, the average public school in America is 42 years old, and school buildings begin rapid deterioration after 40 years. In addition, 29 percent of all public schools are in the oldest condition, meaning that the schools were built before 1970 and have either never been renovated or were renovated prior to 1980.

(2) According to reports issued by the General Accounting Office (GAO) in 1995 and 1996, it would cost $112,000,000,000 to bring the Nation's schools into good overall condition, and one-third of all public schools need extensive repair or replacement.

(3) Many schools do not have the appropriate infrastructure to support computers and other technologies that are necessary to prepare students for the jobs of the 21st century.

(4) Without impeding on local control, the Federal Government appropriately can assist State and local governments in addressing school construction, renovation, and repair needs by providing low-interest loans for purposes of paying interest on related bonds.

SEC. 3. DEFINITIONS.

In this Act:

(1) BOND.—The term ''bond'' includes any obligation.

(2) GOVERNOR.—The term ''Governor'' includes the chief executive officer of a State.

(3) LOCAL EDUCATIONAL AGENCY.—The term ''local educational agency'' has the meaning given to such term by section 14101 of the Elementary and Secondary Education Act of 1965.

(4) PUBLIC SCHOOL FACILITY.—The term public school facility shall not include—

(A) any stadium or other facility primarily used for athletic contests or exhibitions, or other events for which admission is charged to the general public; or

(B) any facility which is not owned by a State or local government or any agency or instrumentality of a State or local government.

(5) QUALIFIED SCHOOL CONSTRUCTION BOND.—The term ''qualified school construction bond'' means any bond issued as part of an issue if—

(A) 95 percent or more of the proceeds of such issue are to be used for the construction, rehabilitation, or repair of a public school facility or for the acquisition of land on which such a facility is to be constructed with part of the proceeds of such issue;

(B) the bond is issued by a State entity or local government;

(C) the issuer designates such bonds for purposes of this section; and

(D) the term of each bond which is part of such issue does not exceed 15 years.

(6) STABILIZATION FUND.—The term ''stabilization fund'' means the stabilization fund established under section 5302 of title 31, United States Code.

(7) STATE.—The term ''State'' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

SEC. 4. LOANS FOR SCHOOL CONSTRUCTION BOND INTEREST PAYMENTS.

(a) LOAN AUTHORITY.—

(1) IN GENERAL.—From funds made available to a State under section 5(b) the State

shall make loans to State entities or local governments within the State to enable the entities and governments to make annual interest payments on qualified school construction bonds that are issued by the entities and governments not later than December 31, 2002.

(2) REQUESTS.—The Governor of each State desiring assistance under this Act shall submit a request to the Secretary of the Treasury at such time and in such manner as the Secretary of the Treasury may require.

(b) LOAN REPAYMENT.—

(1) IN GENERAL.—Subject to paragraph (2), a State entity or local government that receives a loan under this Act shall repay to the stabilization fund the amount of the loan, plus interest, at the average prime lending rate for the year in which the bond is issued, not to exceed 4.5 percent.

(2) EXCEPTION.—A State entity or local government shall not repay the amount of a loan made under this Act, plus interest, and the interest on a loan made under this Act shall not accrue, prior to January 1, 2005, unless the amount appropriated to carry out part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) for any fiscal year prior to fiscal year 2006 is sufficient to fully fund such part for the fiscal year at the originally promised level, which promised level would provide to each State 40 percent of the average per-pupil expenditure for providing special education and related services for each child with a disability in the State.

(c) FEDERAL RESPONSIBILITIES.—The Secretary of the Treasury and the Secretary of Education—

(1) jointly shall be responsible for ensuring that funds provided under this Act are properly distributed;

(2) shall ensure that funds provided under this Act only are used to pay the interest on qualified school construction bonds; and

(3) shall not have authority to approve or disapprove school construction plans assisted pursuant to this Act, except to ensure that funds made available under this Act are used only to supplement, and not supplant, the amount of school construction, rehabilitation, and repair in the State that would have occurred in the absence of such funds.

SEC. 5. AMOUNTS AVAILABLE TO EACH STATE.

(a) RESERVATION FOR INDIANS.—From $20,000,000,000 of the funds in the stabilization fund, the Secretary of the Treasury shall make available $400,000,000 to Indian tribes for loans to enable the Indian tribes to make annual interest payments on qualified school construction bonds in accordance with the requirements of this Act that the Secretary of the Treasury determines appropriate.

(b) AMOUNTS AVAILABLE.—

(1) IN GENERAL.—From $20,000,000,000 of the funds in the stabilization fund that are not reserved under subsection (a), the Secretary of the Treasury shall make available to each State submitting a request under section 4(a)(2) an amount that bears the same relation to such remainder as the amount the State received under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) for fiscal year 2000 bears to the amount received by all States under such part for such year.

(2) DISBURSAL.—The Secretary of the Treasury shall disburse the amount made available to a State under paragraph (1), on an annual basis, during the period beginning on October 1, 2000, and ending September 30, 2017.

(c) NOTIFICATION.—The Secretary of the Treasury and the Secretary of Education jointly shall notify each State of the amount of funds the State may borrow under this Act.

By Mr. THOMPSON (for himself, and Mr. LIEBERMAN):

S. 1993. A bill to reform Government information security by strengthening information security practices throughout the Federal Government; to the Committee on Governmental Affairs.

GOVERNMENT INFORMATION SECURITY ACT OF 1999

Mr. THOMPSON. Mr. President, I rise today to introduce a bill on behalf of myself as chairman of the Governmental Affairs Committee and Senator Lieberman, the Committee's ranking minority member, on an issue of great importance to our committee and the nation—the security of Federal government computer systems.

Over the last decade, the Federal Government, like most private-sector organizations, has become enormously dependent on interconnected computer systems, including the Internet, to support its operations and account for its assets. This explosion in interconnectivity has resulted in many benefits. In particular, it has increased productivity, made enormous amounts of useful information instantly available to millions of people, and contributed to the economic boom of the 1990s.

However, the factors that generate these benefits—widely accessible data and instantaneous communication—also increase the risks that information will be misused, possibly to commit fraud or other crimes, or that sensitive information will be in appropriately disclosed. In addition, our government's, as well as our nation's, dependence on this computer support makes it susceptible to devastating disruptions in critical services, as well as in computer-based safety and financial controls. Such disruptions could be caused by sabotage, natural disasters, or widespread system faults, as illustrated by the Y2K date conversion concerns.

The Governmental Affairs Committee spent considerable time during the last Congress on this issue with a specific emphasis on information security and cyberterrorism. We uncovered and identified failures of information security affecting our international security and vulnerability to domestic and international terrorism. We highlighted our nation's vulnerability to computer attacks—from international and domestic terrorists to crime rings to everyday hackers. We directed GAO to prepare a ''best practices'' guide on computer security for Federal agencies to use, and we asked GAO to study computer security vulnerabilities at several Federal agencies including the Internal Revenue Service, the State Department, the Federal Aviation Administration, the Social Security Administration, and the Veterans' Administration.

As a result of its work, GAO identified many specific weaknesses in agency controls and concluded that the underlying cause was inadequate security program planning and management. In particular, agencies were addressing identified weaknesses on a piecemeal basis rather than proactively addressing systemic causes that diminished security effectiveness throughout the agency.

That is not to say that nothing is being done. Many in the executive branch recognize that action is needed to improve Federal information security, and several efforts have been initiated. For example, in May 1998, Presidential Decision Directive (PDD) 63 directed the National Security Council to lead a variety of efforts intended to improve critical infrastructure protection, including protection of Federal agency information infrastructures, and required major agencies to develop plans to protect their own critical computer-based systems.

But despite a flurry of activity in this area and a number of statutes already on the books which deal with the issues, we have concluded that a more complete and meaningful statutory foundation for improvement is needed. The primary objective of this legislation is to update existing information security statutory requirements to address the management challenges associated with operating in the current interconnected computing environment.

We begin where the Paperwork Reduction Act of 1995 and the Clinger-Cohen Act of 1996 left off. These laws, and the computer Security Act of 1987, provided the basic framework for managing information security. This legislation which we introduce today will update and clarify existing requirements and responsibilities of Federal agencies in dealing with information security.

The Government Information Security Act:

Strengthens the Office of Management and Budget's information security duties, consistent with its existing responsibilities under the Paperwork Reduction Act;

Establishes Federal agency accountability for information security as needed to cost-effectively protect the assets and operations of the agency by creating a set of management requirements derived from GAO ''Best Practices'' audit work;

Requires agencies to have an annual independent evaluation of their information security programs and practices to assess compliance with authorized requirements and to test effectiveness of information security control techniques;

Provides for the application of a unified and logical set of governmentwide controls by including national security systems within the application of the legislation; and

Focuses on the importance of training programs and governmentwide incident handling.

We recognize that these aren't the only things that need to be done. Some have suggested we provide specific standards in the legislation. Others

have recommended we establish a new position of a National Chief Information Officer. These and, no doubt, many other proposals will be considered as we debate this important issue. But this legislation is intended as a good first step to better define roles among Federal agencies in order to develop a fully secure government.

I ask unanimous consent that the full text of the bill we are introducing be printed in the RECORD.

S. 1993

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 ''Government Information Security Act of 1999''.

SEC. 2. COORDINATION OF FEDERAL INFORMATION POLICY.

Chapter 35 of title 44, United States Code, is amended by inserting at the end the following:

''SUBCHAPTER II—INFORMATION SECURITY

''§ 3531. Purposes

''The purposes of this subchapter are to—

''(1) provide a comprehensive framework for establishing and ensuring the effectiveness of controls over information resources that support Federal operations and assets;

''(2)(A) recognize the highly networked nature of the Federal computing environment including the need for Federal Government interoperability and, in the implementation of improved security management measures, assure that opportunities for interoperability are not adversely affected; and

''(B) provide effective governmentwide management and oversight of the related information security risks, including coordination of information security efforts throughout the civilian, national security, and law enforcement communities;

''(3) provide for development and maintenance of minimum controls required to protect Federal information and information systems; and

''(4) provide a mechanism for improved oversight of Federal agency information security programs.

''§ 3532. Definitions

''(a) Except as provided under subsection (b), the definitions under section 3502 shall apply to this subchapter.

''(b) As used in this subchapter the term 'information technology' has the meaning given that term in section 5002 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401).

''§ 3533. Authority and functions of the Director

''(a)(1) Consistent with subchapter I, the Director shall establish governmentwide policies for the management of programs that support the cost-effective security of Federal information systems by promoting security as an integral component of each agency's business operations.

''(2) Policies under this subsection shall—

''(A) be founded on a continuing risk management cycle that recognizes the need to—

''(i) identify, assess, and understand risk; and

''(ii) determine security needs commensurate with the level of risk;

''(B) implement controls that adequately address the risk;

''(C) promote continuing awareness of information security risk;

''(D) continually monitor and evaluate policy; and

''(E) control effectiveness of information security practices.

''(b) The authority under subsection (a) includes the authority to—

''(1) oversee and develop policies, principles, standards, and guidelines for the handling of Federal information and information resources to improve the efficiency and effectiveness of governmental operations, including principles, policies, and guidelines for the implementation of agency responsibilities under applicable law for ensuring the privacy, confidentiality, and security of Federal information;

''(2) consistent with the standards and guidelines promulgated under section 5131 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1441) and sections 5 and 6 of the Computer Security Act of 1987 (40 U.S.C. 759 note; Public Law 100–235; 101 Stat. 1729), require Federal agencies to identify and afford security protections commensurate with the risk and magnitude of the harm resulting from the loss, misuse, or unauthorized access to or modification of information collected or maintained by or on behalf of an agency;

''(3) direct the heads of agencies to coordinate such agencies and coordinate with industry to—

''(A) identify, use, and share best security practices; and

''(B) develop voluntary consensus-based standards for security controls, in a manner consistent with section 2(b)(13) of the National Institute of Standards and Technology Act (15 U.S.C. 272(b)(13));

''(4) oversee the development and implementation of standards and guidelines relating to security controls for Federal computer systems by the Secretary of Commerce through the National Institute of Standards and Technology under section 5131 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1441) and section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3);

''(5) oversee and coordinate compliance with this section in a manner consistent with—

''(A) sections 552 and 552a of title 5;

''(B) sections 20 and 21 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3 and 278g–4);

''(C) section 5131 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1441);

''(D) sections 5 and 6 of the Computer Security Act of 1987 (40 U.S.C. 759 note; Public Law 100–235; 101 Stat. 1729); and

''(E) related information management laws; and

''(6) take any authorized action that the Director considers appropriate, including any action involving the budgetary process or appropriations management process, to enforce accountability of the head of an agency for information resources management and for the investments made by the agency in information technology, including—

''(A) recommending a reduction or an increase in any amount for information resources that the head of the agency proposes for the budget submitted to Congress under section 1105(a) of title 31;

''(B) reducing or otherwise adjusting apportionments and reapportionments of appropriations for information resources; and

''(C) using other authorized administrative controls over appropriations to restrict the availability of funds for information resources.

''(c) The authority under this section may be delegated only to the Deputy Director for Management of the Office of Management and Budget.

''§ 3534. Federal agency responsibilities

''(a) The head of each agency shall—

''(1) be responsible for—

''(A) adequately protecting the integrity, confidentiality, and availability of information and information systems supporting agency operations and assets; and

''(B) developing and implementing information security policies, procedures, and control techniques sufficient to afford security protections commensurate with the risk and magnitude of the harm resulting from unauthorized disclosure, disruption, modification, or destruction of information collected or maintained by or for the agency;

''(2) ensure that each senior program manager is responsible for—

''(A) assessing the information security risk associated with the operations and assets of such manager;

''(B) determining the levels of information security appropriate to protect the operations and assets of such manager; and

''(C) periodically testing and evaluating information security controls and techniques;

''(3) delegate to the agency Chief Information Officer established under section 3506, or a comparable official in an agency not covered by such section, the authority to administer all functions under this subchapter including—

''(A) designating a senior agency information security officer;

''(B) developing and maintaining an agencywide information security program as required under subsection (b);

''(C) ensuring that the agency effectively implements and maintains information security policies, procedures, and control techniques;

''(D) training and overseeing personnel with significant responsibilities for information security with respect to such responsibilities; and

''(E) assisting senior program managers concerning responsibilities under paragraph (2);

''(4) ensure that the agency has trained personnel sufficient to assist the agency in complying with the requirements of this subchapter and related policies, procedures, standards, and guidelines; and

''(5) ensure that the agency Chief Information Officer, in coordination with senior program managers, periodically—

''(A)(i) evaluates the effectiveness of the agency information security program, including testing control techniques; and

''(ii) implements appropriate remedial actions based on that evaluation; and

''(B) reports to the agency head on—

''(i) the results of such tests and evaluations; and

''(ii) the progress of remedial actions.

''(b)(1) Each agency shall develop and implement an agencywide information security program to provide information security for the operations and assets of the agency, including information security provided or managed by another agency.

''(2) Each program under this subsection shall include—

''(A) periodic assessments of information security risks that consider internal and external threats to—

''(i) the integrity, confidentiality, and availability of systems; and

''(ii) data supporting critical operations and assets;

''(B) policies and procedures that—

''(i) are based on the risk assessments required under paragraph (1) that cost-effectively reduce information security risks to an acceptable level; and

''(ii) ensure compliance with—

''(I) the requirements of this subchapter;

''(II) policies and procedures as may be prescribed by the Director; and

''(III) any other applicable requirements;

''(C) security awareness training to inform personnel of—

''(i) information security risks associated with personnel activities; and

''(ii) responsibilities of personnel in complying with agency policies and procedures designed to reduce such risks;

''(D)(i) periodic management testing and evaluation of the effectiveness of information security policies and procedures; and

''(ii) a process for ensuring remedial action to address any deficiencies; and

''(E) procedures for detecting, reporting, and responding to security incidents, including—

''(i) mitigating risks associated with such incidents before substantial damage occurs;

''(ii) notifying and consulting with law enforcement officials and other offices and authorities; and

''(iii) notifying and consulting with an office designated by the Administrator of General Services within the General Services Administration.

''(3) Each program under this subsection is subject to the approval of the Director and is required to be reviewed at least annually by agency program officials in consultation with the Chief Information Officer.

''(c)(1) Each agency shall examine the adequacy and effectiveness of information security policies, procedures, and practices in plans and reports relating to—

''(A) annual agency budgets;

''(B) information resources management under the Paperwork Reduction Act of 1995 (44 U.S.C. 101 note);

''(C) program performance under sections 1105 and 1115 through 1119 of title 31, and sections 2801 through 2805 of title 39; and

''(D) financial management under—

''(i) chapter 9 of title 31, United States Code, and the Chief Financial Officers Act of 1990 (31 U.S.C. 501 note; Public Law 101–576) (and the amendments made by that Act);

''(ii) the Federal Financial Management Improvement Act of 1996 (31 U.S.C. 3512 note) (and the amendments made by that Act); and

''(iii) the internal controls conducted under section 3512 of title 31.

''(2) Any deficiency in a policy, procedure, or practice identified under paragraph (1) shall be reported as a material weakness in reporting required under the applicable provision of law under paragraph (1).

''§ 3535. Annual independent evaluation

''(a)(1) Each year each agency shall have an independent evaluation performed of the information security program and practices of that agency.

''(2) Each evaluation under this section shall include—

''(A) an assessment of compliance with—

''(i) the requirements of this subchapter; and

''(ii) related information security policies, procedures, standards, and guidelines; and

''(B) tests of the effectiveness of information security control techniques.

''(b)(1) For agencies with Inspectors General appointed under the Inspector General Act of 1978 (5 U.S.C. App.), annual evaluations required under this section shall be performed by the Inspector General or by an independent external auditor, as determined by the Inspector General of the agency.

''(2) For any agency to which paragraph (1) does not apply, the head of the agency shall contract with an independent external auditor to perform the evaluation.

''(3) An evaluation of agency information security programs and practices performed by the Comptroller General may be in lieu of the evaluation required under this section.

''(c) Not later than March 1, 2001, and every March 1 thereafter, the results of an evaluation required under this section shall be submitted to the Director.

''(d) Each year the Comptroller General shall—

''(1) review the evaluations required under this section and other information security evaluation results; and

''(2) report to Congress regarding the adequacy of agency information programs and practices.

''(e) Agencies and auditors shall take appropriate actions to ensure the protection of information, the disclosure of which may adversely affect information security. Such protections shall be commensurate with the risk and comply with all applicable laws.''.

SEC. 3. RESPONSIBILITIES OF CERTAIN AGENCIES.

(a) DEPARTMENT OF COMMERCE.—The Secretary of Commerce, through the National Institute of Standards and Technology and with technical assistance from the National Security Agency, shall—

(1) develop, issue, review, and update standards and guidance for the security of information in Federal computer systems, including development of methods and techniques for security systems and validation programs;

(2) develop, issue, review, and update guidelines for training in computer security awareness and accepted computer security practices, with assistance from the Office of Personnel Management;

(3) provide agencies with guidance for security planning to assist in the development of applications and system security plans for such agencies;

(4) provide guidance and assistance to agencies concerning cost-effective controls when interconnecting with other systems; and

(5) evaluate information technologies to assess security vulnerabilities and alert Federal agencies of such vulnerabilities.

(b) DEPARTMENT OF JUSTICE.—The Department of Justice shall review and update guidance to agencies on—

(1) legal remedies regarding security incidents and ways to report to and work with law enforcement agencies concerning such incidents; and

(2) permitted uses of security techniques and technologies.

(c) GENERAL SERVICES ADMINISTRATION.—The General Services Administration shall—

(1) review and update General Services Administration guidance to agencies on addressing security considerations when acquiring information technology; and

(2) assist agencies in the acquisition of cost-effective security products, services, and incident response capabilities.

(d) OFFICE OF PERSONNEL MANAGEMENT.—The Office of Personnel Management shall—

(1) review and update Office of Personnel Management regulations concerning computer security training for Federal civilian employees; and

(2) assist the Department of Commerce in updating and maintaining guidelines for training in computer security awareness and computer security best practices.

SEC. 4. TECHNICAL AND CONFORMING AMENDMENTS.

(a) IN GENERAL.—Chapter 35 of title 44, United States Code, is amended—

(1) in the table of sections—

(A) by inserting after the chapter heading the following:

''SUBCHAPTER I—FEDERAL INFORMATION POLICY'';

and

(B) by inserting after the item relating to section 3520 the following:

''SUBCHAPTER II—INFORMATION SECURITY

''Sec.
''3531. Purposes.
''3532. Definitions.
''3533. Authority and functions of the Director.
''3534. Federal agency responsibilities.
''3535. Annual independent evaluation.'';

and

(2) by inserting before section 3501 the following:

''SUBCHAPTER I—FEDERAL INFORMATION POLICY''.

(b) REFERENCES TO CHAPTER 35.—Chapter 35 of title 44, United States Code, is amended—

(1) in section 3501—

(A) in the matter preceding paragraph (1), by striking ''chapter'' and inserting ''subchapter''; and

(B) in paragraph (11), by striking ''chapter'' and inserting ''subchapter'';

(2) in section 3502, in the matter preceding paragraph (1), by striking ''chapter'' and inserting ''subchapter'';

(3) in section 3503, in subsection (b), by striking ''chapter'' and inserting ''subchapter'';

(4) in section 3504—

(A) in subsection (a)(2), by striking ''chapter'' and inserting ''subchapter'';

(B) in subsection (d)(2), by striking ''chapter'' and inserting ''subchapter''; and

(C) in subsection (f)(1), by striking ''chapter'' and inserting ''subchapter'';

(5) in section 3505—

(A) in subsection (a), in the matter preceding paragraph (1), by striking ''chapter'' and inserting ''subchapter'';

(B) in subsection (a)(2), by striking ''chapter'' and inserting ''subchapter''; and

(C) in subsection (a)(3)(B)(iii), by striking ''chapter'' and inserting ''subchapter'';

(6) in section 3506—

(A) in subsection (a)(1)(B), by striking ''chapter'' and inserting ''subchapter'';

(B) in subsection (a)(2)(A), by striking ''chapter'' and inserting ''subchapter'';

(C) in subsection (a)(2)(B), by striking ''chapter'' and inserting ''subchapter'';

(D) in subsection (a)(3)—

(i) in the first sentence, by striking ''chapter'' and inserting ''subchapter''; and

(ii) in the second sentence, by striking ''chapter'' and inserting ''subchapter'';

(E) in subsection (b)(4), by striking ''chapter'' and inserting ''subchapter'';

(F) in subsection (c)(1), by striking ''chapter, to'' and inserting ''subchapter, to''; and

(G) in subsection (c)(1)(A), by striking ''chapter'' and inserting ''subchapter'';

(7) in section 3507—

(A) in subsection (e)(3)(B), by striking ''chapter'' and inserting ''subchapter'';

(B) in subsection (h)(2)(B), by striking ''chapter'' and inserting ''subchapter'';

(C) in subsection (h)(3), by striking ''chapter'' and inserting ''subchapter'';

(D) in subsection (j)(1)(A)(i), by striking ''chapter'' and inserting ''subchapter'';

(E) in subsection (j)(1)(B), by striking ''chapter'' and inserting ''subchapter''; and

(F) in subsection (j)(2), by striking ''chapter'' and inserting ''subchapter'';

(8) in section 3509, by striking ''chapter'' and inserting ''subchapter'';

(9) in section 3512—

(A) in subsection (a), by striking ''chapter if'' and inserting ''subchapter if''; and

(B) in subsection (a)(1), by striking ''chapter'' and inserting ''subchapter'';

(10) in section 3514—

(A) in subsection (a)(1)(A), by striking ''chapter'' and inserting ''subchapter''; and

(B) in subsection (a)(2)(A)(ii), by striking ''chapter'' and inserting ''subchapter'' each place it appears;

(11) in section 3515, by striking ''chapter'' and inserting ''subchapter'';

(12) in section 3516, by striking ''chapter'' and inserting ''subchapter'';

(13) in section 3517(b), by striking ''chapter'' and inserting ''subchapter'';

(14) in section 3518—

(A) in subsection (a), by striking ''chapter'' and inserting ''subchapter'' each place it appears;

(B) in subsection (b), by striking ''chapter'' and inserting ''subchapter'';

(C) in subsection (c)(1), by striking ''chapter'' and inserting ''subchapter'';

(D) in subsection (c)(2), by striking ''chapter'' and inserting ''subchapter'';

(E) in subsection (d), by striking ''chapter'' and inserting ''subchapter''; and

(F) in subsection (e), by striking ''chapter'' and inserting ''subchapter''; and

(15) in section 3520, by striking ''chapter'' and inserting ''subchapter''.

SEC. 5. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect 30 days after the date of enactment of this Act.

• Mr. LIEBERMAN. Mr. President, I am pleased to join today with Senator THOMPSON in introducing the Government Information Security Act of 1999. This bill would put a management structure in place for the implementation of risk-based computer security measures across the government.

We are introducing this bill in the closing days of this session with the hope that it will serve as the basis for launching a discussion about the most effective ways to improve government's approach to computer security. We invite and look forward to comments from government agencies, industry and academic experts, think tanks and others who have been involved in this field.

Like the rest of the nation,the government is increasingly dependent on computer and other electronic information systems to collect, analyze and preserve important data and perform vital tasks. Government computer systems are rife with sensitive information pertaining to the fundamentals of our existence—our national security, the strength of our economy, transportation and communications systems, and the personal lives of millions of individual citizens. The Department of Defense and other national security agencies control our weapons of mass destruction and track the offensive movements of enemy states through complex computer programs; the Internal Revenue Service maintains an automated systems wage information on every working American; the Federal Reserve calculates key economic indicators electronically and the Center for Disease Control relies on computers to tracks threats to the nation's public health.

And yet, this computer-reliant infrastructure is frighteningly vulnerable to exploitation not only by trouble-makers and professional hackers but by organized crime and international terrorists. Indeed, a disruption of our communications, transportation and energy sections could prove as destructive as any conventional weapons attack to our ability to defend our privacy, our safety, even our freedom.

Indeed, witnesses before the Governmental Affairs Committee last Congress testified that the government's reliance on computer systems is not matched by a concomitant growth in the security of those systems. A series of Government Accounting Office studies found government computer security so lax that it landed on the GAO's list of ''high risk'' government programs. For example, this year, GAO reported that one of its test teams gained access to mission critical computer systems at NASA which would have allowed the team to control spacecraft or alter data returned from space. In May 1998, the GAO was able to gain unauthorized access to the State Department's networks which would have enabled GAO to modify, delete or download important data and shutdown services. And the GAO reported in September 1998 that inadequate information system controls by the Veterans Administration threatened the disruption or misuse of service delivery to the men and women who have fought our wars.

Less significant on a global scale, but of utmost concern to individual citizens is the extent to which inadequate security leaves personal information, and therefore people, vulnerable to exposure and exploitation. Our legislation will address personal information maintained by the government such as benefits and tax data and demographics culled from personal information we supply to the Census Bureau.

While the GAO's work is compelling, I am convinced by two other developments that legislation in this area needs to be addressed quickly. First, we have been intensely focused throughout the year on fixing the computer problems associated with Y2K. Ensuring that the information our government collects and produces is secure may seem similar to the Y2K issue because both reflect our dependency on computers and their vulnerability to programming failures and outside disruptions. The need for secure government computer systems, however, will not disappear in the first days and weeks of the year 2000. Indeed, it will be with us until we have a structure within the government dedicated to fixing these problems.

Second,we have spent significant time this session digging into the Los Alamo National Laboratory espionage scandal and allegations that an employee improperly downloaded classified material to an unclassified computer. The Energy and Justice Departments are still looking into this breach of security, but it should focus everyone's attention on the vulnerability associated with extensive reliance computers and the undeniable need for improvements in how we manage and secure these systems.

Mr. President, the goal of the bill we are introducing today is to protect the integrity, confidentiality and availability of information and ensure that critical improvements in the management of our computer security system take place. Specifically, our bill would:

Require high-level accountability. The Director of the Office of Management and Budget will be accountable for overseeing policy while the agency heads will be accountable for developing specific security plans.

Require agency heads to develop and implement security plans and policies based on the appropriate level of risk for the different type of information the agency maintains. We need to ensure that each agency's plan reflects an understanding that computer security must be an integral part of the development process for any new system. Agencies now tend to develop a system and consider security issues only as an afterthought, if at all.

Establish an ongoing, periodic reporting, testing and evaluation process to gauge the effectiveness of the policies and procedures. This would be accomplished through agency budgets, program performance and financial management.

Require an independent, annual audit of all information security practices and programs within an agency. The audit would be conducted either by the agency's Inspector General, GAO or an independent external auditor. GAO has told us that an audit requirement is essential to monitoring agencies' management of information security and to ensure that these systems are kept current.

Require that agencies report unauthorized intrusions into government systems. GSA currently has a program where agencies can report and seek help to respond to intrusions into their information systems and share information concerning common vulnerabilities and threats. Our bill would require agencies to use this reporting and monitoring system.

Mr. President, the provisions of this bill would apply to all information, including classified and unclassified information maintained on civilian and national security systems. We are also considering whether the bill's provisions should apply to government owned, contractor operated facilities including laboratories engaged in national defense research. We look forward to discussions with the defense and intelligence communities on how best to address these issues.

There are a number of areas we have not addressed, and I welcome comments on how best to handle these areas. For example:

We need to ensure that computer security systems will not interfere with the ability of agencies to share data and communicate with each other and the rest of the world. The new era of ''e-business'' and ''e-government'' holds untold opportunities for improving government efficiency, and that's something we want to encourage.

The government needs to rapidly and safely increase the number of trained technical information security professionals. There are a range of approaches to addressing this need, including incentives to universities to train more people in this area; contracting out to the private sector; establishing a CyberCorps at universities based on the ROTC model; or establishing special career designations for personnel specializing in computer security.

We should consider whether current technology will meet the government's computer security needs or whether we need to develop incentives for technology development. A Presidential advisory committee is developing recommendations based on a national laboratory model to conduct research and development of security technology with a possible secondary focus on testing.

We are interested in exploring whether provisions in this bill addressing risk and technology standards, which are now voluntary, consensus-based standards, should be issued as minimum mandatory requirements for successive levels of risk.

And we will also consider issues relating to budgetary needs, privacy requirements, performance measures and how best to coordinate information security and management within the federal government.

Mr. President, I expect what we have proposed will generate a hearty debate. As I have said, I consider this bill a work in progress, so I look forward to hearing from a wide range of interested parties and to working with the Chairman to craft the best possible legislation to protect the integrity and the confidentiality of the government's vast storehouse of information.●

By Mr. KERRY (for himself and Mr. BRYAN):

S. 1994. A bill to amend the Internal Revenue Code of 1986 to provide assistance to first-time homebuyers; to the Committee on Finance.

THE FIRST TIME HOMEBUYER AFFORDABILITY ACT

Mr. KERRY. Mr. President, earlier this week I laid out an agenda for restoring the federal role in expanding the nation's stock of affordable housing. Today, I am making a small downpayment on that promise with the First Time Homebuyer Affordability Act. This legislation, which I am introducing with Senator BRYAN, will create new homeownership opportunities for many Americans by allowing them to borrow from their Investment Retirement Accounts (IRAs), or their parents or grandparents IRAs, on a tax free basis for a downpayment on a first home. The legislation would also allow IRA funds to be used under an equity participation agreement. In both cases, the funds would have to be repaid to the IRA.

We have all talked about the importance of homeownership. Indeed, homeownership makes a very significant contribution to solving many social problems we face in America. Children of homeowners are less likely to become involved in the criminal justice system; they are less likely to drop out of school, or have children out of wedlock. Homeowners vote more often and participate more in community organizations and activities.

Yet, the single biggest barrier to homeownership is a downpayment. This legislation will help hundreds of thousands of homeowners surmount this barrier and realize the American dream.

Mr. President, it is ironic that IRAs today can be invested in almost any asset, including real estate investment trusts, except one's own home. Yet, homeownership continues to be a winning investment, both for the family and the community.

Under current law, individuals may borrow up to $10,000 from their 401(k) retirement accounts to help buy a home without paying taxes. This legislation would put IRAs on the same footing as 401(k) plans while unlocking $2 trillion in IRA saving to help families become homeowners. It has a number of protections to ensure that the loan or investment will be repaid, with interest, or a taxes will be owed and a penalty assessed.

This is good legislation, which has been endorsed by the Mortgage Bankers Association, the National Association of Realtors, and the National Association of Homebuilders. I urge my colleagues to support this bill.

Mr. President, I ask unanimous consent that a letter of support be printed in the RECORD.

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

DEAR SENATOR: We are writing to add our support for your efforts to enhance homeownership opportunities through expanded use for first time homebuyers of their Individual Retirement Accounts (IRAs). We will work closely with you and your colleagues to include this important provision in the Senate Tax Bill.

The United States has recently achieved a record homeownership rate, rising home prices, combined with a significant downpayment hurdle, continue to put homeownership out of the reach of many families and individuals. Finding ways to overcome the downpayment issue is critical to the effort to make homeownership more affordable and obtainable for these families and individuals. Your proposal provides this bridge to enhance homeownership for millions of Americans.

Your plan would build upon the penalty waiver provisions enacted in the 105th Congress to improve access to the $2 trillion held in IRAs for first time home purchase. Penalty waiver provisions now permit people to withdraw up to $10,000 from an IRA account for the purchase of a first time home without incurring a 10 percent premature withdrawal penalty.

However, even with the penalty waiver, a prospective homebuyer still owes federal and state taxes on the amount withdrawn from the IRA. This reduces the amount available for downpayment by thousands of dollars. The plan would eliminate such tax consequences by allowing an individual to borrow up to $10,000 from their IRA account or a parent's IRA account, for a first time home purchase without a tax penalty. IRA funds may also be used under an equity sharing arrangement.

At present, holders of 401(k) retirement accounts may borrow up to 50 percent of account assets, with a floor of $10,000 and a ceiling of $50,000, for any personal use. However, borrowing from an IRA account is prohibited, even for a first time home purchase.

We will work with you to move this key proposal forward to enhance and expand homeownership for all Americans.

Sincerely,

Mortgage Bankers Association of America.
National Association of Realtors.
National Association of Home Builders.

By Mr. KOHL:

S. 1995. A bill to amend the National School Lunch Act to revise the eligibility of private organizations under the child and adult care food program; to the Committee on Agriculture, Nutrition, and Forestry.

LEGISLATION TO AMEND THE NATIONAL SCHOOL LUNCH ACT TO REVISE THE ELIGIBILITY OF PRIVATE ORGANIZATIONS UNDER THE CHILD AND ADULT CARE FOOD PROGRAM

● Mr. KOHL. Mr. President, I rise today to introduce legislation that will correct an unintended obstacle in current law and expand the number of low-income children in child care centers that receive nutritious meals through the Child and Adult Care Food Program.

The current CACFP law provides for subsidies to proprietary child care centers for the nutritious meals they serve children, provided that at least 25% of the participants receive Title XX subsidies. This provision was included to encourage private child care providers to serve more low-income children, by providing funds to reimburse the costs of providing meals. When the law was enacted in 1981, it made sense to tie CACFP funds to Title XX, because Title XX was the primary source of Federal child care assistance at that time.

As we all know, however, the Child Care & Development Block Grant has since become the States' primary funding source for child care assistance, while Title XX funds are being used primarily for other social service needs. This means that although many proprietary child care centers have enrollments with over 25% low-income children, those who no longer receive Title XX are no longer eligible for the CACFP meal subsidy.

Thirty-eight States are currently using small amounts of their Title XX funds for child care subsidies so that at least some of the otherwise eligible children will receive meals in proprietary centers. In Wisconsin, for example, 65 proprietary centers are currently participating in the CACFP program, serving 3,294 children. However, if all eligible centers were able to participate, those numbers could increase to 149 proprietary centers serving 8,195 children, an increase of 4,901 children. A simple change in the law to reflect the current nature of Federal child care assistance could lead to Wisconsin receiving nearly $2,975,000 each year in Federal food subsidies for low-income children in child care.

The bill I introduce today is simple. It would eliminate the outdated requirement that eligible children receive Title XX funds in order to trigger the CACFP meal subsidy. This would allow proprietary centers to participate in CACFP if at least 25% of the

children they serve are eligible for a food nutrition subsidy. This change will ensure that proprietary centers will be able to continue to serve low-income children. It reduces pressure on proprietary centers to increase their rates for non-subsidized children to recover the costs of unreimbursed meals for subsidized children. It preserves the right of parents, including low-income parents, to choose the quality child care center that is most appropriate for their children. And most importantly, this change reinforces the original intent of the law: to ensure that eligible low-income children in proprietary child care centers have the benefit of a nutritious meal. I hope that all of my colleagues will join me in cosponsoring this legislation and I look forward to working for its swift passage when Congress reconvenes in January.●

By Mr. BINGAMAN:

S. 1997. A bill to simplify Federal oil and gas revenue distributions, and for other purposes; to the Committee on Energy and Natural Resources.

MINERAL REVENUE PAYMENTS CLARIFICATION ACT OF 1999

● Mr. BINGAMAN. Mr. President, today, I am introducing legislation which will end the practice of charging States for costs the Federal Government incurs in managing Federal mineral leases.

The Mineral Revenue Payments Clarification Act of 1999 will eliminate net receipts sharing, allowing Federal agencies to more rationally and fairly apportion to States their share of Federal mineral revenues.

Since enactment of the Mineral Leasing Act in 1920, Congress has determined that it was fair and appropriate to share with States a portion of the money received by the United States for Federal mineral leases located within the State. Under current law, for most mineral leases the State share is 50 percent, except for Alaska which receives 90 percent.

In 1993, a permanent provision was added to the Omnibus Appropriations Act that requires the Department of the Interior to deduct from a State's share 50 percent of the Federal Government's costs of administering Federal mineral leases within that State. This new requirement substantially lowers the amounts States receive, but was added without either explanation or justification as to why such a deduction is either fair or appropriate.

Furthermore, the statutory procedures for figuring these deductions are cumbersome to the point of being unworkable. The Federal agencies charged with administering these requirements have found them difficult, and sometimes impossible, to implement in any consistent fashion.

In November of 1997, the Inspector General of the Department of the Interior found that the Department had inaccurately calculated the costs involved in administering the Federal onshore mineral leasing program, resulting in substantial overcharges to States. This issue has yet to be fully resolved by the Department of the Interior.

Needless to say, this complicated and unjustified provision has been controversial with the States and unpopular with the Federal agencies charged with administering it. It penalizes States while creating administrative nightmares for the Federal Government. It is time to do away with this unwieldy provision.

Therefore, I am introducing The Mineral Revenue Payments Clarification Act of 1999, which will eliminate this provision and provide that States' shares of payments under Federal mineral leases will not be reduced by administrative or other costs incurred by the United States. I believe that this will return a system that is both fair, and capable of being administered in a reasonable fashion.●

ADDITIONAL COSPONSORS

S. 92

At the request of Mr. DOMENICI, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 92, a bill to provide for biennial budget process and a biennial appropriations process and to enhance oversight and the performance of the Federal Government.

S. 329

At the request of Mr. ROBB, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 329, a bill to amend title 38, United States Code, to extend eligibility for hospital care and medical services under chapter 17 of that title to veterans who have been awarded the Purple Heart, and for other purposes.

S. 345

At the request of Mr. ALLARD, the names of the Senator from New Jersey (Mr. TORRICELLI) and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of S. 345, a bill to amend the Animal Welfare Act to remove the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 414

At the request of Mr. GRASSLEY, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 414, a bill to amend the Internal Revenue Code of 1986 to provide a 5-year extension of the credit for producing electricity from wind, and for other purposes.

S. 486

At the request of Mr. ROBB, his name was added as a cosponsor of S. 486, a bill to provide for the punishment of methoamphetamine laboratory operators, provide additional resources to combat methamphetamine production, trafficking, and abuse in the United States, and for other purposes.

At the request of Mr. KERREY, his name was added as a cosponsor of S. 486, supra.

At the request of Mr. ASHCROFT, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 486, supra.

At the request of Mr. HATCH, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 486, supra.

At the request of Mr. DASCHLE, his name was added as a cosponsor of S. 486, supra.

S. 655

At the request of Mr. SANTORUM, his name was added as a cosponsor of S. 655, a bill to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles.

S. 1008

At the request of Mr. BAUCUS, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1008, a bill to modify the standards for responding to import surges under section 201 of the Trade Act of 1974, to establish mechanisms for import monitoring and the prevention of circumvention of United States trade laws, and to strengthen the enforcement of United States trade remedy laws.

S. 1028

At the request of Mr. HATCH, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1028, a bill to simplify and expedite access to the Federal courts for injured parties whose rights and privileges, secured by the United States Constitution, have been deprived by final actions of Federal agencies, or other government officials or entities acting under color of State law, and for other purposes.

S. 1029

At the request of Mr. COCHRAN, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 1029, a bill to amend title III of the Elementary and Secondary Education Act of 1965 to provide for digital education partnerships.

S. 1109

At the request of Mr. MCCONNELL, the names of the Senator from Nebraska (Mr. KERREY) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 1109, a bill to conserve global bear populations by prohibiting the importation, exportation, and interstate trade of bear viscera and items, products, or substances containing, or labeled or advertised as containing, bear viscera, and for other purposes.

S. 1131

At the request of Mr. EDWARDS, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 1131, a bill to promote research into, and the development of an ultimate cure for, the disease known as Fragile X.

S. 1133

At the request of Mr. GRAMS, the name of the Senator from Oregon (Mr.

SMITH) was added as a cosponsor of S. 1133, a bill to amend the Poultry Products Inspection Act to cover birds of the order Ratitae that are raised for use as human food.

S. 1155

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

S. 1266

At the request of Mr. GORTON, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 1266, a bill to allow a State to combine certain funds to improve the academic achievement of all its students.

S. 1384

At the request of Mr. ABRAHAM, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 1384, a bill to amend the Public Health Service Act to provide for a national folic acid education program to prevent birth defects, and for other purposes.

S. 1446

At the request of Mr. DEWINE, his name was added as a cosponsor of S. 1446, a bill to amend the Internal Revenue Code of 1986 to allow an additional advance refunding of bonds originally issued to finance governmental facilities used for essential governmental functions.

At the request of Mr. LOTT, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1446, supra.

S. 1487

At the request of Mr. AKAKA, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 1487, a bill to provide for excellence in economic education, and for other purposes.

S. 1528

At the request of Mr. LOTT, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 1528, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to clarify liability under that Act for certain recycling transactions.

S. 1529

At the request of Mr. FRIST, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1529, a bill to amend title XVIII to expand the Medicare Payment Advisory Commission to 19 members and to include on such commission individuals with national recognition for their expertise in manufacturing and distributing finished medical goods.

S. 1580

At the request of Mr. ROBERTS, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1580, a bill to amend the Federal Crop Insurance Act to assist agricultural producers in managing risk, and for other purposes.

S. 1594

At the request of Mr. KERRY, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 1594, a bill to amend the Small Business Act and Small Business Investment Act of 1958.

S. 1741

At the request of Mr. DURBIN, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 1741, a bill to amend United States trade laws to address more effectively import crises.

S. 1771

At the request of Mr. ASHCROFT, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1771, a bill to provide stability in the United States agriculture sector and to promote adequate availability of food and medicine for humanitarian assistance abroad by requiring congressional approval before the imposition of any unilateral agricultural medical sanction against a foreign country or foreign entity.

S. 1800

At the request of Mr. GRAHAM, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1800, a bill to amend the Food Stamp Act of 1977 to improve onsite inspections of State food stamp programs, to provide grants to develop community partnerships and innovative outreach strategies for food stamp and related programs, and for other purposes.

S. 1810

At the request of Mrs. MURRAY, the names of the Senator from South Dakota (Mr. DASCHLE), the Senator from Massachusetts (Mr. KERRY), the Senator from Maine (Ms. SNOWE), the Senator from Nevada (Mr. REID), the Senator from Virginia (Mr. ROBB), and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 1810, a bill to amend title 38, United States Code, to clarify and improve veterans' claims and appellate procedures.

S. 1895

At the request of Mr. FRIST, the names of the Senator from Missouri (Mr. BOND) and the Senator from New Hampshire (Mr. GREGG) were added as cosponsors of S. 1895, a bill to amend the Social Security Act to preserve and improve the medicare program.

S. 1900

At the request of Mr. LAUTENBERG, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1900, a bill to amend the Internal Revenue Code of 1986 to allow a credit to holders of qualified bonds issued by Amtrak, and for other purposes.

S. 1909

At the request of Mr. KENNEDY, his name was added as a cosponsor of S. 1909, a bill to provide for the preparation of a Governmental report detailing injustices suffered by Italian Americans during World War II, and a formal acknowledgement of such injustices by the President.

S. 1910

At the request of Mr. MOYNIHAN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1910, a bill to amend the Act establishing Women's Rights National Historical Park to permit the Secretary of the Interior to acquire title in fee simple to the Hunt House located in Waterloo, New York.

S. 1915

At the request of Mr. JEFFORDS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1915, a bill to enhance the services provided by the Environmental Protection Agency to small communities that are attempting to comply with national, State, and local environmental regulations.

S. 1924

At the request of Mr. LEAHY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1924, a bill to ensure personal privacy with respect to financial information, to provide customers notice and choice about how their financial institutions share or sell their personally identifiable sensitive financial information, to provide for strong enforcement of these rights, and to protect States' rights.

S. 1952

At the request of Mr. ABRAHAM, the name of the Senator from Nebraska (Mr. KERREY) was added as a cosponsor of S. 1952, a bill to amend the Internal Revenue Code of 1986 to provide a simplified method for determining a partner's share of items of a partnership which is a qualified investment club.

S. 1957

At the request of Mr. SCHUMER, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1957, a bill to provide for the payment of compensation to the families of the Federal employees who were killed in the crash of a United States Air Force CT-43A aircraft on April 3, 1996, near Dubrovnik, Croatia, carrying Secretary on Commerce Ronald H. Brown and 34 others.

SENATE RESOLUTION 87

At the request of Mr. DURBIN, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of Senate Resolution 87, a resolution commemorating the 60th Anniversary of the International Visitors Program

SENATE RESOLUTION 108

At the request of Mr. BREAUX, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Alaska (Mr. STEVENS), the Senator from Hawaii (Mr. INOUYE), and the Senator from Florida (Mr. GRAHAM) were added as cosponsors of Senate Resolution 108, a resolution designating the

month of March each year as ''National Colorectal Cancer Awareness Month.''

SENATE RESOLUTION 128

At the request of Mr. COCHRAN, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Colorado (Mr. CAMPBELL) were added as cosponsors of Senate Resolution 128, a resolution designating March 2000, as ''Arts Education Month.''

SENATE CONCURRENT RESOLUTION 77—MAKING TECHNICAL CORRECTIONS TO THE ENROLLMENT OF H.R. 3194

Ms. COLLINS (for Mr. LOTT (for himself and Mr. DASCHLE)) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 77

Resolved by the Senate (the House of Representatives concurring), That the Clerk of the House of Representatives, in the enrollment of the bill (H.R. 3194), making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2000, and for other purposes, shall make the following correction:

At the appropriate place of the bill insert the following:

COMMODITY CREDIT CORPORATION

PRODUCER-OWNED MARKETING ASSOCIATIONS FORGIVENESS

SEC. 1. The Secretary of Agriculture shall reduce the amount of any principal due on a loan made to marketing association incorporated in the State of North Carolina for the 1999 crop of an agricultural commodity by at least 75 percent if the marketing association suffered losses of the agricultural commodity in a county with respect to which—(1) a natural disaster was declared by the Secretary for losses due to Hurricane Dennis, Floyd, or Irene; or (2) a major disaster or emergency was declared by the President for losses due to Hurricane Dennis, Floyd, or Irene under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)

If the Secretary assigns a grade quality for the 1999 crop of an agricultural commodity marketed by an association described in this section that is below the base quality of the agricultural commodity, the Secretary shall compensate the association for losses incurred by the association as a result of the reduction in grade quality.

Up to $81,000,000 of the resources of the Commodity Credit Corporation shall be used for the cost of this section: *Provided,* That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further,* That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) and Section 252(e) of such Act.

SEC. 2. In administering $50,000,000 in emergency supplemental funding for the Emergency Conservation Program, the Secretary shall give priority to the repair of structures essential to the operation of the farm.

SENATE RESOLUTION 234—RECOGNIZING THE CONTRIBUTION OF OLDER PERSONS TO THEIR COMMUNITIES AND COMMENDING THE WORK OF ORGANIZATIONS THAT PARTICIPATE IN PROGRAMS ASSISTING OLDER PERSONS AND THAT PROMOTE THE GOALS OF THE INTERNATIONAL YEAR OF OLDER PERSONS

Mr. BAYH (for himself, Mr. BREAUX, Mr. GRASSLEY, Mr. BURNS, Mr. REED, Mr. JEFFORDS, Mr. LUGAR, Mr. WARNER, Mr. ABRAHAM, Mr. DURBIN, Mr. BRYAN, Mr. KENNEDY, Mrs. MURRAY, Mr. SMITH of Oregon, Mr. REID, Mr. EDWARDS, Mr. DORGAN, Mr. COCHRAN, Ms. MIKULSKI, Mr. JOHNSON, Mr. STEVENS, Mr. CLELAND, Mr. AKAKA, Mr. SPECTER, Ms. LANDRIEU, Mr. WELLSTONE, Mr. BAUCUS, Mr. KERRY, Mr. DEWINE, Mr. LIEBERMAN, Mr. WYDEN, Mr. ENZI, Mr. BINGAMAN, Mr. ROBB, Mr. INOUYE, Mrs. BOXER, Mrs. LINCOLN, Mr. DODD, Mr. TORRICELLI, Mr. SCHUMER, Mr. GRAHAM, Mr. FEINGOLD, and Mrs. FEINSTEIN) submitted the following resolution; which was considered and agreed to:

S. RES. 234

Whereas the United Nations has proclaimed that 1999 is the International Year of Older Persons;

Whereas the theme of the International Year of Older Persons, ''towards a society for all ages'', recognizes that—

(1) longevity depends upon all stages of the life cycle; and

(2) successful aging is a product of long-term, life-long decisions;

Whereas the principles promoted by the International Year of Older Persons assist in the development of a society for all ages, including independence, participation, care, self-fulfillment, and dignity;

Whereas the goals of the International Year of Older Persons are—

(1) to increase awareness about aging within countries and across national boundaries; and

(2) to formulate policies and programs that promote the well-being of older persons;

Whereas organizations and individuals in the United States have worked hard to address problems facing older adults and to promote the participation of older adults in all aspects of society;

Whereas these organizations have taken action independently and in concert with others to promote the goals of the International Year of Older Persons through programs that promote—

(1) retirement preparation for baby boomers;

(2) intergenerational activities;

(3) new images of aging that recognize the increased productivity of older adults; and

(4) planning for the future; and

Whereas the diversity of America's older population deserves to be recognized, including the most vulnerable and frail elderly in need of a range of services, as well as older persons who contribute to their communities by being employers, employees, and volunteers: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the contribution of older persons to their communities; and

(2) commends the work of organizations that—

(A) participate in programs assisting older persons; and

(B) promote the goals of the International Year of Older Persons.

SENATE RESOLUTION 235—TO AUTHORIZE THE PRINTING OF A REVISED EDITION OF THE SENATE ELECTION LAW GUIDEBOOK

Mr. MCCONNELL submitted the following resolution; which was considered and agreed to:

S. RES. 235

Resolved, That the Committee on Rules and Administration shall prepare a revised edition of the Senate Election Law Guidebook, Senate Document 105–12, and that such document shall be printed as a Senate document.

SEC. 2. There shall be printed, beyond the usual number, 600 additional copies of the document specified in the first section for the use of the Committee on Rules and Administration.

SENATE RESOLUTION 236—TO AUTHORIZE THE PRINTING OF A REVISED EDITION OF THE NOMINATION AND ELECTION OF THE PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES

Mr. MCCONNELL submitted the following resolution; which was considered and agreed to:

S. RES. 236

Resolved, That the Committee on Rules and Administration shall prepare a revised edition of the document entitled Nomination and Election of the President and Vice President of the United States, Senate Document 102–14, and that such document shall be printed as a Senate document.

SEC. 2. There shall be printed, beyond the usual number, 600 additional copies of the document specified in the first section for the use of the Committee on Rules and Administration.

SENATE RESOLUTION 237—EXPRESSING THE SENSE OF THE SENATE THAT THE UNITED STATES SENATE COMMITTEE ON FOREIGN RELATIONS SHOULD HOLD HEARINGS AND THE SENATE SHOULD ACT ON THE CONVENTION OF THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW)

Mrs. BOXER (for herself, Mrs. MURRAY, Mrs. LINCOLN, Ms. MIKULSKI, Mrs. FEINSTEIN, Ms. COLLINS, Ms. LANDRIEU, and Ms. SNOWE) submitted the following resolution; which was ordered to lie over, under the rule:

S. RES. 237

Whereas the United States has shown leadership in promoting human rights, including the rights of women and girls, and was instrumental in the development of international human rights treaties and norms, including the International Convention of the Elimination of all Forms of Discrimination Against Women (CEDAW);

Whereas the Senate has already agreed to the ratification of several important human rights treaties, including the Genocide Convention, the Convention Against Torture, the International Covenant on Civil and Political Rights, and the Convention of the Elimination of All Forms of Racial Discrimination;

Whereas CEDAW establishes a worldwide commitment to combat discrimination against women and girls;

Whereas 165 countries of the world have ratified or acceded to CEDAW and the United

States is among a small minority of countries, including Afghanistan, North Korea, Iran and Sudan, which have not;

Whereas CEDAW establishes a worldwide commitment to combat discrimination against women and girls;

Whereas 165 countries of the world have ratified or acceded to CEDAW and the United States is among a small minority of countries, including Afghanistan, North Korea, Iran and Sudan, which have not;

Whereas CEDAW is helping combat violence and discrimination against women and girls around the world;

Whereas CEDAW has had a significant and positive impact on legal developments in countries as diverse as Uganda, Colombia, Brazil and South Africa, including, on citizenship rights in Botswana and Japan, inheritance rights in Botswana and Japan, inheritance rights in Tanzania, property rights and political participation in Costa Rica;

Whereas the Administration has proposed a small number of reservations, understandings and declarations to ensure that U.S. ratification fully complies with all constitutional requirements, including states' and individuals' rights;

Whereas the legislatures of California, Iowa, Massachusetts, New Hampshire, New York, North Carolina, South Dakota and Vermont have endorsed U.S. ratification of CEDAW;

Whereas more than one hundred U.S.-based, civic, legal, religious, education, and environmental organizations, support U.S. ratification of CEDAW;

Whereas ratification of CEDAW would allow the United States to nominate a representative to the CEDAW oversight committee; and

Whereas 1999 is the twentieth anniversary of the adoption of CEDAW by the UN General Assembly: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the Senate Foreign Relations Committee should hold hearings on the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); and

(2) the Senate should act on CEDAW by March 8, 2000, International Women's Day.

SENATE RESOLUTION 238—TO AUTHORIZE REPRESENTATION OF MEMBER OF THE SENATE

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 238

Whereas, in the case of *Brett Kimberlin* v. *Orrin Hatch, et al.*, C.A. No. 99–1590, pending in the United States District Court for the District of Columbia, the plaintiff has named as a defendant Senator Orrin G. Hatch;

Whereas; pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1), the Senate may direct its counsel to defend Members of the Senate in civil actions relating to the official responsibilities: Now, therefore therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent Senator Hatch in the case of *Brett Kimberlin* v. *Orrin Hatch, et al.*

SENATE RESOLUTION 239—EXPRESSING THE SENSE OF THE SENATE THAT NADIA DEBBAGH, WHO WAS ABDUCTED FROM THE UNITED STATES, SHOULD BE RETURNED HOME TO HER MOTHER, MS. MAUREEN DABBAGH

Mr. ROBB submitted the following resolution; which was referred to the Committee Foreign Relations:

S. RES. 239

Whereas Mr. Mohamad Hisham Dabbagh and Mrs. Maureen Dabbagh had a daughter, Nadia Dabbagh, in 1990;

Whereas Maureen Dabbagh and Mohamad Hisham Dabbagh were divorced in February 1992;

Whereas in 1993, Nadia was abducted by her father;

Whereas Mohamad Hisham fled the United States with Nadia;

Whereas the Governments of Syria and the United States have granted child custody to Maureen Dabbagh and both have issued arrest warrants for Mohamad Dabbagh;

Whereas Mohamad Dabbagh originally escaped to Saudi Arabia;

Whereas the Department of State believed that Nadia was residing in Syria until late 1998;

Whereas the Senate passed S. Res. 293 for Nadia Dabbagh on October 21, 1998, asking Syria to aid in the return of Nadia to her mother in the United States;

Whereas in 1999, Syria invited Maureen Dabbagh to Syria to meet with her daughter;

Whereas the Department of State believes that in 1999 Nadia was moved to Saudi Arabia and is residing with Mohamad Dabbagh;

Whereas although Nadia is in Saudi Arabia, neither she nor Mohamad Dabbagh are Saudi Arabian citizens;

Whereas Maureen Dabbagh, with the assistance of missing children organizations, has been unable to reunite with her daughter;

Whereas the Department of State, the Federal Bureau of Investigation, and Interpol have been unsuccessful in their attempts to bring Nadia back to the United States;

Whereas Maureen Dabbagh has not seen her daughter in more than six years; and

Whereas it will take the continued effort and pressure on the part of the Saudi Arabian officials to bring this case to a successful conclusion: Now, therefore, be it

Resolved, That it is the sense of the Senate that the Governments of the United States and Saudi Arabia immediately locate Nadia and deliver her safely to her mother.

• Mr. ROBB. Mr. President, I'm submitting a resolution today expressing a sense of the Senate regarding a heinous crime affecting a family in Virginia and a growing problem in this country. With this resolution, I seek to bring to your attention the plight of child abductions by noncustodial parents, and to encourage the United States and Saudi Arabia to immediately locate Nadia Dabbagh and return her safely to her mother.

Ms. Maureen Dabbagh of Virginia Beach has not seen or heard from her daughter, Nadia, in 6 years. When Nadia was just 3 years old, she was illegally abducted by her father, Mr. Mohamad Hisham Dabbagh, and the State Department believes they are currently in Saudia Arabia on temporary visas. Throughout this ordeal, Maureen Dabbagh has been aided by many caring people, groups, and government agencies, but despite FBI, State Department, and Interpol efforts, Nadia is still separated from her mother.

According to the Department of Justice, 983 children are abducted by noncustodial parents every day. I greatly sympathize with Maureen Dabbagh and with all parents facing similar situations. I believe that we, as Members of Congress and as parents, ought to use all available resources to locate missing and abducted children. I ask that we redouble our efforts to bring Nadia home.•

SENATE RESOLUTON 240—COMMENDING STEPHEN G. BALE, KEEPER OF THE STATIONERY

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 240

Whereas the Senate has been advised that its Keeper of the Stationery, Stephen G. Bale, will retire on December 31, 1999;

Whereas Steve Bale became an employee of the Senate of the United States on November 13, 1969, and since that date has ably and faithfully upheld the high standards and traditions of the Senate for a period that included sixteen Congresses;

Whereas Steve Bale has served with distinction as Keeper of the Stationery, and at all times has discharged the important duties and responsibilities of his office with dedication and excellence, and

Whereas his exceptional service and his unfailing dedication have earned him our esteem and affection: Now, therefore, be it

Resolved, That the United States Senate commends Stephen G. Bale for his exemplary service to the Senate and the Nation; wishes to express its deep appreciation for his long, faithful and outstanding service; and extends its very best wishes upon his retirement.

SEC. 2. That the Secretary of the Senate shall transmit a copy of this resolution to Stephen G. bale.

SENATE RESOLUTION 241—TO DIRECT THE SENATE COMMISSION ON ART TO RECOMMEND TO THE SENATE TWO OUTSTANDING INDIVIDUALS WHOSE PAINTINGS SHALL BE PLACED IN TWO OF THE REMAINING UNFILLED SPACES IN THE SENATE RECEPTION ROOM

Mr. LOTT submitted the following resolution; which was considered and agreed to:

S. RES. 241

Whereas the reception room in the Capitol outside the Senate Chamber was originally designed to contain medallion likenesses of outstanding Americans;

Whereas there are at present 6 unfilled spaces in the Senate reception room for such medallions; and

Whereas it is in the public interest to accomplish the original objective of the design of the Senate reception room by selecting individuals who were outstanding Senate legislators with a deep appreciation for the Senate, who will serve as role models for future Americans: Now, therefore, be it

Resolved, That (a) the Senate Commission on Art established under section 901 of the

Arizona-Idaho Conservation Act of 1988 (40 U.S.C. 188b) (referred to as the ''Commission'') shall select 2 outstanding individuals whose paintings shall be placed in 2 of the remaining unfilled spaces in the Senate reception room, upon approval by the Senate.

(b)(1) The Commission shall select individuals from among Senators, without consideration to party affiliation, who have not served as a Senator in the last 21 years. The Commission shall not select a living individual.

(2) The Commission shall consider first those Senators who are not already commemorated in the Capitol or Senate Office Buildings, although such commemoration shall serve as an absolute bar to consideration or selection only for those who have served as President of the Senate, as the latter are visibly and appropriately commemorated through the Vice Presidential bust collection.

(3) The Commission also shall give primary consideration to the service of the Senator while in the Senate, as opposed to other service to the United States.

(c) The Commission is authorized to seek advice and recommendations from historians and other sources in carrying out this resolution.

SEC. 2. The Commission shall make its selections and recommendations pursuant to the first section no later than the close of the second session of the 106th Congress.

SEC. 3. For purposes of making the recommendations required by this resolution, a member of the Commission may designate another Senator to act in place of that member.

AMENDMENTS SUBMITTED

INTERNET GAMBLING PROHIBITION ACT OF 1999

KYL (AND BRYAN) AMENDMENT NO. 2782

Ms. COLLINS (for Mr. KYL (for himself and Mr. BRYAN)) proposed an amendment to the bill (S. 692) to prohibit Internet gambling, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Internet Gambling Prohibition Act of 1999''.

SEC. 2. PROHIBITION ON INTERNET GAMBLING.

(a) IN GENERAL.—Chapter 50 of title 18, United States Code, is amended by adding at the end the following:

''§ 1085. Internet gambling

''(a) DEFINITIONS.—In this section:

''(1) BETS OR WAGERS.—The term 'bets or wagers'—

''(A) means the staking or risking by any person of something of value upon the outcome of a contest of others, a sporting event, or a game of chance, upon an agreement or understanding that the person or another person will receive something of value based on that outcome;

''(B) includes the purchase of a chance or opportunity to win a lottery or other prize (which opportunity to win is predominantly subject to chance);

''(C) includes any scheme of a type described in section 3702 of title 28; and

''(D) does not include—

''(i) a bona fide business transaction governed by the securities laws (as defined in section 3(a)(47) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(47))) for the purchase or sale at a future date of securities (as defined in section 3(a)(10) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(10)));

''(ii) a transaction on or subject to the rules of a contract market designated pursuant to section 5 of the Commodity Exchange Act (7 U.S.C. 7);

''(iii) a contract of indemnity or guarantee; or

''(iv) a contract for life, health, or accident insurance.

''(2) CLOSED-LOOP SUBSCRIBER-BASED SERVICE.—The term 'closed-loop subscriber-based service' means any information service or system that uses—

''(A) a device or combination of devices—

''(i) expressly authorized and operated in accordance with the laws of a State, exclusively for placing, receiving, or otherwise making a bet or wager described in subsection (f)(1)(B); and

''(ii) by which a person located within any State must subscribe and be registered with the provider of the wagering service by name, address, and appropriate billing information to be authorized to place, receive, or otherwise make a bet or wager, and must be physically located within that State in order to be authorized to do so;

''(B) an effective customer verification and age verification system, expressly authorized and operated in accordance with the laws of the State in which it is located, to ensure that all applicable Federal and State legal and regulatory requirements for lawful gambling are met; and

''(C) appropriate data security standards to prevent unauthorized access by any person who has not subscribed or who is a minor.

''(3) FOREIGN JURISDICTION.—The term 'foreign jurisdiction' means a jurisdiction of a foreign country or political subdivision thereof.

''(4) GAMBLING BUSINESS.—The term 'gambling business' means—

''(A) a business that is conducted at a gambling establishment, or that—

''(i) involves—

''(I) the placing, receiving, or otherwise making of bets or wagers; or

''(II) the offering to engage in the placing, receiving, or otherwise making of bets or wagers;

''(ii) involves 1 or more persons who conduct, finance, manage, supervise, direct, or own all or part of such business; and

''(iii) has been or remains in substantially continuous operation for a period in excess of 10 days or has a gross revenue of $2,000 or more from such business during any 24-hour period; and

''(B) any soliciting agent of a business described in subparagraph (A).

''(5) INFORMATION ASSISTING IN THE PLACING OF A BET OR WAGER.—The term 'information assisting in the placing of a bet or wager'—

''(A) means information that is intended by the sender or recipient to be used by a person engaged in the business of betting or wagering to place, receive, or otherwise make a bet or wager; and

''(B) does not include—

''(i) information concerning parimutuel pools that is exchanged exclusively between or among 1 or more racetracks or other parimutuel wagering facilities licensed by the State or approved by the foreign jurisdiction in which the facility is located, and 1 or more parimutuel wagering facilities licensed by the State or approved by the foreign jurisdiction in which the facility is located, if that information is used only to conduct common pool parimutuel pooling under applicable law;

''(ii) information exchanged exclusively between or among 1 or more racetracks or other parimutuel wagering facilities licensed by the State or approved by the foreign jurisdiction in which the facility is located, and a support service located in another State or foreign jurisdiction, if the information is used only for processing bets or wagers made with that facility under applicable law;

''(iii) information exchanged exclusively between or among 1 or more wagering facilities that are located within a single State and are licensed and regulated by that State, and any support service, wherever located, if the information is used only for the pooling or processing of bets or wagers made by or with the facility or facilities under applicable State law;

''(iv) any news reporting or analysis of wagering activity, including odds, racing or event results, race and event schedules, or categories of wagering; or

''(v) any posting or reporting of any educational information on how to make a bet or wager or the nature of betting or wagering.

''(6) INTERACTIVE COMPUTER SERVICE.—The term 'interactive computer service' means any information service, system, or access software provider that operates in, or uses a channel or instrumentality of, interstate or foreign commerce to provide or enable access by multiple users to a computer server, including specifically a service or system that provides access to the Internet.

''(7) INTERACTIVE COMPUTER SERVICE PROVIDER.—The term 'interactive computer service provider' means any person that provides an interactive computer service, to the extent that such person offers or provides such service.

''(8) INTERNET.—The term 'Internet' means the international computer network of both Federal and non-Federal interoperable packet switched data networks.

''(9) PERSON.—The term 'person' means any individual, association, partnership, joint venture, corporation (or any affiliate of a corporation), State or political subdivision thereof, department, agency, or instrumentality of a State or political subdivision thereof, or any other government, organization, or entity (including any governmental entity (as defined in section 3701(2) of title 28)).

''(10) PRIVATE NETWORK.—The term 'private network' means a communications channel or channels, including voice or computer data transmission facilities, that use either—

''(A) private dedicated lines; or

''(B) the public communications infrastructure, if the infrastructure is secured by means of the appropriate private communications technology to prevent unauthorized access.

''(11) STATE.—The term 'State' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a commonwealth, territory, or possession of the United States.

''(12) SUBSCRIBER.—The term 'subscriber'—

''(A) means any person with a business relationship with the interactive computer service provider through which such person receives access to the system, service, or network of that provider, even if no formal subscription agreement exists; and

''(B) includes registrants, students who are granted access to a university system or network, and employees or contractors who are granted access to the system or network of their employer.

''(b) INTERNET GAMBLING.—

''(1) PROHIBITION.—Subject to subsection (f), it shall be unlawful for a person engaged in a gambling business knowingly to use the

Internet or any other interactive computer service—

''(A) to place, receive, or otherwise make a bet or wager; or

''(B) to send, receive, or invite information assisting in the placing of a bet or wager.

''(2) PENALTIES.—A person engaged in a gambling business who violates this section shall be—

''(A) fined in an amount equal to not more than the greater of—

''(i) the total amount that such person bet or wagered, or placed, received, or accepted in bets or wagers, as a result of engaging in that business in violation of this section; or

''(ii) $20,000;

''(B) imprisoned not more than 4 years; or

''(C) both.

''(3) PERMANENT INJUNCTIONS.—Upon conviction of a person under this section, the court may enter a permanent injunction enjoining such person from placing, receiving, or otherwise making bets or wagers or sending, receiving, or inviting information assisting in the placing of bets or wagers.

''(c) CIVIL REMEDIES.—

''(1) JURISDICTION.—The district courts of the United States shall have original and exclusive jurisdiction to prevent and restrain violations of this section by issuing appropriate orders in accordance with this section, regardless of whether a prosecution has been initiated under this section.

''(2) PROCEEDINGS.—

''(A) INSTITUTION BY FEDERAL GOVERNMENT.—

''(i) IN GENERAL.—The United States may institute proceedings under this subsection to prevent or restrain a violation of this section.

''(ii) RELIEF.—Upon application of the United States under this subparagraph, the district court may enter a temporary restraining order or an injunction against any person to prevent or restrain a violation of this section if the court determines, after notice and an opportunity for a hearing, that there is a substantial probability that such violation has occurred or will occur.

''(B) INSTITUTION BY STATE ATTORNEY GENERAL.—

''(i) IN GENERAL.—The attorney general of a State (or other appropriate State official) in which a violation of this section allegedly has occurred or will occur, after providing written notice to the United States, may institute proceedings under this subsection to prevent or restrain the violation.

''(ii) RELIEF.—Upon application of the attorney general (or other appropriate State official) of an affected State under this subparagraph, the district court may enter a temporary restraining order or an injunction against any person to prevent or restrain a violation of this section if the court determines, after notice and an opportunity for a hearing, that there is a substantial probability that such violation has occurred or will occur.

''(C) PROCEEDINGS BY A SPORTS ORGANIZATION.—A professional sports organization or an amateur sports organization (as those terms are defined in section 3701 of title 28) whose games, or the performances of whose athletes in such games, are alleged to be the basis of a violation of this section, may, after providing written notice to the United States, institute civil proceedings in an appropriate district court of the United States to prevent or restrain such violation. Upon application of the professional or amateur sports organization, the district court may enter any relief authorized by this subsection in proceedings instituted thereunder by the United States or a State Attorney General (or other appropriate State official). This subparagraph does not authorize proceedings against an interactive computer service provider described in subsection (d)(1)(B).

''(D) INDIAN LANDS.—Notwithstanding subparagraph (A), (B), or (C), for a violation that is alleged to have occurred, or may occur, on Indian lands (as defined in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703))—

''(i) the United States shall have the enforcement authority provided under subparagraph (A); and

''(ii) in the case of an alleged violation that involves class III gaming (as defined in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703)), the enforcement authorities specified in an applicable Tribal-State compact negotiated under section 11 of the Indian Gaming Regulatory Act (25 U.S.C. 2710) shall be carried out in accordance with that compact.

''(E) EXPIRATION.—Any temporary restraining order or preliminary injunction entered pursuant to subparagraph (A) or (B) shall expire if, and as soon as, the United States, or the attorney general (or other appropriate State official) of the State, as applicable, notifies the court that issued the order or injunction that the United States or the State, as applicable, will not seek a permanent injunction.

''(3) EXPEDITED PROCEEDINGS.—

''(A) IN GENERAL.—In addition to any proceeding under paragraph (2), a district court may, in exigent circumstances, enter a temporary restraining order against a person alleged to be in violation of this section upon application of the United States under paragraph (2)(A), or the attorney general (or other appropriate State official) of an affected State under paragraph (2)(B), without notice and the opportunity for a hearing as provided in rule 65(b) of the Federal Rules of Civil Procedure (except as provided in subsection (d)(3)), if the United States or the State, as applicable, demonstrates that there is probable cause to believe that the use of the Internet or other interactive computer service at issue violates this section.

''(B) HEARINGS.—A hearing requested concerning an order entered under this paragraph shall be held at the earliest practicable time.

''(d) INTERACTIVE COMPUTER SERVICE PROVIDERS.—

''(1) IMMUNITY FROM LIABILITY FOR USE BY ANOTHER.—

''(A) IN GENERAL.—An interactive computer service provider described in subparagraph (B) shall not be liable, under this section or any other provision of Federal or State law prohibiting or regulating gambling or gambling-related activities, for the use of its facilities or services by another person to engage in Internet gambling activity that violates such law—

''(i) arising out of any transmitting, routing, or providing of connections for gambling-related material or activity (including intermediate and temporary storage in the course of such transmitting, routing, or providing connections) by the provider, if—

''(I) the material or activity was initiated by or at the direction of a person other than the provider;

''(II) the transmitting, routing, or providing of connections is carried out through an automatic process without selection of the material or activity by the provider;

''(III) the provider does not select the recipients of the material or activity, except as an automatic response to the request of another person; and

''(IV) the material or activity is transmitted through the system or network of the provider without modification of its content; or

''(ii) arising out of any gambling-related material or activity at an online site residing on a computer server owned, controlled, or operated by or for the provider, or arising out of referring or linking users to an online location containing such material or activity, if the material or activity was initiated by or at the direction of a person other than the provider, unless the provider fails to take expeditiously, with respect to the particular material or activity at issue, the actions described in paragraph (2)(A) following the receipt by the provider of a notice described in paragraph (2)(B).

''(B) ELIGIBILITY.—An interactive computer service provider is described in this subparagraph only if the provider—

''(i) maintains and implements a written or electronic policy that requires the provider to terminate the account of a subscriber of its system or network expeditiously following the receipt by the provider of a notice described in paragraph (2)(B) alleging that such subscriber has violated or is violating this section; and

''(ii) with respect to the particular material or activity at issue, has not knowingly permitted its computer server to be used to engage in activity that the provider knows is prohibited by this section, with the specific intent that such server be used for such purpose.

''(2) NOTICE TO INTERACTIVE COMPUTER SERVICE PROVIDERS.—

''(A) IN GENERAL.—If an interactive computer service provider receives from a Federal or State law enforcement agency, acting within its authority and jurisdiction, a written or electronic notice described in subparagraph (B), that a particular online site residing on a computer server owned, controlled, or operated by or for the provider is being used by another person to violate this section, the provider shall expeditiously—

''(i) remove or disable access to the material or activity residing at that online site that allegedly violates this section; or

''(ii) in any case in which the provider does not control the site at which the subject material or activity resides, the provider, through any agent of the provider designated in accordance with section 512(c)(2) of title 17, or other responsible identified employee or contractor—

''(I) notify the Federal or State law enforcement agency that the provider is not the proper recipient of such notice; and

''(II) upon receipt of a subpoena, cooperate with the Federal or State law enforcement agency in identifying the person or persons who control the site.

''(B) NOTICE.—A notice is described in this subparagraph only if it—

''(i) identifies the material or activity that allegedly violates this section, and alleges that such material or activity violates this section;

''(ii) provides information reasonably sufficient to permit the provider to locate (and, as appropriate, in a notice issued pursuant to paragraph (3)(A) to block access to) the material or activity;

''(iii) is supplied to any agent of a provider designated in accordance with section 512(c)(2) of title 17, if information regarding such designation is readily available to the public;

''(iv) provides information that is reasonably sufficient to permit the provider to contact the law enforcement agency that issued the notice, including the name of the law enforcement agency, and the name and telephone number of an individual to contact at the law enforcement agency (and, if available, the electronic mail address of that individual); and

''(v) declares under penalties of perjury that the person submitting the notice is an official of the law enforcement agency described in clause (iv).

''(3) INJUNCTIVE RELIEF.—

''(A) IN GENERAL.—The United States, or a State law enforcement agency acting within its authority and jurisdiction, may, not less than 24 hours following the issuance to an interactive computer service provider of a notice described in paragraph (2)(B), in a civil action, obtain a temporary restraining order, or an injunction to prevent the use of the interactive computer service by another person in violation of this section.

''(B) LIMITATIONS.—Notwithstanding any other provision of this section, in the case of any application for a temporary restraining order or an injunction against an interactive computer service provider described in paragraph (1)(B) to prevent a violation of this section—

''(i) arising out of activity described in paragraph (1)(A)(i), the injunctive relief is limited to—

''(I) an order restraining the provider from providing access to an identified subscriber of the system or network of the interactive computer service provider, if the court determines that there is probable cause to believe that such subscriber is using that access to violate this section (or to engage with another person in a communication that violates this section), by terminating the specified account of that subscriber; and

''(II) an order restraining the provider from providing access, by taking reasonable steps specified in the order to block access, to a specific, identified, foreign online location;

''(ii) arising out of activity described in paragraph (1)(A)(ii), the injunctive relief is limited to—

''(I) the orders described in clause (i)(I);

''(II) an order restraining the provider from providing access to the material or activity that violates this section at a particular online site residing on a computer server operated or controlled by the provider; and

''(III) such other injunctive remedies as the court considers necessary to prevent or restrain access to specified material or activity that is prohibited by this section at a particular online location residing on a computer server operated or controlled by the provider, that are the least burdensome to the provider among the forms of relief that are comparably effective for that purpose.

''(C) CONSIDERATIONS.—The court, in determining appropriate injunctive relief under this paragraph, shall consider—

''(i) whether such an injunction, either alone or in combination with other such injunctions issued, and currently operative, against the same provider would significantly (and, in the case of relief under subparagraph (B)(ii), taking into account, among other factors, the conduct of the provider, unreasonably) burden either the provider or the operation of the system or network of the provider;

''(ii) whether implementation of such an injunction would be technically feasible and effective, and would not materially interfere with access to lawful material at other online locations;

''(iii) whether other less burdensome and comparably effective means of preventing or restraining access to the illegal material or activity are available; and

''(iv) the magnitude of the harm likely to be suffered by the community if the injunction is not granted.

''(D) NOTICE AND EX PARTE ORDERS.—Injunctive relief under this paragraph shall not be available without notice to the service provider and an opportunity for such provider to appear before the court, except for orders ensuring the preservation of evidence or other orders having no material adverse effect on the operation of the communications network of the service provider.

''(4) ADVERTISING OR PROMOTION OF NON-INTERNET GAMBLING.—

''(A) DEFINITIONS.—In this paragraph:

''(i) CONDUCTED.—With respect to a gambling activity, that activity is 'conducted' in a State if the State is the State in which the gambling establishment (as defined in section 1081) that offers the gambling activity being advertised or promoted is physically located.

''(ii) NON-INTERNET GAMBLING ACTIVITY.—The term 'non-Internet gambling activity' means—

''(I) a gambling activity in which the placing of the bet or wager is not conducted by the Internet; or

''(II) a gambling activity to which the prohibitions of this section do not apply.

''(B) IMMUNITY FROM LIABILITY FOR USE BY ANOTHER.—

''(i) IN GENERAL.—An interactive computer service provider described in clause (ii) shall not be liable, under any provision of Federal or State law prohibiting or regulating gambling or gambling-related activities, or under any State law prohibiting or regulating advertising and promotional activities, for—

''(I) content, provided by another person, that advertises or promotes non-Internet gambling activity that violates such law (unless the provider is engaged in the business of such gambling), arising out of any of the activities described in paragraph (1)(A) (i) or (ii); or

''(II) content, provided by another person, that advertises or promotes non-Internet gambling activity that is lawful under Federal law and the law of the State in which such gambling activity is conducted.

''(ii) ELIGIBILITY.—An interactive computer service is described in this clause only if the provider—

''(I) maintains and implements a written or electronic policy that requires the provider to terminate the account of a subscriber of its system or network expeditiously following the receipt by the provider of a notice described in paragraph (2)(B) alleging that such subscriber maintains a website on a computer server controlled or operated by the provider for the purpose of engaging in advertising or promotion of non-Internet gambling activity prohibited by a Federal law or a law of the State in which such activity is conducted;

''(II) with respect to the particular material or activity at issue, has not knowingly permitted its computer server to be used to engage in the advertising or promotion of non-Internet gambling activity that the provider knows is prohibited by a Federal law or a law of the State in which the activity is conducted, with the specific intent that such server be used for such purpose; and

''(III) at reasonable cost, offers residential customers of the provider's Internet access service, if the provider provides Internet access service to such customers, computer software, or another filtering or blocking system that includes the capability of filtering or blocking access by minors to online Internet gambling sites that violate this section.

''(C) NOTICE TO INTERACTIVE COMPUTER SERVICE PROVIDERS.—

''(i) NOTICE FROM FEDERAL LAW ENFORCEMENT AGENCY.—If an interactive computer service provider receives from a Federal law enforcement agency, acting within its authority and jurisdiction, a written or electronic notice described in paragraph (2)(B), that a particular online site residing on a computer server owned, controlled, or operated by or for the provider is being used by another person to advertise or promote non-Internet gambling activity that violates a Federal law prohibiting or regulating gambling or gambling-related activities, the provider shall expeditiously take the actions described in paragraph (2)(A) (i) or (ii) with respect to the advertising or promotion identified in the notice.

''(ii) NOTICE FROM STATE LAW ENFORCEMENT AGENCY.—If an interactive computer service provider receives from a State law enforcement agency, acting within its authority and jurisdiction, a written or electronic notice described in paragraph (2)(B), that a particular online site residing on a computer server owned, controlled, or operated by or for the provider is being used by another person to advertise or promote non-Internet gambling activity that is conducted in that State and that violates a law of that State prohibiting or regulating gambling or gambling-related activities, the provider shall expeditiously take the actions described in paragraph (2)(A) (i) or (ii) with respect to the advertising or promotion identified in the notice.

''(D) INJUNCTIVE RELIEF.—The United States, or a State law enforcement agency, acting within its authority and jurisdiction, may, not less than 24 hours following the issuance to an interactive computer service provider of a notice described in paragraph (2)(B), in a civil action, obtain a temporary restraining order, or an injunction, to prevent the use of the interactive computer service by another person to advertise or promote non-Internet gambling activity that violates a Federal law, or a law of the State in which such activity is conducted that prohibits or regulates gambling or gambling-related activities, as applicable. The procedures described in paragraph (3)(D) shall apply to actions brought under this subparagraph, and the relief in such actions shall be limited to—

''(i) an order requiring the provider to remove or disable access to the advertising or promotion of non-Internet gambling activity that violates Federal law, or the law of the State in which such activity is conducted, as applicable, at a particular online site residing on a computer server controlled or operated by the provider;

''(ii) an order restraining the provider from providing access to an identified subscriber of the system or network of the provider, if the court determines that such subscriber maintains a website on a computer server controlled or operated by the provider that the subscriber is knowingly using or knowingly permitting to be used to advertise or promote non-Internet gambling activity that violates Federal law or the law of the State in which such activity is conducted; and

''(iii) an order restraining the provider of the content of the advertising or promotion of such illegal gambling activity from disseminating such advertising or promotion on the computer server controlled or operated by the provider of such interactive computer service.

''(E) APPLICABILITY.—The provisions of subparagraphs (C) and (D) do not apply to the content described in subparagraph (B)(i)(II).

''(5) EFFECT ON OTHER LAW.—

''(A) IMMUNITY FROM LIABILITY FOR COMPLIANCE.—An interactive computer service provider shall not be liable for any damages, penalty, or forfeiture, civil or criminal, under Federal or State law for taking in good faith any action described in paragraph (2)(A) or (4) (B)(ii)(I) or (C) to comply with a notice described in paragraph (2)(B), or complying with any court order issued under paragraph (3) or (4)(C).

''(B) DISCLAIMER OF OBLIGATIONS.—Nothing in this section may be construed to impose or authorize an obligation on an interactive computer service provider described in paragraph (1)(B)—

''(i) to monitor material or use of its service; or

''(ii) except as required by a notice or an order of a court under this subsection, to gain access to, to remove, or to disable access to material.

''(C) RIGHTS OF SUBSCRIBERS.—Nothing in this section may be construed to prejudice the right of a subscriber to secure an appropriate determination, as otherwise provided by law, in a Federal court or in a State or local tribunal or agency, that the account of such subscriber should not be terminated pursuant to this subsection, or should be restored.

''(e) AVAILABILITY OF RELIEF.—The availability of relief under subsections (c) and (d) shall not depend on, or be affected by, the initiation or resolution of any action under subsection (b), or under any other provision of Federal or State law.

''(f) APPLICABILITY.—

''(1) IN GENERAL.—Subject to paragraph (2), the prohibition in this section does not apply to—

''(A) any otherwise lawful bet or wager that is placed, received, or otherwise made wholly intrastate for a State lottery, or for a multi-State lottery operated jointly between 2 or more States in conjunction with State lotteries if—

''(i) each such lottery is expressly authorized, and licensed or regulated, under applicable State law;

''(ii) the bet or wager is placed on an interactive computer service that uses a private network;

''(iii) each person placing or otherwise making that bet or wager is physically located when such bet or wager is placed at a facility that is open to the general public; and

''(iv) each such lottery complies with sections 1301 through 1304, and other applicable provisions of Federal law;

''(B) any otherwise lawful bet or wager that is placed, received, or otherwise made on an interstate or intrastate basis on a live horse or a live dog race, or the sending, receiving, or inviting of information assisting in the placing of such a bet or wager, if such bet or wager, or the transmission of such information, as applicable, is—

''(i) expressly authorized, and licensed or regulated by the State in which such bet or wager is received, under applicable Federal and such State's laws;

''(ii) placed on a closed-loop subscriber-based service;

''(iii) initiated from a State in which betting or wagering on that same type of live horse or live dog racing is lawful and received in a State in which such betting or wagering is lawful;

''(iv) subject to the regulatory oversight of the State in which the bet or wager is received and subject by such State to minimum control standards for the accounting, regulatory inspection, and auditing of all such bets or wagers transmitted from 1 State to another; and

''(v) in the case of—

''(I) live horse racing, made in accordance with the Interstate Horse Racing Act of 1978 (15 U.S.C. 3001 et seq.) and the requirements, if any, established by an appropriate legislative or regulatory body or the State in which the bet or wager originates; or

''(II) live dog racing, subject to consent agreements that are comparable to those required by the Interstate Horse Racing Act of 1978, approved by the appropriate State regulatory agencies, in the State receiving the signal, and in the State in which the bet or wager originates; or

''(C) any otherwise lawful bet or wager that is placed, received, or otherwise made for a fantasy sports league game or contest.

''(2) BETS OR WAGERS MADE BY AGENTS OR PROXIES.—

''(A) IN GENERAL.—Paragraph (1) does not apply in any case in which a bet or wager is placed, received, or otherwise made by the use of an agent or proxy using the Internet or an interactive computer service.

''(B) QUALIFICATION.—Nothing in this paragraph may be construed to prohibit the owner operator of a parimutuel wagering facility that is licensed by a State from employing an agent in the operation of the account wagering system owned or operated by the parimutuel facility.

''(3) ADVERTISING AND PROMOTION.—The prohibition of subsection (b)(1)(B) does not apply to advertising or promotion of any activity that is not prohibited by subsection (b)(1)(A).

''(g) RULES OF CONSTRUCTION.—

''(1) NO IMMUNITY FROM PROSECUTION.—Except as provided in subsection (d), nothing in this section may be construed to create immunity from criminal prosecution under any provision of Federal or State law.

''(2) OTHER PROHIBITIONS AND REMEDIES.—Nothing in this section may be construed to affect any prohibition or remedy applicable to a person engaged in a gambling business under any other provision of Federal or State law.''.

(b) TECHNICAL AMENDMENT.—The analysis for chapter 50 of title 18, United States Code, is amended by adding at the end the following:

''1085. Internet gambling.''.

SEC. 3. REPORT ON ENFORCEMENT.

Not later than 2 years after the date of enactment of this Act, the Attorney General shall submit to Congress a report, which shall include—

(1) an analysis of the problems, if any, associated with enforcing section 1085 of title 18, United States Code, as added by section 2 of this Act;

(2) recommendations for the best use of the resources of the Department of Justice to enforce that section; and

(3) an estimate of the amount of activity and money that continue to be used to gamble on the Internet, despite the prohibition of section 1085 of title 18, United States Code, as added by section 2 of this Act, together with—

(A) a detailed description of the factors contributing to successful evasion of that prohibition; and

(B) recommendations concerning means of closing the channels used to evade that prohibition.

SEC. 4. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of this Act and the provisions of such amendments to any other person or circumstance shall not be affected thereby.

CAMPBELL AMENDMENT NO. 2783

Ms. COLLINS (for Mr. CAMPBELL) proposed an amendment to amendment No. 2782 proposed by Mr. KYL to the bill, S. 692, supra; as follows:

On page 35 of the Kyl-Bryan substitute, after line 18, insert the following:

(4) INDIAN GAMING.

(A) IN GENERAL.—Subject to paragraph (2), the prohibition in this section does not apply to any otherwise lawful bet or wager that is placed, received, or otherwise made on any game that constitutes class II gaming or class III gaming (as those terms are defined in section 4 of the Indian Gaming Regulatory Act, 25 U.S.C. 2703), or the sending, receiving, or inviting of information assisting in the placing of any such bet or wager, as applicable, if—

(i) the game is permitted under and conducted in accordance with the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.);

(ii) each person placing, receiving, or otherwise making such bet or wager, or transmitting such information, is physically located on Indian lands (as that term is defined in section 4 of Indian Gaming Regulatory Act, 25 U.S.C. 2703) when such person places, receives, or otherwise makes the bet or wager, or transmits such information;

(iii) the game is conducted on a closed-loop subscriber-based system or a private network; and

(iv) in the case of a game that constitutes class III gaming—

(I) the game is authorized under, and is conducted in accordance with, the respective Tribal-State compacts (entered into and approved pursuant to section 11(d) of the Indian Gaming Regulatory Act, 25 U.S.C. 2710) governing gaming activity on the Indian lands, in each respective State, on which each person placing, receiving, or otherwise making such bet or wager, or transmitting such information, is physically located when such person places, receives, or otherwise makes the bet or wager, or transmits such information; and

(II) each such Tribal-State compact expressly provides that the game may be conducted using the Internet or other interactive computer service only on a closed-loop subscriber-based system or a private network.

(B) ACTIVITIES UNDER EXISTING COMPACTS.—The requirement of subparagraph (A)(iv)(II) shall not apply in the case of gaming activity, otherwise subject to this section, that was being conducted on Indian lands on September 1, 1999, with the approval of the state gaming commission or like regulatory authority of the State in which such Indian lands are located, but without such required compact approval, until the date on which the compact governing gaming activity on such Indian lands expires (exclusive of any automatic or discretionary renewal or extension of such compact), so long as such gaming activity is conducted using the Internet or other interactive computer service only on a closed-loop subscriber-based system or a private network. For purposes of this subparagraph, the phrase ''conducted on Indian lands'' shall refer to all Indian lands on which any person placing, receiving, or otherwise making a bet or wager, or sending, receiving, or inviting information assisting in the placing of a bet or wager, is physically located when such person places, receives, or otherwise makes the bet or wager, or sends, receives, or invites such information.

DATE-RAPE DRUG CONTROL ACT OF 1999

HUTCHISON AMENDMENT NO. 2784

Ms. COLLINS (for Mrs. HUTCHISON) proposed an amendment to the bill (S. 1561) to amend the Controlled Substances Act to add gamma hydroxybutyric acid and ketamine to the schedules of control substances, to provide for a national awareness campaign, and for other purposes; as follows:

On page 1, beginning on line 4, strike ''Samantha Reid and Hillory J. Farias'' and

insert ''Hillory J. Farias and Samantha Reid''.

On page 6, line 21, strike ''Samantha Reid and Hillory J. Farias'' and insert ''Hillory J. Farias and Samantha Reid''.

On page 7, line 12, strike ''Samantha Reid and Hillory J. Farias'' and insert ''Hillory J. Farias and Samantha Reid''.

ELECTRONIC BENEFIT TRANSFER INTEROPERABILITY AND PORTABILITY ACT OF 1999

FITZGERALD AMENDMENT NO. 2785

Ms. COLLINS (for Mr. FITZGERALD) proposed an amendment to the bill (S. 1733) to amend the Food Stamp Act of 1977 to provide for a national standard of interoperability and portability applicable to electronic food stamp benefit transactions; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Electronic Benefit Transfer Interoperabilty and Portability Act of 1999''.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to protect the integrity of the food stamp program;

(2) to ensure cost-effective portability of food stamp benefits across State borders without imposing additional administrative expenses for special equipment to address problems relating to the portability;

(3) to enhance the flow of interstate commerce involving electronic transactions involving food stamp benefits under a uniform national standard of interoperability and portability; and

(4) to eliminate the inefficiencies resulting from a patchwork of State-administered systems and regulations established to carry out the food stamp program

SEC. 3. INTEROPERABILTY AND PORTABILITY OF FOOD STAMP TRANSACTIONS.

Section 7 of the Food Stamp Act of 1977 (7 U.S.C. 2016) is amended by adding at the end the following:

''(k) INTEROPERABILTY AND PORTABILITY OF ELECTRONIC BENEFIT TRANSFER TRANSACTIONS.—

''(1) DEFINITIONS.—In this subsection:

''(A) ELECTRONIC BENEFIT TRANSFER CARD.—The term 'electronic benefit transfer card' means a card that provides benefits under this Act through an electronic benefit transfer service (as defined in subsection (i)(11)(A)).

''(B) ELECTRONIC BENEFIT TRANSFER CONTRACT.—The term 'electronic benefit transfer contract' means a contract that provides for the issuance, use, or redemption of coupons in the form of electronic benefit transfer cards.

''(C) INTEROPERABILTY.—The term 'interoperability' means a system that enables a coupon issued in the form of an electronic benefit transfer card to be redeemed in any State.

''(D) INTERSTATE TRANSACTION.—The term 'interstate transaction' means a transaction that is initiated in 1 State by the use of an electronic benefit transfer card that is issued in another State.

''(E) PORTABILITY.—The term 'portability' means a system that enables a coupon issued in the form of an electronic benefit transfer card to be used in any State by a household to purchase food at a retail food store or wholesale food concern approved under this Act.

''(F) SETTLING.—The term 'settling' means movement, and reporting such movement, of funds from an electronic benefit transfer card issuer that is located in 1 State to a retail food store, or wholesale food concern, that is located in another State, to accomplish an interstate transaction.

''(G) SMART CARD.—The term 'smart card' means an intelligent benefit card described in section 17(f).

''(H) SWITCHING.—The term 'switching' means the routing of an interstate transaction that consists of transmitting the details of a transaction electronically recorded through the use of an electronic benefit transfer card in 1 State to the issuer of the card that is in another State.

''(2) REQUIREMENT.—Not later than October 1, 2002, the Secretary shall ensure that systems that provide for the electronic issuance, use, and redemption of coupons in the form of electronic benefit transfer cards are interoperable, and food stamp benefits are portable, among all States.

''(3) COST.—The cost of achieving the interoperability and portability required under paragraph (2) shall not be imposed on any food stamp retail store, or any wholesale food concern, approved to participate in the food stamp program.

''(4) STANDARDS.—Not later than 210 days after the date of enactment of this subsection, the Secretary shall promulgate regulations that—

''(A) adopt a uniform national standard of interoperability and portability required under paragraph (2) that is based on the standard of interoperability and portability used by a majority of State agencies; and

''(B) require that any electronic benefit transfer contract that is entered into 30 days or more after the regulations are promulgated, by or on behalf of a State agency, provide for the interoperability and portability required under paragraph (2) in accordance with the national standard.

''(5) EXEMPTIONS—

''(A) CONTRACTS.—The requirements of paragraph (2) shall not apply to the transfer of benefits under an electronic benefit transfer contract before the expiration of the term of the contract if the contract—

''(i) is entered into before the date that is 30 days after the regulations are promulgated under paragraph (4); and

''(ii) expires after October 1, 2002.

''(B) WAIVER.—At the request of a State agency, the Secretary may provide 1 waiver to temporarily exempt, for a period ending on or before the date specified under clause (iii), the State agency from complying with the requirements of paragraph (2), if the State agency—

''(i) establishes to the satisfaction of the Secretary that the State agency faces unusual technological barriers to achieving by October 1, 2002, the interoperability and portability required under paragraph (2);

''(ii) demonstrates that the best interest of the food stamp program would be served by granting the waiver with respect to the electronic benefit transfer system used by the State agency to administer the food stamp program; and

''(iii) specifies a date by which the State agency will achieve the interoperability and portability required under paragraph (2).

''(C) SMART CARD SYSTEMS.—The Secretary shall allow a State agency that is using smart cards for the delivery of food stamp program benefits to comply with the requirements of paragraph (2) at such time after October 1, 2002, as the Secretary determines that a practicable technological method is available for interoperability with electronic benefit transfer cards.

''(6) FUNDING.—

''(A) IN GENERAL.—In accordance with regulations promulgated by the Secretary, the Secretary shall pay 100 percent of the costs incurred by a State agency under this Act for switching and settling interstate transactions—

''(i) incurred after the date of enactment of this subsection and before October 1, 2002, if the State agency uses the standard of interoperability and portability adopted by a majority of State agencies; and

''(ii) incurred after September 30, 2002, if the State agency uses the uniform national standard of interoperability and portability adopted under paragraph (4)(A).

''(B) LIMITATION.—The total amount paid to State agencies for each fiscal year under subparagraph (A) shall not exceed $500,000.''.

SEC. 4. STUDY OF ALTERNATIVES FOR HANDLING ELECTRONIC BENEFIT TRANSACTIONS INVOLVING FOOD STAMP BENEFITS.

Not later than 1 year after the date of enactment of this Act, the Secretary of Agriculture shall study and report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate on alternatives for handling interstate electronic benefit transactions involving food stamp benefits provided under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), including the feasibility and desirability of a single hub for switching (as defined in section 7(k)(1) of that Act (as added by section 3)).

LEGISLATION TO EXEMPT CERTAIN REPORTS FROM AUTOMATIC ELIMINATION AND SUNSET

LEAHY AMENDMENT NO. 2786

Ms. COLLINS (for Mr. LEAHY) proposed an amendment to the bill (H.R. 3111) to exempt certain reports from automatic elimination and sunset pursuant to the Federal Reports Elimination and Sunset Act of 1995; as follows:

Add at the end the following:

SEC. 2(a) SHORT TITLE.—This Act may be cited as the ''Continued Reporting of Intercepted Wire, Oral, and Electronic Communications Act''.

(b) FINDINGS.—Congress makes the following findings:

(1) Section 2519(3) of title 18, United States Code, requires the Director of the Administrative Office of the United States Courts to transmit to Congress a full and complete annual report concerning the number of applications for orders authorizing or approving the interception of wire, oral, or electronic communications. This report is required to include information specified in section 2519(3).

(2) The Federal Reports Elimination and Sunset Act of 1995 provides for the termination of certain laws requiring submittal to Congress of annual, semiannual, and regular periodic reports as of December 21, 1999, 4 years from the effective date of that Act.

(3) Due to the Federal Reports Elimination Act and Sunset Act of 1995, the Administrative Office of United States Courts is not required to submit that annual report described in section 219(3) of title 18, United States Code, as of December 21, 1999.

(c) CONTINUED REPORTING REQUIREMENTS.—

(1) CONTINUED REPORTING REQUIREMENTS.—Section 2519 of title 18, United States Code, is amended by adding at the end the following:

''(4) The reports required to be filed by subsection (3) are exempted from the termination provisions of section 3003(a) of the Federal Reports Elimination and Sunset Act of 1995 (Public Law 104–66).''.

(2) EXEMPTION.—Section 3003(d) of the Federal Reports Elimination and Sunset Act of 1995 (Public Law 104–66) is amended—

(a) in paragraph (31), by striking ''or'' at the end;

(b) in paragraph (32), by striking the period and inserting ''; or''; and

(c) by adding at the end the following:

''(33) section 2519(3) of title 18, United States Code.''.

(d) ENCRYPTION REPORTING REQUIREMENTS.—

(1) Section 2519(2)(b) of title 18, United States Code, is amended by striking ''and (iv)'' and inserting ''(iv) the number of orders in which encryption was encountered and whether such encryption prevented law enforcement from obtaining the plain text of communications intercepted pursuant to such order, and (v)''.

(2) The encryption reporting requirement in subsection (a) shall be effective for the report transmitted by the Director of the Administrative Office of the Courts for calendar year 2000 and in subsequent reports.

(e) REPORTS CONCERNING PEN REGISTERS AND TRAP AND TRACE DEVICES.—

Section 3126 of title 18, United States Code, is amended by striking the period and inserting '', which report shall include information concerning—

''(1) the period of interceptions authorized by the order, and the number and duration of any extensions of the order;

''(2) the offense specified in the order or application, or extension of an order;

''(3) the number of investigations involved;

''(4) the number and nature of the facilities affected; and

''(5) the identity, including district, of the applying investigative or law enforcement agency making the application and the person authorizing the order.''.

MILLENNIUM DIGITAL COMMERCE ACT

ABRAHAM (AND OTHERS) AMENDMENT NO. 2787

Ms. COLLINS (for Mr. ABRAHAM (for himself, Mr. WYDEN, and Mr. LEAHY)) posed an amendment to the bill (S. 761) to regulate interstate commerce by electronic means by permitting and encouraging the continued expansion of electronic commerce through the operation of free market forces, and for other purposes; as follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Millennium Digital Commerce Act''.

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The growth of electronic commerce and electronic government transactions represent a powerful force for economic growth, consumer choice, improved civic participation and wealth creation.

(2) The promotion of growth in private sector electronic commerce through Federal legislation is in the national interest because that market is globally important to the United States.

(3) A consistent legal foundation, across multiple jurisdictions, for electronic commerce will promote the growth of such transactions, and that such a foundation should be based upon a simple, technology neutral, non-regulatory, and market-based approach.

(4) The Nation and the world stand at the beginning of a large scale transition to an information society which will require innovative legal and policy approaches, and therefore, States can serve the national interest by continuing their proven role as laboratories of innovation for quickly evolving areas of public policy, provided that States also adopt a consistent, reasonable national baseline to eliminate obsolete barriers to electronic commerce such as undue paper and pen requirements, and further, that any such innovation should not unduly burden inter-jurisdictional commerce.

(5) To the extent State laws or regulations do not provide a consistent, reasonable national baseline or in fact create an undue burden to interstate commerce in the important burgeoning area of electronic commerce, the national interest is best served by Federal preemption to the extent necessary to provide such consistent, reasonable national baseline or eliminate said burden, but that absent such lack of consistent, reasonable national baseline or such undue burdens, the best legal system for electronic commerce will result from continuing experimentation by individual jurisdictions.

(6) With due regard to the fundamental need for a consistent national baseline, each jurisdiction that enacts such laws should have the right to determine the need for any exceptions to protect consumers and maintain consistency with existing related bodies of law within a particular jurisdiction.

(7) Industry has developed several electronic signature technologies for use in electronic transactions, and the public policies of the United States should serve to promote a dynamic marketplace within which these technologies can compete. Consistent with this Act, States should permit the use and development of any authentication technologies that are appropriate as practicable as between private parties and in the use with State agencies.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to permit and encourage the continued expansion of electronic commerce through the operation of free market forces rather than proscriptive governmental mandates and regulations;

(2) to promote public confidence in the validity, integrity and reliability of electronic commerce and online government under Federal law;

(3) to facilitate and promote electronic commerce by clarifying the legal status of electronic records and electronic signatures in the context of contract formation;

(4) to facilitate the ability of private parties engaged in interstate transactions to agree among themselves on the appropriate electronic signature technologies for their transactions; and

(5) to promote the development of a consistent national legal infrastructure necessary to support of electronic commerce at the Federal and state levels within existing areas of jurisdiction.

SEC. 4. DEFINITIONS.

In this Act:

(1) ELECTRONIC.—The term ''electronic'' means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(2) ELECTRONIC AGENT.—The term ''electronic agent'' means a computer program or an electronic or other automated means used to initiate an action or respond to electronic records or performances in whole or in part without review by an individual at the time of the action or response.

(3) ELECTRONIC RECORD.—The term ''electronic record'' means a record created, generated, sent, communicated, received, or stored by electronic means.

(4) ELECTRONIC SIGNATURE.—The term ''electronic signature'' means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

(5) GOVERNMENTAL AGENCY.—The term ''governmental agency'' means an executive, legislative, or judicial agency, department, board, commission, authority, or institution of the Federal Government or of a State or of any county, municipality, or other political subdivision of a State.

(6) RECORD.—The term ''record'' means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(7) TRANSACTION.—The term ''transaction'' means an action or set of actions relating to the conduct of commerce, between 2 or more persons, neither of which is the United States Government, a State, or an agency, department, board, commission, authority, or institution of the United States Government or of a State.

(8) UNIFORM ELECTRONIC TRANSACTIONS ACT.—The term ''Uniform Electronic Transactions Act'' means the Uniform Electronic Transactions Act as provided to State legislatures by the National Conference of Commissioners on Uniform State Law in that form of any substantially similar variation thereof.

SEC. 5. INTERSTATE CONTRACT CERTAINTY.

(a) IN GENERAL.—In any commercial transaction affecting interstate commerce, a contract may not be denied legal effect or enforceability solely because an electronic signature or electronic record was used in its formation.

(b) METHODS.—Parties to a transaction are permitted to determine the appropriate electronic signature technologies for their transaction, and the means of implementing such technologies.

(c) PRESENTATION OF CONTRACTS.—Notwithstanding subsection (a), if a law requires that a contract be in writing, the legal effect or enforceability of an electronic record of such contract shall be denied under such law, unless it is delivered to all parties to such contract in a form that—

(1) can be retained by the parties for later reference; and

(2) can be used to prove the terms of the agreement.

(d) SPECIFIC EXCLUSIONS.—The provisions of this section shall not apply to a statute, regulation, or other rule of law governing any of the following:

(1) The Uniform Commercial Code, as in effect in a State, other than sections 1–107 and 1–206, Article 2, and Article 2A.

(2) Premarital agreements, marriage, adoption, divorce or other matters of family law.

(3) Documents of title which are filed of record with a governmental unit until such time that a state or subdivision thereof chooses to accept filings electronically.

(4) Residential landlord-tenant relationships.

(5) The Uniform Health-Care Decisions Act as in effect in a State.

(e) ELECTRONIC AGENTS.—A contract relating to a commercial transaction affecting interstate commerce may not be denied legal effect or enforceability solely because its formation involved—

(1) the interaction of electronic agents of the parties; or

(2) the interaction of an electronic agent of a party and an individual who acts on that

individual's own behalf or as an agent for another person.

(f) INSURANCE.—It is the specific intent of the Congress that this section apply to the business of insurance.

(g) APPLICATION IN UETA STATES.—This section does not apply in any State in which the Uniform Electronic Transactions Act is in effect.

SEC. 6. PRINCIPLES GOVERNING THE USE OF ELECTRONIC SIGNATURES IN INTERNATIONAL TRANSACTIONS.

To the extent practicable, the Federal Government shall observe the following principles in an international context to enable commercial electronic transaction:

(1) Remove paper-based obstacles to electronic transactions by adopting relevant principles from the Model Law on Electronic Commerce adopted in 1996 by the United Nations Commission on International Trade Law.

(2) Permit parties to a transaction to determine the appropriate authentication technologies and implementation models for their transactions, with assurance that those technologies and implementation models will be recognized and enforced.

(3) Permit parties to a transaction to have the opportunity to prove in court or other proceedings that their authentication approaches and their transactions are valid.

(4) Take a non-discriminatory approach to electronic signatures and authentication methods from other jurisdictions.

SEC. 7. STUDY OF LEGAL AND REGULATORY BARRIERS TO ELECTRONIC COMMERCE.

(a) BARRIERS.—Each Federal agency shall, not later than 6 months after the date of enactment of this Act, provide a report to the Director of the Office of Management and Budget and the Secretary of Commerce identifying any provision of law administered by such agency, or any regulations issued by such agency and in effect on the date of enactment of this Act, that may impose a barrier to electronic transactions, or otherwise to the conduct of commerce online or be electronic means, including barriers imposed by a law or regulation directly or indirectly requiring that signatures, or records of transactions, be accomplished or retained in other than electronic form. In its report, each agency shall identify the barriers among those identified whose removal would require legislative action, and shall indicate agency plans to undertake regulatory action to remove such barriers among those identified as are caused by regulations issued by the agency.

(b) REPORT TO CONGRESS.—The Secretary of Commerce, in consultation with the Director of the Office of Management and Budget, shall, within 18 months after the date of enactment of this Act, and after the consultation required by subsection (c) of this section, report to the Congress concerning—

(1) legislation needed to remove barriers to electronic transactions or otherwise to the conduct of commerce online or by electronic means; and

(2) actions being taken by the Executive Branch and individual Federal agencies to remove such barriers as are caused by agency regulations or policies.

(c) CONSULTATION.—In preparing the report required by this section, the Secretary of Commerce shall consult with the General Services Administration, the National Archives and Records Administration, and the Attorney General concerning matters involving the authenticity of records, their storage and retention, and their usability for law enforcement purposes.

(d) INCLUDE FINDINGS IF NO RECOMMENDATIONS.—If the report required by this section omits recommendations for actions needed to fully remove identified barriers to electronic transactions or to online or electronic commerce, it shall include a finding or findings, including substantial reasons therefor, that such removal is impracticable or would be inconsistent with the implementation or enforcement of applicable laws.

CHURCH PLAN PARITY AND ENTANGLEMENT PREVENTION ACT OF 1999

SESSIONS (AND JEFFORDS) AMENDMENT NO. 2788

Ms. COLLINS (for Mr. SESSIONS (for himself and Mr. JEFFORDS)) proposed an amendment to the bill (S. 1309) to amend title I of the Employee Retirement Income Security Act of 1974 to provide for the preemption of State law in certain cases relating to certain church plans; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. PURPOSE.

The purpose of this Act is only to clarify the application to a church plan that is a welfare plan of State insurance laws that require or solely relate to licensing, solvency, insolvency, or the status of such plan as a single employer plan.

SEC. 2. CLARIFICATION OF CHURCH WELFARE PLAN STATUS UNDER STATE INSURANCE LAW.

(a) IN GENERAL.—For purposes of determining the status of a church plan that is a welfare plan under provisions of a State insurance law described in subsection (b), such a church plan (and any trust under such plan) shall be deemed to be a plan sponsored by a single employer that reimburses costs from general church assets, or purchases insurance coverage with general church assets, or both.

(b) STATE INSURANCE LAW.—A State insurance law described in this subsection is a law that—

(1) requires a church plan, or an organization described in section 414(e)(3)(A) of the Internal Revenue Code of 1986 and section 3(33)(C)(i) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(33)(C)(i)) to the extent that it is administering or funding such a plan, to be licensed; or

(2) relates solely to the solvency or insolvency of a church plan (including participation in State guaranty funds and associations).

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

(1) CHURCH PLAN.—The term ''church plan'' has the meaning given such term by section 414(e) of the Internal Revenue Code of 1986 and section 3(33) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(33)).

(2) REIMBURSES COSTS FROM GENERAL CHURCH ASSETS.—The term ''reimburses costs from general church assets'' means engaging in an activity that is not the spreading of risk solely for the purposes of the provisions of State insurance laws described in subsection (b).

(3) WELFARE PLAN.—The term ''welfare plan''—

(A) means any church plan to the extent that such plan provides medical, surgical, or hospital care or benefits, or benefits in the event of sickness, accident, disability, death or unemployment, or vacation benefits, apprenticeship or other training programs, or day care centers, scholarship funds, or prepaid legal services; and

(B) does not include any entity, such as a health insurance issuer described in section 9832(b)(2) of the Internal Revenue Code of 1986 or a health maintenance organization described in section 9832(b)(3) of such Code, or any other organization that does business with the church plan or organization sponsoring or maintaining such a plan.

(d) ENFORCEMENT AUTHORITY.—Notwithstanding any other provision of this section, for purposes of enforcing provisions of State insurance laws that apply to a church plan that is a welfare plan, the church plan shall be subject to State enforcement as if the church plan were an insurer licensed by the State.

(e) APPLICATION OF SECTION.—Except as provided in subsection (d), the application of this section is limited to determining the status of a church plan that is a welfare plan under the provisions of State insurance laws described in subsection (b). This section shall not otherwise be construed to recharacterize the status, or modify or affect the rights, of any plan participant or beneficiary, including participants or beneficiaries who make plan contributions.

LEGISLATION TO AMEND THE CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT TO IMPROVE SHARED APPRECIATION ARRANGEMENTS

BURNS AMENDMENT NO. 2789

Ms. COLLINS (for Mr. BURNS) proposed amendment to the bill (S. 961) to amend the Consolidated Farm And Rural Development Act to improve shared appreciation arrangements; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHARED APPRECIATION ARRANGEMENTS.

(a) IN GENERAL.—Section 353(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2001(e)) is amended by striking paragraph (2) and inserting the following:

''(2) TERMS.—A shared appreciation agreement entered into by a borrower under this subsection shall—

''(A) have a term not to exceed 10 years;

''(B) provide for recapture based on the difference between—

''(i) the appraised value of the real security property at the time of restructuring; and

''(ii) that value at the time of recapture, except that that value shall not include the value of any capital improvements made to the real security property by the borrower after the time of restructuring; and

''(C) allow the borrower to obtain a loan, in addition to any other outstanding loans under this title, to pay any amounts due on a shared appreciation agreement, at a rate of interest that is not greater than the rate of interest on outstanding marketable obligations of the United States of a maturity comparable to that of the loan.''.

(b) APPLICATION.—The amendment made by subsection (a) shall apply to a shared appreciation arrangement entered into under section 353(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2001(e)) that matures on or after the date of enactment of this Act.

DIGITAL THEFT DETERRENCE AND COPYRIGHT DAMAGES IMPROVEMENT ACT OF 1999

HATCH (AND LEAHY) AMENDMENT NO. 2790

Ms. COLLINS (for Mr. HATCH (for himself and Mr. LEAHY)) proposed an amendment to the bill (S. 1257) to amend statutory damages provisions of title 17, United States Code; as follows:

On page 1, line 2, insert ''Digital Theft Deterrence and'' before ''Copyright''.

On page 2, strike lines 2 through 26 and insert the following:

''Within 120 days after the date of the enactment of this Act, or within 120 days after the first date on which there is a sufficient number of voting members of the Sentencing Commission to constitute a quorum, whichever is later, the Commission shall promulgate emergency guide-line amendments to implement section 2(g) of the No Electronic Theft (NET) Act (28 U.S.C. 994 note) in accordance with the procedures set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that Act had not expired.''

CONDEMNING THE VIOLENCE IN CHECHNYA

HELMS AMENDMENT NO. 2791

Ms. COLLINS (for Mr. HELMS) proposed an amendment to the preamble of the resolution (S. Res. 223) condemning the violence in Chechnya; as follows:

In the second whereas clause of the preamble, strike ''is'' and insert ''are''.

DESIGNATING ''NATIONAL BIOTECHNOLOGY WEEK''

GRAMS AMENDMENT NO. 2792

Ms. COLLINS (for Mr. GRAMS) proposed an amendment to the resolution (S. Res. 200) designating the week of February 14–20 as ''National Biotechnology Week''; as follows:

In the Heading of S. Res. 200: strike ''the week of February 14–20'' and insert ''January 2000;'' strike the word ''week'' and insert ''Month.''

In the title of S. Res. 200: strike ''the week of February 14–20'' and insert ''January 2000;'' strike the word ''week'' and insert ''Month.''

On page 2, line 2 strike ''the week of February 14–20;'' and insert ''January.''

On page 2, line 3, strike ''Week'' and insert ''Month.''

On page 2 line 7, strike the word ''week'' and insert ''month.''

AUTHORIZING PRINTING OF THE BROCHURES ENTITLED ''HOW OUR LAWS ARE MADE'' AND ''OUR AMERICAN GOVERNMENT'', THE POCKET VERSION OF THE UNITED STATES CONSTITUTION, AND THE DOCUMENT-SIZED, ANNOTATED VERSION OF THE UNITED STATES CONSTITUTION

MCCONNELL (AND ROBB) AMENDMENT NO. 2793

Ms. COLLINS (for Mr. MCCONNELL (for himself and Mr. ROBB)) proposed an amendment to the concurrent resolution (H. Con. Res. 221) authorizing printing of the brochures entitled ''How Our Laws Are Made'' and ''Our American Government.'' the pocket version of the United States Constitution, and the document-sized, annotated version of the United States Constitution; as follows:

Strike all after the resolving clause and insert the following:

SECTION 1. OUR AMERICAN GOVERNMENT.

(a) IN GENERAL.—The 1999 revised edition of the brochure entitled ''Our American Government'' shall be printed as a House document under the direction of the Joint Committee on Printing.

(b) ADDITIONAL COPIES.—In addition to the usual number, there shall be printed the lesser of—

(1) 550,000 copies of the document, of which 440,000 copies shall be for the use of the House of Representatives, 100,000 copies shall be for the use of the Senate, and 10,000 copies shall be for the use of the Joint Committee on Printing; or

(2) such number of copies of the document as does not exceed a total production and printing cost of $412,873, with distribution to be allocated in the same proportion as described in paragraph (1), except that in no case shall the number of copies be less than 1 per Member of Congress.

SEC. 2. DOCUMENT-SIZED, ANNOTATED UNITED STATES CONSTITUTION.

(a) IN GENERAL.—The 1999 edition of the document-sized, annotated version of the United States Constitution shall be printed as a House document under the direction of the Joint Committee on Printing.

(b) ADDITIONAL COPIES.—In addition to the usual number, there shall be printed the lesser of—

(1) 550,000 copies of the document, of which 440,000 copies shall be for the use of the House of Representatives, 100,000 copies shall be for the use of the Senate, and 10,000 copies shall be for the use of the Joint Committee on Printing; or

(2) such number of copies of the document as does not exceed a total production and printing cost of $393,316, with distribution to be allocated in the same proportion as described in paragraph (1), except that in no case shall the number of copies be less than 1 per Member of Congress.

SEC. 3. HOW OUR LAWS ARE MADE.

(a) IN GENERAL.—An edition of the brochure entitled ''How Our Laws Are Made'', as revised under the direction of the Parliamentarian of the House of Representatives in consultation with the Parliamentarian of the Senate, shall be printed as a House document under the direction of the Joint Committee on Printing.

(b) ADDITIONAL COPIES.—In addition to the usual number, there shall be printed the lesser of—

(1) 550,000 copies of the document, of which 440,000 copies shall be for the use of the House of Representatives, 100,000 copies shall be for the use of the Senate, and 10,000 copies shall be for the use of the Joint Committee on Printing; or

(2) such number of copies of the document as does not exceed a total production and printing cost of $200,722, with distribution to be allocated in the same proportion as described in paragraph (1), except that in no case shall the number of copies be less than 1 per Member of Congress.

SEC. 4. POCKET VERSION OF THE UNITED STATES CONSTITUTION.

(a) IN GENERAL.—The 20th edition of the pocket version of the United States Constitution shall be printed as a House document under the direction of the Joint Committee on Printing.

(b) ADDITIONAL COPIES.—In addition to the usual number, there shall be printed the lesser of—

(1) 550,000 copies of the document, of which 440,000 copies shall be for the use of the House of Representatives, 100,000 copies shall be for the use of the Senate, and 10,000 copies shall be for the use of the Joint Committee on Printing; or

(2) such number of copies of the document as does not exceed a total production and printing cost of $115,208, with distribution to be allocated in the same proportion as described in paragraph (1), except that in no case shall the number of copies be less than 1 per Member of Congress.

SEC. 5. CAPITOL BUILDER: THE SHORTHAND JOURNALS OF CAPTAIN MONTGOMERY C. MEIGS, 1853–1861.

(a) IN GENERAL.—There shall be printed as a Senate document the book entitled ''Capitol Builder: The Shorthand Journals of Captain Montgomery C. Meigs, 1853–1861'', prepared under the direction of the Secretary of the Senate, in consultation with the Clerk of the House of Representatives and the Architect of the Capitol.

(b) SPECIFICATIONS.—The Senate document described in subsection (a) shall include illustrations and shall be in the style, form, manner, and binding as directed by the Joint Committee on Printing after consultation with the Secretary of the Senate.

(c) NUMBER OF COPIES.—In addition to the usual number of copies, there shall be printed with suitable binding the lesser of—

(1) 1,500 copies for the use of the Senate, the House of Representatives, and the Architect of the Capitol, to be allocated as determined by the Secretary of the Senate and the Clerk of the House of Representatives; or

(2) a number of copies that does not have a total production and printing cost of more than $31,500.

SEC. 6. THE UNITED STATES CAPITOL: A CHRONICLE OF CONSTRUCTION, DESIGN, AND POLITICS.

(a) IN GENERAL.—There shall be printed as a Senate document the book entitled ''The United States Capitol: A Chronicle of Construction, Design, and Politics'', prepared by the Architect of the Capitol.

(b) SPECIFICATIONS.—The Senate document described in subsection (a) shall include illustrations and shall be in the style, form, manner, and binding as directed by the Joint Committee on Printing after consultation with the Secretary of the Senate.

(c) NUMBER OF COPIES.—In addition to the usual number of copies, there shall be printed with suitable binding the lesser of—

(1) 6,500 copies for the use of the Senate, the House of Representatives, and the Architect of the Capitol, to be allocated as determined by the Secretary of the Senate; or

(2) a number of copies that does not have a total production and printing cost of more than $143,000.

DETERMINED AND FULL ENGAGEMENT AGAINST THE THREAT OF METHAMPHETAMINE (DEFEAT METH) ACT OF 1999

HATCH AMENDMENT NO. 2794

Ms. COLLINS (for Mr. HATCH) proposed an amendment to the bill (S. 486) to provide for the punishment of methoamphetamine laboratory operators, provide additional resources to combat methoamphetamine production, trafficking, and abuse in the United States, and for other purposes; as follows:

Strike page 9, line 16, and all that follows through page 50, line 22, and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Methamphetamine Anti-Proliferation Act of 1999''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—METHAMPHETAMINE PRODUCTION, TRAFFICKING, AND ABUSE

Subtitle A—Criminal Penalties

Sec. 101. Enhanced punishment of amphetamine laboratory operators.
Sec. 102. Enhanced punishment of amphetamine or methamphetamine laboratory operators.
Sec. 103. Mandatory restitution for violations of Controlled Substances Act and Controlled Substances Import and Export Act relating to amphetamine and methamphetamine.
Sec. 104. Methamphetamine paraphernalia.

Subtitle B—Enhanced Law Enforcement

Sec. 111. Environmental hazards associated with illegal manufacture of amphetamine and methamphetamine.
Sec. 112. Reduction in retail sales transaction threshold for non-safe harbor products containing pseudoephedrine or phenylpropanolamine.
Sec. 113. Training for Drug Enforcement Administration and State and local law enforcement personnel relating to clandestine laboratories.
Sec. 114. Combatting methamphetamine and amphetamine in high intensity drug trafficking areas.
Sec. 115. Combating amphetamine and methamphetamine manufacturing and trafficking.

Subtitle C—Abuse Prevention and Treatment

Sec. 121. Expansion of methamphetamine research.
Sec. 122. Methamphetamine and amphetamine treatment initiative by Center for Substance Abuse Treatment.
Sec. 123. Expansion of methamphetamine abuse prevention efforts.
Sec. 124. Study of methamphetamine treatment.

Subtitle D—Reports

Sec. 131. Reports on consumption of methamphetamine and other illicit drugs in rural areas, metropolitan areas, and consolidated metropolitan areas.
Sec. 132. Report on diversion of ordinary, over-the-counter pseudoephedrine and phenylpropanolamine products.

TITLE II—CONTROLLED SUBSTANCES GENERALLY

Subtitle A—Criminal Matters

Sec. 201. Enhanced punishment for trafficking in list I chemicals.
Sec. 202. Mail order requirements.
Sec. 203. Advertisements for drug paraphernalia and schedule I controlled substances.
Sec. 204. Theft and transportation of anhydrous ammonia for purposes of illicit production of controlled substances.
Sec. 205. Criminal prohibition on distribution of certain information relating to the manufacture of controlled substances.

Subtitle B—Other Matters

Sec. 211. Waiver authority for physicians who dispense or prescribe certain narcotic drugs for maintenance treatment or detoxification treatment.

TITLE III—MISCELLANEOUS

Sec. 301. Notice; clarification.
Sec. 302. Antidrug messages on Federal Government Internet websites.
Sec. 303. Severability.

TITLE I—METHAMPHETAMINE PRODUCTION, TRAFFICKING, AND ABUSE

Subtitle A—Criminal Penalties

SEC. 101. ENHANCED PUNISHMENT OF AMPHETAMINE LABORATORY OPERATORS.

(a) AMENDMENT TO FEDERAL SENTENCING GUIDELINES.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal sentencing guidelines in accordance with this section with respect to any offense relating to the manufacture, importation, exportation, or trafficking in amphetamine (including an attempt or conspiracy to do any of the foregoing) in violation of—

(1) the Controlled Substances Act (21 U.S.C. 801 et seq.);

(2) the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.); or

(3) the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.).

(b) GENERAL REQUIREMENT.—In carrying out this section, the United States Sentencing Commission shall, with respect to each offense described in subsection (a) relating to amphetamine—

(1) review and amend its guidelines to provide for increased penalties such that those penalties are comparable to the base offense level for methamphetamine; and

(2) take any other action the Commission considers necessary to carry out this subsection.

(c) ADDITIONAL REQUIREMENTS.—In carrying out this section, the United States Sentencing Commission shall ensure that the sentencing guidelines for offenders convicted of offenses described in subsection (a) reflect the heinous nature of such offenses, the need for aggressive law enforcement action to fight such offenses, and the extreme dangers associated with unlawful activity involving amphetamines, including—

(1) the rapidly growing incidence of amphetamine abuse and the threat to public safety that such abuse poses;

(2) the high risk of amphetamine addiction;

(3) the increased risk of violence associated with amphetamine trafficking and abuse; and

(4) the recent increase in the illegal importation of amphetamine and precursor chemicals.

(d) EMERGENCY AUTHORITY TO SENTENCING COMMISSION.—The United States Sentencing Commission shall promulgate amendments pursuant to this section as soon as practicable after the date of the enactment of this Act in accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987 (Public Law 100–182), as though the authority under that Act had not expired.

SEC. 102. ENHANCED PUNISHMENT OF AMPHETAMINE OR METHAMPHETAMINE LABORATORY OPERATORS.

(a) FEDERAL SENTENCING GUIDELINES.—

(1) IN GENERAL.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal sentencing guidelines in accordance with paragraph (2) with respect to any offense relating to the manufacture, attempt to manufacture, or conspiracy to manufacture amphetamine or methamphetamine in violation of—

(A) the Controlled Substances Act (21 U.S.C. 801 et seq.);

(B) the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.); or

(C) the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.).

(2) REQUIREMENTS.—In carrying out this paragraph, the United States Sentencing Commission shall—

(A) if the offense created a substantial risk of harm to human life (other than a life described in subparagraph (B)) or the environment, increase the base offense level for the offense—

(i) by not less than 3 offense levels above the applicable level in effect on the date of the enactment of this Act; or

(ii) if the resulting base offense level after an increase under clause (i) would be less than level 27, to not less than level 27; or

(B) if the offense created a substantial risk of harm to the life of a minor or incompetent, increase the base offense level for the offense—

(i) by not less than 6 offense levels above the applicable level in effect on the date of the enactment of this Act; or

(ii) if the resulting base offense level after an increase under clause (i) would be less than level 30, to not less than level 30.

(3) EMERGENCY AUTHORITY TO SENTENCING COMMISSION.—The United States Sentencing Commission shall promulgate amendments pursuant to this subsection as soon as practicable after the date of enactment of this Act in accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987 (Public Law 100–182), as though the authority under that Act had not expired.

(b) EFFECTIVE DATE.—The amendments made pursuant to this section shall apply with respect to any offense occurring on or after the date that is 60 days after the date of enactment of this Act.

SEC. 103. MANDATORY RESTITUTION FOR VIOLATIONS OF CONTROLLED SUBSTANCES ACT AND CONTROLLED SUBSTANCES IMPORT AND EXPORT ACT RELATING TO AMPHETAMINE AND METHAMPHETAMINE.

(a) MANDATORY RESTITUTION.—Section 413(q) of the Controlled Substances Act (21 U.S.C. 853(q)) is amended—

(1) in the matter preceding paragraph (1), by striking ''may'' and inserting ''shall'';

(2) by inserting ''amphetamine or'' before ''methamphetamine'' each place it appears;

(3) in paragraph (2)—

(A) by inserting '', the State or local government concerned, or both the United States and the State or local government concerned'' after ''United States'' the first place it appears; and

(B) by inserting ''or the State or local government concerned, as the case may be,'' after ''United States'' the second place it appears; and

(4) in paragraph (3), by striking ''section 3663 of title 18, United States Code'' and inserting ''section 3663A of title 18, United States Code''.

(b) DEPOSIT OF AMOUNTS IN DEPARTMENT OF JUSTICE ASSETS FORFEITURE FUND.—Section 524(c)(4) of title 28, United States Code, is amended—

(1) by striking ''and'' at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting ''; and''; and

(3) by adding at the end the following:

''(D) all amounts collected—

''(i) by the United States pursuant to a reimbursement order under paragraph (2) of section 413(q) of the Controlled Substances Act (21 U.S.C. 853(q)); and

''(ii) pursuant to a restitution order under paragraph (1) or (3) of section 413(q) of the Controlled Substances Act for injuries to the United States.''.

(c) CLARIFICATION OF CERTAIN ORDERS OF RESTITUTION.—Section 3663(c)(2)(B) of title 18, United States Code, is amended by inserting ''which may be'' after ''the fine''.

(d) EXPANSION OF APPLICABILITY OF MANDATORY RESTITUTION.—Section 3663A(c)(1)(A)(ii) of title 18, United States Code, is amended by inserting ''or under section 416(a) of the Controlled Substances Act (21 U.S.C. 856(a)),'' after ''under this title,''.

(e) TREATMENT OF ILLICIT SUBSTANCE MANUFACTURING OPERATIONS AS CRIMES AGAINST PROPERTY.—Section 416 of the Controlled Substances Act (21 U.S.C. 856) is amended by adding at the end the following new subsection:

''(c) A violation of subsection (a) shall be considered an offense against property for purposes of section 3663A(c)(1)(A)(ii) of title 18, United States Code.''.

SEC. 104. METHAMPHETAMINE PARAPHERNALIA.

Section 422(d) of the Controlled Substances Act (21 U.S.C. 863(d)) is amended in the matter preceding paragraph (1) by inserting ''methamphetamine,'' after ''PCP,''.

Subtitle B—Enhanced Law Enforcement

SEC. 111. ENVIRONMENTAL HAZARDS ASSOCIATED WITH ILLEGAL MANUFACTURE OF AMPHETAMINE AND METHAMPHETAMINE.

(a) USE OF AMOUNTS OR DEPARTMENT OF JUSTICE ASSETS FORFEITURE FUND.—Section 524(c)(1)(E) of title 28, United States Code, is amended—

(1) by inserting ''(i) for'' before ''disbursements'';

(2) by inserting ''and'' after the semicolon; and

(3) by adding at the end the following:

''(ii) for payment for—

''(I) costs incurred by or on behalf of the Department of Justice in connection with the removal, for purposes of Federal forfeiture and disposition, of any hazardous substance or pollutant or contaminant associated with the illegal manufacture of amphetamine or methamphetamine; and

''(II) costs incurred by or on behalf of a State or local government in connection with such removal in any case in which such State or local government has assisted in a Federal prosecution relating to amphetamine or methamphetamine, to the extent such costs exceed equitable sharing payments made to such State or local government in such case;''.

(b) GRANTS UNDER DRUG CONTROL AND SYSTEM IMPROVEMENT GRANT PROGRAM.—Section 501(b)(3) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting before the semicolon the following: ''and to remove any hazardous substance or pollutant or contaminant associated with the illegal manufacture of amphetamine or methamphetamine''.

(c) AMOUNTS SUPPLEMENT AND NOT SUPPLANT.—

(1) ASSETS FORFEITURE FUND.—Any amounts made available from the Department of Justice Assets Forfeiture Fund in a fiscal year by reason of the amendment made by subsection (a) shall supplement, and not supplant, any other amounts made available to the Department of Justice in such fiscal year from other sources for payment of costs described in section 524(c)(1)(E)(ii) of title 28, United States Code, as so amended.

(2) GRANT PROGRAM.—Any amounts made available in a fiscal year under the grant program under section 501(b)(3) of the Omnibus Crime Control and Safe Streets Act of 1968 for the removal of hazardous substances or pollutants or contaminants associated with the illegal manufacture of amphetamine or methamphetamine by reason of the amendment made by subsection (b) shall supplement, and not supplant, any other amounts made available in such fiscal year from other sources for such removal.

SEC. 112. REDUCTION IN RETAIL SALES TRANSACTION THRESHOLD FOR NON-SAFE HARBOR PRODUCTS CONTAINING PSEUDOEPHEDRINE OR PHENYLPROPANOLAMINE.

(a) REDUCTION IN TRANSACTION THRESHOLD.—Section 102(39)(A)(iv)(II) of the Controlled Substances Act (21 U.S.C. 802(39)(A)(iv)(II) is amended—

(1) by striking ''24 grams'' both places it appears and inserting ''9 grams''; and

(2) by inserting before the semicolon at the end the following: ''and sold in package sizes of not more than 3 grams of pseudoephedrine base or 3 grams of phenylpropanolamine base''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect one year after the date of the enactment of this Act.

SEC. 113. TRAINING FOR DRUG ENFORCEMENT ADMINISTRATION AND STATE AND LOCAL LAW ENFORCEMENT PERSONNEL RELATING TO CLANDESTINE LABORATORIES.

(a) IN GENERAL.—

(1) REQUIREMENT.—The Administrator of the Drug Enforcement Administration shall carry out the programs described in subsection (b) with respect to the law enforcement personnel of States and localities determined by the Administrator to have significant levels of methamphetamine-related or amphetamine-related crime or projected by the Administrator to have the potential for such levels of crime in the future.

(2) DURATION.—The duration of any program under that subsection may not exceed 3 years.

(b) COVERED PROGRAMS.—The programs described in this subsection are as follows:

(1) ADVANCED MOBILE CLANDESTINE LABORATORY TRAINING TEAMS.—A program of advanced mobile clandestine laboratory training teams, which shall provide information and training to State and local law enforcement personnel in techniques utilized in conducting undercover investigations and conspiracy cases, and other information designed to assist in the investigation of the illegal manufacturing and trafficking of amphetamine and methamphetamine.

(2) BASIC CLANDESTINE LABORATORY CERTIFICATION TRAINING.—A program of basic clandestine laboratory certification training, which shall provide information and training—

(A) to Drug Enforcement Administration personnel and State and local law enforcement personnel for purposes of enabling such personnel to meet any certification requirements under law with respect to the handling of wastes created by illegal amphetamine and methamphetamine laboratories; and

(B) to State and local law enforcement personnel for purposes of enabling such personnel to provide the information and training covered by subparagraph (A) to other State and local law enforcement personnel.

(3) CLANDESTINE LABORATORY RECERTIFICATION AND AWARENESS TRAINING.—A program of clandestine laboratory recertification and awareness training, which shall provide information and training to State and local law enforcement personnel for purposes of enabling such personnel to provide recertification and awareness training relating to clandestine laboratories to additional State and local law enforcement personnel.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 2000, 2001, and 2002 amounts as follows:

(1) $1,500,000 to carry out the program described in subsection (b)(1).

(2) $3,000,000 to carry out the program described in subsection (b)(2).

(3) $1,000,000 to carry out the program described in subsection (b)(3).

SEC. 114. COMBATTING METHAMPHETAMINE AND AMPHETAMINE IN HIGH INTENSITY DRUG TRAFFICKING AREAS.

(a) IN GENERAL.—

(1) IN GENERAL.—The Director of National Drug Control Policy shall use amounts available under this section to combat the trafficking of methamphetamine and amphetamine in areas designated by the Director as high intensity drug trafficking areas.

(2) ACTIVITIES.—In meeting the requirement in paragraph (1), the Director shall transfer funds to appropriate Federal, State, and local governmental agencies for employing additional Federal law enforcement personnel, or facilitating the employment of additional State and local law enforcement personnel, including agents, investigators, prosecutors, laboratory technicians, chemists, investigative assistants, and drug-prevention specialists.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section—

(1) $15,000,000 for fiscal year 2000; and

(2) such sums as may be necessary for each of fiscal years 2001 through 2004.

(c) APPORTIONMENT OF FUNDS.—

(1) FACTORS IN APPORTIONMENT.—The Director shall apportion amounts appropriated for a fiscal year pursuant to the authorization of appropriations in subsection (b) for activities under subsection (a) among and within areas designated by the Director as high intensity drug trafficking areas based on the following factors:

(A) The number of methamphetamine manufacturing facilities and amphetamine manufacturing facilities discovered by Federal, State, or local law enforcement officials in the previous fiscal year.

(B) The number of methamphetamine prosecutions and amphetamine prosecutions in Federal, State, or local courts in the previous fiscal year.

(C) The number of methamphetamine arrests and amphetamine arrests by Federal, State, or local law enforcement officials in the previous fiscal year.

(D) The amounts of methamphetamine, amphetamine, or listed chemicals (as that term is defined in section 102(33) of the Controlled Substances Act (21 U.S.C. 802(33)) seized by Federal, State, or local law enforcement officials in the previous fiscal year.

(E) Intelligence and predictive data from the Drug Enforcement Administration and the Department of Health and Human Services showing patterns and trends in abuse, trafficking, and transportation in methamphetamine, amphetamine, and listed chemicals (as that term is so defined).

(2) CERTIFICATION.—Before the Director apportions any funds under this subsection to a high intensity drug trafficking area, the Director shall certify that the law enforcement entities responsible for clandestine methamphetamine and amphetamine laboratory seizures in that area are providing laboratory seizure data to the national clandestine laboratory database at the El Paso Intelligence Center.

(d) LIMITATION ON ADMINISTRATIVE COSTS.—Not more than 5 percent of the amount appropriated in a fiscal year pursuant to the authorization of appropriations for that fiscal year in subsection (b) may be available in that fiscal year for administrative costs associated with activities under subsection (a).

SEC. 115. COMBATING AMPHETAMINE AND METHAMPHETAMINE MANUFACTURING AND TRAFFICKING.

(a) ACTIVITIES.—In order to combat the illegal manufacturing and trafficking in amphetamine and methamphetamine, the Administrator of the Drug Enforcement Administration may—

(1) assist State and local law enforcement in small and mid-sized communities in all phases of investigations related to such manufacturing and trafficking, including assistance with foreign-language interpretation;

(2) staff additional regional enforcement and mobile enforcement teams related to such manufacturing and trafficking;

(3) establish additional resident offices and posts of duty to assist State and local law enforcement in rural areas in combating such manufacturing and trafficking;

(4) provide the Special Operations Division of the Administration with additional agents and staff to collect, evaluate, interpret, and disseminate critical intelligence targeting the command and control operations of major amphetamine and methamphetamine manufacturing and trafficking organizations;

(5) enhance the investigative and related functions of the Chemical Control Program of the Administration to implement more fully the provisions of the Comprehensive Methamphetamine Control Act of 1996 (Public Law 104–237);

(6) design an effective means of requiring an accurate accounting of the import and export of list I chemicals, and coordinate investigations relating to the diversion of such chemicals;

(7) develop a computer infrastructure sufficient to receive, process, analyze, and redistribute time-sensitive enforcement information from suspicious order reporting to field offices of the Administration and other law enforcement and regulatory agencies, including the continuing development of the Suspicious Order Reporting and Tracking System (SORTS) and the Chemical Transaction Database (CTRANS) of the Administration;

(8) establish an education, training, and communication process in order to alert the industry to current trends and emerging patterns in the illegal manufacturing of amphetamine and methamphetamine; and

(9) carry out such other activities as the Administrator considers appropriate.

(b) ADDITIONAL POSITIONS AND PERSONNEL.—

(1) IN GENERAL.—In carrying out activities under subsection (a), the Administrator may establish in the Administration not more than 50 full-time positions, including not more than 31 special-agent positions, and may appoint personnel to such positions.

(2) PARTICULAR POSITIONS.—In carrying out activities under paragraphs (5) through (8) of subsection (a), the Administrator may establish in the Administration not more than 15 full-time positions, including not more than 10 diversion investigator positions, and may appoint personnel to such positions. Any positions established under this paragraph are in addition to any positions established under paragraph (1).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the Drug Enforcement Administration for each fiscal year after fiscal year 1999, $9,500,000 for purposes of carrying out the activities authorized by subsection (a) and employing personnel in positions established under subsection (b), of which $3,000,000 shall be available for activities under paragraphs (5) through (8) of subsection (a) and for employing personnel in positions established under subsection (b)(2).

Subtitle C—Abuse Prevention and Treatment

SEC. 121. EXPANSION OF METHAMPHETAMINE RESEARCH.

Section 464N of the Public Health Service Act (42 U.S.C. 285o–2) is amended by adding at the end the following:

''(c) METHAMPHETAMINE RESEARCH.—

''(1) GRANTS OR COOPERATIVE AGREEMENTS.—The Director of the Institute may make grants or enter into cooperative agreements to expand the current and on-going interdisciplinary research and clinical trials with treatment centers of the National Drug Abuse Treatment Clinical Trials Network relating to methamphetamine abuse and addiction and other biomedical, behavioral, and social issues related to methamphetamine abuse and addiction.

''(2) USE OF FUNDS.—Amounts made available under a grant or cooperative agreement under paragraph (1) for methamphetamine abuse and addiction may be used for research and clinical trials relating to—

''(A) the effects of methamphetamine abuse on the human body, including the brain;

''(B) the addictive nature of methamphetamine and how such effects differ with respect to different individuals;

''(C) the connection between methamphetamine abuse and mental health;

''(D) the identification and evaluation of the most effective methods of prevention of methamphetamine abuse and addiction;

''(E) the identification and development of the most effective methods of treatment of methamphetamine addiction, including pharmacological treatments;

''(F) risk factors for methamphetamine abuse;

''(G) effects of methamphetamine abuse and addiction on pregnant women and their fetuses; and

''(H) cultural, social, behavioral, neurological and psychological reasons that individuals abuse methamphetamine, or refrain from abusing methamphetamine.

''(3) RESEARCH RESULTS.—The Director shall promptly disseminate research results under this subsection to Federal, State and local entities involved in combating methamphetamine abuse and addiction.

''(4) AUTHORIZATION OF APPROPRIATIONS.—

''(A) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out paragraph (1), such sums as may be necessary for each fiscal year.

''(B) SUPPLEMENT NOT SUPPLANT.—Amounts appropriated pursuant to the authorization of appropriations in subparagraph (A) for a fiscal year shall supplement and not supplant any other amounts appropriated in such fiscal year for research on methamphetamine abuse and addiction.''.

SEC. 122. METHAMPHETAMINE AND AMPHETAMINE TREATMENT INITIATIVE BY CENTER FOR SUBSTANCE ABUSE TREATMENT.

Subpart 1 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb et seq.) is amended by adding at the end the following new section:

''METHAMPHETAMINE AND AMPHETAMINE TREATMENT INITIATIVE

''SEC. 514. (a) GRANTS.—

''(1) AUTHORITY TO MAKE GRANTS.—The Director of the Center for Substance Abuse Treatment may make grants to States and Indian tribes recognized by the United States that have a high rate, or have had a rapid increase, in methamphetamine or amphetamine abuse or addiction in order to permit such States and Indian tribes to expand activities in connection with the treatment of methamphetamine or amphetamine abuser or addiction in the specific geographical areas of such States or Indian tribes, as the case may be, where there is such a rate or has been such an increase.

''(2) RECIPIENTS.—Any grants under paragraph (1) shall be directed to the substance abuse directors of the States, and of the appropriate tribal government authorities of the Indian tribes, selected by the Director to receive such grants.

''(3) NATURE OF ACTIVITIES.—Any activities under a grant under paragraph (1) shall be based on reliable scientific evidence of their efficacy in the treatment of methamphetamine or amphetamine abuse or addiction.

''(b) GEOGRAPHIC DISTRIBUTION.—The Director shall ensure that grants under subsection (a) are distributed equitably among the various regions of the country and among rural, urban, and suburban areas that are affected by methamphetamine or amphetamine abuse or addiction.

''(c) ADDITIONAL ACTIVITIES.—The Director shall—

''(1) evaluate the activities supported by grants under subsection (a);

''(2) disseminate widely such significant information derived from the evaluation as the Director considers appropriate to assist States, Indian tribes, and private providers of treatment services for methamphetamine or amphetamine abuser or addiction in the treatment of methamphetamine or amphetamine abuse or addiction; and

''(3) provide States, Indian tribes, and such providers with technical assistance in connection with the provision of such treatment.

''(d) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to carry out this section $10,000,000 for fiscal year 2000 and such sums as may be necessary for each of fiscal years 2001 and 2002.

''(2) USE OF CERTAIN FUNDS.—Of the funds appropriated to carry out this section in any fiscal year, the lesser of 5 percent of such funds or $1,000,000 shall be available to the Director for purposes of carrying out subsection (c).''.

SEC. 123. EXPANSION OF METHAMPHETAMINE ABUSE PREVENTION EFFORTS.

(a) EXPANSION OF EFFORTS.—Section 515 of the Public Health Service Act (42 U.S.C. 290bb–21) is amended by adding at the end the following:

''(e)(1) The Administrator may make grants to and enter into contracts and cooperative agreements with public and nonprofit private entities to enable such entities—

''(A) to carry out school-based programs concerning the dangers of abuse of and addiction to methamphetamine and other illicit drugs, using methods that are effective and science-based, including initiatives that give students the responsibility to create their own anti-drug abuse education programs for their schools; and

''(B) to carry out community-based abuse and addiction prevention programs relating to methamphetamine and other illicit drugs that are effective and science-based.

''(2) Amounts made available under a grant, contract or cooperative agreement

under paragraph (1) shall be used for planning, establishing, or administering prevention programs relating to methamphetamine and other illicit drugs in accordance with paragraph (3).

''(3)(A) Amounts provided under this subsection may be used—

''(i) to carry out school-based programs that are focused on those districts with high or increasing rates of methamphetamine abuse and addiction and targeted at populations which are most at risk to start abuse of methamphetamine and other illicit drugs;

''(ii) to carry out community-based prevention programs that are focused on those populations within the community that are most at-risk for abuse of and addiction to methamphetamine and other illicit drugs;

''(iii) to assist local government entities to conduct appropriate prevention activities relating to methamphetamine and other illicit drugs;

''(iv) to train and educate State and local law enforcement officials, prevention and education officials, members of community anti-drug coalitions and parents on the signs of abuse of and addiction to methamphetamine and other illicit drugs, and the options for treatment and prevention;

''(v) for planning, administration, and educational activities related to the prevention of abuse of and addiction to methamphetamine and other illicit drugs;

''(vi) for the monitoring and evaluation of prevention activities relating to methamphetamine and other illicit drugs, and reporting and disseminating resulting information to the public; and

''(vii) for targeted pilot programs with evaluation components to encourage innovation and experimentation with new methodologies.

''(B) The Administrator shall give priority in making grants under this subsection to rural and urban areas that are experiencing a high rate or rapid increases in methamphetamine abuse and addiction.

''(4)(A) Not less than $500,000 of the amount available in each fiscal year to carry out this subsection shall be made available to the Administrator, acting in consultation with other Federal agencies, to support and conduct periodic analyses and evaluations of effective prevention programs for abuse of and addiction to methamphetamine and other illicit drugs and the development of appropriate strategies for disseminating information about and implementing these programs.

''(B) The Administrator shall submit to the committees of Congress referred to in subparagraph (C) an annual report with the results of the analyses and evaluation under subparagraph (A).

''(C) The committees of Congress referred to in this subparagraph are the following:

''(i) The Committees on Health, Education, Labor, and Pensions, the Judiciary, and Appropriations of the Senate.

''(ii) The Committees on Commerce, the Judiciary, and Appropriations of the House of Representatives.''.

(b) AUTHORIZATION OF APPROPRIATIONS FOR EXPANSION OF ABUSE PREVENTION EFFORTS AND PRACTITIONER REGISTRATION REQUIREMENTS.—There is authorized to be appropriated to carry out section 515(e) of the Public Health Service Act (as added by subsection (a)) and section 303(g)(2) of the Controlled Substances Act (as added by section 18(a) of this Act), $15,000,000 for fiscal year 2000, and such sums as may be necessary for each succeeding fiscal year.

SEC. 124. STUDY OF METHAMPHETAMINE TREATMENT.

(a) STUDY.—

(1) REQUIREMENT.—The Secretary of Health and Human Services shall, in consultation with the Institute of Medicine of the National Academy of Sciences, conduct a study on the development of medications for the treatment of addiction to amphetamine and methamphetamine.

(2) REPORT.—Not later than nine months after the date of the enactment of this Act, the Secretary shall submit to the Committees on the Judiciary of the Senate and House of Representatives a report on the results of the study conducted under paragraph (1).

(b) AUTHORIZATION OF APPROPRIATIONS.—There are hereby authorized to be appropriated for the Department of Health and Human Services for fiscal year 2000 such sums as may be necessary to meet the requirements of subsection (a).

Subtitle D—Reports

SEC. 131. REPORTS ON CONSUMPTION OF METHAMPHETAMINE AND OTHER ILLICIT DRUGS IN RURAL AREAS, METROPOLITAN AREAS, AND CONSOLIDATED METROPOLITAN AREAS.

The Secretary of Health and Human Services shall include in each National Household Survey on Drug Abuse appropriate prevalence data and information on the consumption of methamphetamine and other illicit drugs in rural areas, metropolitan areas, and consolidated metropolitan areas.

SEC. 132. REPORT ON DIVERSION OF ORDINARY, OVER-THE-COUNTER PSEUDOEPHEDRINE AND PHENYLPROPANOLAMINE PRODUCTS.

(a) STUDY.—The Attorney General shall conduct a study of the use of ordinary, over-the-counter pseudoephedrine and phenylpropanolamine products in the clandestine production of illicit drugs. Sources of data for the study shall include the following:

(1) Information from Federal, State, and local clandestine laboratory seizures and related investigations identifying the source, type, or brand of drug products being utilized and how they were obtained for the illicit production of methamphetamine and amphetamine.

(2) Information submitted voluntarily from the pharmaceutical and retail industries involved in the manufacture, distribution, and sale of drug products containing ephedrine, pseudoephedrine, and phenylpropanolamine, including information on changes in the pattern, volume, or both, of sales of ordinary, over-the-counter pseudoephedrine and phenylpropanolamine products.

(b) REPORT.—

(1) REQUIREMENT.—Not later than one year after the date of the enactment of this Act, the Attorney General shall submit to Congress a report on the study conducted under subsection (a).

(2) ELEMENTS.—The report shall include—

(A) the findings of the Attorney General as a result of the study; and

(B) such recommendations on the need to establish additional measures to prevent diversion of ordinary, over-the-counter pseudoephedrine and phenylpropanolamine (such as a threshold on ordinary, over-the-counter pseudoephedrine and phenylpropanolamine products) as the Attorney General considers appropriate.

(3) MATTERS CONSIDERED.—In preparing the report, the Attorney General shall consider the comments and recommendations including the comments on the Attorney General's proposed findings and recommendations, of State and local law enforcement and regulatory officials and of representatives of the industry described in subsection (a)(2).

(c) REGULATION OF RETAIL SALES.—

(1) IN GENERAL.—Notwithstanding section 401(d) of the Comprehensive Methamphetamine Control Act of 1996 (21 U.S.C. 802 note) and subject to paragraph (2), the Attorney General shall establish by regulation a single-transaction limit of not less than 24 grams of ordinary, over-the-counter pseudoephedrine or phenylpropanolamine (as the case may be) for retail distributors, if the Attorney General finds, in the report under subsection (b), that—

(A) there is a significant number of instances (as set forth in paragraph (3)(A) of such section 401(d) for purposes of such section) where ordinary, over-the-counter pseudoephedrine products, phenylpropanolamine products, or both such products that were purchased from retail distributors were widely used in the clandestine production of illicit drugs; and

(B) the best practical method of preventing such use is the establishment of single-transaction limits for retail distributors of either or both of such products.

(2) DUE PROCESS.—The Attorney General shall establish the single-transaction limit under paragraph (1) only after notice, comment, and an informal hearing.

TITLE II—CONTROLLED SUBSTANCES GENERALLY

Subtitle A—Criminal Matters

SEC. 201. ENHANCED PUNISHMENT FOR TRAFFICKING IN LIST I CHEMICALS.

(a) AMENDMENTS TO FEDERAL SENTENCING GUIDELINES.—Pursuant to its authority under section 994(p) of title 28, United States, the United States Sentencing Commission shall amend the Federal sentencing guidelines in accordance with this section with respect to any violation of paragraph (1) or (2) of section 401(d) of the Controlled Substances Act (21 U.S.C. 841(d)) involving a list I chemical and any violation of paragraph (1) or (3) of section 1010(d) of the Controlled Substance Import and Export Act (21 U.S.C. 960(d)) involving a list I chemical.

(b) EPHEDRINE, PHENYLPROPANOLAMINE, AND PSEUDOEPHEDRINE.—

(1) IN GENERAL.—In carrying this section, the United States Sentencing Commission shall, with respect to each offense described in subsection (a) involving ephedrine, phenylpropanolamine, or pseudoephedrine (including their salts, optical isomers, and salts of optical isomers), review and amend its guidelines to provide for increased penalties such that those penalties corresponded to the quantity of controlled substance that could reasonably have been manufactured using the quantity of ephedrine, phenylpropanolamine, or pseudoephedrine possessed or distributed.

(2) CONVERSION RATIOS.—For the purposes of the amendments made by this subsection, the quantity of controlled substance that could reasonably have been manufactured shall be determined by using a table of manufacturing conversion ratios for ephedrine, phenylpropanolamine, and pseudoephedrine, which table shall be established by the Sentencing Commission based on scientific, law enforcement, and other data the Sentencing Commission considers appropriate.

(c) OTHER LIST I CHEMICALS.—In carrying this section, the United States Sentencing Commission shall, with respect to each offense described in subsection (a) involving any list I chemical other than ephedrine, phenylpropanolamine, or pseudoephedrine, review and amend its guidelines to provide for increased penalties such that those penalties reflect the dangerous nature of such offenses, the need for aggressive law enforcement action to fight such offenses, and the extreme dangers associated with unlawful activity involving methamphetamine and amphetamine, including—

(1) the rapidly growing incidence of controlled substance manufacturing;

(2) the extreme danger inherent in manufacturing controlled substances;

(3) the threat to public safety posed by manufacturing controlled substances; and

(4) the recent increase in the importation, possession, and distribution of list I chemicals for the purpose of manufacturing controlled substances.

(d) EMERGENCY AUTHORITY TO SENTENCING COMMISSION.—The United States Sentencing Commission shall promulgate amendments pursuant to this section as soon as practicable after the date of the enactment of this Act in accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987 (Public Law 100–182), as though the authority under that Act had not expired.

SEC. 202. MAIL ORDER REQUIREMENTS.

Section 310(b)(3) of the Controlled Substances Act (21 U.S.C. 830(b)(3)) is amended—

(1) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively;

(2) by inserting before subparagraph (B), as so redesignated, the following new subparagraph (A):

''(A) As used in this paragraph:

''(i) The term 'drug product' means an active ingredient in dosage form that has been approved or otherwise may be lawfully marketed under the Food, Drug, and Cosmetic Act for distribution in the United States.

''(ii) The term 'valid prescription' means a prescription which is issued for a legitimate medical purpose by an individual practitioner licensed by law to administer and prescribe the drugs concerned and acting in the usual course of the practitioner's professional practice.'';

(3) in subparagraph (B), as so redesignated, by inserting ''or who engages in an export transaction'' after ''nonregulated person''; and

(4) adding at the end the following:

''(D) Except as provided in subparagraph (E), the following distributions to a nonregulated person, and the following export transactions, shall not be subject to the reporting requirement in subparagraph (B):

''(i) Distributions of sample packages of drug products when such packages contain not more than 2 solid dosage units or the equivalent of 2 dosage units in liquid form, not to exceed 10 milliliters of liquid per package, and not more than one package is distributed to an individual or residential address in any 30-day period.

''(ii) Distributions of drug products by retail distributors that may not include face-to-face transactions to the extent that such distributions are consistent with the activities authorized for a retail distributor as specified in section 102(46).

''(iii) Distributions of drug products to a resident of a long term care facility (as that term is defined in regulations prescribed by the Attorney General) or distributions of drug products to a long term care facility for dispensing to or for use by a resident of that facility.

''(iv) Distributions of drug products pursuant to a valid prescription.

''(v) Exports which have been reported to the Attorney General pursuant to section 1004 or 1018 or which are subject to a waiver granted under section 1018(e)(2).

''(vi) Any quantity, method, or type of distribution or any quantity, method, or type of distribution of a specific listed chemical (including specific formulations or drug products) or of a group of listed chemicals (including specific formulations or drug products) which the Attorney General has excluded by regulation from such reporting requirement on the basis that such reporting is not necessary for the enforcement of this title or title III.

''(E) The Attorney General may revoke any or all of the exemptions listed in subparagraph (D) for an individual regulated person if he finds that drug products distributed by the regulated person are being used in violation of this title or title III. The regulated person shall be notified of the revocation, which will be effective upon receipt by the person of such notice, as provided in section 1018(c)(1), and shall have the right to an expedited hearing as provided in section 1018(c)(2).''.

SEC. 203. ADVERTISEMENTS FOR DRUG PARAPHERNALIA AND SCHEDULE I CONTROLLED SUBSTANCES.

(a) DRUG PARAPHERNALIA.—Subsection (a)(1) of section 422 of the Controlled Substances Act (21 U.S.C. 863) is amended by inserting '', directly or indirectly advertise for sale,'' after ''sell''.

(b) IMMUNITIES AND OBLIGATIONS OF INTERACTIVE COMPUTER SERVICES.—

(1) IN GENERAL.—Such section 422 is further amended by adding at the end the following new subsection:

''(g) IMMUNITIES AND OBLIGATIONS OF INTERACTIVE COMPUTER SERVICES.—

''(1) IN GENERAL.—An interactive computer service that satisfies the conditions of this subsection shall not be liable under this section or section 2 or 371 of title 18, United States Code, for the use of its facilities or services—

''(A) by another person, or

''(B) as an information location tool referred to in paragraph (6)(A), provided that the interactive computer service does not control or modify (except to prevent or avoid a violation of law) the content of the online location to which such location tool refers or links,

to engage in activity that violates this section, except as provided in paragraph (2).

''(2) NOTICE AND TAKE DOWN RESPONSIBILITY.—

''(A) IN GENERAL.—If an interactive computer service receives a notice described in subparagraph (B) that a particular online site residing on a computer server controlled or operated by the provider is being used to violate this section, the provider shall within 48 hours, not including weekends and holidays, remove or disable access to the matter residing at that online site that allegedly violates this section.

''(B) NOTICE.—A notice is described in this subparagraph only if it is a written communication from the Attorney General, the Administrator of the Drug Enforcement Administration, or a United States Attorney supplied to the agent of the interactive computer service designated in accordance with section 512(c)(2) of title 17, United States Code, or to any employee of the provider if no such designation has been made, and includes—

''(i) identification of the matter that allegedly violates this section and that is to be removed or access to which is to be disabled;

''(ii) an allegation that such matter violates this section;

''(iii) information reasonably sufficient to permit the interactive computer service to locate such matter; and

''(iv) information reasonably sufficient to permit the interactive computer service to contact the Federal official, including an address, telephone number, and, if available, an electronic mail address at which the Federal official providing such notice may be contacted.

''(C) FAILURE TO TAKE DOWN MATTER.—An interactive computer service that does not take the actions described in this paragraph upon receiving a notice meeting the requirements of subparagraph (B) shall be deemed to have knowingly permitted its computer server to be used to engage in activity prohibited by this section and to have actual knowledge that the activity is prohibited by this section.

''(D) APPLICABILITY TO PROVIDERS OF BROWSER SOFTWARE.—

''(i) INAPPLICABILITY.—This paragraph shall not apply to a provider of browser software to the extent that the provider provides access to information location tools controlled by another party.

''(ii) APPLICABILITY.—This paragraph shall apply to a provider of browser software which provides matter consisting primarily of matter prohibited by this section or which holds itself out to others as a source of, or directory for, or means of searching for matter prohibited by this section.

''(3) APPLICABILITY.—Paragraph (1) shall not apply in the case of an interactive computer service which—

''(A) knowingly permits an online site on its computer server to be used to engage in activity that the interactive computer service has actual knowledge is prohibited by this section;

''(B) consists primarily of matter prohibited by this section; or

''(C) holds itself out to others as a source of, or means of searching for matter prohibited by this section.

''(4) IMMUNITY FOR REMOVAL OF MATTER.—An interactive computer service shall not be liable under Federal or State law for taking any action to remove or disable access to any matter described in this section, or to terminate the account of any subscriber of such service, based upon a good faith belief that such matter violates this section or that such subscriber has engaged in a violation of this section.

''(5) PENALTIES FOR MISREPRESENTATIONS.—Any person who knowingly misrepresents under this section that such person is an official of a law enforcement agency described in paragraph (2)(B) shall be deemed to violate section 912 of title 18, United States Code.

''(6) DEFINITION.—An interactive computer service referred to in this subsection is an interactive computer service (as that term is defined in section 230(f) of the Communications Act of 1934 (47 U.S.C. 230(f)), including a service that—

''(A) provides an information location tool to refer or link users to an online location, including a directory, index, or hypertext link, provided that the interactive computer service does not control or modify the content of the online location to which such location tool refers or links; or

''(B) is engaged in the transmission, storage, retrieval, hosting, formatting, or translation of a communication made by another person without selection or alteration of the content of the communication, other than that done in good faith to prevent or avoid a violation of law.''.

(2) DIRECTORY OF AGENTS.—

(A) PROVISION TO ATTORNEY GENERAL.—Not later than three months after the date of the enactment of this Act, and every month thereafter, the Register of Copyrights shall provide to the Attorney General and the Administrator of the Drug Enforcement Administration an electronic copy of the registry of designated agents described in section 512(c)(2) of title 17, United States Code.

(B) PROVISION TO UNITED STATES ATTORNEYS.—The Attorney General shall make available to all United States Attorneys each registry made available to the Attorney General under subparagraph (A).

(c) DIRECTLY OR INDIRECTLY ADVERTISE FOR SALE DEFINED.—Such section 422 is further amended by adding at the end the following new subsection:

''(h) In this section, the term 'directly or indirectly advertise for sale' means the use of any communication facility (as that term is defined in section 403(b)) to post, publicize,

transmit, publish, link to, broadcast, or otherwise advertise any matter (including a telephone number or electronic or mail address) with the intent to facilitate or promote a transaction in.''.

(d) SCHEDULE I CONTROLLED SUBSTANCES.—Section 403(c) of such Act (21 U.S.C. 843(c)) is amended—

(1) by inserting ''(1)'' after ''(c)'';

(2) in paragraph (1), as so designated—

(A) in the first sentence, by inserting before the period the following: '', or to directly or indirectly advertise for sale (as that term is defined in section 422(h)) any Schedule I controlled substance''; and

(B) in the second sentence, by striking ''term 'advertisement' '' and inserting ''term 'written advertisement' ''; and

(3) by adding at the end the following:

''(2) In the case of direct or indirect advertisements for sale under paragraph (1), the limitations on criminal liability for interactive computer services under section 442(g) shall be available to interactive computer services under this subsection to the same extent, and subject to the same terms and conditions, as such limitations on criminal liability are available to interactive computer services under such section 442(g). For purposes of the application of such section 442(g) to an interactive computer service under this subsection, any reference in such section to the term 'conduct prohibited by this section' shall be deemed to refer to direct or indirect advertisements for sale prohibited by the first sentence of paragraph (1).''.

SEC. 204. THEFT AND TRANSPORTATION OF ANHYDROUS AMMONIA FOR PURPOSES OF ILLICIT PRODUCTION OF CONTROLLED SUBSTANCES.

(a) IN GENERAL.—Part D of the Controlled Substances Act (21 U.S.C. 841 et seq.) is amended by adding at the end the following:

''ANHYDROUS AMMONIA

''SEC. 423. (a) It is unlawful for any person—

''(1) to steal anhydrous ammonia, or

''(2) to transport stolen anhydrous ammonia across State lines,

knowing, intending, or having reasonable cause to believe that such anhydrous ammonia will be used to manufacture a controlled substance in violation of this part.

''(b) Any person who violates subsection (a) shall be imprisoned or fined, or both, in accordance with section 403(d) as if such violation were a violation of a provision of section 403.''.

(b) CLERICAL AMENDMENT.—The table of contents for that Act is amended by inserting after the item relating to section 421 the following new items:

''Sec. 422. Drug paraphernalia.
''Sec. 423. Anhydrous ammonia.''.

(c) ASSISTANCE FOR CERTAIN RESEARCH.—

(1) AGREEMENT.—The Administrator of the Drug Enforcement Administration shall seek to enter into an agreement with Iowa State University in order to permit the University to continue and expand its current research into the development of inert agents that, when added to anhydrous ammonia, eliminate the usefulness of anhydrous ammonia as an ingredient in the production of methamphetamine.

(2) REIMBURSABLE PROVISION OF FUNDS.—The agreement under paragraph (1) may provide for the provision to Iowa State University, on a reimbursable basis, of $500,000 for purposes the activities specified in that paragraph.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated for the Drug Enforcement Administration for fiscal year 2000, $500,000 for purposes of carrying out the agreement under this subsection.

SEC. 205. CRIMINAL PROHIBITION ON DISTRIBUTION OF CERTAIN INFORMATION RELATING TO THE MANUFACTURE OF CONTROLLED SUBSTANCES.

(a) IN GENERAL.—Part I of title 18, United States Code, is amended by inserting after chapter 21 the following new chapter:

''CHAPTER 22—CONTROLLED SUBSTANCES

''Sec.
''421. Distribution of information relating to manufacture of controlled substances.

''§ 421. Distribution of information relating to manufacture of controlled substances

''(a) PROHIBITION ON DISTRIBUTION OF INFORMATION RELATING TO MANUFACTURE OF CONTROLLED SUBSTANCES.—

''(1) CONTROLLED SUBSTANCE DEFINED.—In this subsection, the term 'controlled substance' has the meaning given that term in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).

''(2) PROHIBITION.—It shall be unlawful for any person—

''(A) to teach or demonstrate the manufacture of a controlled substance, or to distribute by any means information pertaining to, in whole or in part, the manufacture of a controlled substance, with the intent that the teaching, demonstration, or information be used for, or in furtherance of, an activity that constitutes a Federal crime; or

''(B) to teach or demonstrate to any person the manufacture of a controlled substance, or to distribute to any person, by any means, information pertaining to, in whole or in part, the manufacture of a controlled substance, knowing that such person intends to use the teaching, demonstration, or information for, or in furtherance of, an activity that constitutes a Federal crime.

''(b) PENALTY.—Any person who violates subsection (a) shall be fined under this title, imprisoned not more than 10 years, or both.''.

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of part I of title 18, United States Code, is amended by inserting after the item relating to chapter 21 the following new item:

''22. Controlled Substances ..... 421''.

Subtitle B—Other Matters

SEC. 211. WAIVER AUTHORITY FOR PHYSICIANS WHO DISPENSE OR PRESCRIBE CERTAIN NARCOTIC DRUGS FOR MAINTENANCE TREATMENT OR DETOXIFICATION TREATMENT.

(a) REQUIREMENTS.—Section 303(g) of the Controlled Substances Act (21 U.S.C. 823(g)) is amended—

(1) in paragraph (2), by striking ''(A) security'' and inserting ''(i) security'', and by striking ''(B) the maintenance'' and inserting ''(ii) the maintenance'';

(2) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively;

(3) by inserting ''(1)'' after ''(g)'';

(4) by striking ''Practitioners who dispense'' and inserting ''Except as provided in paragraph (2), practitioners who dispense and prescribe''; and

(5) by adding at the end the following:

''(2)(A) Subject to subparagraphs (D), the requirements of paragraph (1) are waived in the case of the dispensing or prescribing, by a physician, of narcotic drugs in schedule III, IV, or V, or combinations of such drugs, if the physician meets the conditions specified in subparagraph (B) and the narcotic drugs or combinations of such drugs meet the conditions specified in subparagraph (C).

''(B)(i) For purposes of subparagraph (A), the conditions specified in this subparagraph with respect to a physician are that, before dispensing or prescribing narcotic drugs in schedule III, IV, or V, or combinations of such drugs, to patients for maintenance or detoxification treatment, the physician submit to the Secretary and the Attorney General a notification of the intent of the physician to begin dispensing or prescribing the drugs or combinations for such purpose, and that the notification to the Secretary also contain the following certifications by the physician:

''(I) The physician—

''(aa) is a physician licensed under State law; and

''(bb) has training or experience and the ability to treat and manage opiate-dependent patients.

''(II) With respect to patients to whom the physician will provide such drugs or combinations of drugs, the physician has the capacity to refer the patients for appropriate counseling and other appropriate ancillary services.

''(III) In any case in which the physician is not in a group practice, the total number of such patients of the physician at any one time will not exceed the applicable number. For purposes of this subclause, the applicable number is 20, except that the Secretary may by regulation change such total number.

''(IV) In any case in which the physician is in a group practice, the total number of such patients of the group practice at any one time will not exceed the applicable number. For purposes of this subclause, the applicable number is 20, except that the Secretary may by regulation change such total number, and the Secretary for such purposes may by regulation establish different categories on the basis of the number of physicians in a group practice and establish for the various categories different numerical limitations on the number of such patients that the group practice may have.

''(ii)(I) The Secretary may, in consultation with the Administrator of the Drug Enforcement Administration, the Administrator of the Substance Abuse and Mental Health Services Administration, the Director of the Center for Substance Abuse Treatment, the Director of the National Institute on Drug Abuse, and the Commissioner of Food and Drugs, issue regulations through notice and comment rulemaking or practice guidelines to address the following:

''(aa) Approval of additional credentialing bodies and the responsibilities of additional credentialing bodies.

''(bb) Additional exemptions from the requirements of this paragraph and any regulations under this paragraph.

''(II) Nothing in the regulations or practice guidelines under this clause may authorize any Federal official or employee to exercise supervision or control over the practice of medicine or the manner in which medical services are provided.

''(III)(aa) The Secretary shall issue a Treatment Improvement Protocol containing best practice guidelines for the treatment and maintenance of opiate-dependent patients. The Secretary shall develop the protocol in consultation with the Director of the National Institute on Drug Abuse, the Director of the Center for Substance Abuse Treatment, the Administrator of the Drug Enforcement Administration, the Commissioner of Food and Drugs, the Administrator of the Substance Abuse and Mental Health Services Administration, and other substance abuse disorder professionals. The protocol shall be guided by science.

''(bb) The protocol shall be issued not later than 120 days after the date of the enactment of the Methamphetamine Anti-Proliferation Act of 1999.

''(IV) For purposes of the regulations or practice guidelines under subclause (I), a

physician shall have training or experience under clause (i)(I)(bb) if the physician meets one or more of the following conditions:

''(aa) The physician is certified in addiction treatment by the American Society of Addiction Medicine, the American Board of Medical Specialties, the American Osteopathic Academy of Addiction Medicine, or any other certified body accredited by the Secretary.

''(bb) The physician has been a clinical investigator in a clinical trial conducted for purposes of securing approval under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) or section 351 of the Public Health Service Act (42 U.S.C. 262) of a narcotic drug in schedule III, IV, or V for the treatment of addiction, if such approval was granted.

''(cc) The physician has completed training (through classroom situations, seminars, professional society meetings, electronic communications, or otherwise) provided by the American Society of Addiction Medicine, the American Academy of Addiction Psychiatry, the American Osteopathic Academy of Addiction Medicine, the American Medical Association, the American Osteopathic Association, the American Psychiatric Association, or any other organization that the Secretary determines appropriate for purposes of this item. The curricula may include training in patient need for counseling regarding HIV, Hepatitis C, and other infectious diseases, substance abuse counseling, random drug testing, medical evaluation, annual assessment, prenatal care, diagnosis of addiction, rehabilitation services, confidentiality, and other appropriate topics.

''(dd) The physician has training or experience in the treatment and management of opiate-dependent, which training or experience shall meet such criteria as the Secretary may prescribe. Any such criteria shall be effective for a period of three years after the effective date of such criteria, but the Secretary may extend the effective period of such criteria by additional periods of three years for each extension if the Secretary determines that such extension is appropriate for purposes of this item. Any such extension shall go into effect only if the Secretary publishes a notice of such extension in the Federal Register during the 30-day period ending on the date of the end of the three-year effective period of such criteria to which such extension will apply.

''(ee) The physician is certified in addiction treatment by a State medical licensing board, or an entity accredited by such board, unless the Secretary determines (after an opportunity for a hearing) that the training provided by such board or entity was inadequate for the treatment and management of opiate-dependent patients.

''(C) For purposes of subparagraph (A), the conditions specified in this subparagraph with respect to narcotic drugs in schedule III, IV, or V, or combinations of such drugs, are as follows:

''(i) The drugs or combinations of drugs have, under the Federal Food, Drug and Cosmetic Act or section 351 of the Public Health Service Act, been approved for use in maintenance or detoxification treatment.

''(ii) The drugs or combinations of drugs have not been the subject of an adverse determination. For purposes of this clause, an adverse determination is a determination published in the Federal Register and made by the Secretary, after consultation with the Attorney General, that experience since the approval of the drug or combinations of drugs has shown that the use of the drugs or combinations of drugs for maintenance or detoxification treatment requires additional standards respecting the qualifications of physicians to provide such treatment, or requires standards respecting the quantities of the drugs that may be provided for unsupervised use.

''(D)(i) A waiver under subparagraph (A) with respect to a physician is not in effect unless (in addition to conditions under subparagraphs (B) and (C)) the following conditions are met:

''(I) The notification under subparagraph (B) is in writing and states the name of the physician.

''(II) The notification identifies the registration issued for the physician pursuant to subsection (f).

''(III) If the physician is a member of a group practice, the notification states the names of the other physicians in the practice and identifies the registrations issued for the other physicians pursuant to subsection (f).

''(IV) A period of 45 days has elapsed after the date on which the notification was submitted, and during such period the physician does not receive from the Secretary a written notice that one or more of the conditions specified in subparagraph (B), subparagraph (C), or this subparagraph, have not been met.

''(ii) The Secretary shall provide to the Attorney General such information contained in notifications under subparagraph (B) as the Attorney General may request.

''(E) If in violation of subparagraph (A) a physician dispenses or prescribes narcotic drugs in schedule III, IV, or V, or combinations of such drugs, for maintenance treatment or detoxification treatment, the Attorney General may, for purposes of section 304(a)(4), consider the physician to have committed an act that renders the registration of the physician pursuant to subsection (f) to be inconsistent with the public interest.

''(F)(i) Upon determining that a physician meets the conditions specified in subparagraph (B), the Secretary shall notify the physician and the Attorney General.

''(ii) Upon receiving notice with respect to a physician under clause (i), the Attorney General shall assign the physician an identification number under this paragraph for inclusion with the physician's current registration to prescribe narcotics. An identification number assigned a physician under this clause shall be appropriate to preserve the confidentiality of a patient prescribed narcotic drugs covered by this paragraph by the physician.

''(iii) If the Secretary fails to make a determination described in clause (i) by the end of the 45-day period beginning on the date of the receipt by the Secretary of a notification from a physician under subparagraph (B), the Attorney General shall assign the physician an identification number described in clause (ii) at the end of such period.

''(G) In this paragraph:

''(i) The term 'group practice' has the meaning given such term in section 1877(h)(4) of the Social Security Act.

''(ii) The term 'physician' has the meaning given such term in section 1861(r) of the Social Security Act.

''(H)(i) This paragraph takes effect on the date of the enactment of the Methamphetamine Anti-Proliferation Act of 1999, and remains in effect thereafter except as provided in clause (iii) (relating to a decision by the Secretary or the Attorney General that this paragraph should not remain in effect).

''(ii) For the purposes relating to clause (iii), the Secretary and the Attorney General shall, during the 3-year period beginning on the date of the enactment of the Methamphetamine Anti-Proliferation Act of 1999, make determinations in accordance with the following:

''(I)(aa) The Secretary shall—

''(aaa) make a determination of whether treatments provided under waivers under subparagraph (A) have been effective forms of maintenance treatment and detoxification treatment in clinical settings;

''(bbb) make a determination regarding whether such waivers have significantly increased (relative to the beginning of such period) the availability of maintenance treatment and detoxification treatment; and

''(ccc) make a determination regarding whether such waivers have adverse consequences for the public health.

''(bb) In making determinations under this subclause, the Secretary—

''(aaa) may collect data from the practitioners for whom waivers under subparagraph (A) are in effect;

''(bbb) shall issue appropriate guidelines or regulations (in accordance with procedures for substantive rules under section 553 of title 5, United States Code) specifying the scope of the data that will be required to be provided under this subclause and the means through which the data will be collected; and

''(ccc) shall, with respect to collecting such data, comply with applicable provisions of chapter 6 of title 5, United States Code (relating to a regulatory flexibility analysis), and of chapter 8 of such title (relating to congressional review of agency rulemaking).

''(II) The Attorney General shall—

''(aa) make a determination of the extent to which there have been violations of the numerical limitations established under subparagraph (B) for the number of individuals to whom a practitioner may provide treatment; and

''(bb) make a determination regarding whether waivers under subparagraph (A) have increased (relative to the beginning of such period) the extent to which narcotic drugs in schedule III, IV, or V, or combinations of such drugs, are being dispensed or prescribed, or possessed, in violation of this Act.

''(iii) If, before the expiration of the period specified in clause (ii), the Secretary or the Attorney General publishes in the Federal Register a decision, made on the basis of determinations under such clause, that this paragraph should not remain in effect, this paragraph ceases to be in effect 60 days after the date on which the decision is so published. The Secretary shall, in making any such decision, consult with the Attorney General, and shall, in publishing the decision in the Federal Register, include any comments received from the Attorney General for inclusion in the publication. The Attorney General shall, in making any such decision, consult with the Secretary, and shall, in publishing the decision in the Federal Register, include any comments received from the Secretary for inclusion in the publication.

''(I) During the 3-year period beginning on the date of the enactment of the Methamphetamine Anti-Proliferation Act of 1999, a State may not preclude a practitioner from dispensing or prescribing narcotic drugs in schedule III, IV, or V, or combinations of such drugs, to patients for maintenance or detoxification treatment in accordance with this paragraph, or the other amendments made by section 22 of that Act, unless, before the expiration of that 3-year period, the State enacts a law prohibiting a practitioner from dispensing or prescribing such drugs or combination of drugs.''.

(b) CONFORMING AMENDMENTS.—Section 304 of the Controlled Substances Act (21 U.S.C. 824) is amended—

(1) in subsection (a), in the matter following paragraph (5), by striking ''section 303(g)'' each place the term appears and inserting ''section 303(g)(1)''; and

(2) in subsection (d), by striking ''section 303(g)'' and inserting ''section 303(g)(1)''.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated for purposes of activities under section 303(g)(2) of the Controlled Substances Act, as added by subsection (a), amounts as follows:

(1) For fiscal year 2000, $3,000,000.

(2) For each fiscal year after fiscal year 2000, such sums as may be necessary for such fiscal year.

TITLE III—MISCELLANEOUS

SEC. 301. NOTICE; CLARIFICATION.

(a) NOTICE OF ISSUANCE.—Section 3103a of title 18, United States Code, is amended by adding at the end the following new sentence: ''With respect to any issuance under this section or any other provision of law (including section 3117 and any rule), any notice required, or that may be required, to be given may be delayed pursuant to the standards, terms, and conditions set forth in section 2705, unless otherwise expressly provided by statute.''.

(b) CLARIFICATION.—(1) Section 2(e) of Public Law 95–78 (91 Stat. 320) is amended by adding at the end the following:

''Subdivision (d) of such rule, as in effect on this date, is amended by inserting 'tangible' before 'property' each place it occurs.''.

(2) The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act.

SEC. 302. ANTIDRUG MESSAGES ON FEDERAL GOVERNMENT INTERNET WEBSITES.

Not later than 90 days after the date of the enactment of this Act, the head of each department, agency, and establishment of the Federal Government shall, in consultation with the Director of the Office of National Drug Control Policy, place antidrug messages on appropriate Internet websites controlled by such department, agency, or establishment which messages shall, where appropriate, contain an electronic hyperlink to the Internet website, if any, of the Office.

SEC. 303. SEVERABILITY.

Any provision of this Act held to be invalid or unenforceable by its terms, or as applied to any person or circumstance, shall be construed as to give the maximum effect permitted by law, unless such provision is held to be utterly invalid or unenforceable, in which event such provision shall be severed from this Act and shall not affect the applicability of the remainder of this Act, or of such provision, to other persons not similarly situated or to other, dissimilar circumstances.

ABRAHAM LINCOLN BICENTENNIAL COMMISSION ACT

HATCH (AND OTHERS) AMENDMENT NO. 2795

Ms. COLLINS (for Mr. HATCH (for himself, Mr. LEAHY, Mr. FITZGERALD, and Mr. DURBIN)) proposed an amendment to the bill (H.R. 1451) to establish the Abraham Lincoln Bicentennial Commission; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Abraham Lincoln Bicentennial Commission Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Abraham Lincoln, the 16th President, was one of the Nation's most prominent leaders, demonstrating true courage during the Civil War, one of the greatest crises in the Nation's history.

(2) Born of humble roots in Hardin County, Kentucky, on February 12, 1809, Abraham Lincoln rose to the Presidency through a legacy of honesty, integrity, intelligence, and commitment to the United States.

(3) With the belief that all men were created equal, Abraham Lincoln led the effort to free all slaves in the United States.

(4) Abraham Lincoln had a generous heart, with malice toward none and with charity for all.

(5) Abraham Lincoln gave the ultimate sacrifice for the country Lincoln loved, dying from an assassin's bullet on April 15, 1865.

(6) All Americans could benefit from studying the life of Abraham Lincoln, for Lincoln's life is a model for accomplishing the ''American Dream'' through honesty, integrity, loyalty, and a lifetime of education.

(7) The year 2009 will be the bicentennial anniversary of the birth of Abraham Lincoln, and a commission should be established to study and recommend to Congress activities that are fitting and proper to celebrate that anniversary in a manner that appropriately honors Abraham Lincoln.

SEC. 3. ESTABLISHMENT.

There is established a commission to be known as the Abraham Lincoln Bicentennial Commission (referred to in this Act as the ''Commission'').

SEC. 4. DUTIES.

The Commission shall have the following duties:

(1) To study activities that may be carried out by the Federal Government to determine whether the activities are fitting and proper to honor Abraham Lincoln on the occasion of the bicentennial anniversary of Lincoln's birth, including—

(A) the minting of an Abraham Lincoln bicentennial penny;

(B) the issuance of an Abraham Lincoln bicentennial postage stamp;

(C) the convening of a joint meeting or joint session of Congress for ceremonies and activities relating to Abraham Lincoln;

(D) a redesignation of the Lincoln Memorial, or other activity with respect to the Memorial; and

(E) the acquisition and preservation of artifacts associated with Abraham Lincoln.

(2) To recommend to Congress the activities that the Commission considers most fitting and proper to honor Abraham Lincoln on such occasion, and the entity or entities in the Federal Government that the Commission considers most appropriate to carry out such activities.

SEC. 5. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 15 members appointed as follows:

(1) Two members, each of whom shall be a qualified citizen described in subsection (b), appointed by the President.

(2) One member, who shall be a qualified citizen described in subsection (b), appointed by the President on the recommendation of the Governor of Illinois.

(3) One member, who shall be a qualified citizen described in subsection (b), appointed by the President on the recommendation of the Governor of Indiana.

(4) One member, who shall be a qualified citizen described in subsection (b), appointed by the President on the recommendation of the Governor of Kentucky.

(5) Three members, at least one of whom shall be a Member of the House of Representatives, appointed by the Speaker of the House of Representatives.

(6) Three members, at least one of whom shall be a Senator, appointed by the majority leader of the Senate.

(7) Two members, at least one of whom shall be a Member of the House of Representatives, appointed by the minority leader of the House of Representatives.

(8) Two members, at least one of whom shall be a Senator, appointed by the minority leader of the Senate.

(b) QUALIFIED CITIZEN.—A qualified citizen described in this subsection is a private citizen of the United States with—

(1) a demonstrated dedication to educating others about the importance of historical figures and events; and

(2) substantial knowledge and appreciation of Abraham Lincoln.

(c) TIME OF APPOINTMENT.—Each initial appointment of a member of the Commission shall be made before the expiration of the 120-day period beginning on the date of enactment of this Act.

(d) CONTINUATION OF MEMBERSHIP.—If a member of the Commission was appointed to the Commission as a Member of Congress, and ceases to be a Member of Congress, that member may continue to serve on the Commission for not longer than the 30-day period beginning on the date that member ceases to be a Member of Congress.

(e) TERMS.—Each member shall be appointed for the life of the Commission.

(f) VACANCIES.—A vacancy in the Commission shall not affect the powers of the Commission but shall be filled in the manner in which the original appointment was made.

(g) BASIC PAY.—Members shall serve on the Commission without pay.

(h) TRAVEL EXPENSES.—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(i) QUORUM.—Five members of the Commission shall constitute a quorum but a lesser number may hold hearings.

(j) CHAIR.—The Commission shall select a Chair from among the members of the Commission.

(k) MEETINGS.—The Commission shall meet at the call of the Chair. Periodically, the Commission shall hold a meeting in Springfield, Illinois.

SEC. 6. DIRECTOR AND STAFF.

(a) DIRECTOR.—The Commission may appoint and fix the pay of a Director and such additional personnel as the Commission considers to be appropriate.

(b) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—

(1) DIRECTOR.—The Director of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

(2) STAFF.—The staff of the Commission shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

SEC. 7. POWERS.

(a) HEARINGS AND SESSIONS.—The Commission may, for the purpose of carrying out this Act, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers to be appropriate.

(b) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if authorized by the Commission, take any action that the Commission is authorized to take by this Act.

(c) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information necessary to enable the Commission to carry out this Act. Upon request of

the Chair of the Commission, the head of that department or agency shall furnish that information to the Commission.

(d) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(e) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this Act.

SEC. 8. REPORTS.

(a) INTERIM REPORTS.—The Commission may submit to Congress such interim reports as the Commission considers to be appropriate.

(b) FINAL REPORT.—The Commission shall submit a final report to Congress not later than the expiration of the 4-year period beginning on the date of the formation of the Commission. The final report shall contain—

(1) a detailed statement of the findings and conclusions of the Commission;

(2) the recommendations of the Commission; and

(3) any other information that the Commission considers to be appropriate.

SEC. 9. BUDGET ACT COMPLIANCE.

Any spending authority provided under this Act shall be effective only to such extent and in such amounts as are provided in appropriation Acts.

SEC. 10. TERMINATION.

The Commission shall terminate 120 days after submitting the final report of the Commission pursuant to section 8.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

NATIONAL COLORECTAL CANCER AWARENESS MONTH

HATCH AMENDMENT NO. 2796

Ms. COLLINS (for Mr. HATCH) proposed an amendment to the resolution (S. Res. 108) resolution designating the month of March each year as ''National Colorectal Cancer Awareness Month''; as follows:

On page 2, line 5, strike ''March of each year'' and insert ''March, 2000,''.

Amend the title so as to read: ''Resolution designating the month of March, 2000, as National Colorectal Cancer Awareness Month''.

FOSTER CARE INDEPENDENCE ACT OF 1999

COLLINS (AND OTHERS) AMENDMENT NO. 2797

Ms. COLLINS (for herself, Mr. ROTH, Mr. L. CHAFEE, and Mr. REED) proposed an amendment to the bill (H.R. 1802) 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; as follows:

Strike all after the enacting clause and insert the following:

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.

Sec. 112. Preparation of foster parents to provide for the needs of children in State care.

Subtitle C—Medicaid Amendments

Sec. 121. State option of Medicaid coverage for adolescents leaving foster care.

Subtitle D—Adoption Incentive Payments

Sec. 131. Increased funding for adoption incentive payments.

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. Treatment of assets held in trust under the SSI program.

Sec. 206. Disposal of resources for less than fair market value under the SSI program.

Sec. 207. Administrative procedure for imposing penalties for false or misleading statements.

Sec. 208. Exclusion of representatives and health care providers convicted of violations from participation in social security programs.

Sec. 209. State data exchanges.

Sec. 210. Study on possible measures to improve fraud prevention and administrative processing.

Sec. 211. Annual report on amounts necessary to combat fraud.

Sec. 212. Computer matches with Medicare and Medicaid institutionalization data.

Sec. 213. Access to information held by financial institutions.

Subtitle B—Benefits For Certain World War II Veterans

Sec. 251. Establishment of program of special benefits for certain World War II veterans.

Subtitle C—Study

Sec. 261. Study of denial of SSI benefits for family farmers.

TITLE III—CHILD SUPPORT

Sec. 301. Narrowing 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) States are required to make reasonable efforts to find adoptive families for all children, including older children, for whom reunification with their biological family is not in the best interests of the child. However, some older children will continue to live in foster care. These children should be enrolled in an Independent Living program designed and conducted by State and local government to help prepare them for employment, postsecondary education, and successful management of adult responsibilities.

(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 adoption for these children. Enrollment in Independent Living programs can occur concurrent with continued efforts to locate and achieve placement in adoptive 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.

(4) Congress has received extensive information that adolescents leaving foster care have significant difficulty making a successful transition to adulthood; this information shows that children aging out of foster care show high rates of homelessness, non-marital childbearing, poverty, and delinquent or criminal behavior; they are also frequently 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, training, employment, and financial support for young adults leaving foster care, with participation in such program beginning several years before high school graduation and continuing, as needed, until the young adults emancipated from 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. JOHN H. CHAFEE FOSTER CARE INDEPENDENCE PROGRAM.

''(a) PURPOSE.—The purpose of this section is to provide States with flexible funding that will enable programs to be designed and conducted—

''(1) to identify children who are likely to remain in foster care until 18 years of age and to 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 preventive health activities (including smoking avoidance, nutrition education, and pregnancy prevention);

''(2) to help children who are likely to remain in foster care until 18 years of age receive the education, training, and services necessary to obtain employment;

''(3) to help children who are likely to remain in foster care until 18 years of age 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 and the promotion of interactions with dedicated adults; and

''(5) to provide financial, housing, counseling, employment, education, and other appropriate support and services to former foster care recipients between 18 and 21 years of age to complement their own efforts to achieve self-sufficiency and to assure that program participants recognize and accept their personal responsibility for preparing for and then making the transition from adolescence to adulthood.

''(b) APPLICATIONS.—

''(1) IN GENERAL.—A State may apply for funds from its allotment under subsection (c) for a period of five 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.

''(B) Ensure that all political subdivisions in the State are served by the program, 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 the public and private sectors in helping adolescents in foster care achieve independence.

''(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.

''(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 because they have attained 18 years of age, and who 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 because they have attained 18 years of age, and who have not attained 21 years of age.

''(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 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, and will, to the extent possible, coordinate such training with the independent living program conducted for adolescents.

''(E) A certification by the chief executive officer of the State that the State has consulted widely with public and private organizations 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.

''(F) 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 funded under part B of title III of the Juvenile Justice and Delinquency Prevention Act of 1974), abstinence education programs, local housing programs, programs for disabled youth (especially sheltered workshops), and school-to-work programs offered by high schools or local workforce agencies.

''(G) A certification by the chief executive officer of the State that each Indian tribe in the State has been consulted about the programs to be carried out under the plan; that there have been efforts to coordinate the programs with such tribes; 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.

''(H) A certification by the chief executive officer of the State that the State will ensure that adolescents participating in the program under this section participate directly in designing their own program activities that prepare them for independent living and that the adolescents accept personal responsibility for living up to their part of the program.

''(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.—

''(1) IN GENERAL.—From the amount specified in subsection (h) that remains after applying subsection (g)(2) for a fiscal year, the Secretary shall allot to each State with an application approved under subsection (b) for the fiscal year the amount which bears the same ratio to such remaining amount 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 foster care in all States for such most recent fiscal year, as adjusted in accordance with paragraph (2).

''(2) HOLD HARMLESS PROVISION.—

''(A) IN GENERAL.—The Secretary shall allot to each State whose allotment for a fiscal year under paragraph (1) is less than the greater of $500,000 or the amount payable to the State under this section for fiscal year 1998, an additional amount equal to the difference between such allotment and such greater amount.

''(B) RATABLE REDUCTION OF CERTAIN ALLOTMENTS.—In the case of a State not described in subparagraph (A) of this paragraph for a fiscal year, the Secretary shall reduce the amount allotted to the State for the fiscal year under paragraph (1) by the amount that bears the same ratio to the sum of the differences determined under subparagraph (A) of this paragraph for the fiscal year as the excess of the amount so allotted over the greater of $500,000 or the amount payable to the State under this section for fiscal year 1998 bears to the sum of such excess amounts determined for all such States.

''(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.

''(3) TWO-YEAR AVAILABILITY OF FUNDS.—Payments made to a State under this section for a fiscal year shall be expended by the State in the fiscal year or in the succeeding fiscal year.

''(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 (including measures of educational attainment, high school diploma, employment, avoidance of dependency, homelessness, nonmarital childbirth, incarceration, and high-risk behaviors) that can be used to assess the performance of States in operating independent living 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; and

''(C) develop and implement a plan to collect the needed information beginning with the second fiscal year beginning after the date of the enactment of this section.

''(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) and a proposal to impose penalties consistent with paragraph (e)(2) on States that do not report data.

''(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 and for payments to States under section 474(a)(4), 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.

(e) SENSE OF THE CONGRESS.—It is the sense of the Congress that States should provide medical assistance under the State plan approved under title XIX of the Social Security Act to 18-, 19-, and 20-year-olds who have been emancipated from foster care.

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)).''.

SEC. 112. PREPARATION OF FOSTER PARENTS TO PROVIDE FOR THE NEEDS OF CHILDREN IN STATE CARE.

(a) STATE PLAN REQUIREMENT.—Section 471(a) of the Social Security Act (42 U.S.C. 671(a)) is amended—

(1) by striking ''and'' at the end of paragraph (22);

(2) by striking the period at the end of paragraph (23) and inserting ''; and''; and

(3) by adding at the end the following:

''(24) include a certification that, before a child in foster care under the responsibility of the State is placed with prospective foster parents, the prospective foster parents will be prepared adequately with the appropriate knowledge and skills to provide for the needs of the child, and that such preparation will be continued, as necessary, after the placement of the child.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1999.

Subtitle C—Medicaid Amendments

SEC. 121. STATE OPTION OF MEDICAID COVERAGE FOR ADOLESCENTS LEAVING FOSTER CARE.

(a) IN GENERAL.—Subject to subsection (c), 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)), or who are within any reasonable categories of such adolescents specified by the State;''; and

(2) by adding at the end of section 1905 (42 U.S.C. 1396d) 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) who, on the individual's 18th birthday, was in foster care under the responsibility of a State; and

''(C) whose assets, resources, and income do not exceed such levels (if any) as the State may establish consistent with paragraph (2).

''(2) The levels established by a State under paragraph (1)(C) may not be less than the corresponding levels applied by the State under section 1931(b).

''(3) A State may limit the eligibility of independent foster care adolescents under section 1902(a)(10)(A)(ii)(XV) to those individuals with respect to whom foster care maintenance payments or independent living services were furnished under a program funded under part E of title IV before the date the individuals attained 18 years of age.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply to medical assistance for items and services furnished on or after October 1, 1999.

(c) CONTINGENCY IN ENACTMENT.—If the Ticket to Work and Work Incentives Improvement Act of 1999 is enacted (whether before, on, or after the date of the enactment of this Act)—

(1) the amendments made by that Act shall be executed as if this Act had been enacted after the enactment of such other Act;

(2) with respect to subsection (a)(1)(A) of this section, any reference to subclause (XIII) is deemed a reference to subclause (XV);

(3) with respect to subsection (a)(1)(B) of this section, any reference to subclause (XIV) is deemed a reference to subclause (XVI);

(4) the subclause (XV) added by subsection (a)(1)(C) of this section—

(A) is redesignated as subclause (XVII); and

(B) is amended by striking ''section 1905(v)(1)'' and inserting ''section 1905(w)(1)''; and

(5) the subsection (v) added by subsection (a)(2) of this section—

(A) is redesignated as subsection (w); and

(B) is amended by striking ''1902(a)(10)(A)(ii)(XV)'' and inserting ''1902(a)(10)(A)(ii)(XVII)''.

Subtitle D—Adoption Incentive Payments

SEC. 131. INCREASED FUNDING FOR ADOPTION INCENTIVE PAYMENTS.

(a) SUPPLEMENTAL GRANTS.—Section 473A of the Social Security Act (42 U.S.C. 673b) is amended by adding at the end the following:

''(j) SUPPLEMENTAL GRANTS.—

''(1) IN GENERAL.—Subject to the availability of such amounts as may be provided in advance in appropriations Acts, in addition to any amount otherwise payable under this section to any State that is an incentive-eligible State for fiscal year 1998, the Secretary shall make a grant to the State in an amount equal to the lesser of—

''(A) the amount by which—

''(i) the amount that would have been payable to the State under this section during fiscal year 1999 (on the basis of adoptions in fiscal year 1998) in the absence of subsection (d)(2) if sufficient funds had been available for the payment; exceeds

''(ii) the amount that, before the enactment of this subsection, was payable to the State under this section during fiscal year 1999 (on such basis); or

''(B) the amount that bears the same ratio to the dollar amount specified in paragraph (2) as the amount described by subparagraph (A) for the State bears to the aggregate of the amounts described by subparagraph (A) for all States that are incentive-eligible States for fiscal year 1998.

''(2) FUNDING.—$23,000,000 of the amounts appropriated under subsection (h)(1) for fiscal year 2000 may be used for grants under paragraph (1) of this subsection.''.

(b) LIMITATION ON AUTHORIZATION OF APPROPRIATIONS.—Section 473A(h)(1) of the Social Security Act (42 U.S.C. 673b(h)(1)) is amended to read as follows:

''(1) IN GENERAL.—For grants under subsection (a), there are authorized to be appropriated to the Secretary—

''(A) $20,000,000 for fiscal year 1999;

''(B) $43,000,000 for fiscal year 2000; and

''(C) $20,000,000 for each of fiscal years 2001 through 2003.''.

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:

''(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. 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:

''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:

''(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:

''(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. 206. 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:

''(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 205(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. 207. 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:

''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 who 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) six consecutive months, in the case of the first such determination with respect to the person;

''(2) twelve consecutive months, in the case of the second such determination with respect to the person; and

''(3) twenty-four consecutive months, in the case of the 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:

''(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. 208. 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 is amended by inserting before section 1137 (42 U.S.C. 1320b–7) the following:

''EXCLUSION OF REPRESENTATIVES AND HEALTH CARE PROVIDERS CONVICTED OF VIOLATIONS FROM PARTICIPATION IN SOCIAL SECURITY PROGRAMS

''SEC. 1136. (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 the 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 two 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 section 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 1136(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. 209. 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. 210. 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. 211. 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. 212. 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)) is amended by adding at the end the following:

''(J) 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 (J)''.

SEC. 213. 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 World War II Veterans

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 new title:

''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.

''(a) IN GENERAL.—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) or 212(a)(6)(A) of the Immigration and Nationality Act and before the month in which the individual is lawfully admitted to the United States for permanent residence;

''(2) during any part of which the individual is fleeing 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 which the individual resides in a foreign country and is not a citizen or national of the United States if payments for such month to individuals residing in such country are withheld by the Treasury Department under section 3329 of title 31, United States Code.

''(b) REQUIREMENT FOR ATTORNEY GENERAL.—For the purpose of carrying out subsection (a)(1), the Attorney General shall notify the Commissioner of Social Security as soon as practicable after the removal of any individual under section 237(a) or 212(a)(6)(A) of the Immigration and Nationality Act.

''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 XVI, respectively.

''(c) REQUIREMENT FOR MAINTAINING LISTS OF UNDESIRABLE PAYEES.—The Commissioner of Social Security shall establish and maintain lists which shall be updated periodically and which shall be in a form that renders such lists available to the servicing offices of the Social Security Administration. The lists shall consist of—

''(1) the names and (if issued) social security account numbers or employer identification numbers 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 XVI, respectively; and

''(2) the names and (if issued) social security account numbers or employer identification numbers 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, to the extent practicable, 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 the qualified individual; and

''(C) to review the evidence upon which the designation is based and to submit additional evidence.

''(h) ACCOUNTABILITY MONITORING.—

''(1) IN GENERAL.—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) MAINTAINING LISTS OF PAYEES.—The Commissioner of Social Security shall maintain lists which shall be updated periodically 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) MAINTAINING LISTS OF AGENCIES.—The Commissioner of Social Security shall maintain lists, 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—

''(A) 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 2 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; or

''(B) under title II to recover the amount in excess of the correct amount, if the person is not currently eligible for payment under this title.

''(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) NO EFFECT ON TITLE VIII ELIGIBILITY OR BENEFIT AMOUNT.—In any case in which the Commissioner of Social Security takes action in accordance with subsection (a)(1)(B) to recover an amount incorrectly paid to an individual, that individual shall not, as a result of such action—

''(1) become qualified for benefits under this title; or

''(2) if such individual is otherwise so qualified, become qualified for increased benefits under this title.

''(c) 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.

''(d) 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.

''(e) 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 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 AND TERMINATION OF BENEFITS.—Regulations prescribed by the Commissioner of Social Security under subsection (a) may provide for the suspension and termination 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—

''(A) served during World War II—

''(i) in the active military, naval, or air service of the United States during World War II; or

''(ii) 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; and

''(B) was discharged or released therefrom under conditions other than dishonorable—

''(i) after service of 90 days or more; or

''(ii) because of a disability or injury incurred or aggravated in the line of active duty.

''(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 2000 and subsequent fiscal years, out of any funds in the Treasury not otherwise appropriated, 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)(ii)(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 new subparagraph:

''(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 new clause:

''(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 heading, by striking ''SOCIAL SECURITY'' and inserting ''OTHER''.

(8) RECOVERY OF SOCIAL SECURITY OVERPAYMENTS.—Part A of title XI of the Social Security Act is amended by inserting after section 1147 (42 U.S.C. 1320b–17) the following new section:

''RECOVERY OF SOCIAL SECURITY BENEFIT OVERPAYMENTS FROM TITLE VIII BENEFITS

''SEC. 1147A. Whenever the Commissioner of Social Security determines that more than the correct amount of any payment has been made under title II to an individual who is not currently receiving benefits under that title but who is receiving benefits under title VIII, the Commissioner may recover the amount incorrectly paid under title II by decreasing any amount which is payable to the individual under title VIII.''.

(9) 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)''.

(10) 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,''.

Subtitle C—Study

SEC. 261. STUDY OF DENIAL OF SSI BENEFITS FOR FAMILY FARMERS.

(a) IN GENERAL.—The Commissioner of Social Security shall conduct a study of the reasons why family farmers with resources of less than $100,000 are denied supplemental security income benefits under title XVI of the Social Security Act, including whether the deeming process unduly burdens and discriminates against family farmers who do not institutionalize a disabled dependent, and shall determine the number of such farmers who have been denied such benefits during each of the preceding 10 years.

(b) REPORT TO THE CONGRESS.—Within 1 year after the date of the enactment of this Act, the Commissioner of Social Security shall prepare and submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report that contains the results of the study, and the determination, required by subsection (a).

TITLE III—CHILD SUPPORT

SEC. 301. NARROWING OF HOLD-HARMLESS PROVISION FOR STATE SHARE OF DISTRIBUTION OF COLLECTED CHILD SUPPORT.

(a) IN GENERAL.—Section 457(d) of the Social Security Act (42 U.S.C. 657(d)) is amended to read as follows:

''(d) HOLD HARMLESS PROVISION.—If—

''(1) the State share of amounts collected in the fiscal year which could be retained to reimburse the State for amounts paid to families as assistance by the State is less than the State share of such amounts collected in fiscal year 1995 (determined in accordance with section 457 as in effect on August 21, 1996); and

''(2)(A) the State has distributed to families that include an adult receiving assistance under the program under part A at least 80 percent of the current support payments collected during the preceding fiscal year on behalf of such families, and the amounts distributed were disregarded in determining the amount or type of assistance provided under the program under part A; or

''(B) the State has distributed to families that formerly received assistance under the program under part A the State share of the amounts collected pursuant to section 464 that could have been retained as reimbursement for assistance paid to such families,

then the State share otherwise determined for the fiscal year shall be increased by an amount equal to ½ of the amount (if any) by which the State share for fiscal year 1995 exceeds the State share for the fiscal year (determined without regard to this subsection).''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective with respect to calendar quarters occurring during the period that begins on October 1, 1998, and ends on September 30, 2001.

(c) REPEAL.—Effective October 1, 2001, 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 second sentence; and

(4) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

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 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.

(e) 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)''.

(f) 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''.

(g) 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), and (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''.

(h) 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''.

(i) Section 344(b)(1)(A) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2236) is amended to read as follows:

''(A) in paragraph (1), by striking subparagraph (B) and inserting the following:

'(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''.

(j) 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''.

(k) 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''.

(l) Effective on the date of the enactment of this Act, section 404(e) of the Social Security Act (42 U.S.C. 604(e)) is amended by inserting ''or tribe'' after ''State'' the first and second places it appears, and by inserting ''or tribal'' after ''State'' the third place it appears.

(m) Section 466(a)(7)(A) of the Social Security Act (42 U.S.C. 666(a)(7)(A)) 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) Except as provided in subsection (l), 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 (Public Law 104–193; 110 Stat. 2105).

CARDIAC ARREST SURVIVAL ACT OF 1999

GORTON AMENDMENT NO. 2798

Ms. COLLINS (for Mr. GORTON) proposed an amendment to the bill (S. 1488) to amend the Public Health Service Act to provide for recommendations of the Secretary of Health and Human Services regarding the placement of automatic external defibrillators in Federal buildings in order to improve survival rates of individuals who experince cardiac arrest in such buildings, and to establish protections from civil liability arising from the emergency use of the devices; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Cardiac Arrest Survival Act of 1999''.

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) Each year more than 250,000 adults suffer cardiac arrest, usually away from a hospital. More than 95 percent of them will die, in many cases because cardiopulmonary resuscitation (''CPR''), defibrillation, and advanced life support are provided too late to reverse the cardiac arrest. These cardiac arrests occur primarily from occult underlying heart disease and from drowning, allergic or sensitivity reactions, or electrical shocks.

(2) Every minute that passes before returning the heart to a normal rhythm after a cardiac arrest causes the chance of survival to fall by 10 percent.

(3) In communities where strong public access to defibrillation programs have been implemented, survival from cardiac arrest has improved by as much as 20 percent.

(4) Survival from cardiac arrest requires successful early implementation of a chain of events, known as the chain of survival, which must be initiated as soon as the person sustains a cardiac arrest and must continue until the person arrives at the hospital.

(5) The chain of survival is the medical standard of care for treatment of cardiac arrest.

(6) A successful chain of survival requires the first person on the scene to take rapid and simple initial steps to care for the patient and to assure that the patient promptly enters the emergency medical services system. These steps include—

(A) recognizing an emergency and activating the emergency medical services system;

(B) beginning CPR; and

(C) using an automated external defibrillator (''AED'') if one is available at the scene.

(7) The first persons at the scene of an arrest are typically lay persons who are friends or family of the victim, fire services, public safety personnel, basic life support emergency medical services providers, teachers,

coaches and supervisors of sports or other extracurricular activities, providers of day care, school bus drivers, lifeguards, attendants at public gatherings, coworkers, and other leaders within the community.

(8) The Federal Government should facilitate programs for the placement of AEDs in public buildings, including provisions regarding the training of personnel in CPR and AED use, integration with the emergency medical services system, and maintenance of the devices.

SEC. 3. RECOMMENDATIONS OF SECRETARY OF HEALTH AND HUMAN SERVICES REGARDING PLACEMENT OF AUTOMATIC EXTERNAL DEFIBRILLATORS IN BUILDINGS.

Part B of title II of the Public Health Service Act (42 U.S.C. 238 et seq.) is amended by adding at the end the following section:

''RECOMMENDATIONS REGARDING PLACEMENT OF AUTOMATED EXTERNAL DEFIBRILLATORS IN BUILDINGS

''SEC. 247. (a) RECOMMENDATION FOR FEDERAL BUILDINGS.—

''(1) IN GENERAL.—Not later than 90 days after the date of the enactment of the Cardiac Arrest Survival Act of 1999, the Secretary shall assist in providing for an improvement in the survival rates of individuals who experience cardiac arrest in Federal buildings by publishing in the Federal Register for public comment the recommendations of the Secretary with respect to placing automatic external defibrillators in such buildings. The Secretary shall in addition assist Federal agencies in implementing programs for such placement.

''(2) AGENCY ASSESSMENTS.—Not later than 180 days after the date on which the recommendations are published under paragraph (1), the head of each Federal agency that occupies a Federal building that meets the criteria described in subsection (a)(1) shall submit to the Secretary an assessment of the ability of each such agency to meet the goals described in subsection (c).

''(b) ADDITIONAL RECOMMENDATIONS.—The Secretary shall publish, as part of the recommendations referred to in subsection (a), recommendations with respect to the placement of automatic external defibrillators in buildings and facilities, or other appropriate venues, frequented by the public (other than the buildings referred to in subsection (a)). Such recommendations shall only be for information purposes for States and localities to consider in determining policy regarding the use or placement of such defibrillators in recommended buildings, facilities or venues.

''(c) CONSIDERATION OF CERTAIN GOALS FOR SURVIVAL RATES.—In carrying out this section, the Secretary shall consider the goals established by national public-health organizations for improving the survival rates of individuals who experience cardiac arrest in nonhospital settings, including goals for minimizing the time elapsing between the onset of cardiac arrest and the initial medical response.

''(d) CERTAIN PROCEDURES.—The matters addressed by the Secretary in the recommendations under subsections (a) and (b) shall include the following:

''(1) Procedures for implementing appropriate nationally recognized training courses in performing cardiopulmonary resuscitation and the use of automatic external defibrillators.

''(2) Procedures for proper maintenance and testing of such devices, according to the guidelines of the manufacturer of the devices.

''(3) Procedures for ensuring direct involvement of a licensed medical professional and coordination with local emergency medical services in the oversight of training and notification of incidents of the use of the devices.

''(4) Procedures for ensuring notification of an agent of the local emergency medical system dispatch center of the location and type of device.

''(e) CERTAIN CRITERIA.—In making recommendations under subsections (a) and (b), the Secretary shall determine the following:

''(1) Criteria for selecting the public buildings, facilities and other venues in which automatic external defibrillators should be placed, taking into account—

''(A) the typical number of employees and visitors in the buildings, facilities or venues;

''(B) the extent of the need for security measures regarding the buildings, facilities or venues;

''(C) buildings, facilities or other venues, or portions thereof, in which there are special circumstances such as high electrical voltage or extreme heat or cold; and

''(D) such other factors as the Secretary determines to be appropriate.

''(2) Criteria regarding the maintenance of such devices (consistent with the labeling for the devices).

''(3) Criteria for coordinating the use of the devices in public buildings, facilities or other venues with providers of emergency medical services for the geographic areas in which the buildings, facilities or venues are located.''.

SEC. 4. IMMUNITY FROM CIVIL LIABILITY FOR EMERGENCY USE OF AUTOMATED EXTERNAL DEFIBRILLATORS.

Part B of title II of the Public Health Service Act, as amended by section 3 of this Act, is amended by adding at the end the following section:

''LIABILITY REGARDING EMERGENCY USE OF AUTOMATED EXTERNAL DEFIBRILLATORS

''SEC. 248. (a) PERSONS USING AEDS.—Any person who provides emergency medical care through the use of an automated external defibrillator is immune from civil liability for any personal injury or wrongful death resulting from the provision of such care, except as provided in subsection (c).

''(b) OTHER PERSONS INVOLVED WITH AEDS; SPECIAL RULES FOR ACQUIRERS.—

''(1) IN GENERAL.—With respect to a personal injury or wrongful death to which subsection (a) applies, in addition to the person who provided emergency medical care through the use of the automated external defibrillator, the person described in paragraph (2) is with respect to the device immune from civil liability for the personal injury or wrongful death in accordance with such paragraph, except as provided in subsection (c).

''(2) PERSON DESCRIBED.—A person described in this paragraph is the person who acquired the device for use at a nonmedical facility (in this paragraph referred to as the 'acquirer'). Such person shall be immune from liability as provided for in paragraph (1) if the following conditions are met:

''(A) The condition that the acquirer notified local emergency response personnel of the most recent placement of the device within a reasonable period of time after the device was placed.

''(B) The condition that, as of the date on which the emergency occurred, the device had been maintained and tested in accordance with the guidelines established for the device by the manufacturer of the device.

''(C) In any case in which the person who provided the emergency medical care through the use of the device was an employee or agent of the acquirer, and the employee or agent was within the class of persons the acquirer expected would use the device in the event of a relevant emergency, the condition that the employee or agent received reasonable instruction in the use of such devices through a course approved by the Secretary or by the chief public health officer of any of the States.

''(c) INAPPLICABILITY OF IMMUNITY.—Immunity under subsections (a) and (b) does not apply to a person if—

''(1) the person engaged in gross negligence or willful or wanton misconduct in the circumstances described in such subsections that apply to the person with respect to automated external defibrillators; or

''(2) the person was a licensed or certified medical professional who was using the automated external defibrillator while acting within the scope of their license or certification, and within the scope of their employment as a medical professional.

''(d) RULES OF CONSTRUCTION.—

''(1) IN GENERAL.—The following applies with respect to this section:

''(A) This section is not applicable in any State that (before, on, or after the date of the enactment of the Cardiac Arrest Survival Act of 1999) provides through statute or regulations any degree of immunity for any class of persons for civil liability for personal injury or wrongful death arising from the provision of emergency medical care through the use of an automated external defibrillator.

''(B) This section does not waive any protection from liability for Federal officers or employees under—

''(i) section 224; or

''(ii) sections 1346(b), 2672 and 2679 of title 28, United States Code, or under alternative benefits provided by the United States where the availability of such benefits precludes a remedy under section 1346(b) of title 28.

''(C) This section does not require that an automated external defibrillator be placed at any building or other location.

''(2) CIVIL ACTIONS UNDER FEDERAL LAW.—

''(A) IN GENERAL.—The applicability of subsections (a) through (c) includes applicability to any action for civil liability described in subsection (a) that arises under Federal law.

''(B) FEDERAL AREAS ADOPTING STATE LAW.—If a geographic area is under Federal jurisdiction and is located within a State but out of the jurisdiction of the State, and if, pursuant to Federal law, the law of the State applies in such area regarding matters for which there is no applicable Federal law, then an action for civil liability described in subsection (a) that in such area arises under the law of the State is subject to subsections (a) through (c) in lieu of any related State law that would apply in such area in the absence of this subparagraph.''.

TWENTY-FIRST CENTURY RESEARCH LABORATORIES ACT

HARKIN AMENDMENT NO. 2799

Ms. COLLINS (for Mr. HARKIN) proposed an amendment to the bill (S. 1268) to amend the Public Health Service Act to provide support for the modernization and construction of biomedical and behavioral research facilities and laboratory instrumentation; as follows:

On page 16, lines 14 and 15, strike ''$250,000,000 for fiscal year 2000, $500,000,000'' and insert ''$250,000,000''.

EXPRESSING THE SENSE OF THE SENATE THAT JOSEPH JEFFERSON ''SHOELESS JOE'' JACKSON SHOULD BE APPROPRIATELY HONORED FOR HIS OUTSTANDING BASEBALL ACCOMPLISHMENTS

THURMOND AMENDMENT NO. 2800

Ms. COLLINS (for Mr. THURMOND) proposed an amendment to the resolution (S. Res. 134) expressing the sense of the Senate that Joseph Jefferson ''Shoeless Joe'' Jackson should be appropriately honored for his outstanding baseball accomplishments; as follows:

Strike all after the *Resolved* clause and insert the following:

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 1919 World Series against the Cincinnati Reds.

(2) In 1921, a criminal court acquitted ''Shoeless Joe'' Jackson of charges brought against him as a consequence of his participation in the 1919 World Series.

(3) Despite the acquittal, Commissioner Landis banned ''Shoeless Joe'' Jackson from playing Major League Baseball for life without conducting a hearing, receiving evidence of Jackson's alleged activities, or giving Mr. Jackson a forum to rebut the allegations, issuing a summary punishment that fell far short of due process standards.

(4) 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.

(5) 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.

(6) ''Shoeless Joe'' Jackson's career record clearly makes him one of our Nation's top baseball players of all time.

(7) 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.

(8) ''Shoeless Joe'' Jackson passed away in 1951, and 80 years have elapsed since the 1919 World Series scandal erupted.

(9) Recently, Major League Baseball Commissioner Bud Selig took an important step by agreeing to investigate whether ''Shoeless Joe'' Jackson 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.

(10) Courts have exonerated ''Shoeless Joe'' Jackson, the 1919 World Series box score stands as a witness of his record setting play, and 80 years have passed since the scandal erupted; therefore, Major League Baseball should appropriately honor the outstanding baseball accomplishments of Joseph Jefferson ''Shoeless Joe'' Jackson.

(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.

GLACIER BAY FISHERIES ACT

BINGAMAN AMENDMENT NO. 2801

Mr. DASCHLE (for Mr. BINGAMAN) proposed an amendment to the bill (S. 501) to address resource management issues in Glacier Bay National Park, Alaska; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Glacier Bay National Park Resource Management Act of 1999''.

SEC. 2. DEFINITIONS.

As used in this Act—

(1) the term ''local residents'' means those persons living within the vicinity of Glacier Bay National Park and Preserve, including but not limited to the residents of Hoonah, Alaska, who are descendants of those who had an historic and cultural tradition of sea gull egg gathering within the boundary of what is now Glacier Bay National Park and Preserve;

(2) the term ''outer waters'' means all of the marine waters within the park outside of Glacier Bay proper;

(3) the term ''park'' means Glacier Bay National Park;

(4) the term ''Secretary'' means the Secretary of the Interior; and

(5) the term ''State'' means the State of Alaska.

SEC. 3. COMMERCIAL FISHING.

(a) IN GENERAL.—The Secretary shall allow for commercial fishing in the outer waters of the park in accordance with the management plan referred to in subsection (b) in a manner that provides for the protection of park resources and values.

(b) MANAGEMENT PLAN.—The Secretary shall cooperate in the development of a management plan for the regulation of commercial fisheries in the outer water of the park in accordance with existing Federal and State laws and any applicable international conservation and management treaties.

(c) SAVINGS.—(1) Nothing in this Act shall alter or affect the provisions of section 123 of the Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 1999 (Public Law 105–277), as amended by section 501 of the 1999 Emergency Supplemental Appropriations Act (Public Law 106–31).

(2) Nothing in this Act shall enlarge or diminish Federal or State title, jurisdiction, or authority with respect to the waters of the State of Alaska, the waters within Glacier Bay National Park and Preserve, or tidal or submerged lands.

(d) STUDY.—(1) Not later than one year after the date funds are made available, the Secretary, in consultation with the State, the National Marine Fisheries Service, the International Pacific Halibut Commission and other affected agencies shall develop a plan for a comprehensive multi-agency research and monitoring program to evaluate the health of fisheries resources in the park's marine waters, to determine the effect, if any, of commercial fishing on—

(A) the productivity, diversity, and sustainability of fishery resources in such waters; and

(B) park resources and values.

(2) The Secretary shall promptly notify the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives upon the completion of the plan.

(3) The Secretary shall complete the program set forth in the plan not later than seven years after the date the Congressional Committees are notified pursuant to paragraph (2), and shall transmit the results of the program to such Committees on a biennial basis.

SEC. 4. SEA GULL EGG COLLECTION STUDY

(a) STUDY.—The Secretary, in consultation with local residents, shall undertake a study of sea gulls living within the park to assess whether sea gull eggs can be collected on a limited basis without impairing the biological sustainability of the sea gull population in the park. The study shall be completed no later than two years after the date funds are made available.

(b) RECOMMENDATIONS—If the study referred to in subsection (a) determines that the limited collection of sea gull eggs can occur without impairing the biological sustainability of the sea gull population in the park, the Secretary shall submit recommendations for legislation 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 such sums as are necessary to carry out this Act''.

NATIONAL OILHEAT RESEARCH ALLIANCE ACT OF 1999

MURKOWSKI AMENDMENT NO. 2802

Mr. LOTT (for Mr. MURKOWSKI) proposed an amendment to the bill (S. 348) to authorize and facilitate a program to enhance training, research and development, energy conservation and efficiency, and consumer education in the oilheat industry for the benefit of oilheat consumers and the public, and for other purposes; as follows:

On page 2, after line 2, insert the following:

''TITLE I—NATIONAL OIL HEAT RESEARCH ALLIANCE ACT OF 1999''

On page 6, after line 18, insert the following:

''(15) STATE.—The term ''State'' means the several states, except the State of Alaska.''.

On page 30, after line 11, insert the following:

''TITLE II—SMALL HYDROELECTRIC PROJECTS IN ALASKA

''SEC. 201. ALASKA STATE JURISDICTION OVER SMALL HYDROELECTRIC PROJECTS.

''Part I of the Federal Power Act (16 U.S.C. 792 et seq.) is amended by adding at the end the following:

''''SEC. 32. ALASKA STATE JURISDICTION OVER SMALL HYDROELECTRIC PROJECTS.

'' ''(a) DISCONTINUANCE OF REGULATION BY THE COMMISSION.—

Notwithstanding sections 4(e) and 23(b), the Commission shall discontinue exercising licensing and regulatory authority under this Part over qualifying project works in the State of Alaska, effective on the date on which the commission certifies that the State of Alaska has in place a regulatory program for water-power development that—

'' ''(1) protects the public interest, the purposes listed in paragraph (2), and the environment to the same extent provided by licensing and regulation by the Commission

under this Part and other applicable Federal laws, including the endangered Species Act (16 U.S.C. 1531 et seq.) and the fish and wildlife Coordination Act (16 U.S.C. 661 et seq.);

''(2) gives equal consideration to the purposes of—

''(A) energy conservation;

''(B) the protection, mitigation of damage to, and enhancement of, fish and wildlife (including related spawning grounds and habitat);

''(C) the protection of recreational opportunities,

''(D) the preservation of other aspects of environmental quality,

''(E) the interests of Alaska Natives, and

''(F) other beneficial public uses, including irrigation, flood control, water supply, and navigation; and

''(3) requires, as a license for any project works—

''(A) the construction, maintenance, and operation by a licensee at its own expense of such lights and signals as may be directed by the Secretary of the Department in which the Coast Guard is operating, and such fishways as may be prescribed by the Secretary of the Interior or the Secretary of Commerce, as appropriate;

''(B) the operation of any navigation facilities which may be constructed as part of any project to be controlled at all times by such reasonable rules and regulations as may be made by the Secretary of the Army; and

''(C) conditions for the protection, mitigation, and enhancement of fish and wildlife based on recommendations received pursuant to the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.) from the National Marine Fisheries Service, the United States Fish and Wildlife Service, and State fish and wildlife agencies.

''(b) DEFINITION OF ''QUALIFYING PROJECT WORKS.''—For purposes of this section, the term ''qualifying project works'' means project works—

''(1) that are not part of a project licensed under this Part or exempted from licensing under this Part or section 405 of the Public Utility Regulatory Policies Act of 1978 prior to the date of enactment of this section;

''(2) for which a preliminary permit, a license application, or an application for an exemption from licensing has not been accepted for filing by the Commission prior to the date of enactment of subsection (c) (unless such application is withdrawn at the election of the applicant);

''(3) that are part of a project that has a power production capacity of 5,000 kilowatts or less;

''(4) that are located entirely within the boundaries of the State of Alaska; and

''(5) that are not located in whole or in part on any Indian reservation, a conservation system unit (as defined in section 102(4) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3102(4))), or segment of a river designated for study for addition to the Wild and Scenic Rivers System.

''(c) ELECTION OF STATE LICENSING.—In the case of nonqualifying project works that would be a qualifying project works but for the fact that the project has been licensed (or exempted from licensing) by the Commission prior to the enactment of this section, the licensee of such project may in its discretion elect to make the project subject to licensing and regulation by the State of Alaska under this section.

''(d) PROJECT WORKS ON FEDERAL LANDS.—With respect to projects located in whole or in part on a reservation, a conservation system unit, or the public lands, a State license or exemption from licensing shall be subject to—

''(1) the approval of the Secretary having jurisdiction over such lands; and

''(2) such conditions as the Secretary may prescribe.

''(e) CONSULTATION WITH AFFECTED AGENCIES.—The Commission shall consult with the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Commerce before certifying the State of Alaska's regulatory program.

''(f) APPLICATION OF FEDERAL LAWS.—Nothing in this section shall preempt the application of Federal environmental, natural resources, or cultural resources protection laws according to their terms.

''(g) OVERSIGHT BY THE COMMISSION.—The State of Alaska shall notify the Commission not later than 30 days after making any significant modification to its regulatory program. The Commission shall periodically review the State's program to ensure compliance with the provisions of this section.

''(h) RESUMPTION OF COMMISSION AUTHORITY.—Notwithstanding subsection (a), the Commission shall reassert its licensing and regulatory authority under this part if the Commission finds that the State of Alaska has not complied with one or more of the requirements of this section.

''(i) DETERMINATION BY THE COMMISSION.—

''(1) Upon application by the Governor of the State of Alaska, the Commission shall within 30 days commence a review of the State of Alaska's regulatory program for water-power development to determine whether it complies with the requirements of subsection (a).

''(2) The Commission's review required by paragraph (1) shall be completed within one year of initiation, and the Commission shall within 30 days thereafter issue a final order determining whether or not the State of Alaska's regulatory program for water-power development complies with the requirements of subsection (a).

''(3) If the Commission fails to issue a final order in accordance with paragraph (2), the State of Alaska's regulatory program for water-power development shall be deemed to be in compliance with subsection (a).

''TITLE III—HYDROELECTRIC PROJECTS IN HAWAII

''SEC. 301. PROJECTS ON FRESH WATERS IN THE STATE OF HAWAII

''Section 4(e) of the Federal Power Act (16 U.S.C. 797(e)) is amended in the first sentence by striking ''several States, or upon'' and inserting ''several States (except fresh waters in the State of Hawaii, unless a license would be required under section 23), or upon''.''.

''TITLE IV—ARROWROCK DAM HYDROELECTRIC PROJECT

''SEC. 501. EXTENSION OF TIME FOR FEDERAL ENERGY REGULATORY COMMISSION PROJECT.

''Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 4656, the Commission may, at the request of the licensee for the project and after reasonable notice, in accordance with the good faith, due diligence, and public interest requirements of that section and the Commission's procedures under that section, extend until March 26, 2005, the time period during which the licensee is required to commence construction of the project.''

ARIZONA NATIONAL FOREST IMPROVEMENT ACT OF 1999

KYL AMENDMENT NO. 2803

Mr. LOTT (for Mr. KYL) proposed an amendment to the bill (S. 1088) to authorize the Secretary of Agriculture to convey certain administrative sites in national forests in the State of Arizona, to convey certain land to the city of Sedona, Arizona for a wastewater treatment facility, and for other purposes; as follows:

On page 5, line 15, strike the period at the end and insert '', reduced by the total amount of special use permit fees for wastewater treatment facilities paid by the City to the Forest Service during the period beginning on January 1, 1999, and ending on the earlier of—

(A) the date that is 270 days after the date of enactment of this Act; or

(B) the date on which the full payment is made by the City under paragraph (3)(A) or the date on which first installment payment is made under paragraph (3)(B), depending on the election made by the City under paragraph (3).''

On page 5, lines 18 and 19, strike ''the amount determined under paragraph (1)'' and insert ''the consideration required under paragraph (1)''.

OMNIBUS PARKS TECHNICAL CORRECTIONS ACT OF 1999

MURKOWSKI AMENDMENT NO. 2804

Mr. LOTT (for Mr. MURKOWSKI) proposed an amendment to the bill (H.R. 149) to make technical corrections to the Omnibus Parks and Public Lands Management Act of 1996; as follows:

To the bill as reported:

On page 5, strike lines 4 through 11 and redesignate the subsequent paragraphs accordingly.

On page 5 at the end of section 101 add the following new paragraphs:

''(11) Section 103(c)(2) (110 Stat. 4099) is amended by striking ''consecutive terms.'' and inserting ''consecutive terms, except that upon the expiration of his or her term, an appointed member may continue to serve until his or her successor has been appointed.

''(12) Section 103(c)(9) (110 Stat. 4100) is amended by strike ''properties administered by the Trust'' and insert in lieu there of ''properties administered by the Trust and all interest created under leases, concessions, permits and other agreements associated with the properties'';

''(13) Section 104(d) (110 Stat. 4102) is amended as follows:

(1) by inserting ''(1)'' after Financial Authorities.—'';

(2) by striking ''(1) The authority'' and inserting in lieu thereof ''(A) The authority'';

(3) by striking ''(A) the terms'' and inserting in lieu thereof ''(i) the terms'';

(4) by striking ''(B) adequate'' and inserting in lieu thereof ''(ii) adequate'';

(5) by striking ''(C) such guarantees'' and inserting in lieu thereof ''(iii) such guarantees'';

(6) by striking ''(2) The authority'' and inserting in lieu thereof ''(B) The authority'';

(7) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3) respectively;

(8) in paragraph (2) (as redesignated by this section)—

(A) by striking ''The authority'' and inserting in lieu thereof ''The Trust shall also have the authority'';

(B) by striking ''after determining that the projects to be funded from the proceeds thereof are creditworthy and that a repayment schedule is established and only'', and

(C) by inserting after ''and subject to such terms and conditions,'' the words ''including

a review of the creditworthiness of the loan and establishment of a repayment schedule,''; and

(9) in paragraph (3) (as redesignated by this section) by inserting before ''this subsection'' the words ''paragraph (2) of''.''

On page 26, strike lines 10 through 13 and insert in lieu thereof the following: ''as follows: ''Monies reimbursed to either Department shall be returned by the Department to the account from which the funds for which the reimbursement is made were drawn and may, without further appropriation, be expended for any purpose for which such account is authorized.''.''

On page 28, line 20, strike ''conract'' and insert ''contract''.

COMMUNITY FOREST RESTORATION ACT

BINGAMAN AMENDMENT NO. 2805

Mr. DASCHLE (for Mr. BINGAMAN) proposed an amendment to the bill (S. 1288) to provide incentives for collaborative forest restoration projects on National Forest System and other public lands in New Mexico, and for other purposes; as follows:

At the end of the bill add the following:

''SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $5,000,000 annually to carry out this Act.''

METHANE HYDRATE RESEARCH AND DEVELOPMENT ACT OF 1999

AKAKA AMENDMENT NO. 2806

Mr. DASCHLE (for Mr. AKAKA) proposed an amendment to the bill (H.R. 1753) to promtoe the research, identification, assessment, exploration, and development of methane hydrate resources, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Methane Hydrate Research and Development Act of 1999''.

SEC. 2. DEFINITIONS.

In this Act:

(1) CONTRACT.—The term ''contract'' means a procurement contract within the meaning of section 6303 of title 31, United States Code.

(2) COOPERATIVE AGREEMENT.—The term ''cooperative agreement'' means a cooperative agreement within the meaning of section 6305 of title 31,United States Code.

(3) DIRECTOR.—The term ''Director'' means the Director of the National Science Foundation.

(4) GRANT.—The term ''grant'' means a grant awarded under a grant agreement, within the meaning of section 6304 of title 31, United States Code.

(5) INDUSTRIAL ENTERPRISE.—The term ''industrial enterprise'' means a private, nongovernmental enterprise incorporated under Federal or State law that has an expertise or capability that relates to methane hydrate research and development.

(6) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' means an institution of higher education, within the meaning of section 102(a)(1) of the Higher Education Act of 1965 (20 U.S.C. 1002(a)(1)).

(7) METHANE HYDRATE.—The term ''methane hydrate'' means—

(A) a methane clathrate that is in the form of a methane-water ice-like crystalline material and is stable and occurs naturally in deep-ocean and permafrost areas, and

(B) other natural gas hydrates found in association with deep-ocean and permaforst deposits of methane hydrate.

(8) SECRETARY OF ENERGY.—The term ''Secretary of Energy'' means the Secretary of Energy, acting through the Assistant Secretary for Fossil Energy.

(9) SECRETARY OF COMMERCE.—The term ''Secretary of Commerce'' means the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration.

(10) SECRETARY OF DEFENSE.—The term ''Secretary of Defense'' means the Secretary of Defense, acting through the Secretary of the Navy.

(11) SECRETARY OF THE INTERIOR.—The term ''Secretary of the Interior'' means the Secretary of the Interior, acting through the Director of the United States Geological Survey and the Director of the Mineals Management Service.

SEC. 3. METHANE HYDRATE RESEARCH AND DEVELOPMENT PROGRAM

(a) IN GENERAL.—

(1) COMMENCEMENT OF PROGRAM.—Not later than 180 days after the date of enactment of this Act, the Secretary of Energy, in collaboration with the Secretary of Commerce, the Secretary of Defense, the Secretary of the Interior, and the Director, shall commence a program of methane hydrate research and development in accordance with subsection (b).

(2) DESIGNATIONS.—The Secretary of Energy, the Secretary of Commerce, the Secretary of Defense, the Secretary of the Interior, and the Director shall designate individuals to carry out this section.

(3) COORDINATION.—The individual designated by the Secretary of Energy shall coordinate all activities within the Department of Energy relating to methane hydrate research and development.

(4) MEETINGS.—The individuals designated under paragraph (2) shall meet not later than 270 days after the date on enactment of this Act, and not less frequently than every 120 days thereafter to—

(A) review the progress of the program under paragraph (1); and

(B) make recommendations on future activities to occur subsequent to the meeting.

(b) GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS.—

(1) ASSISTANCE AND COORDINATION.—In carrying out the program of methane hydrate research and development authorized by this subsection the Secretary of Energy may award grants or contracts to, or enter into cooperative agreements with, institutions of higher education and industrial enterprises to—

(A) conduct basic and applied research to identify, explore, assess, and develop methane hydrate as a source of energy;

(B) assist in developing technologies required for efficient and environmentally sound development of methane hydrate resources;

(C) undertake research programs to provide safe means of transport and storage of methane produced from gas methane hydrates;

(D) promote education and training in methane hydrate resource research and resource development;

(E) conduct basic and applied research to assess and mitigate the environmental impacts of hydrate degassing (including both natural degassing and degassing associated with commercial development);

(F) develop technologies to reduce the risks of drilling through methane hydrates; and

(G) conduct exploratory drilling in support of the activities authorized by this paragraph.

(2) COMPETITIVE MERIT-BASED REVIEW.—Funds made available under paragraph (1) shall be made available based on a competitive merit-based process.

(3) CONSULTATION.—

(A) IN GENERAL.—The Secretary of Energy shall establish an advisory panel consisting of experts from industry, institutions of higher education, and Federal agencies to—

(i) advise the Secretary of Energy on potential applications of methane hydrate; and

(ii) assist in developing recommendations and priorities for them as methane hydrate research and development carried out under subsection (a)(1); and

(iii) not later than 2 years after the date of enactment of this Act, and at such later dates as the panel considers advisable, submit to Congress a report on the anticipated impact on global climate change from—

(I) methane hydrate formation;

(II) methane hydrate degassing (including natural degassing and degassing associated with commercial development); and

(III) the consumption of natural gas produced from methane hydrates.

(B) MEMERSHIP.—Not more than twenty-five percent of the individuals serving on the advisory panel shall be Federal employees.

(c) LIMITATIONS.—

(1) ADMINISTRATIVE EXPENSES.—Not more than 5 percent of the amount made available to carry out this section for a fiscal year may be used by the Secretary of Energy for expenses associated with the administration of the program carried out under subsection (a)(1).

(2) CONSTRUCTION COSTS.—None of the funds made available to carry out this section may be used for the construction of a new building or the acquisition, expansion, remodeling, or alteration of a existing building (including site grading and improvement and architect fees.).

(d) RESPONSIBILITIES OF THE SECRETARY OF ENERGY.—In carrying out subsection (b)(1), the Secretary of Energy shall—

(1) facilitate and develop partnerships among government, industry, and institutions of higher education to research, identify, assess, and explore methane hydrate resources;

(2) undertake programs to develop basic information necessary for promoting long-term interest in methane hydrate resources as an energy source;

(3) ensure that the data and information developed through the program are accessible and widely disseminated as needed and appropriate;

(4) promote cooperation among agencies that are developing technologies that may hold promise for methane hydrate resource development; and

(5) report annually to Congress on accomplishments under this section.

SEC. 4. AMENDMENTS TO THE MINING AND MINERALS POLICY ACT OF 1970.

Section 201 of the Mining and Minerals Policy Act of 1970 (30 U.S.C. 1901) is amended—

(1) in paragraph (6)—

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

(B) by redesignating subparagraph (G) as subparagraph (H); and

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

''(G) for purposes of this section and sections 202 through 205 only, methane hydrate; and''

(2) by redesignating paragraph (7) as paragraph (8); and

(3) by inserting after paragraph 6 the following:

''(7) the term ''Methane hydrate'' means—

''(A) a methane clathrate that is in the form of amethane-water ice-like crystalline material and is stable and occurs naturally in deep-ocean and permafrost areas; and

''(B) other natural gas hydrates found in association with deep-ocean and permafrost deposits of methane hydrate,'';

SEC. 5. REPORTS AND STUDIES.

The Secretary of Energy shall simultaneously provide to the Committee on Science and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate copies of any report or study that the Department of Energy pursuant to this Act.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Energy to carry out this Act—

(1) $5,000,000 for fiscal year 2000;
(2) $7,500,000 for fiscal year 2001;
(3) $11,000,000 for fiscal year 2002;
(4) $12,000,000 for fiscal year 2003;
(5) $12,000,000 for fiscal year 2004; and
(6) thereafter such sums as are necessary.

Amounts authorized under his section shall remain available until expended.

Amend the title to read as follows: ''An act to promote the research, identification, assessment, exploration, and development of methane hydrate resources, and for other purposes.''.

ADDITIONAL STATEMENTS

THREE NEW YORKERS RETIRING FROM THE NORTHEAST-MIDWEST INSTITUTE'S BOARD OF DIRECTORS

• Mr. MOYNIHAN. Mr. President, for the past twelve and one-half years, I have served as the Democratic co-chairman of the Northeast-Midwest Senate Coalition. John Heinz was the Republican co-chairman until his tragic death in 1991; since then, I have been pleased to work with the junior Senator from Vermont, Jim JEFFORDS. We and other Coalition Members have worked closely with the Northeast-Midwest Institute, the premier nonpartisan, not-for-profit regional policy research center. A superb board of directors guides the Institute. I rise this afternoon to commend three New Yorkers who are ending their terms on the Northeast-Midwest Institute's Board of Directors. They have provided distinguished service and have helped to advance the region's economic vitality and environmental quality.

Former Representative Frank Horton has been involved with the Northeast-Midwest organizations for almost 25 years. Indeed, he was one of the founders of the Northeast-Midwest Congressional Coalition, our House counterpart, and served as its Republican co-chairman until he retired from the House in 1992. Frank had a distinguished career spanning 30 years, representing Rochester and serving for many years as ranking member on the Government Operations Committee. We—I speak now on behalf of the New York Congressional delegation—revered Frank and were grateful for his counsel. He was our dean. Frank recently has been with the DC-based law firm of Venable, Baetjer, Howard & Civiletti.

Gerald Benjamin, another Northeast-Midwest Institute Board Member whose six-year term is ending, is dean of Liberal Arts & Sciences at the State University of New York at New Paltz. Jerry is a respected scholar, who has focused on Federalism—a subject near and dear to my heart—and public policy development. He has been active in New York politics, having served as county legislator and chairman in Ulster County. Jerry also was appointed as a member of the New York State Equalization and Assessment Panel and the Lower Hudson Study Commission on School District Reorganization and Sharing.

THOMAS Mooney is president of the Greater Rochester Metro Chamber of Commerce. Tom has pulled together the business community and expanded that organization substantially. He has been a leader in numerous civic affairs, helping to coordinate public-private partnerships that have enhanced Rochester's industrial infrastructure. Tom also served as city manager of Rochester and deputy county manager of the County of Monroe. He also serves on the Genesee Hospital Board of Trustees and the Rochester Philharmonic Board of Overseers.

Mr. President, these gentlemen have served on the Institute's Board of Directors six years or more without fanfare or remuneration. They are busy men, with plenty of other responsibilities. But they have served, and served with distinction. House and Senate Coalition Members and people from across the Northeast-Midwest region owe them a debt of gratitude for a job well done. I wish them well in their new endeavors.•

TRIBUTE TO LISA LINDAHL

• Mr. JEFFORDS. Mr. President, I rise today to pay tribute to an outstanding Vermonter, Lisa Lindahl. Ms. Lindahl is know to many as an artist, inventor and entrepreneur. She made her mark in the business world by designing the first sports bra and becoming the CEO of the company that successfully marketed the ''Jogbra'' until its sale in 1990 to a major corporation.

Ms. Lindahl is also know as a long-time advocate of people with epilepsy. Lisa is deeply committed to bringing to the forefront medical issues which are unique to women living with epilepsy. Her unwavering commitment toward improving the health status of such individuals serves as a testament to us all. She is a stunning example of how one person can positively affect so many.

There are now over one million American women who have epilepsy. Lisa has brought national attention to the inequities that exist in the field of research regarding men and women with epilepsy. She launched the National Epilepsy Foundation's Women's Health Campaign and chaired the Women and Epilepsy Task Force. Today, the Women's Health Campaign is a major program for the Epilepsy Foundation in cities and states across the nation.

Lisa's efforts have played a significant role on the local level as well. She is a long-standing board member of the Epilepsy Foundation of Vermont and the Epilepsy Foundation of America, where she has served as Chair of the Public Relations Committee, the Resource Development Committee, and as Executive Vice President.

Vermont has much to be grateful for when it comes to Lisa's steadfast commitment to improving the quality of life for people living with epilepsy, not only in Vermont, but throughout the country. For that, we owe her our deepest gratitude. Thank you, Lisa.•

THE PASSING OF PAULINE ISRAELITE

• Mr. DODD. Mr. President, I rise today with profound sadness to discuss the passing from this life of a remarkable and beloved woman, Pauline Israelite of Norwich, Connecticut.

On the day of Pauline's funeral at the Beth Jacob Synagogue in Norwich, some 1000 people arrived to pay their respects. Hundreds of them were required to stand throughout the service because there was not enough seating to accommodate all those in attendance. Rabbis, clergy, and other attendees all agreed that they could not recall a funeral service held in that particular house of worship that was ever attended by more individuals.

Those of us privileged to know Pauline can well understand the outpouring of affection shown for her on that day. She was an extraordinary individual in so many ways: a devoted wife, a loving mother, a successful business owner, and not least, an extraordinarily generous and energetic community servant.

For many years, Pauline owned and operated the Norwichtown Mall Bookstore. The true business of her life, however, was not running a business, but serving others. She was an active member of Beth Jacob Synagogue. She served as President of Beth Jacob Sisterhood, and as an active member of Hadassah and a Hands of Healing honoree. She was a volunteer for Hospice; a member of and volunteer for the William W. Backus Hospital Auxiliary; a volunteer for the Adult Probation Department; and an ombudsman for the Area Agency on Aging. She served as a member of the board of the Jewish Federation of Eastern Connecticut, and of the Norwich Chamber of Commerce. In addition, she volunteered for We Care in Delray Beach, Florida, and for the Literacy Volunteers of America.

I first met Pauline more than a quarter of a century ago. Her husband,

Stanley, had just left a successful business career to become a member of my congressional staff. At Pauline's funeral, I was introduced as someone for whom Stanley worked. I hastened to correct that mis-impression. It is I who work for Stanley, I said. And it was Stanley, I added, who worked for Pauline. Therefore, in a very real sense, I worked for Pauline.

Indeed, so many of us worked, in a manner of speaking, for Pauline. I recall numerous times over the years when Stanley and I would wrestle with a tough problem about how to best help someone in need, or how to bring about some positive result for our community or our state. On those occasions, we would invariably arrive at the same conclusion: ''Ask Pauline.'' Countless others no doubt uttered those same words over the years. And just as invariably, Pauline knew how to help. And those of us who worked with her—or, I should say again, for her—came to rely on her sound judgment, her instincts for doing the right thing, and her understanding of how to help others—concretely, discreetly, and in a spirit of generosity and understanding.

Over the course of her rich and vibrant life, Pauline developed a deep love of books. She didn't just sell them. She read them, and read them with the same passion she brought to the other facets of her life. It is appropriate, therefore, that I close these remarks by referencing two passages that I believe capture much about Pauline, her family, and all those who mourn her unexpected passing, and who wish to celebrate the blessed achievement of her life.

The first passage comes from Seamus Heaney's ''Clearances'', a poem about the death of a mother that evokes how her spirit survives in those left behind:

In the last minutes he said more to her
Almost than in all their life together.
'You'll be in New Row on Monday night
And I'll come up for you and you'll be glad
When I walk in the door . . . Isn't that right?
His head was bent down to her propped-up head.
She could not hear but we were overjoyed.
He called her good and girl. Then she was dead,
The searching for a pulsebeat was abandoned
And we all knew one thing by being there.
The space we stood around had been emptied
Into us to keep, it penetrated
Clearances that suddenly stood open.
High cries were felled and a pure change happened.

The second passage is from ''Tuesdays with Morrie,'' a touching account of a beloved teacher's last months. It serves as a reminder that our death, like our lives, is part of a larger scheme composed by the hand of a Creator whose purposes may not always be apparent to us, especially in times of sorrow:

''I heard a nice little story the other day,'' Morrie says. He closes his eyes for a moment and I wait.

''Okay. The story is about a little wave, bobbing along in the ocean, having a grand old time. He's enjoying the wind and the fresh air—until he notices the other waves in front of him, crashing against the shore.

'' 'My God, this is terrible,' the wave says. 'Look what's going to happen to me!'

''Then along comes another wave. It sees the first wave, looking grim, and it says to him, 'Why do you look so sad?'

''The first wave says, 'You don't understand! We're all going to crash! All of us waves are going to be nothing! Isn't it terrible?'

''The second wave says, 'No, you don't understand. You're not a wave, you're part of the ocean.' ''

I smile. Morrie closes his eyes again.

''Part of the ocean,'' he says, ''part of the ocean.'' I watch him breathe, in and out, in and out.

Mr. President, Pauline Israelite is survived by a large and loving family: Stanley, her husband of 53 years; her son Michael and his wife Donna; her son Jon; her daughter Abby and her husband Bill Dolliver; her daughter Mindy and her husband Bill Wilkie; several siblings; and six wonderful grandchildren. I extend to them all my deepest sympathies, and my profound gratitude for granting me and so many others the opportunity to know and love Pauline Israelite.●

CONGRATULATIONS TO DR. DEBORAH C. BALL

● Mr. COVERDELL. Mr. President, I rise today to acknowledge one of Georgia's outstanding citizens. On November 16, 1999, the Senate announced the appointment of Dr. Deborah C. Ball of Columbus, Georgia, to the Parents Advisory Council on Youth Drug Abuse. This group of 16 individuals serve as advisors to the Director of National Drug Control Policy on issues including drug prevention, education and treatment.

Not only does Dr. Ball bring to the group her knowledge as a parent of three sons, but also over 27 years experience as an educator and coach. In addition, she is very active in her community through her local church and anti-drug organizations. Dr. Ball has been nominated for, and won, numerous awards for her work as a coach in the sports of basketball, softball, tennis and cheerleading. This year, she has been nominated for the Channel One National Coach of the Year.

The youth drug problem in our nation has been an issue of major concern to me for quite some time, and it is my hope that Dr. Ball and the other members of the Parents Advisory Council will bring their insight and innovation to the task of helping to end this epidemic.

I was proud to be a supporter of the legislation which established this group, and am pleased that such an eminently qualified Georgian has been selected to serve as a member. Mr. President, I offer my congratulations to Dr. Ball for this honor, and am confident that she will continue in her role of outstanding service and leadership to the youth of Georgia, and our country.●

IN COMMEMORATION OF NATIONAL BIBLE WEEK

● Mr. LIEBERMAN. Mr. President, the week of Nov. 21–28 is an important time for houses of worship and individuals of all religions across the country—National Bible Week.

As this year's National Bible Week co-chair, it is my privilege to pay tribute to the Bible and its remarkable influence on American life. As in past years, the National Bible Association is hosting the week-long salute to the Good Book. This year, the tribute happens to fall during the Thanksgiving holidays; this seems fitting, because we should be eternally thankful that we have the teachings of the Bible to help guide our daily lives.

And old maxim states that ''A reformation happens every time you open the Bible.'' Indeed, no book over the course of human history has had a more profound effect on how we live and act. The Bible has influenced Western culture in myriad ways, shaping areas as diverse as government and art.

John Wycliffe, the great religious reformer, once wrote, ''The Bible is for the government of the people, by the people, and for the people.'' The writings found within it inspired many of our nation's founders' most cherished ideals—ideals that remain cornerstones of democracy today. The Bible, for example, advocates faith in a greater good, the glory of freedom, the importance of family, and the sanctity of every human life. The Bible is at the heart of America's civic religion.

Far from archaic, the Bible is as important today as it has ever been, particularly as many Americans feel this country slipping into moral decline. Our best hope of righting our national ship is to instill in future generations the core values of love, truth, honor, and service enshrined in the Bible.

As an Orthodox Jew, my faith orders my life, gives me a sense of purpose and direction, and provides comfort in uncertain or difficult times. The Old Testament or Torah serves as a constant reminder of my obligations to God, country, and family.

So as Thanksgiving approaches, I encourage every believer in this land to open the Bible, read a favorite passage or two, and give thanks to God for this wonderful, sacred Book.●

A TRIBUTE TO ERIC HARNISCHFEGER

● Mr. GREGG. Mr. President, I want to mention the efforts of Special Agent Eric Harnischfeger, who has been on detail from the U.S. Secret Service to the Appropriations Subcommittee on Commerce, Justice, State, and Judiciary for the consideration of the fiscal year 2000 bill. Eric has been a considerable asset to the subcommittee, astutely handling some of our more difficult law enforcement accounts. His management of counterterrorism programs, office of justice programs, and

state and local law enforcement accounts is greatly appreciated. Eric's ability to provide keen insight and a friendly manner toward any task he is asked to deal with assured a competent resolution.

Eric's professionalism, wit, and jovial manner will be missed. Agent Harnischfeger exemplifies the high standards that the Secret Service is known for and has done an excellent job for us. I just want to thank him publicly for all his efforts over the past year. Based on his performance here, I am sure he has a bright future at the Service. We wish him the very best.●

ON THE DEATH OF AKIO MORITA

● Mr. MOYNIHAN. Mr. President, today I rise to note the passing of Akio Morita, the brilliant Japanese business leader who did so much to rebuild his country after World War II. I ask that his obituary that appeared in the October 4 New York Times be printed in the RECORD.

The obituary follows:

[From the New York Times, Oct. 4, 1999]

AKIO MORITA, CO-FOUNDER OF SONY AND JAPANESE BUSINESS LEADER, DIES AT 78

(By Andrew Pollack)

Akio Morita, the co-founder of the Sony Corporation who personified Japan's rise from postwar rubble to industrial riches and became the unofficial ambassador of its business community to the world, died on Sunday in Tokyo. He was 78.

Mr. Morita died of pneumonia, according to Sony. He had been hospitalized in Tokyo since August, after returning from Hawaii, where he had spent most of his time since suffering a debilitating stroke in November 1993. More than anyone else, it was Mr. Morita and his Sony colleagues who changed the world's image of the term ''Made in Japan'' from one of paper parasols and shoddy imitations to one of high technology and high reliability in miniature packages.

Founded in bombed-out Tokyo department store after World War II, Sony became indisputably one of the world's most innovative companies, famous for products like the pocket-sized transistor radio, the videocassette recorder, the Walkman and the compact disk.

And Mr. Morita, whose contribution was greater in marketing than in technology, made the Sony brand into one of the best known and most respected in the world. A Harris poll last year showed Sony was the No. 1 brand name among American consumers, ahead of American companies like General Electric and Coca-Cola.

A tireless traveler who moved his family to New York in 1963 for a year to learn American ways, Mr. Morita also spearheaded the internationalization of Japanese business. Sony was the first Japanese company to offer its stock in the United States, in 1961, one of the first to build a factory in the United States, in 1972, and still one of the only ones to have even a couple of Westerners on its board.

Sony also became a major force in the American entertainment business, acquiring CBS Records in 1988 and Columbia Pictures, the Hollywood studio, in 1989. The latter purchase, however, turned into an embarrassing debacle as Sony suffered big losses in Hollywood.

A JAPANESE EXECUTIVE AMERICANS RECOGNIZED

In the process, Mr. Morita, with his white mane and quick tongue, became the unofficial representative of Japan's business community, generally working to smooth trade relations between his country and the United States, but sometimes stirring resentment in both countries with his pointed criticisms.

''He was truly a statesman par excellence in a business sense,'' Mike Mansfield, the former senator and United States Ambassador to Japan. ''Internationally, he did more for Japan in a business sense than anyone else in Japan.''

In Japan, Prime Minister Keizo Obuchi, who was one of several hundred people to visit Mr. Morita's Tokyo home following his death, called Mr. Morita ''a leading figure who played a pivotal role in developing Japan's postwar economy,'' according to Kyodo News Service.

Sony's current president, Nobuyuki Idei, said in a statement, ''It is not an exaggeration to say that he was the face of Japan.''

To the day of his death, nearly six years after the stroke that removed him from an active role in business, he was still no doubt Japan's most famous business executive, and the only one many Americans could name or recognize in a photograph. Time magazine recently selected him as one of 20 ''most influential business geniuses'' of the 20th century, the only non-American on the list.

In his own country, where executives tend to be self-effacing, Mr. Morita was viewed as a bit flamboyant and arrogant. He was the first to fly around in a corporate business jet and helicopter. He appeared in a television commercial for the American Express card. He served on the boards of three foreign companies. He took up sports like skiing, scuba diving and wind surfing in his sixties. He cavorted with the rock star Cyndi Lauper after Sony bought CBS Records.

Shortly before he suffered his stroke, Mr. Morita made waves in his home country by saying that Japan was like a ''fortress'' and that its unique business practices were alienating its trading partners.'' Although there is much to commend in Japan's economic system, it is simply too far out of sync with the West on certain essential points,'' he wrote in The Atlantic Monthly in June 1993.

He advocated shorter working hours, more dividends for stockholders of Japanese companies and a sharp cutback in government regulation. Now, as Japan struggles through an economic slump that has lasted most of the decade, some of what Mr. Morita advocated is being adopted.

''Japan was coming closer to him and seeing the need for that kind of leadership,'' said Yoshihiro Tsurumi, professor of international business at the Baruch Graduate School of Business at the City University of New York.

NEVER COMFORTABLE IN WEST'S BUSINESS WORLD

Mr. Morita entertained frequently and counted many American businessmen and politicians as his friends. ''He not only made it Sony's business but his own personal business to become intimately acquainted with American society at all levels,'' said Peter Peterson, an investment banker who is on Sony's board of directors. ''I can recall playing golf with Akio, watching him greet and interact with every American C.E.O. on the course, all of whom seemed to know him as a personal friend.''

In his book ''Sony: The Private Life'' (Houghton Mifflin, 1999) John Nathan suggests that Mr. Morita, a Japanese traditionalist at home, was never really comfortable in the Western business world.

Mr. Nathan, a Japanese translator and University of California professor of Japanese culture who was granted free access to Sony executives, quotes Mr. Morita's eldest son, Hideo, as saying of his father, ''He had to 'act'—I'm sorry to use that word but I can't help it—he had to act as the most international-understanding businessman in Japan.'' But, Hideo adds, ''It was never real.''

And Sony's current president, Mr. Idei, is quoted as saying: ''Japanese of the generation before mine had an inferiority complex about foreigners. Akio Morita himself was a living inferiority complex.''

Despite being virtually synonymous with Sony, especially outside Japan, Mr. Morita did not actually become the company's president until 1971 and its chairman and chief executive until 1976. Before that, he was the junior partner to Masaru Ibuka, an engineering genius who, while not as widely known in the West, is considered in Japan to be the main founder of Sony. Mr. Ibuka died in December 1997 at the age of 89.

AN EARLY FASCINATION LEADS TO A CAREER SHIFT

Akio Morita was born on Jan. 26, 1921, into a wealthy family in Nagoya, an industrial city in central Japan. As the eldest son, he was groomed from elementary school age to succeed his father as president of the sake brewery that had been in the family for 14 generations.

But in junior high school, Akio became fascinated by his family's phonograph, an appliance rare in Japan at that time. He became an avid electronics hobbyist, building his own crude phonograph and radio receiver. He studied physics at Osaka Imperial University as World War II was starting. Mr. Morita enlisted in the Navy under a program that would allow him to do research instead of serving in combat.

It was while developing heat-seeking weapons that Mr. Morita first worked with Mr. Ibuka, 13 years his senior, who before the war had started an electronic instrument company.

After the war, Mr. Ibuka set up a new company in a bombed-out department store in Tokyo, making kits that converted AM radios into short-wave receivers. Mr. Morita happened to read a newspaper article about this and contacted his old friend. The next year, when Mr. Ibuka wanted to incorporate the company, he asked Mr. Morita to join.

Mr. Morita, Mr. Ibuka and another executive traveled to the Nagoya area to implore Mr. Morita's father to release his son from the family business. The elder Mr. Morita not only agreed, he also later became a financial backer of the new company, Tokyo Tsushin Kogyo, or the Tokyo Telecommunications Engineering Corporation, which was inaugurated on May 7, 1946, with an investment of about $500.

The company produced Japan's first reel-to-reel magnetic tape recorder. A few years later it licensed the rights to the transistor from Bell Laboratories, after overcoming resistance from the Ministry of International Trade and Industry. Bell Labs officials warned that the only consumer use would be for hearing aids.

But Sony used them to produce Japan's first transistor radio in 1955. (An American company, Regency, produced the world's first a few months earlier but did not succeed in selling it.) In 1957, Sony came out with what it termed a pocket-sized transistor radio. But the radio was actually a bit too big for most pockets, so Mr. Morita had Sony salesmen wear special shirts with extra-large pockets.

There followed the Trinitron television in 1968; the first successful home VCR, the Betamax, in 1975; the Walkman personal stereo in 1979, and the compact disk, developed with Philips N.V. of the Netherlands, in 1982.

Not all products were successful. Sony has stumbled several times trying to sell personal computers. And in 1981, Mr. Morita announced the Mavica, a digital camera that

recorded pictures on a floppy disk instead of on film. But the camera did not come to market and critics accused Mr. Morita of making a premature announcement to burnish Sony's image as an innovator.

STEERING CONSUMERS TO PRODUCTS THEY WANT

Mr. Morita did not believe in market research. ''Our plan is to lead the public with new products rather than ask them what kind of products they want,'' he declared in his autobiography, ''Made in Japan.'' (E. P. Dutton, 1986), written with the journalists Edwin M. Reingold and Mitsuko Shimomura. ''The public does not know what is possible, but we do.''

Mr. Morita prided himself in particular on the Walkman, the portable stereo cassette player with headphones. Actually, according to the company's official corporate history, it was Mr. Ibuka who came up with the idea for the portable product. But Mr. Morita pressed hard for the project, overcoming resistance within Sony to a tape player that, in its early versions, could not record. Mr. Morita, despite initial reservations about the awkward name, eventually ordered all Sony subsidiaries around the world to begin using it.

From the start of the company, however, Mr. Morita was much more involved in marketing, while Mr. Ibuka handled technology development. And from the start, he had an international orientation, traveling to New York and Europe in the 1950's to sell the company wares.

Such international focus was needed because as a new company, Sony had some trouble breaking into its home market, where more established manufacturers had close relationships with retailers. Indeed, Japan's other big postwar success, the Honda Motor Company, also succeeded first in the United States and to this day sells more cars in American than in Japan.

Mr. Morita soon realized that the company needed a name that foreigners could pronouce and remember. So in 1958 the company name was changed to Sony, derived from the Latin sonus, meaning sound, and from the American vernacular ''sonny boy,'' which Mr. Morita hoped would purvey a young image.

One of Mr. Morita's cardinal tenets was to foster and protect the company's brand name. Early on, Bulova, the watch company, said it would order 100,000 radios but would sell them under its own name. Mr. Morita turned down the huge order. His colleagues back in Tokyo thought he was crazy. But, Mr. Morita wrote in his autobiography, ''I said then and I have said it often since: It was the best decision I ever made.''

Mr. Morita's worst decision might have been with the Betamax, the first successful consumer VCR. Sony did not readily license its technology to other electronics companies. So most of its Japanese rivals banded together behind the VHS system, which offered longer recording time. Eventually, the Betamax was run out of the market.

Sony evolved into a company that, by Japanese standards at least, was very Westernized, though in many ways it was traditionally Japanese. All company employees, from the president on down, wore company jackets, a common practice in Japan. But Sony's uniforms were created by the designer Issey Miyake.

Mr. Morita first criticized some of his own country's business practices in 1966, when he wrote a book published in Japanese, with a title that might loosely translate as ''An Essay on the Useless School Career.'' He criticized Japanese companies for hiring and promoting people based only on what college they had attended. Sony stopped even asking applicants the name of their college, and it was one of the first Japanese companies to base salaries partly on merit instead of solely on seniority.

TRIED TO REDUCE U.S. TRADE TENSIONS

Perhaps because of Sony's dependence on exports, Mr. Morita tried to reduce trade tensions with the United States. In the late 1960's, Sony forged a temporary joint venture with Texas Instruments Inc., then the world's leading semiconductor company, allowing it to set up operations in Japan.

In 1972, Mr. Morita set up a subsidiary to export American products, like Regal cookware and Whirlpool refrigerators, to Japan.

''Selling pans and cookware and refrigerators was not our bag, but Akio believed in doing something for the U.S.-Japan relationship,'' said Sadami (Chris) Wada, who ran that effort and then handled government relations for the Sony Corporation of America for many years. The operation was abandoned some years later as unsuccessful.

In 1988, Mr. Morita founded the Council for Better Corporate Citizenship, made up of Japanese companies. At a time when Japanese politicians were angering African-Americans with insensitive remarks, one of the council's first projects was to make thousands of copies of an abridged version of ''Eyes on the Prize,'' the American television documentary about the struggle of blacks for equal rights, and distribute it to high schools in Japan.

Mr. Morita was not adverse to using his influence among American politicians and business executives to lobby for Sony. He barnstormed the United States in 1984, meeting with governors and with President Reagan, threatening to build Sony factories only in states that did not have the ''unitary tax,'' which was levied against a multinational corporation's global earnings, not just those in the state. Eventually California and other states scrapped the tax.

But while Mr. Morita was often perceived as a friend of the United States, he was often critical of it and proud of being Japanese, flying his country's flag over Sony's New York showroom when it opened in 1962. He often told a story of how ashamed he was on his first trip to Germany in 1953. At a restaurant, he ordered ice cream, and it was served with a small paper parasol stuck in it. ''This is from your country,'' the waiter said.

HAILING THE SUCCESS OF THE JAPANESE WAY

In the 1980's, when Japan seemed on top of the world, Mr. Morita was among the most vocal of the Japanese executives in criticizing American business and hailing the success of the Japanese model.

He said American managers were financial paper shufflers who ''can see only 10 minutes ahead'' and were not interested in building for the long term. And he said that because American companies were losing interest in manufacturing, the United States was ''abandoning its status as an industrial power.'' Those factors, he said, and not trade barriers, were the reason for America's trade deficit with Japan.

''There are few things in the United States that Japanese want to buy, but there are a lot of things in Japan that Americans want to buy,'' he wrote in 1989. ''This is at the root of the trade imbalance. The problem arises in that American politicians fail to understand this simple fact.''

In 1989, Mr. Morita was the co-author, along with a nationalist politician, Shintaro Ishihara, of ''The Japan That Can Say No,'' a book that urged Japan to stand up to American trade demands, which it said were motivated partly by racism. The book also said Japan had the power to change the world balance of power by selling its advanced computer chips to the Soviet Union instead of the United States.

Even though those strident remarks were generally in the chapters Mr. Ishihara wrote, the book created a stir when an unauthorized translation made its way around Washington. Mr. Morita frantically backpedaled, saying the book had not been intended for an American audience. And he refused to authorize an English translation.

$3.2 BILLION LOST IN HOLLYWOOD VENTURE

It was later that year that Sony paid $3.4 billion to buy Columbia Pictures, a purchase driven largely by Mr. Morita, who thought that if Sony had owned a studio issuing movies in the Beta format, it would not have lost the VCR wars.

Although Sony prided itself on being more Americanized than its Japanese rivals, the purchase became a lightning rod for American concern about a wave of Japanese acquisitions of American companies and real estate. ''Japan Invades Hollywood'' read the cover of Newsweek. In Japan as well, Sony came in for criticism for stirring up anti-Japanese feeling in the United States.

Mr. Morita had a simple answer. ''If you don't want Japan to buy it, don't sell it,'' he told New York Times reporter shortly after the purchase. Nevertheless, sensitive to concerns, he promised that the studio would be run by Americans and would be free even to make a movie critical of Japan's emperor. Worse than misjudging the political reaction, however, the seemingly sophisticated Sony proved to be a babe in the woods in Hollywood.

Sony is generally considered to have overpaid for the studio, and it paid several hundred million dollars more to hire managers away from Warner Brothers—provoking a costly fight with that studio. Those managers, in turn, spent money extravagantly and produced a sting of box office bombs. Mr. Morita and his successor as Sony chief executive, Norio Ohga, perhaps because they were worried about stirring up anti-Japanese sentiment, exercised little oversight.

In late 1994, in one of the most embarrassing moments in its history, Sony announced that it would suffer a loss of $3.2 billion from its investment in Hollywood. But it has stuck with the studio, now called Sony Pictures Entertainment, and appears to be turning it around.

The Morita name will live on at Sony because many members of Mr. Morita's family are involved in the company.

Besides his wife, Mr. Morita is survived by his wife, Yoshiko; his eldest son, Hideo, who now runs the sake brewery and other family businesses; a younger son, Masao, an executive with Sony Music Entertainment in Japan; and a daughter, Naoko Okada, who also lives in Japan. He is also survived by his brother Kazuaki, who volunteered to take over the family sake brewery in Mr. Morita's stead; another brother, Masaaki, a long-time Sony executive, and a sister, Kikuko Iwama, who was married to the late Kazuo Iwama, a former president of Sony.

A LONGTIME OUTSIDER IS EMBRACED AT LAST

In the 1990's, corporate Japan, worried about escalating trade tensions, turned to Mr. Morita, whom it once considered an arrogant maverick, to be its official leader. Mr. Morita was slated to become chairman of Keidanren, Japan's most powerful business lobbying organization, a post that had always gone to the head of a company in an old-line heavy industry like steel.

But on Nov. 30, 1993, while playing his usual 7 A.M. Tuesday tennis game, Mr. Morita suffered a cerebral hemorrhage. A year later, just days after Sony announced its huge Hollywood loss, Mr. Morita, in a wheelchair, attended a Sony board meeting in Tokyo and resigned as chairman.

He had spent much of his time since then undergoing rehabilitation at his beachfront

home near Diamond Head on the Hawaiian island of Oahu. At first, Mr. Morita was able to speak a little, shake hands and hit back tennis balls spit out by a machine, according to Mr. Wada, the retired Sony government relations manager.

But more recently, Mr. Wada said, Mr. Morita had lost the ability to speak and communicated mainly through eye contact with his wife. The couple's Christmas greeting card last year had a message from Mrs. Morita saying her husband rose at 6 A.M., retired at 9 P.M. and spent much of the day in rehabilitation. ''He may be overeating,'' she said, mentioning his fondness for eel.

Until he was taken to the hospital in Tokyo in August, Mr. Morita had not returned to Japan for more than two years because of concerns that flying would further damage his health. He did not attend the 1997 funeral of Mr. Ibuka.

But Sony officials still visited him in Hawaii to keep him up to date on the business and show him new products. In January 1998, some 200 executives, friends and dignitaries came to Hawaii to attend a party for Mr. Morita's 77th birthday, considered a lucky age in Japan.●

TRIBUTE TO SISTER ELIZABETH CANDON

● Mr. JEFFORDS. Mr. President, it is with great pleasure that I rise today in honor of an extraordinary Vermont woman, Sister Elizabeth Candon. On January 1, 2000, Sister Elizabeth will retire from her post as Professor of English at Trinity College, and from a long career in public service. Whether in the role of teacher, college President, or public official, Sister Elizabeth has been a steadfast leader for women and a true advocate for those in need. She is and will remain a stunning example of how one person can positively affect so many.

In 1939, Sister Elizabeth Candon began her life of public service when she became a Religious Sister of Mercy. Educated at Trinity College and Fordham University, Sister Elizabeth started her career in 1954, when she returned to her alma mater as an Associate Professor of English and Director of Admissions. In 1966, she became a full Professor of English and Trinity College's President, a post she would hold until 1976.

In 1977, Sister Elizabeth left the world of academia to try her hand at state government. At the request of Vermont's Governor, Richard Snelling, Sister Elizabeth took the helm of Vermont's largest agency as Secretary of Human Services. As the first woman in Vermont history to serve as Secretary and the only woman in the Governor's cabinet, Sister Elizabeth quickly became a role model for Vermont women. Her tenure as Secretary also provided her with an opportunity to effect change and help those in need. Under her leadership, community based programs were developed and as a result, the Windsor State Prison and Vergennes' Week's School were both closed. This restructuring allowed the beneficial programs administered at these sites to be relocated throughout the state.

Sister Elizabeth was and continues to be tireless in her efforts to institute programs on behalf of those in need of mental health and developmental disabilities services. To this day she is remembered for her motto, ''anything is possible if it matters not who gets the credit.'' Consequently, this legacy has woven its way into the mission of the Agency of Human Services.

Since returning to teaching at Trinity as Professor of English in 1983, Sister Elizabeth has continued to bring the beauty and inspiration of Shakespeare and Chaucer to her students. During this time, her steadfast leadership in community and public service has continued.

I should also acknowledge that throughout her career, Sister Elizabeth has served on many boards and Councils, further extending her influence on the issues important to her and to Vermonters. She sat on the Vermont Council on the Humanities and Public Issues, the Board of Directors for the United Community Service of Chittenden County, and the Board of Directors of Howard Mental Health Services. She also served as Trustee of Middlebury College and as Chairperson of the State Task Force on Funding for Special Education. She remains a trustee at the Richard A. Snelling Center for Government and a Director of the Vermont Ethics Network.

As we celebrate Sister Elizabeth's 46 year career of service to the people of Vermont, I know she will continue to contribute in the years to come. As a Sister of Mercy, she brings honor to her religious community and touches the lives of those around her. While she is retiring at the end of this millennium, her legacy will live on well into the next.●

ELECTRONIC BENEFIT TRANSFER INTEROPERABILITY AND PORTABILITY ACT OF 1999

S. 1733, passed during today's session, follows:

S. 1733

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 ''Electronic Benefit Transfer Interoperability and Portability Act of 1999''.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to protect the integrity of the food stamp program;

(2) to ensure cost-effective portability of food stamp benefits across State borders without imposing additional administrative expenses for special equipment to address problems relating to the portability;

(3) to enhance the flow of interstate commerce involving electronic transactions involving food stamp benefits under a uniform national standard of interoperability and portability; and

(4) to eliminate the inefficiencies resulting from a patchwork of State-administered systems and regulations established to carry out the food stamp program

SEC. 3. INTEROPERABILITY AND PORTABILITY OF FOOD STAMP TRANSACTIONS.

Section 7 of the Food Stamp Act of 1977 (7 U.S.C. 2016) is amended by adding at the end the following:

''(k) INTEROPERABILITY AND PORTABILITY OF ELECTRONIC BENEFIT TRANSFER TRANSACTIONS.—

''(1) DEFINITIONS.—In this subsection:

''(A) ELECTRONIC BENEFIT TRANSFER CARD.—The term 'electronic benefit transfer card' means a card that provides benefits under this Act through an electronic benefit transfer service (as defined in subsection (i)(11)(A)).

''(B) ELECTRONIC BENEFIT TRANSFER CONTRACT.—The term 'electronic benefit transfer contract' means a contract that provides for the issuance, use, or redemption of coupons in the form of electronic benefit transfer cards.

''(C) INTEROPERABILITY.—The term 'interoperability' means a system that enables a coupon issued in the form of an electronic benefit transfer card to be redeemed in any State.

''(D) INTERSTATE TRANSACTION.—The term 'interstate transaction' means a transaction that is initiated in 1 State by the use of an electronic benefit transfer card that is issued in another State.

''(E) PORTABILITY.—The term 'portability' means a system that enables a coupon issued in the form of an electronic benefit transfer card to be used in any State by a household to purchase food at a retail food store or wholesale food concern approved under this Act.

''(F) SETTLING.—The term 'settling' means movement, and reporting such movement, of funds from an electronic benefit transfer card issuer that is located in 1 State to a retail food store, or wholesale food concern, that is located in another State, to accomplish an interstate transaction.

''(G) SMART CARD.—The term 'smart card' means an intelligent benefit card described in section 17(f).

''(H) SWITCHING.—The term 'switching' means the routing of an interstate transaction that consists of transmitting the details of a transaction electronically recorded through the use of an electronic benefit transfer card in 1 State to the issuer of the card that is in another State.

''(2) REQUIREMENT.—Not later than October 1, 2002, the Secretary shall ensure that systems that provide for the electronic issuance, use, and redemption of coupons in the form of electronic benefit transfer cards are interoperable, and food stamp benefits are portable, among all States.

''(3) COST.—The cost of achieving the interoperability and portability required under paragraph (2) shall not be imposed on any food stamp retail store, or any wholesale food concern, approved to participate in the food stamp program.

''(4) STANDARDS.—Not later than 210 days after the date of enactment of this subsection, the Secretary shall promulgate regulations that—

''(A) adopt a uniform national standard of interoperability and portability required under paragraph (2) that is based on the standard of interoperability and portability used by a majority of State agencies; and

''(B) require that any electronic benefit transfer contract that is entered into 30 days or more after the regulations are promulgated, by or on behalf of a State agency, provide for the interoperability and portability required under paragraph (2) in accordance with the national standard.

''(5) EXEMPTIONS.—

''(A) CONTRACTS.—The requirements of paragraph (2) shall not apply to the transfer

of benefits under an electronic benefit transfer contract before the expiration of the term of the contract if the contract—

''(i) is entered into before the date that is 30 days after the regulations are promulgated under paragraph (4); and

''(ii) expires after October 1, 2002.

''(B) WAIVER.—At the request of a State agency, the Secretary may provide 1 waiver to temporarily exempt, for a period ending on or before the date specified under clause (iii), the State agency from complying with the requirements of paragraph (2), if the State agency—

''(i) establishes to the satisfaction of the Secretary that the State agency faces unusual technological barriers to achieving by October 1, 2002, the interoperability and portability required under paragraph (2);

''(ii) demonstrates that the best interest of the food stamp program would be served by granting the waiver with respect to the electronic benefit transfer system used by the State agency to administer the food stamp program; and

''(iii) specifies a date by which the State agency will achieve the interoperability and portability required under paragraph (2).

''(C) SMART CARD SYSTEMS.—The Secretary shall allow a State agency that is using smart cards for the delivery of food stamp program benefits to comply with the requirements of paragraph (2) at such time after October 1, 2002, as the Secretary determines that a practicable technological method is available for interoperability with electronic benefit transfer cards.

''(6) FUNDING.—

''(A) IN GENERAL.—In accordance with regulations promulgated by the Secretary, the Secretary shall pay 100 percent of the costs incurred by a State agency under this Act for switching and settling interstate transactions—

''(i) incurred after the date of enactment of this subsection and before October 1, 2002, if the State agency uses the standard of interoperability and portability adopted by a majority of State agencies; and

''(ii) incurred after September 30, 2002, if the State agency uses the uniform national standard of interoperability and portability adopted under paragraph (4)(A).

''(B) LIMITATION.—The total amount paid to State agencies for each fiscal year under subparagraph (A) shall not exceed $500,000.''.

SEC. 4. STUDY OF ALTERNATIVES FOR HANDLING ELECTRONIC BENEFIT TRANSACTIONS INVOLVING FOOD STAMP BENEFITS.

Not later than 1 year after the date of enactment of this Act, the Secretary of Agriculture shall study and report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate on alternatives for handling interstate electronic benefit transactions involving food stamp benefits provided under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), including the feasibility and desirability of a single hub for switching (as defined in section 7(k)(1) of that Act (as added by section 3)).

MILLENNIUM DIGITAL COMMERCE ACT

S. 761, passed during today's session, follows:

S. 761

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 ''Millennium Digital Commerce Act''.

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The growth of electronic commerce and electronic government transactions represent a powerful force for economic growth, consumer choice, improved civic participation and wealth creation.

(2) The promotion of growth in private sector electronic commerce through Federal legislation is in the national interest because that market is globally important to the United States.

(3) A consistent legal foundation, across multiple jurisdictions, for electronic commerce will promote the growth of such transactions, and that such a foundation should be based upon a simple, technology neutral, nonregulatory, and market-based approach.

(4) The Nation and the world stand at the beginning of a large scale transition to an information society which will require innovative legal and policy approaches, and therefore, States can serve the national interest by continuing their proven role as laboratories of innovation for quickly evolving areas of public policy, provided that States also adopt a consistent, reasonable national baseline to eliminate obsolete barriers to electronic commerce such as undue paper and pen requirements, and further, that any such innovation should not unduly burden inter-jurisdictional commerce.

(5) To the extent State laws or regulations do not provide a consistent, reasonable national baseline or in fact create an undue burden to interstate commerce in the important burgeoning area of electronic commerce, the national interest is best served by Federal preemption to the extent necessary to provide such consistent, reasonable national baseline or eliminate said burden, but that absent such lack of consistent, reasonable national baseline or such undue burdens, the best legal system for electronic commerce will result from continuing experimentation by individual jurisdictions.

(6) With due regard to the fundamental need for a consistent national baseline, each jurisdiction that enacts such laws should have the right to determine the need for any exceptions to protect consumers and maintain consistency with existing related bodies of law within a particular jurisdiction.

(7) Industry has developed several electronic signature technologies for use in electronic transactions, and the public policies of the United States should serve to promote a dynamic marketplace within which these technologies can compete. Consistent with this Act, States should permit the use and development of any authentication technologies that are appropriate as practicable as between private parties and in use with State agencies.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to permit and encourage the continued expansion of electronic commerce through the operation of free market forces rather than proscriptive governmental mandates and regulations;

(2) to promote public confidence in the validity, integrity and reliability of electronic commerce and online government under Federal law;

(3) to facilitate and promote electronic commerce by clarifying the legal status of electronic records and electronic signatures in the context of contract formation;

(4) to facilitate the ability of private parties engaged in interstate transactions to agree among themselves on the appropriate electronic signature technologies for their transactions; and

(5) to promote the development of a consistent national legal infrastructure necessary to support electronic commerce at the Federal and State levels within existing areas of jurisdiction.

SEC. 4. DEFINITIONS.

In this Act:

(1) ELECTRONIC.—The term ''electronic'' means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(2) ELECTRONIC AGENT.—The term ''electronic agent'' means a computer program or an electronic or other automated means used to initiate an action or respond to electronic records or performances in whole or in part without review by an individual at the time of the action or response.

(3) ELECTRONIC RECORD.—The term ''electronic record'' means a record created, generated, sent, communicated, received, or stored by electronic means.

(4) ELECTRONIC SIGNATURE.—The term ''electronic signature'' means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

(5) GOVERNMENTAL AGENCY.—The term ''governmental agency'' means an executive, legislative, or judicial agency, department, board, commission, authority, or institution of the Federal Government or of a State or of any county, municipality, or other political subdivision of a State.

(6) RECORD.—The term ''record'' means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(7) TRANSACTION.—The term ''transaction'' means an action or set of actions relating to the conduct of commerce, between 2 or more persons, neither of which is the United States Government, a State, or an agency, department, board, commission, authority, or institution of the United States Government or of a State.

(8) UNIFORM ELECTRONIC TRANSACTIONS ACT.—The term ''Uniform Electronic Transactions Act'' means the Uniform Electronic Transactions Act as provided to State legislatures by the National Conference of Commissioners on Uniform State Law in that form or any substantially similar variation thereof.

SEC. 5. INTERSTATE CONTRACT CERTAINTY.

(a) IN GENERAL.—In any commercial transaction affecting interstate commerce, a contract may not be denied legal effect or enforceability solely because an electronic signature or electronic record was used in its formation.

(b) METHODS.—Parties to a transaction are permitted to determine the appropriate electronic signature technologies for their transaction, and the means of implementing such technologies.

(c) PRESENTATION OF CONTRACTS.—Notwithstanding subsection (a), if a law requires that a contract be in writing, the legal effect or enforceability of an electronic record of such contract shall be denied under such law, unless it is delivered to all parties to such contract in a form that—

(1) can be retained by the parties for later reference; and

(2) can be used to prove the terms of the agreement.

(d) SPECIFIC EXCLUSIONS.—The provisions of this section shall not apply to a statute, regulation, or other rule of law governing any of the following:

(1) The Uniform Commercial Code, as in effect in a State, other than sections 1–107 and 1–206, Article 2, and Article 2A.

(2) Premarital agreements, marriage, adoption, divorce or other matters of family law.

(3) Documents of title which are filed of record with a governmental unit until such

time that a State or subdivision thereof chooses to accept filings electronically.

(4) Residential landlord-tenant relationships.

(5) The Uniform Health-Care Decisions Act as in effect in a State.

(e) ELECTRONIC AGENTS.—A contract relating to a commercial transaction affecting interstate commerce may not be denied legal effect or enforceability solely because its formation involved—

(1) the interaction of electronic agents of the parties; or

(2) the interaction of an electronic agent of a party and an individual who acts on that individual's own behalf or as an agent for another person.

(f) INSURANCE.—It is the specific intent of the Congress that this section apply to the business of insurance.

(g) APPLICATION IN UETA STATES.—This section does not apply in any State in which the Uniform Electronic Transactions Act is in effect.

SEC. 6. PRINCIPLES GOVERNING THE USE OF ELECTRONIC SIGNATURES IN INTERNATIONAL TRANSACTIONS.

To the extent practicable, the Federal Government shall observe the following principles in an international context to enable commercial electronic transaction:

(1) Remove paper-based obstacles to electronic transactions by adopting relevant principles from the Model Law on Electronic Commerce adopted in 1996 by the United Nations Commission on International Trade Law.

(2) Permit parties to a transaction to determine the appropriate authentication technologies and implementation models for their transactions, with assurance that those technologies and implementation models will be recognized and enforced.

(3) Permit parties to a transaction to have the opportunity to prove in court or other proceedings that their authentication approaches and their transactions are valid.

(4) Take a nondiscriminatory approach to electronic signatures and authentication methods from other jurisdictions.

SEC. 7. STUDY OF LEGAL AND REGULATORY BARRIERS TO ELECTRONIC COMMERCE.

(a) BARRIERS.—Each Federal agency shall, not later than 6 months after the date of enactment of this Act, provide a report to the Director of the Office of Management and Budget and the Secretary of Commerce identifying any provision of law administered by such agency, or any regulations issued by such agency and in effect on the date of enactment of this Act, that may impose a barrier to electronic transactions, or otherwise to the conduct of commerce online or by electronic means, including barriers imposed by a law or regulation directly or indirectly requiring that signatures, or records of transactions, be accomplished or retained in other than electronic form. In its report, each agency shall identify the barriers among those identified whose removal would require legislative action, and shall indicate agency plans to undertake regulatory action to remove such barriers among those identified as are caused by regulations issued by the agency.

(b) REPORT TO CONGRESS.—The Secretary of Commerce, in consultation with the Director of the Office of Management and Budget, shall, within 18 months after the date of enactment of this Act, and after the consultation required by subsection (c) of this section, report to the Congress concerning—

(1) legislation needed to remove barriers to electronic transactions or otherwise to the conduct of commerce online or by electronic means; and

(2) actions being taken by the Executive Branch and individual Federal agencies to remove such barriers as are caused by agency regulations or policies.

(c) CONSULTATION.—In preparing the report required by this section, the Secretary of Commerce shall consult with the General Services Administration, the National Archives and Records Administration, and the Attorney General concerning matters involving the authenticity of records, their storage and retention, and their usability for law enforcement purposes.

(d) INCLUDE FINDINGS IF NO RECOMMENDATIONS.—If the report required by this section omits recommendations for actions needed to fully remove identified barriers to electronic transactions or to online or electronic commerce, it shall include a finding or findings, including substantial reasons therefor, that such removal is impracticable or would be inconsistent with the implementation or enforcement of applicable laws.

TO AMEND THE CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT

S. 961, passed during today's session, follows:

S. 961

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

SECTION 1. SHARED APPRECIATION ARRANGEMENTS.

(a) IN GENERAL.—Section 353(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2001(e)) is amended by striking paragraph (2) and inserting the following:

''(2) TERMS.—A shared appreciation agreement entered into by a borrower under this subsection shall—

''(A) have a term not to exceed 10 years;

''(B) provide for recapture based on the difference between—

''(i) the appraised value of the real security property at the time of restructuring; and

''(ii) that value at the time of recapture, except that that value shall not include the value of any capital improvements made to the real security property by the borrower after the time of restructuring; and

''(C) allow the borrower to obtain a loan, in addition to any other outstanding loans under this title, to pay any amounts due on a shared appreciation agreement, at a rate of interest that is not greater than the rate of interest on outstanding marketable obligations of the United States of a maturity comparable to that of the loan.''.

(b) APPLICATION.—The amendment made by subsection (a) shall apply to a shared appreciation arrangement entered into under section 353(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2001(e)) that matures on or after the date of enactment of this Act.

ENERGY AND WATER RELATED MEASURES

Mr. LOTT. Mr. President, I thank Senator DASCHLE for his work on this next group of bills. It involves a number of energy-related, water-related bills out of the Energy and Natural Resources Committee. I also want to recognize Senator MURKOWSKI, the chairman of the committee.

These are quite often considered to be small bills, but to a number of areas or States or Senators, they are very big in importance. Senator MURKOWSKI and Senator BINGAMAN have worked feverishly to try to get through a number of problems. It is one of those classic cases where you have one problem that develops with a bill; then it affects other bills. Senator DASCHLE took the time and the lead in working through some of these problems. I want to recognize the work he did.

I also commit publicly on the record to proceed to S. 1051, the Northern Marianas bill, by February 15. We would have liked to have been able to go ahead and get a complete unanimous consent about the total arrangements for it being handled, but Senators who did have questions are now probably on airplanes headed halfway across the country. We will work together. I will make a commitment to bring this up by the 15th.

Does Senator DASCHLE want to make any comment on that?

Mr. DASCHLE. Mr. President, I appreciate the commitment made by the majority leader. I know Senator AKAKA is disappointed that it is not in this package of bills. He has worked, along with senator MURKOWSKI who, I think, may be a cosponsor of this legislation, to pass it tonight. That is impossible. But I think Senator AKAKA is certainly willing to accept the commitment made by the majority leader that by the 15th we will take up this legislation and hopefully resolve it successfully in the not-too-distant future. This is an important bill, the Marianas. It is an important bill for Senator AKAKA, and I am appreciative of the commitment that is now part of the record that we will come back to this bill in a matter of months.

UNANIMOUS-CONSENT AGREEMENT—S. 744

Mr. LOTT. Mr. President, I ask unanimous consent that the majority leader, following consultation with the Democratic leader, proceed to the consideration of S. 744, regarding conveying public lands to the University of Alaska, that immediately after the bill is reported, the committee amendment be agreed to as original text for the purpose of further amendment; and that the bill, as amended, be considered under the following limitations: That there be 4 hours for debate on the bill, equally divided and controlled between the chairman and ranking member, with the only amendments in order as follows: Bingaman, two relevant amendments; and Murkowski, one relevant amendment; that no second-degree or other first-degree amendments be in order, with debate time on the amendments limited to 60 minutes each, equally divided and controlled in the usual form; that upon disposition of all the amendments and the use or yielding back of all time, the bill be read a third time and the Senate proceed to vote on passage of the bill.

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

THE CALENDAR

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration en bloc of the following reported bills by the Energy Committee: S. 366, Calendar No. 49; S. 501, Calendar No. 238, with amendment 2801; S. 244, Calendar No. 242.

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

Mr. LOTT. Mr. President, I ask unanimous consent that any committee amendments, if applicable, be agreed to, any floor amendments as mentioned be agreed to, the bills be read a third time and passed, 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.

EL CAMINO REAL DE TIERRA ADENTRO NATIONAL HISTORIC TRAIL ACT

The Senate proceeded to consider the bill (S. 366) to amend the National Trails System Act to designate El Camino Real de Tierra Adentro as a National Historic Trail, which was ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 366

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 ''El Camino Real de Tierra Adentro National Historic Trail Act.''

SEC. 2. FINDINGS.

The Congress finds the following:

(1) El Camino Real de Tierra Adentro (the Royal Road of the Interior), served as the primary route between the colonial Spanish capital of Mexico City and the Spanish provincial capitals at San Juan de Los Caballeros (1598–1600), San Gabriel (1600–1609) and then Santa Fe (1610–1821).

(2) The portion of El Camino Real de Tierra Adentro that resided in what is now the United States extended between El Paso, Texas and present San Juan Pueblo, New Mexico, a distance of 404 miles;

(3) El Camino Real is a symbol of the cultural interaction between nations and ethnic groups and of the commercial exchange that made possible the development and growth of the borderland;

(4) American Indian groups, especially the Pueblo Indians of the Rio Grande, developed trails for trade long before Europeans arrived;

(5) In 1598, Juan de Oñate led a Spanish military expedition along those trails to establish the northern portion of El Camino Real;

(6) During the Mexican National Period and part of the U.S. Territorial Period, El Camino Real de Tierra Adentro facilitated the emigration of people to New Mexico and other areas that would become the United States;

(7) The exploration, conquest, colonization, settlement, religious conversion, and military occupation of a large area of the borderlands was made possible by this route, whose historical period extended from 1598 to 1882;

(8) American Indians, European emigrants, miners, ranchers, soldiers, and missionaries used El Camino Real during the historic development of the borderlands. These travelers promoted cultural interaction among Spaniards, other Europeans, American Indians, Mexicans, and Americans;

(9) El Camino Real fostered the spread of Catholicism, mining, an extensive network of commerce, and ethnic and cultural traditions including music, folklore, medicine, foods, architecture, language, place names, irrigation systems, and Spanish law.

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) EL CAMINO REAL DE TIERRA ADENTRO.—

''(A) El Camino Real de Tierra Adentro (the Royal Road of the Interior) National Historic Trail, a 404 mile long trail from the Rio Grande near El Paso, Texas to present San Juan Pueblo, New Mexico, as generally depicted on the maps entitled 'United States Route: El Camino Real de Tierra Adentro', contained in the report prepared pursuant to subsection (b) entitled 'National Historic Trail Feasibility Study and Environmental Assessment: El Camino Real de Tierra Adentro, Texas-New Mexico', dated March 1997.

''(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 Interior.

''(C) ADMINISTRATION.—The Trail shall be administered by the Secretary of the Interior.

''(D) LAND ACQUISITION.—No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for El Camino Real de Tierra Adentro except with the consent of the owner thereof.

''(E) VOLUNTEER GROUPS; CONSULTATION.—The Secretary of the Interior shall—

''(i) encourage volunteer trail groups to participate in the development and maintenance of the trail; and

''(ii) consult with other affected Federal, State, local governmental, and tribal agencies in the administration of the trail.

''(F) COORDINATION OF ACTIVITIES.—The Secretary of the Interior may coordinate with United States and Mexican public and non-governmental organizations, academic instititions, and, in consultation with the Secretary of State, the government of Mexico and its political subdivisions, for the purpose of exchanging trail information and research, fostering trail preservation and educational programs, providing technical assistance, and working to establish an international historic trail with complementary preservation and education programs in each nation.''.

GLACIER BAY FISHERIES ACT

The Senate proceeded to consider the bill (S. 501) to address resource management issues in Glacier Bay National Park, Alaska, which had been reported from the Committee on Energy and 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 ''Glacier Bay Fisheries Act''.

SEC. 2. RESOURCE MANAGEMENT AND USE.

(a) Section 202(1) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 410hh–1) is amended by adding at the end thereof the following new sentence: ''Subsistence fishing and gathering by local residents shall be permitted in the park and preserve in accordance with the provisions of title VIII.''.

(b) Within the boundaries of Glacier Bay National Park, the Secretary of the Interior shall not take any action that would adversely affect—

(1) subsistence fishing and gathering under title VIII of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3111 et seq.);

(2) management by the State of Alaska of marine fisheries including subsistence and commercial fisheries, in accordance with the principles of sustained yield, except that commercial fishing for Dungeness crab shall be prohibited; and,

(3) subsistence gathering activities permitted under the Migratory Bird Treaty.

(c) Nothing in this section shall enlarge or diminish Federal or State title, jurisdiction or authority with respect to the waters of the State of Alaska, the waters within the boundaries of Glacier Bay National Park and Preserve, or the tidal or submerged lands.

SEC. 3. CLAIMS FOR LOST EARNINGS.

Section 3(g) of Public Law 91–383 (16 U.S.C. 1a–2(g)) is amended—

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

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

(3) by inserting after paragraph (2) the following:

''(3) to pay an aggregate of not more than $2,000,000 per fiscal year in actual and punitive damages to persons who, at any time after January 1, 1999, suffered or suffer a loss in earnings from commercial fisheries legally conducted in the marine waters of Glacier Bay National Park, due to any action by an officer, employee, or agent of any Federal department or agency.''

Amendment No. 2801 was agreed to as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Glacier Bay National Park Resource Management Act of 1999''.

SEC. 2. DEFINITIONS.

As used in this Act—

(1) the term ''local residents'' means those persons living within the vicinity of Glacier Bay National Park and Preserve, including but not limited to the residents of Hoonah, Alaska, who are descendants of those who had an historic and cultural tradition of sea gull egg gathering within the boundary of what is now Glacier Bay National Park and Preserve.

(2) the term ''outer waters'' means all of the marine waters within the park outside of Glacier Bay proper;

(3) the term ''park'' means Glacier Bay National Park.

(4) the term ''Secretary'' means the Secretary of the Interior; and

(5) the term ''State'' means the State of Alaska.

SEC. 3. COMMERCIAL FISHING.

(a) IN GENERAL.—The Secretary shall allow for commercial fishing in the outer waters of the park in accordance with the management plan referred to in subsection (b) in a manner that provides for the protection of park resources and values.

(b) MANAGEMENT PLAN.—The Secretary and the State shall cooperate in the development of a management plan for the regulation of commercial fisheries in the outer waters of the park in accordance with existing Federal and State laws and any applicable international conservation and management treaties.

(c) SAVINGS.—(1) Nothing in this Act shall alter or affect the provisions of section 123 of the Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 1999 (Public Law 105–277), as amended by section 501 of the 1999 Emergency Supplemental Appropriations Act (Public Law 106–31).

(2) Nothing in this Act shall enlarge or diminish Federal or State title, jurisdiction, or authority with respect to the waters of the State of Alaska, the waters within Glacier Bay National Park and Preserve, or tidal or submerged lands.

(d) STUDY.—(1) Not later than one year after the date funds are made available, the Secretary, in consultation with the State, the National Marine Fisheries Service, the International Pacific Halibut Commission, and other affected agencies shall develop a plan for a comprehensive multi-agency research and monitoring program to evaluate the health of fisheries resources in the park's marine waters, to determine the effect, if any, of commercial fishing on—

(A) the productivity, diversity, and sustainability of fishery resources in such waters; and

(B) park resources and values.

(2) The Secretary shall promptly notify the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives upon the completion of the plan.

(3) The Secretary shall complete the program set forth in the plan not later than seven years after the date the Congressional Committees are notified pursuant to paragraph (2), and shall transmit the results of the program to such Committees on a biennial basis.

SEC. 4. SEA GULL EGG COLLECTION STUDY.

(a) STUDY.—the Secretary, in consultation with local residents, shall undertake a study of sea gulls living within the park to assess whether sea gull eggs can be collected on a limited basis without impairing the biological sustainability of the sea gull population in the park. The study shall be completed no later than two years after the date funds are made available.

(b) RECOMMENDATIONS.—If the study referred to in subsection (a) determines that the limited collection of sea gull eggs can occur without impairing the biological sustainability of the sea gull population in the park, the Secretary shall submit recommendations for legislation 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 such sums as are necessary to carry out this Act.''.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 501), as amended, was read the third time and passed, as follows:

S. 501

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 ''Glacier Bay National Park Resource Management Act of 1999''.

SEC. 2. DEFINITIONS.

As used in this Act—

(1) the term ''local residents'' means those persons living within the vicinity of Glacier Bay National Park and Preserve, including but not limited to the residents of Hoonah, Alaska, who are descendants of those who had an historic and cultural tradition of sea gull egg gathering within the boundary of what is now Glacier Bay National Park and Preserve;

(2) the term ''outer waters'' means all of the marine waters within the park outside of Glacier Bay proper;

(3) the term ''park'' means Glacier Bay National Park;

(4) the term ''Secretary'' means the Secretary of the Interior; and

(5) the term ''State'' means the State of Alaska.

SEC. 3. COMMERCIAL FISHING.

(a) IN GENERAL.—The Secretary shall allow for commercial fishing in the outer waters of the park in accordance with the management plan referred to in subsection (b) in a manner that provides for the protection of park resources and values.

(b) MANAGEMENT PLAN.—The Secretary and the State shall cooperate in the development of a management plan for the regulation of commercial fisheries in the outer waters of the park in accordance with existing Federal and State laws and any applicable international conservation and management treaties.

(c) SAVINGS.—(1) Nothing in this Act shall alter or affect the provisions of section 123 of the Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 1999 (Public Law 105–277), as amended by section 501 of the 1999 Emergency Supplemental Appropriations Act (Public Law 106–31).

(2) Nothing in this Act shall enlarge or diminish Federal or State title, jurisdiction, or authority with respect to the waters of the State of Alaska, the waters within Glacier Bay National Park and Preserve, or tidal or submerged lands.

(d) STUDY.—(1) Not later than one year after the date funds are made available, the Secretary, in consultation with the State, the National Marine Fisheries Service, the International Pacific Halibut Commission, and other affected agencies shall develop a plan for a comprehensive multi-agency research and monitoring program to evaluate the health of fisheries resources in the park's marine waters, to determine the effect, if any, of commercial fishing on—

(A) the productivity, diversity, and sustainability of fishery resources in such waters; and

(B) park resources and values.

(2) The Secretary shall promptly notify the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives upon the completion of the plan.

(3) The Secretary shall complete the program set forth in the plan not later than seven years after the date the Congressional Committees are notified pursuant to paragraph (2), and shall transmit the results of the program to such Committees on a biennial basis.

SEC. 4. SEA GULL EGG COLLECTION STUDY.

(a) STUDY.—The Secretary, in consultation with local residents, shall undertake a study of sea gulls living within the park to assess whether sea gull eggs can be collected on a limited basis without impairing the biological sustainability of the sea gull population in the park. The study shall be completed no later than two years after the date funds are made available.

(b) RECOMMENDATIONS.—If the study referred to in subsection (a) determines that the limited collection of sea gull eggs can occur without impairing the biological sustainability of the sea gull population in the park, the Secretary shall submit recommendations for legislation 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 such sums as are necessary to carry out this Act.

LEWIS AND CLARK RURAL WATER SYSTEM ACT OF 1999

The Senate proceeded to consider the bill (S. 244) to authorize the construction of the Lewis and Clark Rural Water System and to authorize assistance to the Lewis and Clark Rural Water System, Inc., a nonprofit corporation, for the planning and construction of the water supply system, 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 ''Lewis and Clark Rural Water System Act of 1999''.

SEC. 2. DEFINITIONS.

In this Act:

(1) ENVIRONMENTAL ENHANCEMENT.—The term ''environmental enhancement'' means the wetland and wildlife enhancement activities that are carried out substantially in accordance with the environmental enhancement component of the feasibility study.

(2) ENVIRONMENTAL ENHANCEMENT COMPONENT.—The term ''environmental enhancement component'' means the proposals described in the report entitled ''Wetlands and Wildlife Enhancement for the Lewis and Clark Rural Water System'', dated December 1994.

(3) FEASIBILITY STUDY.—The term ''feasibility study'' means the study entitled ''Feasibility Level Evaluation of a Missouri River Regional Water Supply for South Dakota, Iowa and Minnesota'', dated September 1993, that includes a water conservation plan, environmental report, and environmental enhancement component.

(4) INCREMENTAL COST.—The term ''incremental cost'' means the cost of the savings to the project were the city of Sioux Falls not to participate in the water supply system.

(5) MEMBER ENTITY.—The term ''member entity'' means a rural water system or municipality that meets the requirements for membership as defined by the Lewis and Clark Rural Water System, Inc. bylaws, dated September 6, 1990.

(6) PROJECT CONSTRUCTION BUDGET.—The term ''project construction budget'' means the description of the total amount of funds needed for the construction of the water supply project, as contained in the feasibility study.

(7) PUMPING AND INCIDENTAL OPERATIONAL REQUIREMENTS.—The term ''pumping and incidental operational requirements'' means all power requirements that are necessary for the operation of intake facilities, pumping stations, water treatment facilities, reservoirs, and pipelines up to the point of delivery of water by the water supply system to each member entity that distributes water at retail to individual users.

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

(9) WATER SUPPLY PROJECT.—

(A) IN GENERAL.—The term ''water supply project'' means the physical components of the Lewis and Clark Rural Water Project.

(B) INCLUSIONS.—The term ''water supply project'' includes—

(i) necessary pumping, treatment, and distribution facilities;

(ii) pipelines;

(iii) appurtenant buildings and property rights;

(iv) electrical power transmission and distribution facilities necessary for services to water systems facilities; and

(v) such other pipelines, pumping plants, and facilities as the Secretary considers necessary and appropriate to meet the water supply, economic, public health, and environment needs of the member entities (including water storage tanks, water lines, and other facilities for the member entities).

(10) WATER SUPPLY SYSTEM.—The term ''water supply system'' means the Lewis and Clark Rural Water System, Inc., a nonprofit corporation established and operated substantially in accordance with the feasibility study.

SEC. 3. FEDERAL ASSISTANCE FOR THE WATER SUPPLY SYSTEM.

(a) IN GENERAL.—The Secretary shall make grants to the water supply system for the planning and construction of the water supply project.

(b) SERVICE AREA.—The water supply system shall provide for the member entities safe and adequate municipal, rural, and industrial water supplies, environmental enhancement, mitigation of wetland areas, and water conservation in—

(1) Lake County, McCook County, Minnehaha County, Turner County, Lincoln County, Clay County, and Union County, in southeastern South Dakota;

(2) Rock County and Nobles County, in southwestern Minnesota; and

(3) Lyon County, Sioux County, Osceola County, O'Brien County, Dickinson County, and Clay County, in northwestern Iowa.

(c) AMOUNT OF GRANTS.—Grants made available under subsection (a) to the water supply system shall not exceed the amount of funds authorized under section 9.

(d) LIMITATION ON AVAILABILITY OF CONSTRUCTION FUNDS.—The Secretary shall not obligate funds for the construction of the water supply project until—

(1) the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) are met; and

(2) a final engineering report and a plan for a water conservation program are prepared and submitted to Congress not less than 90 days before the commencement of construction of the water supply project.

SEC. 4. FEDERAL ASSISTANCE FOR THE ENVIRONMENTAL ENHANCEMENT COMPONENT.

(a) INITIAL DEVELOPMENT.—The Secretary shall make grants and other funds available to the water supply system and other private, State, and Federal entities, for the initial development of the environmental enhancement component.

(b) NONREIMBURSEMENT.—Funds provided under subsection (a) shall be nonreimbursable and nonreturnable.

SEC. 5. MITIGATION OF FISH AND WILDLIFE LOSSES.

Mitigation for fish and wildlife losses incurred as a result of the construction and operation of the water supply project shall be on an acre-for-acre basis, based on ecological equivalency, concurrent with project construction, as provided in the feasibility study.

SEC. 6. USE OF PICK–SLOAN POWER.

(a) IN GENERAL.—From power designated for future irrigation and drainage pumping for the Pick-Sloan Missouri River Basin Program, the Western Area Power Administration shall make available the capacity and energy required to meet the pumping and incidental operational requirements of the water supply project during the period beginning May 1 and ending October 31 of each year.

(b) CONDITIONS.—The capacity and energy described in subsection (a) shall be made available on the following conditions:

(1) The water supply system shall be operated on a not-for-profit basis.

(2) The water supply system shall contract to purchase the entire electric service requirements of the project, including the capacity and energy made available under subsection (a), from a qualified preference power supplier that itself purchases power from the Western Area Power Administration.

(3) The rate schedule applicable to the capacity and energy made available under subsection (a) shall be the firm power rate schedule of the Pick-Sloan Eastern Division of the Western Area Power Administration in effect when the power is delivered by the Administration to the qualified preference power supplier.

(4) It is agreed by contract among—

(A) the Western Area Power Administration;

(B) the power supplier with which the water supply system contracts under paragraph (2);

(C) the power supplier of the entity described in subparagraph (B); and

(D) the water supply system;

that in the case of the capacity and energy made available under subsection (a), the benefit of the rate schedule described in paragraph (3) shall be passed through to the water supply system, except that the power supplier of the water supply system shall not be precluded from including, in the charges of the supplier to the water system for the electric service, the other usual and customary charges of the supplier.

SEC. 7. NO LIMITATION ON WATER PROJECTS IN STATES.

This Act does not limit the authorization for water projects in the States of South Dakota, Iowa, and Minnesota under law in effect on or after the date of enactment of this Act.

SEC. 8. WATER RIGHTS.

Nothing in this Act—

(1) invalidates or preempts State water law or an interstate compact governing water;

(2) alters the rights of any State to any appropriated share of the waters of any body of surface or ground water, whether determined by past or future interstate compacts or by past or future legislative or final judicial allocations;

(3) preempts or modifies any Federal or State law, or interstate compact, governing water quality or disposal; or

(4) confers on any non-Federal entity the ability to exercise any Federal right to the waters of any stream or to any ground water resource.

SEC. 9. COST SHARING.

(a) FEDERAL COST SHARE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall provide funds equal to 80 percent of—

(A) the amount allocated in the total project construction budget for planning and construction of the water supply project under section 3; and

(B) such amounts as are necessary to defray increases in development costs reflected in appropriate engineering cost indices after September 1, 1993.

(2) SIOUX FALLS.—The Secretary shall provide funds for the city of Sioux Falls, South Dakota, in an amount equal to 50 percent of the incremental cost to the city of participation in the project.

(b) NON-FEDERAL COST SHARE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the non-Federal share of the costs allocated to the water supply system shall be 20 percent of the amounts described in subsection (a)(1).

(2) SIOUX FALLS.—The non-Federal cost-share for the city of Sioux Falls, South Dakota, shall be 50 percent of the incremental cost to the city of participation in the project.

SEC. 10. BUREAU OF RECLAMATION.

(a) AUTHORIZATION.—At the request of the water supply system, the Secretary may allow the Commissioner of Reclamation to provide project construction oversight to the water supply project and environmental enhancement component for the service area of the water supply system described in section 3(b).

(b) PROJECT OVERSIGHT ADMINISTRATION.—The amount of funds used by the Commissioner of Reclamation for oversight described in subsection (a) shall not exceed the amount that is equal to 1 percent of the amount provided in the total project construction budget for the entire project construction period.

(c) OPERATION AND MAINTENANCE.—The water supply system shall be responsible for annual operation and maintenance of the project.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act $223,987,700, to remain available until expended, of which not more than $10,100,000 shall be used for the initial development of the environmental enhancement component under section 4.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 242), as amended, was read the third time and passed.

THE CALENDAR

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration en bloc of the following reported by the Energy Committee:

Calendar No. 138, H.R. 449: calendar No. 179, H.R. 459; calendar No. 198, H.R. 791; calendar No. 224, H.R. 15; calendar No. 250, H.R. 747; calendar No. 251, H.R. 1104; calendar No. 277, H.R. 658; calendar No. 313, H.R. 1665; calendar No. 333, H.R. 2140; calendar No. 347, H.R. 970; calendar No. 348, H.R. 1528; calendar No. 367, H.R. 20; calendar No. 368, H.R. 592; calendar No. 369, H.R. 1619.

I further ask consent that H.R. 2079 be discharged from the Energy Committee and the Senate proceed to its consideration and H.R. 2889, which is at the desk.

I ask unanimous consent that any committee amendments, if applicable, be agreed to, with exception of calendar No. 367, H.R. 20, in which the committee amendments be withdrawn, and further, any amendments mentioned be agreed to, the bills be read the third time and passed, 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 appear at this point in the RECORD, with the above occurring en bloc.

The PRESIDING OFFICER (Mr. ALLARD). Without objection, it is so ordered.

GATEWAY VISITOR CENTER AUTHORIZATION ACT OF 1999

The bill (H.R. 449) to authorize the Gateway Visitor Center at Independence National Historical Park, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

MT. HOPE WATERPOWER PROJECT

The bill (H.R. 459) to extend the deadline under the Federal Power Act for FERC Project No. 9401, the Mt. Hope

Waterpower Project, was considered, ordered to a third reading, read the third time, and passed.

STAR-SPANGLED BANNER NATIONAL HISTORIC TRAIL STUDY ACT OF 1999

The bill (H.R. 791) 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, was considered, ordered to a third reading, read the third time, and passed.

OTAY MOUNTAIN WILDERNESS ACT OF 1999

The bill (H.R. 15) to designate a portion of the Otay Mountain region of California as wilderness, was considered, ordered to a third reading, read the third time, and passed.

ARIZONA STATEHOOD AND ENABLING ACT OF AMENDMENTS OF 1999

The bill (H.R. 747) to protect the permanent trust funds of the State of Arizona from erosion due to inflation and modify the basis on which distributions are made from those funds, was considered, ordered to a third reading, read the third time, and passed.

FRANKLIN D. ROOSEVELT NATIONAL HISTORIC SITE VISITOR CENTER

The bill (H.R. 1104) to authorize the Secretary of the Interior to transfer administrative jurisdiction over land within the boundaries of the Home of Franklin D. Roosevelt National Historic Site to the Archivist of the United States for the construction of a visitor center, was considered, ordered to a third reading, read the third time, and passed.

THOMAS COLE NATIONAL HISTORIC SITE ACT

The bill (H.R. 658) to establish the Thomas Cole National Historic Site in the State of New York as an affiliated area of the National Park System, was considered, ordered to a third reading, read the third time, and passed.

WILDERNESS BATTLEFIELD LAND ACQUISITION

The bill (H.R. 1665) to allow the National Park Service to acquire certain land for addition to the Wilderness Battlefield in Virginia, as previously authorized by law, by purchase or exchange as well as by donation, was considered, ordered to a third reading, read the third time, and passed.

CHATTAHOOCHEE RIVER NATIONAL RECREATION AREA IMPROVEMENT

The bill (H.R. 2140) to improve protection and management of the Chattahoochee River National Recreation Area in the State of Georgia, was considered, ordered to a third reading, read the third time, and passed.

PERKINS COUNTY RURAL WATER SYSTEM ACT OF 1999

The bill (H.R. 970) to authorize the Secretary of the Interior to provide assistance to the Perkins County Rural Water System, Inc., for the construction of water supply facilities in Perkins County, South Dakota, was considered, ordered to a third reading, read the third time, and passed.

NATIONAL GEOLOGIC MAPPING REAUTHORIZATION ACT OF 1999

The bill (H.R. 1528) to reauthorize and amend the National Geologic Mapping Act of 1992, was considered, ordered to a third reading, read the third time, and passed.

UPPER DELAWARE SCENIC AND RECREATIONAL RIVER MONGAUP VISITOR CENTER ACT OF 1999

The bill (H.R. 20) to authorize the Secretary of the Interior to construct and operate a visitor center for the upper Delaware Scenic and Recreational River on land owned by the State of New York, which had been reported from the Committee on Energy and Natural Resources, was considered, ordered to a third reading, read the third time, and passed.

WORLD WAR VETERANS PARK AT MILLER FIELD

The bill (H.R. 592) to designate a portion of gateway National Recreation Area as ''World War Veterans Park at Miller Field,'' was considered, ordered to a third reading, read the third time, and passed.

QUINEBAUG AND SHETUCKET RIVERS VALLEY NATIONAL HERITAGE CORRIDOR REAUTHORIZATION ACT OF 1999

The bill (H.R. 1619) to amend Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 to expand the boundaries of the Corridor, was considered, ordered to a third reading, read the third time, and passed.

TERRY PEAK LAND TRANSFER ACT OF 1999

The bill (H.R. 2079) to provide for the conveyance of certain National Forest System lands in the State of South Dakota, was considered, ordered to a third reading, read the third time, and passed.

AMENDING THE CENTRAL UTAH PROJECT COMPLETION ACT

The bill (H.R. 2889) to amend the Central Utah Project Completion Act to provide for acquisitions of water and water rights for Central Utah Project purposes, completion of Central Utah project facilities, and implementation of water conservation measures, was considered, ordered to a third reading, read the third-time, and passed.

THE CALENDER

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration, en bloc, of the following reported by the Energy Committee:

Calendar No. 137, H.R. 154: calendar No. 142, S. 698; calendar No. 143, S. 748; calender No. 172, S. 734; calendar No. 217, S. 348, with an amendment numbered 2802; calendar No. 223, S. 1088, with amendment numbered 2803; calendar No. 235, S. 711; calendar No. 236, H.R. 149, with an amendment 2804; calendar No. 245, S. 1329, calendar No. 246, S. 1330; calendar, No. 298, S. 1236; calendar No. 302, S. 769; calendar No. 303, S. 986; calender No. 304, S. 1030; calender No. 305, S. 1211; calendar No. 306, S. 1288, with amendment numbered 2805; calendar No. 318, S. 710; calendar No. 319, S. 905, calendar No. 320, S. 1117; calendar No. 321, S. 1324; calendar No. 330, S. 1275; calendar No. 335, S. 624; calendar No. 349, H.R. 1753, with an amendment numbered 2806; calendar No. 361, S. 439; calendar No. 362, S. 977; calendar No. 363, S. 1296; calendar No. 365, S. 1569; calendar No. 366, S. 1599.

I ask unanimous consent that any committee amendments, if applicable, be agreed to, any floor amendments be agreed to, the bills read the third time and passed, any title amendments be agreed to, the motions to reconsider be laid upon the table, and any statements relating to any of these bills appear at this point in the RECORD, with all of the above occurring en bloc.

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

FEE SYSTEM FOR COMMERCIAL FILMING ACTIVITIES ON FEDERAL LAND

The Senate proceeded to consider the bill (H.R. 154) to provide for the collection of fees for the making of motion pictures, television productions, and sound tracks in National Park System and National Wildlife Refuge System units, 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 inserting in lieu thereof the following:

SECTION 1. COMMERCIAL FILMING.

(a) COMMERCIAL FILMING FEE.—The Secretary of the Interior and the Secretary of Agriculture

(hereinafter individually referred to as the ''Secretary'' with respect to lands under their respective jurisdiction) shall require a permit and shall establish a reasonable fee for commercial filming activities or similar projects on Federal lands administered by the Secretary. Such fee shall provide a fair return to the United States and shall be based upon the following criteria:

(1) The number of days the filming activity or similar project takes place on Federal land under the Secretary's jurisdiction.

(2) The size of the film crew present on Federal land under the Secretary's jurisdiction.

(3) The amount and type of equipment present.

The Secretary may include other factors in determining an appropriate fee as the Secretary deems necessary.

(b) RECOVERY OF COSTS.—The Secretary shall also collect any costs incurred as a result of filming activities or similar project, including but not limited to administrative and personnel costs. All costs recovered shall be in addition to the fee assessed in subsection (a).

(c) STILL PHOTOGRAPHY.—(1) Except as provided in paragraph (2), the Secretary shall not require a permit nor assess a fee for still photography on lands administered by the Secretary if such photography takes place where members of the public are generally allowed. The Secretary may require a permit, fee, or both, if such photography takes place at other locations where members of the public are generally not allowed, or where additional administrative costs are likely.

The Secretary shall require and shall establish a reasonble fee for still photography that uses models or props which are not a part of the site's natural or cultural resources or administrative facilities.

(d) PROTECTION OF RESOURCES.—The Secretary shall not permit any filming, still photography or other related activity if the Secretary determines—

(1) there is a likelihood of resource damage;

(2) there would be an unreasonable disruption of the public's use and enjoyment of the site; or

(3) that the activity poses health or safety risks to the public.

(e) USE OF PROCEEDS.—(1) All fees collected under this Act shall be available for expenditure by the Secretary, without further appropriation, in accordance with the formula and purposes established for the Recreational Fee Demonstration Program (Public Law 104–134). All fees collected shall remain available until expended.

(2) All costs recovered under this Act shall be available for expenditure by the Secretary, without further appropriation, at the site where collected. All costs recovered shall remain available until expended.

(f) PROCESSING OF PERMIT APPLICATIONS.—The Secretary shall establish a process to ensure that permit applicants for commercial filming, still photography, or other activity are responded to in a timely manner.

The title was amended so as to read ''An Act to allow the Secretary of the Interior and the Secretary of Agriculture to establish a fee system for commercial filming activities on Federal land, and for other purposes.''.

The committee amendment in the nature of a substitute was agreed to.

The bill (H.R. 154), as amended, was passed.

EMERGENCY RESCUES AT DENALI NATIONAL PARK AND PRESERVE

The bill (S. 698) to review the suitability and feasibility of recovering costs of high altitude rescues at Denali National Park and Preserve in the State of Alaska, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 698

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no later than nine months after the enactment of this Act, the Secretary of the Interior (hereinafter referred to as the ''Secretary'') shall complete a report on the suitability and feasibility of recovering the costs of high altitude rescues on Mt. McKinley, within Denali National Park and Preserve. The Secretary shall also report on the suitability and feasibility of requiring climbers to provide proof of medical insurance prior to the issuance of a climbing permit by the National Park Service. The report shall also review the amount of fees charged for a climbing permit and make such recommendations for changing the fee structure as the Secretary deems appropriate. Upon completion, the report shall be submitted to the Committee on Energy and Natural Resources of the Senate, and the Committee on Resources of the House of Representatives.

NATIVE HIRING BY THE FEDERAL GOVERNMENT IN ALASKA

The Senate proceeded to consider the bill (S. 748) to improve Native hiring and contracting by the Federal Government within the State of Alaska, and for other purposes, 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. 748

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

SECTION 1. REPORT.

(a) Within six months after the enactment of this Act the Secretary of the Interior (hereinafter referred to as the ''Secretary'' shall submit a report detailing the progress the Department has made in the implementation of the provisions of sections 1307 and 1308 of the Alaska National Interest Lands Conservation Act and **[**section 638**]** *provisions* of the Indian Self-Determination and Education Assistance Act. The report shall include a detailed action plan on the future implementation of the provisions of sections 1307 and 1308 of the Alaska National Interest Lands Conservation Act and **[**section 638**]** *provisions* of the Indian Self-Determination and Education Assistance Act. The report shall describe, in detail, the measures and actions that will be taken, along with a description of the anticipated results to be achieved during the next three fiscal years. The report shall focus on lands under the jurisdiction of the Department of the Interior in Alaska and shall also address any laws, rules, regulations and policies which act as a deterrent to hiring Native Alaskans or contracting with Native Alaskans to perform and conduct activities and programs of those agencies and bureaus under the jurisdiction of the Department of the Interior.

(b) The report shall be completed within existing appropriations and shall be transmitted to the Committee on Resources of the United States Senate; and the Committee on Resources of the United States House of Representatives.

SEC. 2. PILOT PROGRAM.

(a) In furtherance of the goals of sections 1307 and 1308 of the Alaska National Interest Lands Conservation Act and the provisions of the Indian Self-Determination and Education Assistance Act, the Secretary shall—

(1) implement pilot programs to employ residents of local communities at the following units of the National Park System located in northwest Alaska:

(A) Bering Land Bridge National Preserve,

(B) Cape Krusenstern National Monument,

(C) Kobuk Valley National Park, and

(D) Noatak National Preserve; and

(2) report on the results of the programs within one year to the Committee on Energy and Natural Resources of the United States and the Committee on Resources of the House of Representatives.

(b) In implementing the programs, the Secretary shall consult with the Native Corporations, non-profit organizations, and Tribal entities in the immediate vicinity of such units and shall also, to the extent practicable, involve such groups in the development of interpretive materials and the pilot programs relating to such units.

[(c) The objective of such programs shall be, to the extent possible, to establish cooperative arrangements, through contracts or other means, that will allow local communities and residents to assume administrative and management responsibilities for those units, or portions of those units, of the National Park System in a manner that will accomplish the purposes for which the units were established and consistent with policies set forth in the Act of August 23, 1916 (39 Stat. 535, 16 U.S.C. 1).

[(d) PARK SERVICE EMPLOYEES.—(1) Any career employee of the National Park Service, employed at one of the Alaska northwest parks at the time of the transfer of an operation or program to a local Native entity by contract, shall not be separated from the Service by reason of such transfer.

[(2) Any career employee of he National Park Service employed at any one of the parks in northwest Alaska at the time of the transfer of an operation or program to a local Native entity shall be given priority placement for any available position within the National Park Service System notwithstanding any priority reemployment lists, directives, rules, regulations or other orders from the Department of the Interior, the Office of Management and Budget, or other Federal agencies.**]**

The committee amendment was agreed to.

The bill (S. 748), as amended, was passed, as follows:

S. 748

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

SECTION 1. REPORT.

(a) Within six months after the enactment of this Act the Secretary of the Interior (hereinafter referred to as the ''Secretary'' shall submit a report detailing the progress the Department has made in the implementation of the provisions of sections 1307 and 1308 of the Alaska National Interest Lands Conservation Act and provisions of the Indian Self-Determination and Education Assistance Act. The report shall include a detailed action plan on the future implementation of the provisions of sections 1307 and 1308 of the Alaska National Interest Lands Conservation Act and provisions of the Indian Self-Determination and Education Assistance Act. The report shall describe, in detail, the measures and actions that will be taken, along with a description of the anticipated results to be achieved during the next three fiscal years. The report shall focus on lands under the jurisdiction of the Department of the Interior in Alaska and shall also

address any laws, rules, regulations and policies which act as a deterrent to hiring Native Alaskans or contracting with Native Alaskans to perform and conduct activities and programs of those agencies and bureaus under the jurisdiction of the Department of the Interior.

(b) The report shall be completed within existing appropriations and shall be transmitted to the Committee on Resources of the United States Senate; and the Committee on Resources of the United States House of Representatives.

SEC. 2. PILOT PROGRAM.

(a) In furtherance of the goals of sections 1307 and 1308 of the Alaska National Interest Lands Conservation Act and the provisions of the Indian Self-Determination and Education Assistance Act, the Secretary shall—

(1) implement pilot programs to employ residents of local communities at the following units of the National Park System located in northwest Alaska:

(A) Bering Land Bridge National Preserve,

(B) Cape Krusenstern National Monument,

(C) Kobuk Valley National Park, and

(D) Noatak National Preserve; and

(2) report on the results of the programs within one year to the Committee on Energy and Natural Resources of the United States and the Committee on Resources of the House of Representatives.

(b) In implementing the programs, the Secretary shall consult with the Native Corporations, non-profit organizations, and Tribal entities in the immediate vicinity of such units and shall also, to the extent practicable, involve such groups in the development of interpretive materials and the pilot programs relating to such units.

NATIONAL DISCOVERY TRAILS ACT OF 1999

The Senate proceeded to consider the bill (S. 734) entitled ''National Discovery Trails Act of 1999,'' 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. 734

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Discovery Trails Act of 1999''.

SEC. 2. NATIONAL TRAILS SYSTEM ACT AMENDMENTS.

(a)(1) Section 3(a) of the National Trails System Act (16 U.S.C. 1242(a)) is amended by inserting after paragraph (4) the following:

''(5) National discovery trails, established as provided in section 5, which will be extended, continuous, interstate trails so located as to provide for outstanding outdoor recreation and travel and to connect representative examples of America's trails and communities. National discovery trails should provide for the conservation and enjoyment of significant natural, cultural, and historic resources associated with each trail and should be so located as to represent metropolitan, urban, rural, and back country regions of the Nation. Any such trail may be designated on federal lands and, with the consent of the owner thereof, on any non federal lands.''.

(2) FEASIBILITY REQUIREMENTS; COOPERATIVE MANAGEMENT REQUIREMENT.—Section 5(b) of such Act (16 U.S.C. 1244) is amended by adding at the end the following new paragraph:

''(12) For purposes of subsection (b), a trail shall not be considered feasible and desirable for designation as a national discovery trail unless it meets all of the following criteria:

''(A) The trail must link one or more areas within the boundaries of a metropolitan area (as those boundaries are determined under section 134(c) of title 23, United States Code). It should also join with other trails, connecting the National Trails System to significant recreation and resources areas.

''(B) The trail must be supported by at least one competent trailwide volunteer-based organization. Each trail should have extensive local and trailwide support by the public, by users groups, and by affected State and local governments.

''(C) The trail must be extended and pass through more than one State. At a minimum, it should be a continuous, walkable route.

''(13) The appropriate Secretary for each national discovery trail shall administer the trail in cooperation with at least one competent trailwide volunteer-based organization. Where the designation of discovery trail is aligned with other units of the National Trails System, or State or local trails, the designation of a discovery trail shall not affect the protections or authorities provided for the other trail or trails, nor shall the designation of a discovery trail diminish the values and significance for which those trails were established.''.

(b) DESIGNATION OF THE AMERICAN DISCOVERY TRAIL AS A NATIONAL DISCOVERY TRAIL.—Section 5(a) of such Act (16 U.S.C. 1244(a)) is amended—

(1) by re-designating the paragraph relating to the California National Historic Trail as paragraph (18);

(2) by re-designating the paragraph relating to the Pony Express National Historic Trail as paragraph (19);

(3) by re-designating the paragraph relating to the Selma to Montgomery National Historic Trail as paragraph (20); and

(4) by adding at the end the following:

''(21) The American Discovery Trail, a trail of approximately 6,000 miles extending from Cape Henlopen State Park in Delaware to Point Reyes National Seashore in California, extending westward through Delaware, Maryland, the District of Columbia, West Virginia, Ohio, and Kentucky, where near Cincinnati it splits into two routes. The Northern Midwest route traverses Ohio, Indiana, Illinois, Iowa, Nebraska, and Colorado, and the Southern Midwest route traverses Indiana, Illinois, Missouri, Kansas, and Colorado. After the two routes rejoin in Denver, Colorado, the route continues through Colorado, Utah, Nevada, and California. The trail is generally described in Volume 2 of the National Park Service feasibility study dated June 1995 which shall be on file and available for public inspection in the office of the Director of the National Park Service, Department of the Interior, the District of Columbia. The American Discovery Trail shall be administered by the Secretary of the Interior in cooperation with at least one competent trailwide volunteer-based organization and other affected federal land managing agencies, and state and local governments, as appropriate. No lands or interests outside the exterior boundaries of federally administered areas may be acquired by the Federal Government solely for the American Discovery Trail. The provisions of sections 7(e), 7(f), and 7(g) shall not apply to the American Discovery Trail.''.

(c) COMPREHENSIVE NATIONAL DISCOVERY TRAIL PLAN.—Section 5 of such Act (16 U.S.C. 1244) is further amended by adding at the end the following new subsection:

''(g) Within three complete fiscal years after the date of enactment of any law designating a national discovery trail, **[**the administering Federal agency shall, in cooperation with at least one competent trailwide volunteer-based organization, submit a comprehensive plan for the protection, management, development, and use of the federal portions of the trail, and provide technical assistance to states and local units of government and private landowners, as requested, for non-federal portions of the trail,**]** *the appropriate Secretary shall submit a comprehensive plan for the protection, management, development, and use of the trail*, to the Committee on Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. The responsible Secretary shall ensure that the comprehensive plan for the entire trail does not conflict with existing agency direction and **[**that the volunteer-based organization**]** shall consult with the affected land managing agencies, the Governors of the affected States, affected county and local political jurisdictions, and local organizations maintaining components of the trail. Components of the comprehensive plan include—

''(1) policies and practices to be observed in the administration and management of the trail, including the identification of all significant natural, historical, and cultural resources to be preserved, model agreements necessary for joint trail administration among and between interested parties, and an identified carrying capacity for critical segments of the trail and a plan for their implementation where appropriate;

''(2) general and site-specific trail-related development including costs; and

''(3) the process to be followed by the volunteer-based organization, in cooperation with the appropriate Secretary, to implement the trail marking authorities in section 7(c) conforming to approved trail logo or emblem requirements.''. Nothing in this Act may be construed to impose or permit the imposition of any landowner on the use of any non-federal lands without the consent of the owner thereof. Neither the designation of a National Discovery Trail nor any plan relating thereto shall affect or be considered in the granting or denial of a right of way or any conditions relating thereto.''.

SEC. 3. CONFORMING AMENDMENTS.

The National Trails System Act is amended—

(1) in section 2(b) (16 U.S.C. 1241(b)), by striking ''scenic and historic'' and inserting ''scenic, historic, and discovery'';

(2) in the section heading to section 5 (16 U.S.C. 1244), by striking ''**AND NATIONAL HISTORIC**'' and inserting '', **NATIONAL HISTORIC, AND NATIONAL DISCOVERY**'';

(3) in section 5(a) (16 U.S.C. 1244(a)), in the matter preceding paragraph (1)—

(A) by striking ''and national historic'' and inserting '', national historic, and national discovery''; and

(B) by striking ''and National Historic'' and inserting '', National Historic, and National Discovery'';

(4) in section 5(b) (16 U.S.C. 1244(b)), in the matter preceding paragraph (1), by striking ''or national historic'' and inserting '', national historic, or national discovery'';

(5) in section 5(b)(3) (16 U.S.C. 1244(b)(3)), by striking ''or national historic'' and inserting '', national historic, or national discovery'';

(6) in section 7(a)(2) (16 U.S.C. 1246(a)(2)), by striking ''and national historic'' and inserting '', national historic, and national discovery'';

(7) in section 7(b) (16 U.S.C. 1246(b)), by striking ''or national historic'' each place

such term appears and inserting ''national historic, or national discovery'';

(8) in section 7(c) (16 U.S.C. 1246(c))—

(A) by striking ''scenic or national historic'' each place it appears and inserting ''scenic, national historic, or national discovery'';

(B) in the second proviso, by striking ''scenic, or national historic'' and inserting ''scenic, national historic, or national discovery''; and

(C) by striking ''and national historic'' and inserting ''national historic, and national discovery'';

(9) in section 7(d) (16 U.S.C. 1246(d)), by striking ''or national historic'' and inserting ''national historic, or national discovery'';

(10) in section 7(e) (16 U.S.C. 1246(e)), by striking ''or national historic'' each place such term appears and inserting ''national historic, or national discovery'';

(11) in section 7(f)(2) (16 U.S.C. 1246(f)(2)), by striking ''National Scenic or Historic'' and inserting ''national scenic, historic, or discovery trail'';

(12) in section 7(h)(1) (16 U.S.C. 1246(h)(1)), by striking ''or national historic'' and inserting ''national historic, or national discovery''; and

(13) in section 7(i) (16 U.S.C. 1246(i)), by striking ''or national historic'' and inserting ''national historic, or national discovery''.

The committee amendments were agreed to.

The bill (S. 734), as amended, was passed, as follows:

S. 734

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Discovery Trails Act of 1999''.

SEC. 2. NATIONAL TRAILS SYSTEM ACT AMENDMENTS.

(a)(1) Section 3(a) of the National Trails System Act (16 U.S.C. 1242(a)) is amended by inserting after paragraph (4) the following:

''(5) National discovery trails, established as provided in section 5, which will be extended, continuous, interstate trails so located as to provide for outstanding outdoor recreation and travel and to connect representative examples of America's trails and communities. National discovery trails should provide for the conservation and enjoyment of significant natural, cultural, and historic resources associated with each trail and should be so located as to represent metropolitan, urban, rural, and back country regions of the Nation. Any such trail may be designated on federal lands and, with the consent of the owner thereof, on any non federal lands.''.

(2) FEASIBILITY REQUIREMENTS; COOPERATIVE MANAGEMENT REQUIREMENT.—Section 5(b) of such Act (16 U.S.C. 1244) is amended by adding at the end the following new paragraph:

''(12) For purposes of subsection (b), a trail shall not be considered feasible and desirable for designation as a national discovery trail unless it meets all of the following criteria:

''(A) The trail must link one or more areas within the boundaries of a metropolitan area (as those boundaries are determined under section 134(c) of title 23, United States Code). It should also join with other trails, connecting the National Trails System to significant recreation and resources areas.

''(B) The trail must be supported by at least one competent trailwide volunteer-based organization. Each trail should have extensive local and trailwide support by the public, by users groups, and by affected State and local governments.

''(C) The trail must be extended and pass through more than one State. At a minimum, it should be a continuous, walkable route.

''(13) The appropriate Secretary for each national discovery trail shall administer the trail in cooperation with at least one competent trailwide volunteer-based organization. Where the designation of discovery trail is aligned with other units of the National Trails System, or State or local trails, the designation of a discovery trail shall not affect the protections or authorities provided for the other trail or trails, nor shall the designation of a discovery trail diminish the values and significance for which those trails were established.''.

(b) DESIGNATION OF THE AMERICAN DISCOVERY TRAIL AS A NATIONAL DISCOVERY TRAIL.—Section 5(a) of such Act (16 U.S.C. 1244(a)) is amended—

(1) by re-designating the paragraph relating to the California National Historic Trail as paragraph (18);

(2) by re-designating the paragraph relating to the Pony Express National Historic Trail as paragraph (19);

(3) by re-designating the paragraph relating to the Selma to Montgomery National Historic Trail as paragraph (20); and

(4) by adding at the end the following:

''(21) The American Discovery Trail, a trail of approximately 6,000 miles extending from Cape Henlopen State Park in Delaware to Point Reyes National Seashore in California, extending westward through Delaware, Maryland, the District of Columbia, West Virginia, Ohio, and Kentucky, where near Cincinnati it splits into two routes. The Northern Midwest route traverses Ohio, Indiana, Illinois, Iowa, Nebraska, and Colorado, and the Southern Midwest route traverses Indiana, Illinois, Missouri, Kansas, and Colorado. After the two routes rejoin in Denver, Colorado, the route continues through Colorado, Utah, Nevada, and California. The trail is generally described in Volume 2 of the National Park Service feasibility study dated June 1995 which shall be on file and available for public inspection in the office of the Director of the National Park Service, Department of the Interior, the District of Columbia. The American Discovery Trail shall be administered by the Secretary of the Interior in cooperation with at least one competent trailwide volunteer-based organization and other affected federal land managing agencies, and state and local governments, as appropriate. No lands or interests outside the exterior boundaries of federally administered areas may be acquired by the Federal Government solely for the American Discovery Trail. The provisions of sections 7(e), 7(f), and 7(g) shall not apply to the American Discovery Trail.''.

(c) COMPREHENSIVE NATIONAL DISCOVERY TRAIL PLAN.—Section 5 of such Act (16 U.S.C. 1244) is further amended by adding at the end the following new subsection:

''(g) Within three complete fiscal years after the date of enactment of any law designating a national discovery trail, the appropriate Secretary shall submit a comprehensive plan for the protection, management, development, and use of the trail, to the Committee on Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. The responsible Secretary shall ensure that the comprehensive plan for the entire trail does not conflict with existing agency direction and shall consult with the affected land managing agencies, the Governors of the affected States, affected county and local political jurisdictions, and local organizations maintaining components of the trail. Components of the comprehensive plan include—

''(1) policies and practices to be observed in the administration and management of the trail, including the identification of all significant natural, historical, and cultural resources to be preserved, model agreements necessary for joint trail administration among and between interested parties, and an identified carrying capacity for critical segments of the trail and a plan for their implementation where appropriate;

''(2) general and site-specific trail-related development including costs; and

''(3) the process to be followed by the volunteer-based organization, in cooperation with the appropriate Secretary, to implement the trail marking authorities in section 7(c) conforming to approved trail logo or emblem requirements.''. Nothing in this Act may be construed to impose or permit the imposition of any landowner on the use of any non-federal lands without the consent of the owner thereof. Neither the designation of a National Discovery Trail nor any plan relating thereto shall affect or be considered in the granting or denial of a right of way or any conditions relating thereto.''.

SEC. 3. CONFORMING AMENDMENTS.

The National Trails System Act is amended—

(1) in section 2(b) (16 U.S.C. 1241(b)), by striking ''scenic and historic'' and inserting ''scenic, historic, and discovery'';

(2) in the section heading to section 5 (16 U.S.C. 1244), by striking ''**AND NATIONAL HISTORIC**'' and inserting ''**, NATIONAL HISTORIC, AND NATIONAL DISCOVERY**'';

(3) in section 5(a) (16 U.S.C. 1244(a)), in the matter preceding paragraph (1)—

(A) by striking ''and national historic'' and inserting ''national historic, and national discovery''; and

(B) by striking ''and National Historic'' and inserting ''National Historic, and National Discovery'';

(4) in section 5(b) (16 U.S.C. 1244(b)), in the matter preceding paragraph (1), by striking ''or national historic'' and inserting ''national historic, or national discovery'';

(5) in section 5(b)(3) (16 U.S.C. 1244(b)(3)), by striking ''or national historic'' and inserting ''national historic, or national discovery'';

(6) in section 7(a)(2) (16 U.S.C. 1246(a)(2)), by striking ''and national historic'' and inserting ''national historic, and national discovery'';

(7) in section 7(b) (16 U.S.C. 1246(b)), by striking ''or national historic'' each place such term appears and inserting ''national historic, or national discovery'';

(8) in section 7(c) (16 U.S.C. 1246(c))—

(A) by striking ''scenic or national historic'' each place it appears and inserting ''scenic, national historic, or national discovery'';

(B) in the second proviso, by striking ''scenic, or national historic'' and inserting ''scenic, national historic, or national discovery''; and

(C) by striking ''and national historic'' and inserting ''national historic, and national discovery'';

(9) in section 7(d) (16 U.S.C. 1246(d)), by striking ''or national historic'' and inserting ''national historic, or national discovery'';

(10) in section 7(e) (16 U.S.C. 1246(e)), by striking ''or national historic'' each place such term appears and inserting ''national historic, or national discovery'';

(11) in section 7(f)(2) (16 U.S.C. 1246(f)(2)), by striking ''National Scenic or Historic'' and inserting ''national scenic, historic, or discovery trail'';

(12) in section 7(h)(1) (16 U.S.C. 1246(h)(1)), by striking ''or national historic'' and inserting ''national historic, or national discovery''; and

(13) in section 7(i) (16 U.S.C. 1246(i)), by striking ''or national historic'' and inserting ''national historic, or national discovery''.

''EXXON VALDEZ'' OIL SPILL

The Senate proceeded to consider the bill (S. 711) to allow the investment of joint Federal and State funds from the civil settlement of damages from the *Exxon Valdez* oil spill, and for other purposes, which has 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.

(a) Notwithstanding any other provision of law and subject to the provisions of subsections (e) and (g), upon the joint motion of the United States and the State of Alaska and the issuance of an appropriate order by the United States District Court for the District of Alaska, the joint trust funds, or any portion thereof, including any interest accrued thereon, previously received or to be received by the United States and the State of Alaska pursuant to the Agreement and Consent Decree issued in United States v. Exxon Corporation, et al. (No. A91–082 CIV) and State of Alaska v. Exxon Corporation, et al. (No. A91–083 CIV) (hereafter referred to as the ''Consent Decree''), may be deposited in—

(1) the Natural Resource Damage Assessment and Restoration Fund (hereafter referred to as the ''Fund'') established in title I of the Department of the Interior and Related Agencies Appropriations Act, 1992 (Public Law 102–154, 43 U.S.C. 1474b);

(2) accounts outside the United States Treasury (hereafter referred to as ''outside accounts''); or

(3) both.

Any funds deposited in an outside account may be invested only in income-producing obligations and other instruments or securities that have been determined unanimously by the Federal and State natural resource trustees for the Exxon Valdez oil spill (''trustees'') to have a high degree of reliability and security.

(b) Joint trust funds deposited in the Fund or an outside account that have been approved unanimously by the Trustees for expenditure by or through a State or Federal agency shall be transferred promptly from the Fund or the outside account to the State of Alaska or United States upon the joint request of the governments.

(c) The transfer of joint trust funds outside the Court Registry shall not affect the supervisory jurisdiction of the District Court under the Consent Decree or the Memorandum of Agreement and Consent Decree in United States v. State of Alaska (No. A91–081–CIV) over all expenditures of the joint trust funds.

(d) Nothing herein shall affect the requirement of section 207 of the Dire Emergency Supplemental Appropriations and Transfers for Relief From the Effects of Natural Disasters, for Other Urgent Needs, and for the Incremental Cost of ''Operation Desert Shield/Desert Storm'' Act of 1992 (Public Law 102–229, 42 U.S.C. 1474b note) that amounts received by the United States and designated by the trustees for the expenditure by or through a Federal agency must be deposited into the Fund.

(e) All remaining settlement funds are eligible for the investment authority granted under subsection (a) of this act so long as they are managed and allocated consistent with the Resolution of the Trustees adopted March 1, 1999, concerning the Restoration Reserve, as follows:

(1) $55 million of the funds remaining on October 1, 2002, and the associated earnings thereafter shall be managed and allocated for habitat protection programs including small parcel habitat acquisitions. Such sums shall be reduced by—

(A) the amount of any payments made after the date of enactment of this Act from the Joint Trust Funds pursuant to an agreement between the Trustee Council and Koniag, Inc. which includes those lands which are presently subject to the Koniag Non-Development Easement, including, but not limited to, the continuation or modification of such Easement; and

(B) payments in excess of $6.32 million for any habitat acquisition or protection from the joint trust funds after the date of enactment of this Act and prior to October 1, 2002, other than payments for which the Council is currently obligated through purchase agreements with the Kodiak Island Borough, Afognak Joint Venture and the Eyak Corporation.

(2) All other funds remaining on October 1, 2002, and the associated earnings shall be used to fund a program, consisting of—

(A) marine research, including applied fisheries research;

(B) monitoring; and

(C) restoration, other than habitat acquisition, which may include community and economic restoration projects and facilities (including projects proposed by the communities of the EVOS Region or the fishing industry), consistent with the Consent Decree.

(f) The Federal trustees and the State trustees, to the extent authorized by State law, are authorized to issue grants as needed to implement this program.

(g) The authority provided in this Act shall expire on September 30, 2002, unless by September 30, 2001, the Trustees have submitted to the Congress a report recommending a structure the Trustees believe would be most effective and appropriate for the administration and expenditure of remaining funds and interest received. Upon the expiration of the authorities granted in this Act all monies in the Fund or outside accounts shall be returned to the Court Registry or other account permitted by law.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 711), as amended, was passed, as follows:

S. 711

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

SECTION 1.

(a) Notwithstanding any other provision of law and subject to the provisions of subsections (e) and (g), upon the joint motion of the United States and the State of Alaska and the issuance of an appropriate order by the United States District Court for the District of Alaska, the joint trust funds, or any portion thereof, including any interest accrued thereon, previously received or to be received by the United States and the State of Alaska pursuant to the Agreement and Consent Decree issued in United States v. Exxon Corporation, et al. (No. A91–082 CIV) and State of Alaska v. Exxon Corporation, et al. (No. A91–083 CIV) (hereafter referred to as the ''Consent Decree''), may be deposited in—

(1) the Natural Resource Damage Assessment and Restoration Fund (hereafter referred to as the ''Fund'') established in title I of the Department of the Interior and Related Agencies Appropriations Act, 1992 (Public Law 102–154, 43 U.S.C. 1474b);

(2) accounts outside the United States Treasury (hereafter referred to as ''outside accounts''); or

(3) both.

Any funds deposited in an outside account may be invested only in income-producing obligations and other instruments or securities that have been determined unanimously by the Federal and State natural resource trustees for the Exxon Valdez oil spill (''trustees'') to have a high degree of reliability and security.

(b) Joint trust funds deposited in the Fund or an outside account that have been approved unanimously by the Trustees for expenditure by or through a State or Federal agency shall be transferred promptly from the Fund or the outside account to the State of Alaska or United States upon the joint request of the governments.

(c) The transfer of joint trust funds outside the Court Registry shall not affect the supervisory jurisdiction of the District Court under the Consent Decree or the Memorandum of Agreement and Consent Decree in United States v. State of Alaska (No. A91–081–CIV) over all expenditures of the joint trust funds.

(d) Nothing herein shall affect the requirement of section 207 of the Dire Emergency Supplemental Appropriations and Transfers for Relief From the Effects of Natural Disasters, for Other Urgent Needs, and for the Incremental Cost of ''Operation Desert Shield/Desert Storm'' Act of 1992 (Public Law 102–229, 42 U.S.C. 1474b note) that amounts received by the United States and designated by the trustees for the expenditure by or through a Federal agency must be deposited into the Fund.

(e) All remaining settlement funds are eligible for the investment authority granted under subsection (a) of this act so long as they are managed and allocated consistent with the Resolution of the Trustees adopted March 1, 1999, concerning the Restoration Reserve, as follows:

(1) $55 million of the funds remaining on October 1, 2002, and the associated earnings thereafter shall be managed and allocated for habitat protection programs including small parcel habitat acquisitions. Such sums shall be reduced by—

(A) the amount of any payments made after the date of enactment of this Act from the Joint Trust Funds pursuant to an agreement between the Trustee Council and Koniag, Inc. which includes those lands which are presently subject to the Koniag Non-Development Easement, including, but not limited to, the continuation or modification of such Easement; and

(B) payments in excess of $6.32 million for any habitat acquisition or protection from the joint trust funds after the date of enactment of this Act and prior to October 1, 2002, other than payments for which the Council is currently obligated through purchase agreements with the Kodiak Island Borough, Afognak Joint Venture and the Eyak Corporation.

(2) All other funds remaining on October 1, 2002, and the associated earnings shall be used to fund a program, consisting of—

(A) marine research, including applied fisheries research;

(B) monitoring; and

(C) restoration, other than habitat acquisition, which may include community and economic restoration projects and facilities (including projects proposed by the communities of the EVOS Region or the fishing industry), consistent with the Consent Decree.

(f) The Federal trustees and the State trustees, to the extent authorized by State law, are authorized to issue grants as needed to implement this program.

(g) The authority provided in this Act shall expire on September 30, 2002, unless by September 30, 2001, the Trustees have submitted to the Congress a report recommending a structure the Trustees believe would be most effective and appropriate for the administration and expenditure of remaining funds and interest received. Upon the expiration of the authorities granted in this Act all monies in the Fund or outside accounts shall be returned to the Court Registry or other account permitted by law.

THE SECRETARY OF THE INTERIOR TO CONVEY LAND TO NYE COUNTY, NEVADA

The Senate proceeded to consider the bill (S. 1329) to direct the Secretary of the Interior to convey certain land to Nye County, Nevada, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment on page 3, line 9, to strike ''(b)'', and insert in lieu thereof ''(c)''.

The bill was considered, ordered to be engrossed for a third reading, read the third time, and passed; 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 the Secretary, if the parcel is used for a purpose other than that specified in subparagraph (A).

[(b)] *(c)* 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).

AUTHORIZATION FOR MESQUITE, NEVADA TO PURCHASE PUBLIC LANDS IN THE CITY

The bill (S. 1330) to give the city of Mesquite, Nevada, the right to purchase at fair market value certain parcels of public lands in the city, was considered, ordered to be engrossed for a third reading, read the third time, and passed; 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.''.

ARROWROCK DAM HYDROELECTRIC PROJECT

The bill (S. 1236) to extend the deadline under the Federal Power Act for commencement of the construction of the Arrowrock Dam Hydroelectric Project in the State of Idaho, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 1236

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

SECTION 1. EXTENSION OF TIME FOR FEDERAL ENERGY REGULATORY COMMISSION PROJECT.

Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 4656, the Commission may, at the request of the licensee for the project and after reasonable notice, in accordance with the good faith, due diligence, and public interest requirements of that section and the Commission's procedures under that section,

extend until March 26, 2005, the time period during which the licensee is required to commence construction of the project.

DICKINSON DAM BASCULE GATES SETTLEMENT ACT OF 1999

The Senate proceeded to consider the bill (S. 769) to provide a final settlement on certain debt owed by the city of Dickinson, North Dakota, for construction of the bascule gates on the Dickinson Dam, which had been reported from the Committee on Energy and Natural Resources, with an amendment; as follows:

(The part of the bill intended to be sticken is shown in boldface brackets and the part of the bill intended to be inserted is shown in italic.)

S. 769

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 ''Dickinson Dam Bascule Gates Settlement Act of 1999''.

SEC. 2. FINDINGS.

Congress finds that—

(1) in 1980 and 1981, the Bureau of Reclamation constructed the bascule gates on top of the Dickinson Dam on the Heart River, North Dakota, to provide additional water supply in the reservoir known as Patterson Lake for the city of Dickinson, North Dakota, and for additional flood control and other benefits;

(2) the gates had to be significantly modified in 1982 because of damage resulting from a large ice block causing excessive pressure on the hydraulic system, causing the system to fail;

(3) since 1991, the City has received its water supply from the Southwest Water Authority, which provides much higher quality water from the Southwest Pipeline Project;

(4) the City now receives almost no benefit from the bascule gates because the City does not require the additional water provided by the bascule gates for its municipal water supply;

(5) the City has repaid more than $1,200,000 to the United States for the construction of the bascule gates, and has been working for several years to reach an agreement with the Bureau of Reclamation to alter its repayment contract;

(6) the City has a longstanding commitment to improving the water quality and recreation value of the reservoir and has been working with the United States Geological Survey, the North Dakota Department of Game and Fish, and the North Dakota Department of Health to improve water quality; and

(7) it is in the public interest to resolve this issue by providing for a single payment to the United States in lieu of the scheduled annual payments and for the termination of any further repayment obligation.

SEC. 3. DEFINITIONS.

In this Act:

(1) BASCULE GATES.—The term ''bascule gates'' means the structure constructed on the Dam to provide additional water storage capacity in the Lake.

(2) CITY.—The term ''City'' means the city of Dickinson, North Dakota.

(3) DAM.—The term ''Dam'' means Dickinson Dam on the Heart River, North Dakota.

(4) LAKE.—The term ''Lake'' means the reservoir known as ''Patterson Lake'' in the State of North Dakota.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Commissioner of the Bureau of Reclamation.

SEC. 4. FORGIVENESS OF DEBT.

(a) IN GENERAL.—The Secretary shall accept a 1-time payment of $300,000 in lieu of the existing repayment obligations of the City under the Bureau of Reclamation Contract No. 9–07–60W0384, dated December 19, 1988, toward which amount any payments made by the City to the Secretary on or after June 2, 1998, shall be credited.

(b) OWNERSHIP.—Title to the Dam and bascule gates shall remain with the United States.

[(c) COSTS.—

[(1) IN GENERAL.—In consultation with the City and the State of North Dakota, the Secretary shall reallocate responsibility for the operation and maintenance costs of the Dam and bascule gates.

[(2) CONSIDERATION OF BENEFITS.—The reallocation of costs shall reflect the fact that the benefits of the Dam and bascule gates are mainly for flood control, recreation, and fish and wildlife purposes.**]**

(c) COSTS.—(1) The Secretary shall enter into an agreement with the City to allocate responsibilities for operation and maintenance costs of the bascule gates as provided in this subsection.

(2) The City shall be responsible for operation and maintenance costs of the bascule gates, up to a maximum annual cost of $15,000. The Secretary shall be responsible for all other costs.

(d) WATER SERVICE CONTRACTS.—The Secretary may enter into appropriate water service contracts if the City or any other person or entity seeks to use water from the Lake for municipal water supply or other purposes.

The committee amendment was agreed to.

The bill (S. 769), as amended, was passed, as follows:

S. 769

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 ''Dickinson Dam Bascule Gates Settlement Act of 1999''.

SEC. 2. FINDINGS.

Congress finds that—

(1) in 1980 and 1981, the Bureau of Reclamation constructed the bascule gates on top of the Dickinson Dam on the Heart River, North Dakota, to provide additional water supply in the reservoir known as Patterson Lake for the city of Dickinson, North Dakota, and for additional flood control and other benefits;

(2) the gates had to be significantly modified in 1982 because of damage resulting from a large ice block causing excessive pressure on the hydraulic system, causing the system to fail;

(3) since 1991, the City has received its water supply from the Southwest Water Authority, which provides much higher quality water from the Southwest Pipeline Project;

(4) the City now receives almost no benefit from the bascule gates because the City does not require the additional water provided by the bascule gates for its municipal water supply;

(5) the City has repaid more than $1,200,000 to the United States for the construction of the bascule gates, and has been working for several years to reach an agreement with the Bureau of Reclamation to alter its repayment contract;

(6) the City has a longstanding commitment to improving the water quality and recreation value of the reservoir and has been working with the United States Geological Survey, the North Dakota Department of Game and Fish, and the North Dakota Department of Health to improve water quality; and

(7) it is in the public interest to resolve this issue by providing for a single payment to the United States in lieu of the scheduled annual payments and for the termination of any further repayment obligation.

SEC. 3. DEFINITIONS.

In this Act:

(1) BASCULE GATES.—The term ''bascule gates'' means the structure constructed on the Dam to provide additional water storage capacity in the Lake.

(2) CITY.—The term ''City'' means the city of Dickinson, North Dakota.

(3) DAM.—The term ''Dam'' means Dickinson Dam on the Heart River, North Dakota.

(4) LAKE.—The term ''Lake'' means the reservoir known as ''Patterson Lake'' in the State of North Dakota.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Commissioner of the Bureau of Reclamation.

SEC. 4. FORGIVENESS OF DEBT.

(a) IN GENERAL.—The Secretary shall accept a 1-time payment of $300,000 in lieu of the existing repayment obligations of the City under the Bureau of Reclamation Contract No. 9–07–60W0384, dated December 19, 1988, toward which amount any payments made by the City to the Secretary on or after June 2, 1998, shall be credited.

(b) OWNERSHIP.—Title to the Dam and bascule gates shall remain with the United States.

(c) COSTS.—(1) The Secretary shall enter into an agreement with the City to allocate responsibilities for operation and maintenance costs of the bascule gates as provided in this subsection.

(2) The City shall be responsible for operation and maintenance costs of the bascule gates, up to a maximum annual cost of $15,000. The Secretary shall be responsible for all other costs.

(d) WATER SERVICE CONTRACTS.—The Secretary may enter into appropriate water service contracts if the City or any other person or entity seeks to use water from the Lake for municipal water supply or other purposes.

GRIFFITH PROJECT PREPAYMENT AND CONVEYANCE ACT

The Senate proceeded to consider the bill (S. 986) to direct the Secretary of the Interior to convey the Griffith Project to the Southern Nevada Water Authority, 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 ''Griffith Project Prepayment and Conveyance Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) The term ''Authority'' means the Southern Nevada Water Authority, organized under the laws of the State of Nevada.

(2) The term ''Griffith Project'' means the Robert B. Griffith Water Project, authorized by and constructed pursuant to the Southern Nevada Water Project Act, Public Law 89–292, as amended, (commonly known as the ''Southern Nevada Water Project Act'') (79 Stat. 1068), including pipelines, conduits, pumping plants, intake facilities, aqueducts, laterals, water storage and regulatory facilities, electric substations, and related works and improvements listed pursuant to ''Robert B. Griffith Water Project (Formerly Southern Nevada Water Project), Nevada:

Southern Clark County, Lower Colorado Region Bureau of Reclamation'', on file at the Bureau of Reclamation and all interests in land acquired under Public Law 89–292, as amended.

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

(4) The term ''Acquired Land(s)'' means all interests in land, including fee title, right(s)-of-way, and easement(s), acquired by the United States from non-Federal sources by purchase, donation, exchange, or condemnation pursuant to Public Law 89–292, as amended for the Griffith Project.

(5) The term ''Public Land'' means lands which have never left Federal ownership and are under the jurisdiction of the Bureau of Land Management.

(6) The term ''Withdrawn Land'' means Federal lands which are withdrawn from settlement, sale, location of minerals, or entry under some or all of the general land laws and are reserved for a particular public purpose pursuant to Public Law 89–292, as amended, under the jurisdiction of the Bureau of Reclamation, or are reserved pursuant to Public Law 88–639 under the jurisdiction of the National Park Service.

SEC. 3. CONVEYANCE OF GRIFFITH PROJECT.

(a) IN GENERAL.—In consideration of the Authority assuming from the United States all liability for administration, operation, maintenance, and replacement of the Griffith Project and subject to the prepayment by the Authority of the Federal repayment amount of $121,204,348 (which amount shall be increased to reflect any accrued unpaid interest and shall be decreased by the amount of any additional principal payments made by the Authority after September 15, 1999, prior to the date on which prepayment occurs), the Secretary shall, pursuant to the provisions of this Act—

(1) convey and assign to the Authority all of the right, title, and interest of the United States in and to improvements and facilities of the Griffith Project in existence as of the date of this Act;

(2) convey and assign to the Authority all of the right, title, and interest of the United States to Acquired Lands that were acquired for the Griffith Project; and

(3) convey and assign to the Authority all interests reserved and developed as of the date of this Act for the Griffith Project in lands patented by the United States.

(b) Pursuant to the authority of this section, from the effective date of conveyance of the Griffith Project, the Authority shall have a right of way at no cost across all Public Land and Withdrawn Land—

(1) on which the Griffith Project is situated; and

(2) across any Federal lands as reasonably necessary for the operation, maintenance, replacement, and repair of the Griffith Project, including existing access routes.

Rights of way established by this section shall be valid for as long as they are needed for municipal water supply purposes and shall not require payment of rental or other fee.

(c) Within twelve months after the effective date of this Act—

(1) the Secretary and the Authority shall agree upon a description of the land subject to the rights of way established by subsection (b) of this section; and

(2) the Secretary shall deliver to the Authority a document memorializing such rights of way.

(d) REPORT.—If the conveyance under subsection (a) has not occurred within twelve months after the effective date of this Act, the Secretary shall submit to Congress a report on the status of the conveyance.

SEC. 4. RELATIONSHIP TO EXISTING CONTRACTS.

The Secretary and the Authority may modify Contract No. 7–07–30–W0004 and other contracts and land permits as necessary to conform to the provisions of this Act.

SEC. 5. RELATIONSHIP TO OTHER LAWS AND FUTURE BENEFITS.

(a) If the Authority changes the use or operation of the Griffith Project, the Authority shall comply with all applicable laws and regulations governing the changes at that time.

(b) On conveyance of the Griffith Project under section 3 of this Act, the Act of June 17, 1902 (43 U.S.C. 391 et seq.), and all Acts amendatory thereof or supplemental thereto shall not apply to the Griffith Project. Effective upon transfer, the lands and facilities transferred pursuant to this Act shall not be entitled to receive any further Reclamation benefits pursuant to the Act of June 17, 1902, and all Acts amendatory thereof or supplemental thereto attributable to their status as a Federal Reclamation Project, and the Griffith Project shall no longer be a Federal Reclamation Project.

(c) Nothing in this Act shall transfer or affect Federal ownership, rights, or interests in Lake Mead National Recreation Area associated lands, nor affect the authorities of the National Park Service to manage Lake Mead National Recreation Area including lands on which the Griffith Project is located consistent with the Act of August 25, 1916 (39 Stat. 535), Public Law 88–639, October 8, 1964 (78 Stat. 1039), or any other applicable legislation, regulation, or policy.

(d) Nothing in this Act shall affect the application of Federal reclamation law to water delivered to the Authority pursuant to any contract with the Secretary under section 5 of the Boulder Canyon Project Act.

(e) Effective upon conveyance of the Griffith Project and acquired interests in land under section 3 of this Act, the United States shall not be liable for damages of any kind arising out of any act, omission, or occurrence based on its prior ownership of the conveyed property.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 986), as amended, was passed, as follows:

S. 986

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 ''Griffith Project Prepayment and Conveyance Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) The term ''Authority'' means the Southern Nevada Water Authority, organized under the laws of the State of Nevada.

(2) The term ''Griffith Project'' means the Robert B. Griffith Water Project, authorized by and constructed pursuant to the Southern Nevada Water Project Act, Public Law 89–292, as amended, (commonly known as the ''Southern Nevada Water Project Act'') (79 Stat. 1068), including pipelines, conduits, pumping plants, intake facilities, aqueducts, laterals, water storage and regulatory facilities, electric substations, and related works and improvements listed pursuant to ''Robert B. Griffith Water Project (Formerly Southern Nevada Water Project), Nevada: Southern Clark County, Lower Colorado Region Bureau of Reclamation'', on file at the Bureau of Reclamation and all interests in land acquired under Public Law 89–292, as amended.

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

(4) The term ''Acquired Land(s)'' means all interests in land, including fee title, right(s)-of-way, and easement(s), acquired by the United States from non-Federal sources by purchase, donation, exchange, or condemnation pursuant to Public Law 89–292, as amended for the Griffith Project.

(5) The term ''Public Land'' means lands which have never left Federal ownership and are under the jurisdiction of the Bureau of Land Management.

(6) The term ''Withdrawn Land'' means Federal lands which are withdrawn from settlement, sale, location of minerals, or entry under some or all of the general land laws and are reserved for a particular public purpose pursuant to Public Law 89–292, as amended, under the jurisdiction of the Bureau of Reclamation, or are reserved pursuant to Public Law 88–639 under the jurisdiction of the National Park Service.

SEC. 3. CONVEYANCE OF GRIFFITH PROJECT.

(a) IN GENERAL.—In consideration of the Authority assuming from the United States all liability for administration, operation, maintenance, and replacement of the Griffith Project and subject to the prepayment by the Authority of the Federal repayment amount of $121,204,348 (which amount shall be increased to reflect any accrued unpaid interest and shall be decreased by the amount of any additional principal payments made by the Authority after September 15, 1999, prior to the date on which prepayment occurs), the Secretary shall, pursuant to the provisions of this Act—

(1) convey and assign to the Authority all of the right, title, and interest of the United States in and to improvements and facilities of the Griffith Project in existence as of the date of this Act;

(2) convey and assign to the Authority all of the right, title, and interest of the United States to Acquired Lands that were acquired for the Griffith Project; and

(3) convey and assign to the Authority all interests reserved and developed as of the date of this Act for the Griffith Project in lands patented by the United States.

(b) Pursuant to the authority of this section, from the effective date of conveyance of the Griffith Project, the Authority shall have a right of way at no cost across all Public Land and Withdrawn Land—

(1) on which the Griffith Project is situated; and

(2) across any Federal lands as reasonably necessary for the operation, maintenance, replacement, and repair of the Griffith Project, including existing access routes.

Rights of way established by this section shall be valid for as long as they are needed for municipal water supply purposes and shall not require payment of rental or other fee.

(c) Within twelve months after the effective date of this Act—

(1) the Secretary and the Authority shall agree upon a description of the land subject to the rights of way established by subsection (b) of this section; and

(2) the Secretary shall deliver to the Authority a document memorializing such rights of way.

(d) REPORT.—If the conveyance under subsection (a) has not occurred within twelve months after the effective date of this Act, the Secretary shall submit to Congress a report on the status of the conveyance.

SEC. 4. RELATIONSHIP TO EXISTING CONTRACTS.

The Secretary and the Authority may modify Contract No. 7–07–30–W0004 and other contracts and land permits as necessary to conform to the provisions of this Act.

SEC. 5. RELATIONSHIP TO OTHER LAWS AND FUTURE BENEFITS.

(a) If the Authority changes the use or operation of the Griffith Project, the Authority shall comply with all applicable laws and regulations governing the changes at that time.

(b) On conveyance of the Griffith Project under section 3 of this Act, the Act of June 17, 1902 (43 U.S.C. 391 et seq.), and all Acts amendatory thereof or supplemental thereto shall not apply to the Griffith Project. Effective upon transfer, the lands and facilities

transferred pursuant to this Act shall not be entitled to receive any further Reclamation benefits pursuant to the Act of June 17, 1902, and all Acts amendatory thereof or supplemental thereto attributable to their status as a Federal Reclamation Project, and the Griffith Project shall no longer be a Federal Reclamation Project.

(c) Nothing in this Act shall transfer or affect Federal ownership, rights, or interests in Lake Mead National Recreation Area associated lands, nor affect the authorities of the National Park Service to manage Lake Mead National Recreation Area including lands on which the Griffith Project is located consistent with the Act of August 25, 1916 (39 Stat. 535), Public Law 88–639, October 8, 1964 (78 Stat. 1039), or any other applicable legislation, regulation, or policy.

(d) Nothing in this Act shall affect the application of Federal reclamation law to water delivered to the Authority pursuant to any contract with the Secretary under section 5 of the Boulder Canyon Project Act.

(e) Effective upon conveyance of the Griffith Project and acquired interests in land under section 3 of this Act, the United States shall not be liable for damages of any kind arising out of any act, omission, or occurrence based on its prior ownership of the conveyed property.

EXCHANGE OF PRIVATE LAND IN CAMPBELL COUNTY, WYOMING

The Senate proceeded to consider the bill (S. 1030) to provide that the conveyance by the Bureau of Land Management of the surface estate to certain land in the State of Wyoming in exchange for certain private land will not result in the removal of the land from operation of the mining laws, which had been reported from the Committee on Energy and Natural Resources, with an amendment; as follows:

(The part of the bill intended to be inserted is shown in italic.)

S. 1030

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

SECTION 1. 60 BAR LAND EXCHANGE.

(a) IN GENERAL.—Sections 2201.1–2(d) and 2091.3–2(c) of title 43 Code of Federal Regulations, shall not apply in the case of the conveyance by the Secretary of the Interior of the land described in subsection (b) in exchange for approximately 9,480 acres of land in Campbell County, Wyoming, pursuant to the terms of the Cow Creek/60 Bar land exchange, WYW–143315.

(b) LAND DESCRIPTION.—The land described in this subsection comprises the following land in Campbell and Johnson Counties, Wyoming:

(1) Approximately 2,960 acres of land in the tract known as the ''Bill Barlow Ranch'';

(2) Approximately 2,315 acres of land in the tract know as the ''T-Chair Ranch'';

(3) Approximately 3,948 acres of land in the tract known as the ''Bob Christensen Ranch'';

(4) Approximately 11,609 acres of land in the tract known as the ''John Christensen Ranch''.

(c) SEGREGATION FROM ENTRY.—Land acquired by the United States in the exchange under subsection (a) shall be segregated from entry under the mining laws until appropriate land use planning is completed for the land.

The committee amendment was agreed to.

The bill (S. 1030), as amended, was passed, as follows:

S. 1030

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

SECTION 1. 60 BAR LAND EXCHANGE.

(a) IN GENERAL.—Sections 2201.1–2(d) and 2091.3–2(c) of title 43 Code of Federal Regulations, shall not apply in the case of the conveyance by the Secretary of the Interior of the land described in subsection (b) in exchange for approximately 9,480 acres of land in Campbell County, Wyoming, pursuant to the terms of the Cow Creek/60 Bar land exchange, WYW–143315.

(b) LAND DESCRIPTION.—The land described in this subsection comprises the following land in Campbell and Johnson Counties, Wyoming:

(1) Approximately 2,960 acres of land in the tract known as the ''Bill Barlow Ranch'';

(2) Approximately 2,315 acres of land in the tract know as the ''T-Chair Ranch'';

(3) Approximately 3,948 acres of land in the tract known as the ''Bob Christensen Ranch'';

(4) Approximately 11,609 acres of land in the tract known as the ''John Christensen Ranch''.

(c) SEGREGATION FROM ENTRY.—Land acquired by the United States in the exchange under subsection (a) shall be segregated from entry under the mining laws until appropriate land use planning is completed for the land.

COLORADO RIVER BASIN SALINITY CONTROL ACT

The Senate proceeded to consider the bill (S. 1211) to amend the Colorado River Basin Salinity Control Act to authorize additional measures to carry out the control of salinity upstream of Imperil Dam in a cost-effective manner, which had been reported from the Committee on Energy and Natural Resources, with an amendment; as follows:

(The part of the bill to be inserted is printed in italic.)

S. 1211

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

SECTION 1. AMENDMENT OF THE COLORADO RIVER BASIN SALINITY CONTROL ACT.

Section 208(c) of the Colorado River Basin Salinity Control Act (43 U.S.C. 1598(c)) is amended—

(1) in the first sentence—

(A) by striking ''$75,000,000 for subsection 202(a)'' and inserting ''$175,000,000 for section 202(a)''; and

(B) by striking ''paragraph 202(a)(6)'' and inserting ''paragraph (6) of section 202(a)''; and

(2) in the second sentence, by striking ''paragraph 202(a)(6)'' and inserting ''section 202(a)(6)''.

SEC. 2. REPORT.

The Secretary of the Interior shall prepare a report on the status of implementation of the comprehensive program for minimizing salt contributions to the Colorado River from lands administered by the Bureau of Land Management directed by section 203(b)(3) of the Colorado River Basin Salinity Control Act (43 U.S.C. 1593). The report shall provide specific information on individual projects and funding allocation. The report shall be transmitted to the Committee on Energy and Natural Resources and the Committee on Resources of the House of Representatives no later than June 30, 2000.

The committee amendment was agreed to.

The bill (S. 1211), as amended, was passed, as follows:

S. 1211

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

SECTION 1. AMENDMENT OF THE COLORADO RIVER BASIN SALINITY CONTROL ACT.

Section 208(c) of the Colorado River Basin Salinity Control Act (43 U.S.C. 1598(c)) is amended—

(1) in the first sentence—

(A) by striking ''$75,000,000 for subsection 202(a)'' and inserting ''$175,000,000 for section 202(a)''; and

(B) by striking ''paragraph 202(a)(6)'' and inserting ''paragraph (6) of section 202(a)''; and

(2) in the second sentence, by striking ''paragraph 202(a)(6)'' and inserting ''section 202(a)(6)''.

SEC. 2. REPORT.

The Secretary of the Interior shall prepare a report on the status of implementation of the comprehensive program for minimizing salt contributions to the Colorado River from lands administered by the Bureau of Land Management directed by section 203(b)(3) of the Colorado River Basin Salinity Control Act (43 U.S.C. 1593). The report shall provide specific information on individual projects and funding allocation. The report shall be transmitted to the Committee on Energy and Natural Resources and the Committee on Resources of the House of Representatives no later than June 30, 2000.

VICKSBURG CAMPAIGN TRAIL BATTLEFIELDS PRESERVATION ACT OF 1999

The Senate proceeded to consider the bill (S. 710) to authorize a feasibility study on the preservation of certain Civil War battlefields along the Vicksburg Campaign 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 intended to be inserted are shown in italic.)

S. 710

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 ''Vicksburg Campaign Trail Battlefields Preservation Act of 1999''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) there are situated along the Vicksburg Campaign Trail in the States of Mississippi, Louisiana, Arkansas, and Tennessee the sites of several key Civil War battles;

(2) the battlefields along the Vicksburg Campaign Trail are collectively of national significance in the history of the Civil War; and

(3) the preservation of those battlefields would vitally contribute to the understanding of the heritage of the United States.

(b) PURPOSE.—The purpose of this Act is to authorize a feasibility study to determine what measures should be taken to preserve

certain Civil War battlefields along the Vicksburg Campaign Trail.

SEC. 3. DEFINITIONS.

In this Act:

(1) CAMPAIGN TRAIL STATE.—The term ''Campaign Trail State'' means each of the States of Mississippi, Louisiana, Arkansas, and Tennessee, including political subdivisions of those States.

(2) CIVIL WAR BATTLEFIELD.—*The term ''Civil War battlefield'' includes the following sites (including related structures adjacent to or thereon):*

[(A) IN GENERAL.—The term ''Civil War battlefield'' means the land and interests in land that is the site of a Civil War battlefield, including structures on or adjacent to the land, as generally depicted on the Map.

[(B) INCLUSIONS.—The term ''Civil War battlefield'' includes—

[(i)] *(A)* the battlefields at Helena and Arkansas Post, Arkansas;

[(ii)] *(B)* Goodrich's Landing near Transylvania, and sites in and around Lake Providence, East Carroll Parish, Louisiana;

[(iii)] *(C)* the battlefield at Milliken's Bend, Madison Parish, Louisiana;

[(iv)] *(D)* the route of Grant's march through Louisiana from Milliken's Bend to Hard Times, Madison and Tensas Parishes, Louisiana;

[(v)] *(E)* the Winter Quarters at Tensas Parish, Louisiana;

[(vi)] *(F)* Grant's landing site at Bruinsburg, and the route of Grant's march from Bruinsburg to Vicksburg, Claiborne, Hinds, and Warren Counties, Mississippi;

[(vii)] *(G)* the battlefield at Port Gibson (including Shaifer House, Bethel Church, and the ruins of Windsor), Claiborne County, Mississippi;

[(viii)] *(H)* the battlefield at Grand Gulf, Claiborne County, Mississippi;

[(ix)] *(I)* the battlefield at Raymond (including Waverly, (the Peyton House)), Hinds County, Mississippi;

[(x)] *(J)* the battlefield at Jackson, Hinds County, Mississippi;

[(xi)] *(K)* the Union siege lines around Jackson, Hinds County, Mississippi;

[(xii)] *(L)* the battlefield at Champion Hill (including Coker House), Hinds County, Mississippi;

[(xiii)] *(M)* the battlefield at Big Black River Bridge, Hinds and Warren Counties, Mississippi;

[(xiv)] *(N)* the Union fortifications at Haynes Bluff, Confederate fortifications at Snyder's Bluff, and remnants of Federal exterior lines, Warren County, Mississippi;

[(xv)] *(O)* the battlefield at Chickasaw Bayou, Warren County, Mississippi;

[(xvi)] *(P)* Pemberton's Headquarters at Warren County, Mississippi;

[(xvii)] *(Q)* the site of actions taken in the Mississippi Delta and Confederate fortifications near Grenada, Grenada County, Mississippi;

[(xviii)] *(R)* the site of the start of Greirson's Raid and other related sites, LaGrange, Tennessee; and

[(xix)] *(S)* any other sites considered appropriate by the Secretary.

[(3) MAP.—The term ''Map'' means the map entitled ''Vicksburg Campaign Trail National Battlefields'', numbered _____, and dated _____.

[(4)] *(3)* SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the National Park Service.

SEC. 4. FEASIBILITY STUDY.

[(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall complete a feasibility study to determine what measures should be taken to preserve Civil War battlefields along the Vicksburg Campaign Trail.]

(a) IN GENERAL.—Not later than 3 years after funds are made available for this Act, the Secretary shall complete a feasibility study to determine what measures should be taken to preserve Civil War battlefields along the Vicksburg Campaign Trail.

(b) COMPONENTS.—In completing the study, the Secretary shall—

[(1) enter into contracts with entities to use advanced technology such as remote sensing, river modeling, and flow analysis to determine which property included in the Civil War battlefields should be preserved, restored, managed, maintained, or acquired due to the national historical significance of the property;]

(1) review current National Park Service programs, policies and criteria to determine the most appropriate means of ensuring the Civil War battlefields and associated natural, cultural, and historical resources are preserved;

(2) evaluate options for the establishment of a management entity for the Civil War battlefields consisting of a unit of government or a private nonprofit organization that—

(A) administers and manages the Civil War battlefields; and

(B) possesses the legal authority to—

(i) receive Federal funds and funds from other units of government or other organizations for use in managing the Civil War battlefields;

(ii) disburse Federal funds to other units of government or other nonprofit organizations for use in managing the Civil War battlefields;

(iii) enter into agreements with the Federal government, State governments, or other units of government and nonprofit organizations; and

(iv) acquire land or interests in land by gift or devise, by purchase from a willing seller using donated or appropriated funds, or by donation;

(3) make recommendations to the Campaign Trail States for the management, preservation, and interpretation of the natural, cultural, and historical resources of the Civil War battlefields;

(4) identify appropriate partnerships among Federal, State, and local governments, regional entities, and the private sector, including nonprofit organizations and the organization known as ''Friends of the Vicksburg Campaign and Historic Trail'', in furtherance of the purposes of this Act; and

(5) recommend methods of ensuring continued local involvement and participation in the management, protection, and development of the Civil War battlefields.

(c) REPORT.—Not later than 60 days after the date of completion of the study under this section, the Secretary shall submit a report describing the findings of the study to—

(1) the Committee on Energy and Natural Resources of the Senate; and

(2) the Committee on Resources of the House of Representatives.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this Act $1,500,000.

The committee amendments were agreed to.

The bill (S. 710), as amended, was passed, as follows:

S. 710

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 ''Vicksburg Campaign Trail Battlefields Preservation Act of 1999''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) there are situated along the Vicksburg Campaign Trail in the States of Mississippi, Louisiana, Arkansas, and Tennessee the sites of several key Civil War battles;

(2) the battlefields along the Vicksburg Campaign Trail are collectively of national significance in the history of the Civil War; and

(3) the preservation of those battlefields would vitally contribute to the understanding of the heritage of the United States.

(b) PURPOSE.—The purpose of this Act is to authorize a feasibility study to determine what measures should be taken to preserve certain Civil War battlefields along the Vicksburg Campaign Trail.

SEC. 3. DEFINITIONS.

In this Act:

(1) CAMPAIGN TRAIL STATE.—The term ''Campaign Trail State'' means each of the States of Mississippi, Louisiana, Arkansas, and Tennessee, including political subdivisions of those States.

(2) CIVIL WAR BATTLEFIELD.—The term ''Civil War battlefield'' includes the following sites (including related structures adjacent to or thereon)—

(A) the battlefields at Helena and Arkansas Post, Arkansas;

(B) Goodrich's Landing near Transylvania, and sites in and around Lake Providence, East Carroll Parish, Louisiana;

(C) the battlefield at Milliken's Bend, Madison Parish, Louisiana;

(D) the route of Grant's march through Louisiana from Milliken's Bend to Hard Times, Madison and Tensas Parishes, Louisiana;

(E) the Winter Quarters at Tensas Parish, Louisiana;

(F) Grant's landing site at Bruinsburg, and the route of Grant's march from Bruinsburg to Vicksburg, Claiborne, Hinds, and Warren Counties, Mississippi;

(G) the battlefield at Port Gibson (including Shaifer House, Bethel Church, and the ruins of Windsor), Claiborne County, Mississippi;

(H) the battlefield at Grand Gulf, Claiborne County, Mississippi;

(I) the battlefield at Raymond (including Waverly, (the Peyton House)), Hinds County, Mississippi;

(J) the battlefield at Jackson, Hinds County, Mississippi;

(K) the Union siege lines around Jackson, Hinds County, Mississippi;

(L) the battlefield at Champion Hill (including Coker House), Hinds County, Mississippi;

(M) the battlefield at Big Black River Bridge, Hinds and Warren Counties, Mississippi;

(N) the Union fortifications at Haynes Bluff, Confederate fortifications at Snyder's Bluff, and remnants of Federal exterior lines, Warren County, Mississippi;

(O) the battlefield at Chickasaw Bayou, Warren County, Mississippi;

(P) Pemberton's Headquarters at Warren County, Mississippi;

(Q) the site of actions taken in the Mississippi Delta and Confederate fortifications near Grenada, Grenada County, Mississippi;

(R) the site of the start of Greirson's Raid and other related sites, LaGrange, Tennessee; and

(S) any other sites considered appropriate by the Secretary.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the National Park Service.

SEC. 4. FEASIBILITY STUDY.

(a) IN GENERAL.—Not later than 3 years after funds are made available for this Act,

the Secretary shall complete a feasibility study to determine what measures should be taken to preserve Civil War battlefields along the Vicksburg Campaign Trail.

(b) COMPONENTS.—In completing the study, the Secretary shall—

(1) review current National Park Service programs, policies and criteria to determine the most appropriate means of ensuring the Civil War battlefields and associated natural, cultural, and historical resources are preserved;

(2) evaluate options for the establishment of a management entity for the Civil War battlefields consisting of a unit of government or a private nonprofit organization that—

(A) administers and manages the Civil War battlefields; and

(B) possesses the legal authority to—

(i) receive Federal funds and funds from other units of government or other organizations for use in managing the Civil War battlefields;

(ii) disburse Federal funds to other units of government or other nonprofit organizations for use in managing the Civil War battlefields;

(iii) enter into agreements with the Federal government, State governments, or other units of government and nonprofit organizations; and

(iv) acquire land or interests in land by gift or devise, by purchase from a willing seller using donated or appropriated funds, or by donation;

(3) make recommendations to the Campaign Trail States for the management, preservation, and interpretation of the natural, cultural, and historical resources of the Civil War battlefields;

(4) identify appropriate partnerships among Federal, State, and local governments, regional entities, and the private sector, including nonprofit organizations and the organization known as ''Friends of the Vicksburg Campaign and Historic Trail'', in furtherance of the purposes of this Act; and

(5) recommend methods of ensuring continued local involvement and participation in the management, protection, and development of the Civil War battlefields.

(c) REPORT.—Not later than 60 days after the date of completion of the study under this section, the Secretary shall submit a report describing the findings of the study to—

(1) the Committee on Energy and Natural Resources of the Senate; and

(2) the Committee on Resources of the House of Representatives.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this Act $1,500,000.

LACKAWANNA VALLEY AMERICAN HERITAGE AREA ACT OF 1999

The Senate proceeded to consider the bill (S. 905) to establish the Lackawanna Valley American Heritage Area, 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. 905

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 ''Lackawanna Valley **[**American**]** *National* Heritage Area Act of 1999''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the industrial and cultural heritage of northeastern Pennsylvania, including Lackawanna County, Luzerne County, Wayne County, and Susquehanna County, related directly to anthracite and anthracite-related industries, is nationally significant;

(2) the industries referred to in paragraph (1) include anthracite mining, ironmaking, textiles, and rail transportation;

(3) the industrial and cultural heritage of the anthracite and anthracite-related industries in the region described in paragraph (1) includes the social history and living cultural traditions of the people of the region;

(4) the labor movement of the region played a significant role in the development of the Nation, including—

(A) the formation of many major unions such as the United Mine Workers of America; and

(B) crucial struggles to improve wages and working conditions, such as the 1900 and 1902 anthracite strikes;

(5)(A) the Secretary of the Interior is responsible for protecting the historical and cultural resources of the United States; and

(B) there are significant examples of those resources within the region described in paragraph (1) that merit the involvement of the Federal Government to develop, in cooperation with the Lackawanna Heritage Valley Authority, the Commonwealth of Pennsylvania, and local and governmental entities, programs and projects to conserve, protect, and interpret this heritage adequately for future generations, while providing opportunities for education and revitalization; and

(6) the Lackawanna Heritage Valley Authority would be an appropriate management entity for a Heritage Area established in the region described in paragraph (1).

(b) PURPOSES.—The purposes of the Lackawanna Valley **[**American**]** *National* Heritage Area and this Act are—

(1) to foster a close working relationship among all levels of government, the private sector, and the local communities in the anthracite coal region of northeastern Pennsylvania and enable the communities to conserve their heritage while continuing to pursue economic opportunities; and

(2) to conserve, interpret, and develop the historical, cultural, natural, and recreational resources related to the industrial and cultural heritage of the 4-county region described in subsection (a)(1).

SEC. 3. DEFINITIONS.

In this Act:

(1) HERITAGE AREA.—The term ''Heritage Area'' means the Lackawanna Valley **[**American**]** *National* Heritage Area established by section 4.

(2) MANAGEMENT ENTITY.—The term ''management entity'' means the management entity for the Heritage Area specified in section 4(c).

(3) MANAGEMENT PLAN.—The term ''management plan'' means the management plan for the Heritage Area developed under section 6(b).

(4) PARTNER.—The term ''partner'' means—

(A) a Federal, State, or local governmental entity; and

(B) an organization, private industry, or individual involved in promoting the conservation and preservation of the cultural and natural resources of the Heritage Area.

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

SEC. 4. LACKAWANNA VALLEY AMERICAN HERITAGE AREA.

(a) ESTABLISHMENT.—There is established the Lackawanna Valley **[**American**]** *National* Heritage Area.

(b) BOUNDARIES.—The Heritage Area shall be comprised of all or parts of Lackawanna County, Luzerne County, Wayne County, and Susquehanna County, Pennsylvania, determined in accordance with the compact under section 5.

(c) MANAGEMENT ENTITY.—The management entity for the Heritage Area shall be the Lackawanna Heritage Valley Authority.

SEC. 5. COMPACT.

(a) IN GENERAL.—To carry out this Act, the Secretary shall enter into a compact with the management entity.

(b) CONTENTS OF COMPACT.—The compact shall include information relating to the objectives and management of the area, including—

(1) a delineation of the boundaries of the Heritage Area; and

(2) a discussion of the goals and objectives of the Heritage Area, including an explanation of the proposed approach to conservation and interpretation and a general outline of the protection measures committed to by the partners.

SEC. 6. AUTHORITIES AND DUTIES OF MANAGEMENT ENTITY.

(a) AUTHORITIES OF MANAGEMENT ENTITY.—The management entity may, for the purposes of preparing and implementing the management plan, use funds made **[**available under this Act—**]** *available under this Act to hire and compensate staff.*

[(1) to make loans and grants to, and enter into cooperative agreements with, any State or political subdivision of a State, private organization, or person; and

[(2) to hire and compensate staff.**]**

(b) MANAGEMENT PLAN.—

(1) IN GENERAL.—The management entity shall develop a management plan for the Heritage Area that presents comprehensive recommendations for the conservation, funding, management, and development of the Heritage Area.

(2) CONSIDERATION OF OTHER PLANS AND ACTIONS.—The management plan shall—

(A) take into consideration State, county, and local plans;

(B) involve residents, public agencies, and private organizations working in the Heritage Area; and

(C) include actions to be undertaken by units of government and private organizations to protect the resources of the Heritage Area.

(3) SPECIFICATION OF FUNDING SOURCES.—The management plan shall specify the existing and potential sources of funding available to protect, manage, and develop the Heritage Area.

(4) OTHER REQUIRED ELEMENTS.—The management plan shall include the following:

(A) An inventory of the resources contained in the Heritage Area, including a list of any property in the Heritage Area that is related to the purposes of the Heritage Area and that should be preserved, restored, managed, developed, or maintained because of its historical, cultural, natural, recreational, or scenic significance.

(B) A recommendation of policies for resource management that considers and details application of appropriate land and water management techniques, including the development of intergovernmental cooperative agreements to protect the historical, cultural, natural, and recreational resources of the Heritage Area in a manner that is consistent with the support of appropriate and compatible economic viability.

(C) A program for implementation of the management plan by the management entity, including—

(i) plans for restoration and construction; and

(ii) specific commitments of the partners for the first 5 years of operation.

(D) An analysis of ways in which local, State, and Federal programs may best be coordinated to promote the purposes of this Act.

(E) An interpretation plan for the Heritage Area.

(5) SUBMISSION TO SECRETARY FOR APPROVAL.—

(A) IN GENERAL.—Not later than the last day of the 3-year period beginning on the date of enactment of this Act, the management entity shall submit the management plan to the Secretary for approval.

(B) EFFECT OF FAILURE TO SUBMIT.—If a management plan is not submitted to the Secretary by the day referred to in subparagraph (A), the Secretary shall not, after that day, provide any grant or other assistance under this Act with respect to the Heritage Area until a management plan for the Heritage Area is submitted to the Secretary.

(c) DUTIES OF MANAGEMENT ENTITY.—The management entity shall—

(1) give priority to implementing actions specified in the compact and management plan, including steps to assist units of government and nonprofit organizations in preserving the Heritage Area;

(2) assist units of government and nonprofit organizations in—

(A) establishing and maintaining interpretive exhibits in the Heritage Area;

(B) developing recreational resources in the Heritage Area;

(C) increasing public awareness of and appreciation for the historical, natural, and architectural resources and sites in the Heritage Area; and

(D) restoring historic buildings that relate to the purposes of the Heritage Area;

(3) encourage economic viability in the Heritage Area consistent with the goals of the management plan;

(4) encourage local governments to adopt land use policies consistent with the management of the Heritage Area and the goals of the management plan;

(5) assist units of government and nonprofit organizations to ensure that clear, consistent, and environmentally appropriate signs identifying access points and sites of interest are placed throughout the Heritage Area;

(6) consider the interests of diverse governmental, business, and nonprofit groups within the Heritage Area;

(7) conduct public meetings not less often than quarterly concerning the implementation of the management plan;

(8) submit substantial amendments (including any increase of more than 20 percent in the cost estimates for implementation) to the management plan to the Secretary for the Secretary's approval; and

(9) for each year in which Federal funds have been received under this Act—

(A) submit a report to the Secretary that specifies—

(i) the accomplishments of the management entity; *and*

(ii) the expenses and income of the management entity; [and]

[(iii) each entity to which any loan or grant was made during the year;]

(B) make available to the Secretary for audit all records relating to the expenditure of such funds and any matching funds; and

(C) require, with respect to all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available to the Secretary for audit all records concerning the expenditure of such funds.

(d) USE OF FEDERAL FUNDS.—

(1) FUNDS MADE AVAILABLE UNDER THIS ACT.—The management entity shall not use Federal funds received under this Act to acquire real property or any interest in real property.

(2) FUNDS FROM OTHER SOURCES.—Nothing in this Act precludes the management entity from using Federal funds obtained through law other than this Act for any purpose for which the funds are authorized to be used.

SEC. 7. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.

[(a) TECHNICAL AND FINANCIAL ASSISTANCE.—]

[(1) IN GENERAL.—]

[(A) PROVISION OF ASSISTANCE.—The Secretary may, at the request of the management entity, provide technical and financial assistance to the management entity to develop and implement the management plan.

[(B) PRIORITY IN ASSISTANCE.—In assisting the management entity, the Secretary shall give priority to actions that assist in—

[(i) conserving the significant historical, cultural, and natural resources that support the purposes of the Heritage Area; and

[(ii) providing educational, interpretive, and recreational opportunities consistent with the resources and associated values of the Heritage Area.

[(2) EXPENDITURES FOR NON-FEDERALLY OWNED PROPERTY.—

[(A) IN GENERAL.—To further the purposes of this Act, the Secretary may expend Federal funds directly on non-federally owned property, especially for assistance to units of government relating to appropriate treatment of districts, sites, buildings, structures, and objects listed or eligible for listing on the National Register of Historic Places.

[(B) STUDIES.—The Historic American Buildings Survey/Historic American Engineering Record shall conduct such studies as are necessary to document the industrial, engineering, building, and architectural history of the Heritage Area.]

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—

(1) PROVISION OF ASSISTANCE.—The Secretary may, at the request of the management entity, provide technical and financial assistance to the management entity to develop and implement the management plan.

(2) PRIORITY IN ASSISTANCE.—In assisting the management entity, the Secretary shall give priority to actions that assist in—

(A) conserving the significant historical, cultural, and natural resources that support the purpose of the Heritage Area; and

(B) providing educational, interpretive, and recreational opportunities consistent with the resources and associated values of the Heritage Area.

(b) APPROVAL AND DISAPPROVAL OF MANAGEMENT PLANS.—

(1) IN GENERAL.—The Secretary, in consultation with the Governor of the Commonwealth of Pennsylvania, shall approve or disapprove a management plan submitted under this Act not later than 90 days after receipt of the management plan.

(2) ACTION FOLLOWING DISAPPROVAL.—

(A) IN GENERAL.—If the Secretary disapproves a management plan, the Secretary shall advise the management entity in writing of the reasons for the disapproval and shall make recommendations for revisions to the management plan.

(B) DEADLINE FOR APPROVAL OF REVISION.—The Secretary shall approve or disapprove a proposed revision within 90 days after the date on which the revision is submitted to the Secretary.

(c) APPROVAL OF AMENDMENTS.—

(1) REVIEW.—The Secretary shall review substantial amendments (as determined under section 6(c)(8)) to the management plan for the Heritage Area.

(2) REQUIREMENT OF APPROVAL.—Funds made available under this Act shall not be expended to implement the amendments described in paragraph (1) until the Secretary approves the amendments.

SEC. 8. SUNSET PROVISION.

The Secretary shall not provide any grant or other assistance under this Act after September 30, 2012.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this Act $10,000,000, except that not more than $1,000,000 may be appropriated to carry out this Act for any fiscal year.

(b) 50 PERCENT MATCH.—The Federal share of the cost of activities carried out using any assistance or grant under this Act shall not exceed 50 percent.

Amend the title so as to read: ''To establish the Lackawanna Valley National Heritage Area and for other purposes.''

The committee amendments were agreed to.

The bill (S. 905), as amended, was passed, as follows:

S. 905

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 ''Lackawanna Valley National Heritage Area Act of 1999''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the industrial and cultural heritage of northeastern Pennsylvania, including Lackawanna County, Luzerne County, Wayne County, and Susquehanna County, related directly to anthracite and anthracite-related industries, is nationally significant;

(2) the industries referred to in paragraph (1) include anthracite mining, ironmaking, textiles, and rail transportation;

(3) the industrial and cultural heritage of the anthracite and anthracite-related industries in the region described in paragraph (1) includes the social history and living cultural traditions of the people of the region;

(4) the labor movement of the region played a significant role in the development of the Nation, including—

(A) the formation of many major unions such as the United Mine Workers of America; and

(B) crucial struggles to improve wages and working conditions, such as the 1900 and 1902 anthracite strikes;

(5)(A) the Secretary of the Interior is responsible for protecting the historical and cultural resources of the United States; and

(B) there are significant examples of those resources within the region described in paragraph (1) that merit the involvement of the Federal Government to develop, in cooperation with the Lackawanna Heritage Valley Authority, the Commonwealth of Pennsylvania, and local and governmental entities, programs and projects to conserve, protect, and interpret this heritage adequately for future generations, while providing opportunities for education and revitalization; and

(6) the Lackawanna Heritage Valley Authority would be an appropriate management entity for a Heritage Area established in the region described in paragraph (1).

(b) PURPOSES.—The purposes of the Lackawanna Valley National Heritage Area and this Act are—

(1) to foster a close working relationship among all levels of government, the private sector, and the local communities in the anthracite coal region of northeastern Pennsylvania and enable the communities to conserve their heritage while continuing to pursue economic opportunities; and

(2) to conserve, interpret, and develop the historical, cultural, natural, and recreational resources related to the industrial

and cultural heritage of the 4-county region described in subsection (a)(1).

SEC. 3. DEFINITIONS.

In this Act:

(1) HERITAGE AREA.—The term ''Heritage Area'' means the Lackawanna Valley National Heritage Area established by section 4.

(2) MANAGEMENT ENTITY.—The term ''management entity'' means the management entity for the Heritage Area specified in section 4(c).

(3) MANAGEMENT PLAN.—The term ''management plan'' means the management plan for the Heritage Area developed under section 6(b).

(4) PARTNER.—The term ''partner'' means—

(A) a Federal, State, or local governmental entity; and

(B) an organization, private industry, or individual involved in promoting the conservation and preservation of the cultural and natural resources of the Heritage Area.

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

SEC. 4. LACKAWANNA VALLEY AMERICAN HERITAGE AREA.

(a) ESTABLISHMENT.—There is established the Lackawanna Valley National Heritage Area.

(b) BOUNDARIES.—The Heritage Area shall be comprised of all or parts of Lackawanna County, Luzerne County, Wayne County, and Susquehanna County, Pennsylvania, determined in accordance with the compact under section 5.

(c) MANAGEMENT ENTITY.—The management entity for the Heritage Area shall be the Lackawanna Heritage Valley Authority.

SEC. 5. COMPACT.

(a) IN GENERAL.—To carry out this Act, the Secretary shall enter into a compact with the management entity.

(b) CONTENTS OF COMPACT.—The compact shall include information relating to the objectives and management of the area, including—

(1) a delineation of the boundaries of the Heritage Area; and

(2) a discussion of the goals and objectives of the Heritage Area, including an explanation of the proposed approach to conservation and interpretation and a general outline of the protection measures committed to by the partners.

SEC. 6. AUTHORITIES AND DUTIES OF MANAGEMENT ENTITY.

(a) AUTHORITIES OF MANAGEMENT ENTITY.—The management entity may, for the purposes of preparing and implementing the management plan, use funds made available under this Act to hire and compensate staff.

(b) MANAGEMENT PLAN.—

(1) IN GENERAL.—The management entity shall develop a management plan for the Heritage Area that presents comprehensive recommendations for the conservation, funding, management, and development of the Heritage Area.

(2) CONSIDERATION OF OTHER PLANS AND ACTIONS.—The management plan shall—

(A) take into consideration State, county, and local plans;

(B) involve residents, public agencies, and private organizations working in the Heritage Area; and

(C) include actions to be undertaken by units of government and private organizations to protect the resources of the Heritage Area.

(3) SPECIFICATION OF FUNDING SOURCES.—The management plan shall specify the existing and potential sources of funding available to protect, manage, and develop the Heritage Area.

(4) OTHER REQUIRED ELEMENTS.—The management plan shall include the following:

(A) An inventory of the resources contained in the Heritage Area, including a list of any property in the Heritage Area that is related to the purposes of the Heritage Area and that should be preserved, restored, managed, developed, or maintained because of its historical, cultural, natural, recreational, or scenic significance.

(B) A recommendation of policies for resource management that considers and details application of appropriate land and water management techniques, including the development of intergovernmental cooperative agreements to protect the historical, cultural, natural, and recreational resources of the Heritage Area in a manner that is consistent with the support of appropriate and compatible economic viability.

(C) A program for implementation of the management plan by the management entity, including—

(i) plans for restoration and construction; and

(ii) specific commitments of the partners for the first 5 years of operation.

(D) An analysis of ways in which local, State, and Federal programs may best be coordinated to promote the purposes of this Act.

(E) An interpretation plan for the Heritage Area.

(5) SUBMISSION TO SECRETARY FOR APPROVAL.—

(A) IN GENERAL.—Not later than the last day of the 3-year period beginning on the date of enactment of this Act, the management entity shall submit the management plan to the Secretary for approval.

(B) EFFECT OF FAILURE TO SUBMIT.—If a management plan is not submitted to the Secretary by the day referred to in subparagraph (A), the Secretary shall not, after that day, provide any grant or other assistance under this Act with respect to the Heritage Area until a management plan for the Heritage Area is submitted to the Secretary.

(c) DUTIES OF MANAGEMENT ENTITY.—The management entity shall—

(1) give priority to implementing actions specified in the compact and management plan, including steps to assist units of government and nonprofit organizations in preserving the Heritage Area;

(2) assist units of government and nonprofit organizations in—

(A) establishing and maintaining interpretive exhibits in the Heritage Area;

(B) developing recreational resources in the Heritage Area;

(C) increasing public awareness of and appreciation for the historical, natural, and architectural resources and sites in the Heritage Area; and

(D) restoring historic buildings that relate to the purposes of the Heritage Area;

(3) encourage economic viability in the Heritage Area consistent with the goals of the management plan;

(4) encourage local governments to adopt land use policies consistent with the management of the Heritage Area and the goals of the management plan;

(5) assist units of government and nonprofit organizations to ensure that clear, consistent, and environmentally appropriate signs identifying access points and sites of interest are placed throughout the Heritage Area;

(6) consider the interests of diverse governmental, business, and nonprofit groups within the Heritage Area;

(7) conduct public meetings not less often than quarterly concerning the implementation of the management plan;

(8) submit substantial amendments (including any increase of more than 20 percent in the cost estimates for implementation) to the management plan to the Secretary for the Secretary's approval; and

(9) for each year in which Federal funds have been received under this Act—

(A) submit a report to the Secretary that specifies—

(i) the accomplishments of the management entity; and

(ii) the expenses and income of the management entity;

(B) make available to the Secretary for audit all records relating to the expenditure of such funds and any matching funds; and

(C) require, with respect to all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available to the Secretary for audit all records concerning the expenditure of such funds.

(d) USE OF FEDERAL FUNDS.—

(1) FUNDS MADE AVAILABLE UNDER THIS ACT.—The management entity shall not use Federal funds received under this Act to acquire real property or any interest in real property.

(2) FUNDS FROM OTHER SOURCES.—Nothing in this Act precludes the management entity from using Federal funds obtained through law other than this Act for any purpose for which the funds are authorized to be used.

SEC. 7. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—

(1) PROVISION OF ASSISTANCE.—The Secretary may, at the request of the management entity, provide technical and financial assistance to the management entity to develop and implement the management plan.

(2) PRIORITY IN ASSISTANCE.—In assisting the management entity, the Secretary shall give priority to actions that assist in—

(A) conserving the significant historical, cultural, and natural resources that support the purpose of the Heritage Area; and

(B) providing educational, interpretive, and recreational opportunities consistent with the resources and associated values of the Heritage Area.

(b) APPROVAL AND DISAPPROVAL OF MANAGEMENT PLANS.—

(1) IN GENERAL.—The Secretary, in consultation with the Governor of the Commonwealth of Pennsylvania, shall approve or disapprove a management plan submitted under this Act not later than 90 days after receipt of the management plan.

(2) ACTION FOLLOWING DISAPPROVAL.—

(A) IN GENERAL.—If the Secretary disapproves a management plan, the Secretary shall advise the management entity in writing of the reasons for the disapproval and shall make recommendations for revisions to the management plan.

(B) DEADLINE FOR APPROVAL OF REVISION.—The Secretary shall approve or disapprove a proposed revision within 90 days after the date on which the revision is submitted to the Secretary.

(c) APPROVAL OF AMENDMENTS.—

(1) REVIEW.—The Secretary shall review substantial amendments (as determined under section 6(c)(8)) to the management plan for the Heritage Area.

(2) REQUIREMENT OF APPROVAL.—Funds made available under this Act shall not be expended to implement the amendments described in paragraph (1) until the Secretary approves the amendments.

SEC. 8. SUNSET PROVISION.

The Secretary shall not provide any grant or other assistance under this Act after September 30, 2012.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this Act $10,000,000, except that not more than $1,000,000 may be

appropriated to carry out this Act for any fiscal year.

(b) 50 PERCENT MATCH.—The Federal share of the cost of activities carried out using any assistance or grant under this Act shall not exceed 50 percent.

The title was amended so as to read: ''To establish the Lackawanna Valley National Heritage Area and for other purposes.''

CORINTH BATTLEFIELD PRESERVATION ACT OF 1999

The Senate proceeded to consider the bill (S. 1117) to establish the Corinth Unit of Shiloh National Military Park, in the vicinity of the city of Corinth, Mississippi, and in the State of Tennessee, and for other purposes, 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. 1117

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 ''Corinth Battlefield Preservation Act of 1999''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) in 1996, Congress authorized the establishment and construction of a center—

(A) to facilitate the interpretation of the Siege and Battle of Corinth and other Civil War actions in the area in and around the city of Corinth, Mississippi; and

(B) to enhance public understanding of the significance of the Corinth campaign and the Civil War relative to the western theater of operations, in cooperation with—

(i) State or local governmental entities;

(ii) private organizations; and

(iii) individuals;

(2) the Corinth Battlefield was ranked as a priority 1 battlefield having critical need for coordinated nationwide action by the year 2000 by the Civil War Sites Advisory Commission in its report on Civil War Battlefields of the United States;

(3) there is a national interest in protecting and preserving sites of historic significance associated with the Civil War; and

(4) the States of Mississippi and Tennessee and their respective local units of government—

(A) have the authority to prevent or minimize adverse uses of these historic resources; and

(B) can play a significant role in the protection of the historic resources related to the Civil War battles fought in the area in and around the city of Corinth.

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

(1) to establish the Corinth Unit of the Shiloh National Military Park—

(A) in the city of Corinth, Mississippi; and

(B) in the State of Tennessee;

(2) to direct the Secretary of the Interior to manage, protect, and interpret the resources associated with the Civil War Siege and the Battle of Corinth that occurred in and around the city of Corinth, in cooperation with—

(A) the State of Mississippi;

(B) the State of Tennessee;

(C) the city of Corinth, Mississippi;

(D) other public entities; and

(E) the private sector; and

(3) to authorize a special resource study to identify other Civil War sites area in and around the city of Corinth that—

(A) are consistent with the themes of the Siege and Battle of Corinth;

(B) meet the criteria for designation as a unit of the National Park System; and

(C) are considered appropriate for inclusion in the Unit.

SEC. 3. DEFINITIONS.

In this Act:

(1) MAP.—The term ''Map'' means the map entitled **[**''Corinth Unit''**]** *''Park Boundary-Corinth Unit''*, numbered 304/80,007, and dated October 1998.

(2) PARK.—The term ''Park'' means the Shiloh National Military Park.

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

(4) UNIT.—The term ''Unit'' means the Corinth Unit of Shiloh National Military Park established under section 4.

SEC. 4. ESTABLISHMENT OF UNIT.

(a) IN GENERAL.—There is established in the States of Mississippi and Tennessee the Corinth Unit of the Shiloh National Military Park.

(b) COMPOSITION OF UNIT.—The Unit shall be comprised of—

[(1) the tract consisting of approximately 20 acres generally depicted as ''Park Boundary'' on the Map, and containing—

[(A) the Battery Robinett; and

[(B) the site of the interpretive center authorized under section 602 of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 430f–5); and**]**

(1) the tract consisting of approximately 20 acres generally depicted as ''Battery Robinett Boundary'' on the Map; and

(2) any additional land that the Secretary determines to be suitable for inclusion in the Unit that—

(A) is under the ownership of a public entity or nonprofit organization; and

(B) has been identified by the Siege and Battle of Corinth National Historic Landmark Study, dated January 8, 1991.

(c) AVAILABILITY OF MAP.—The Map shall be on file and available for public inspection in the office of the Director of the National Park Service.

SEC. 5. LAND ACQUISITION.

(a) IN GENERAL.—The Secretary may acquire land and interests in land within the boundary of the Park as depicted on the Map, by—

(1) donation;

(2) purchase with donated or appropriated funds; or

(3) exchange.

(b) EXCEPTION.—Land may be acquired only by donation from—

(1) the State of Mississippi (including a political subdivision of the State);

(2) the State of Tennessee (including a political subdivision of the State); or

(3) the organization known as ''Friends of the Siege and Battle of Corinth''.

SEC. 6. PARK MANAGEMENT AND ADMINISTRATION.

(a) IN GENERAL.—The Secretary shall administer the Unit in accordance with this Act and the laws generally applicable to units of the National Park System, including—

(1) the Act entitled ''An Act to establish a National Park Service, and for other purposes'', approved August 25, 1916 (16 U.S.C. 1 et seq.); and

(2) 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.).

(b) DUTIES.—In accordance with section 602 of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 430f–5), the Secretary shall—

(1) commemorate and interpret, for the benefit of visitors and the general public, the Siege and Battle of Corinth and other Civil War actions in the area in and around the city of Corinth within the larger context of the Civil War and American history, including the significance of the Civil War Siege and Battle of Corinth in 1862 in relation to other operations in the western theater of the Civil War; and

(2) identify and preserve surviving features from the Civil War era in the area in and around the city of Corinth, including both military and civilian themes that include—

(A) the role of railroads in the Civil War;

(B) the story of the Corinth contraband camp; and

(C) the development of field fortifications as a tactic of war.

(c) COOPERATIVE AGREEMENTS.—

(1) IN GENERAL.—To carry this Act, the Secretary may enter into cooperative agreements with entities in the public and private sectors, including—

(A) colleges and universities;

(B) historical societies;

(C) State and local agencies; and

(D) nonprofit organizations.

(2) TECHNICAL ASSISTANCE.—To develop cooperative land use strategies and conduct activities that facilitate the conservation of the historic, cultural, natural, and scenic resources of the Unit, the Secretary may provide technical assistance, to the extent that a recipient of technical assistance is engaged in the protection, interpretation, or commemoration of historically significant Civil War resources in the area in and around the city of Corinth, to—

(A) the State of Mississippi (including a political subdivision of the State);

(B) the State of Tennessee (including a political subdivision of the State);

(C) a governmental entity;

(D) a nonprofit organization; and

(E) a private property owner.

(d) RESOURCES OUTSIDE THE UNIT.—Nothing in subsection (c)(2) authorizes the Secretary to own or manage any resource outside the Unit.

SEC. 7. AUTHORIZATION OF SPECIAL RESOURCE STUDY.

(a) IN GENERAL.—To determine whether certain additional properties are appropriate for inclusion in the Unit, the Secretary shall conduct a special resource study of land in and around the city of Corinth, Mississippi, and nearby areas in the State of Tennessee that—

(1) have a relationship to the Civil War Siege and Battle of Corinth in 1862; and

(2) are under the ownership of—

(A) the State of Mississippi (including a political subdivision of the State);

(B) the State of Tennessee (including a political subdivision of the State);

(C) a nonprofit organization; or

(D) a private person.

(b) CONTENTS OF STUDY.—The study shall—

(1) identify the full range of resources and historic themes associated with the Civil War Siege and Battle of Corinth in 1862, including the relationship of the campaign to other operations in the western theater of the Civil War that occurred in—

(A) the area in and around the city of Corinth; and

(B) the State of Tennessee;

(2) identify alternatives for preserving features from the Civil War era in the area in and around the city of Corinth, including both military and civilian themes involving—

(A) the role of the railroad in the Civil War;

(B) the story of the Corinth contraband camp; and

(C) the development of field fortifications as a tactic of war;

(3) identify potential partners that might support efforts by the Secretary to carry out this Act, including—

(A) State entities and their political subdivisions;

(B) historical societies and commissions;

(C) civic groups; and

(D) nonprofit organizations;

(4) identify alternatives to avoid land use conflicts; and

(5) include cost estimates for any necessary activity associated with the alternatives identified under this subsection, including—

(A) acquisition;

(B) development;

(C) interpretation;

(D) operation; and

(E) maintenance.

(c) REPORT.—Not later than 1 year and 180 days after the date on which funds are made available to carry out this section, the Secretary shall submit a report describing the findings of the study under subsection (a) to—

(1) the Committee on Energy and Natural Resources of the Senate; and

(2) the Committee on Resources of the House of Representatives.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act, including $3,000,000 for the construction of an interpretive center under section 602(d) of title VI of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 430f–5(d)).

The committee amendments were agreed to.

The bill (S. 1117), as amended, was passed, as follows:

S. 1117

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 ''Corinth Battlefield Preservation Act of 1999''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) in 1996, Congress authorized the establishment and construction of a center—

(A) to facilitate the interpretation of the Siege and Battle of Corinth and other Civil War actions in the area in and around the city of Corinth, Mississippi; and

(B) to enhance public understanding of the significance of the Corinth campaign and the Civil War relative to the western theater of operations, in cooperation with—

(i) State or local governmental entities;

(ii) private organizations; and

(iii) individuals;

(2) the Corinth Battlefield was ranked as a priority 1 battlefield having critical need for coordinated nationwide action by the year 2000 by the Civil War Sites Advisory Commission in its report on Civil War Battlefields of the United States;

(3) there is a national interest in protecting and preserving sites of historic significance associated with the Civil War; and

(4) the States of Mississippi and Tennessee and their respective local units of government—

(A) have the authority to prevent or minimize adverse uses of these historic resources; and

(B) can play a significant role in the protection of the historic resources related to the Civil War battles fought in the area in and around the city of Corinth.

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

(1) to establish the Corinth Unit of the Shiloh National Military Park—

(A) in the city of Corinth, Mississippi; and

(B) in the State of Tennessee;

(2) to direct the Secretary of the Interior to manage, protect, and interpret the resources associated with the Civil War Siege and the Battle of Corinth that occurred in and around the city of Corinth, in cooperation with—

(A) the State of Mississippi;

(B) the State of Tennessee;

(C) the city of Corinth, Mississippi;

(D) other public entities; and

(E) the private sector; and

(3) to authorize a special resource study to identify other Civil War sites area in and around the city of Corinth that—

(A) are consistent with the themes of the Siege and Battle of Corinth;

(B) meet the criteria for designation as a unit of the National Park System; and

(C) are considered appropriate for inclusion in the Unit.

SEC. 3. DEFINITIONS.

In this Act:

(1) MAP.—The term ''Map'' means the map entitled ''Park Boundary-Corinth Unit'', numbered 304/80,007, and dated October 1998.

(2) PARK.—The term ''Park'' means the Shiloh National Military Park.

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

(4) UNIT.—The term ''Unit'' means the Corinth Unit of Shiloh National Military Park established under section 4.

SEC. 4. ESTABLISHMENT OF UNIT.

(a) IN GENERAL.—There is established in the States of Mississippi and Tennessee the Corinth Unit of the Shiloh National Military Park.

(b) COMPOSITION OF UNIT.—The Unit shall be comprised of—

(1) the tract consisting of approximately 20 acres generally depicted as ''Battery Robinett Boundary'' on the Map; and

(2) any additional land that the Secretary determines to be suitable for inclusion in the Unit that—

(A) is under the ownership of a public entity or nonprofit organization; and

(B) has been identified by the Siege and Battle of Corinth National Historic Landmark Study, dated January 8, 1991.

(c) AVAILABILITY OF MAP.—The Map shall be on file and available for public inspection in the office of the Director of the National Park Service.

SEC. 5. LAND ACQUISITION.

(a) IN GENERAL.—The Secretary may acquire land and interests in land within the boundary of the Park as depicted on the Map, by—

(1) donation;

(2) purchase with donated or appropriated funds; or

(3) exchange.

(b) EXCEPTION.—Land may be acquired only by donation from—

(1) the State of Mississippi (including a political subdivision of the State);

(2) the State of Tennessee (including a political subdivision of the State); or

(3) the organization known as ''Friends of the Siege and Battle of Corinth''.

SEC. 6. PARK MANAGEMENT AND ADMINISTRATION.

(a) IN GENERAL.—The Secretary shall administer the Unit in accordance with this Act and the laws generally applicable to units of the National Park System, including—

(1) the Act entitled ''An Act to establish a National Park Service, and for other purposes'', approved August 25, 1916 (16 U.S.C. 1 et seq.); and

(2) 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.).

(b) DUTIES.—In accordance with section 602 of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 430f–5), the Secretary shall—

(1) commemorate and interpret, for the benefit of visitors and the general public, the Siege and Battle of Corinth and other Civil War actions in the area in and around the city of Corinth within the larger context of the Civil War and American history, including the significance of the Civil War Siege and Battle of Corinth in 1862 in relation to other operations in the western theater of the Civil War; and

(2) identify and preserve surviving features from the Civil War era in the area in and around the city of Corinth, including both military and civilian themes that include—

(A) the role of railroads in the Civil War;

(B) the story of the Corinth contraband camp; and

(C) the development of field fortifications as a tactic of war.

(c) COOPERATIVE AGREEMENTS.—

(1) IN GENERAL.—To carry this Act, the Secretary may enter into cooperative agreements with entities in the public and private sectors, including—

(A) colleges and universities;

(B) historical societies;

(C) State and local agencies; and

(D) nonprofit organizations.

(2) TECHNICAL ASSISTANCE.—To develop cooperative land use strategies and conduct activities that facilitate the conservation of the historic, cultural, natural, and scenic resources of the Unit, the Secretary may provide technical assistance, to the extent that a recipient of technical assistance is engaged in the protection, interpretation, or commemoration of historically significant Civil War resources in the area in and around the city of Corinth, to—

(A) the State of Mississippi (including a political subdivision of the State);

(B) the State of Tennessee (including a political subdivision of the State);

(C) a governmental entity;

(D) a nonprofit organization; and

(E) a private property owner.

(d) RESOURCES OUTSIDE THE UNIT.—Nothing in subsection (c)(2) authorizes the Secretary to own or manage any resource outside the Unit.

SEC. 7. AUTHORIZATION OF SPECIAL RESOURCE STUDY.

(a) IN GENERAL.—To determine whether certain additional properties are appropriate for inclusion in the Unit, the Secretary shall conduct a special resource study of land in and around the city of Corinth, Mississippi, and nearby areas in the State of Tennessee that—

(1) have a relationship to the Civil War Siege and Battle of Corinth in 1862; and

(2) are under the ownership of—

(A) the State of Mississippi (including a political subdivision of the State);

(B) the State of Tennessee (including a political subdivision of the State);

(C) a nonprofit organization; or

(D) a private person.

(b) CONTENTS OF STUDY.—The study shall—

(1) identify the full range of resources and historic themes associated with the Civil War Siege and Battle of Corinth in 1862, including the relationship of the campaign to other operations in the western theater of the Civil War that occurred in—

(A) the area in and around the city of Corinth; and

(B) the State of Tennessee;

(2) identify alternatives for preserving features from the Civil War era in the area in and around the city of Corinth, including both military and civilian themes involving—

(A) the role of the railroad in the Civil War;

(B) the story of the Corinth contraband camp; and

(C) the development of field fortifications as a tactic of war;

(3) identify potential partners that might support efforts by the Secretary to carry out this Act, including—

(A) State entities and their political subdivisions;

(B) historical societies and commissions;

(C) civic groups; and

(D) nonprofit organizations;

(4) identify alternatives to avoid land use conflicts; and

(5) include cost estimates for any necessary activity associated with the alternatives identified under this subsection, including—

(A) acquisition;

(B) development;

(C) interpretation;

(D) operation; and

(E) maintenance.

(c) REPORT.—Not later than 1 year and 180 days after the date on which funds are made available to carry out this section, the Secretary shall submit a report describing the findings of the study under subsection (a) to—

(1) the Committee on Energy and Natural Resources of the Senate; and

(2) the Committee on Resources of the House of Representatives.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act, including $3,000,000 for the construction of an interpretive center under section 602(d) of title VI of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 430f–5(d)).

GETTYSBURG NATIONAL MILITARY PARK

The bill (S. 1324) to expand the boundaries of the Gettysburg National Military Park to include the Wills House, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 1324

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

SECTION 1. GETTYSBURG NATIONAL MILITARY PARK BOUNDARY REVISION.

(a) IN GENERAL.—Section 1 of the Act entitled ''An Act to revise the boundary of the Gettysburg National Military Park in the Commonwealth of Pennsylvania, and for other purposes'' approved August 17, 1990 (16 U.S.C. 430g–4) is amended—

(1) by redesignating subsection (b) as subsection (c);

(2) by inserting after subsection (a) the following:

''(b) ADDITIONAL LAND.—In addition to the land identified in subsection (a), the park shall also include the property commonly known as the Wills House located in the Borough of Gettysburg and identified as Tract P02–1 on the map entitled 'Gettysburg National Military Park' numbered MARO 305/80,011 Segment 2, and dated April 1981, revised May 14, 1999.''; and

(3) in subsection (c) (as redesignated by paragraph (1)), by striking ''map referred to in subsection (a)'' and inserting ''maps referred to in subsections (a) and (b)''.

SEC. 2. ACQUISITION AND DISPOSAL OF LAND.

Section 2 of the Act entitled ''An Act to revise the boundary of the Gettysburg National Military Park in the Commonwealth of Pennsylvania, and for other purposes'' approved August 17, 1990 (16 U.S.C. 430g–4) is amended by striking ''1(b)'' each place it appears and inserting ''1(c)''.

HOOVER DAM MISCELLANEOUS SALES ACT

The bill (S. 1275) to authorize the Secretary of the Interior to produce and sell products and to sell publications relating to the Hoover Dam, and to deposit revenues generated from the sales into the Colorado River Dam fund, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 1275

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 ''Hoover Dam Miscellaneous Sales Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the sale and distribution of general public information about the use of public land and water areas for recreation, fish, wildlife, and other purposes serve significant public benefits;

(2) publications and other materials educate the public and provide general information about Bureau of Reclamation programs and projects;

(3) in 1997, more than 1,000,000 visitors, including 300,000 from foreign countries, toured the Hoover Dam;

(4) hundreds of thousands of additional visitors stopped to view the dam;

(5) visitors often ask to purchase maps, publications, and other items to enhance their experience or serve educational purposes;

(6) in many cases the Bureau of Reclamation is the sole source of those items;

(7) the Bureau is in a unique position to fulfill public requests for those items; and

(8) as a public agency, the Bureau should be responsive to the public by having appropriate items available for sale.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to authorize the Secretary of the Interior to offer for sale to members of the public that visit the Hoover Dam Visitor Center educational materials and memorabilia; and

(2) to use revenue from those sales to repay the costs relating to construction of the Hoover Dam Visitor Center.

SEC. 4. AUTHORITY TO CONDUCT SALES.

With respect to the Hoover Dam, the Secretary of the Interior, acting through the Commissioner of Reclamation, may—

(1) conduct sales of—

(A) materials generated by the Bureau of Reclamation such as posters, maps, brochures, photographs, and similar publications, videotapes, and computer information discs that are related to programs or projects of the Bureau; and

(B) memorabilia and other commemorative items that depict programs or projects of the Bureau;

(2) convert unneeded property or scrap material into Bureau memorabilia for sale purposes; and

(3) enter into agreements with nonprofit organizations, other Federal agencies, State and local governments, and commercial entities for—

(A) the production or sale of items described in paragraphs (1) and (2); and

(B) the sale of publications described in paragraph (1).

SEC. 5. COSTS AND REVENUES.

(a) COSTS.—All costs incurred by the Bureau of Reclamation under this Act shall be paid from the Colorado River Dam fund established by section 2 of the Act of December 21, 1928 (43 U.S.C. 617a).

(b) REVENUES.—

(1) USE FOR REPAYMENT OF SALES COSTS.—All revenues collected by the Bureau of Reclamation under this Act shall be credited to the Colorado River Dam fund to remain available, without further Act of appropriation, to pay costs associated with the production and sale of items in accordance with section 4.

(2) USE FOR REPAYMENT OF CONSTRUCTION COSTS.—All revenues collected by the Bureau of Reclamation under this Act that are not needed to pay costs described in paragraph (1) shall be transferred annually to the general fund of the Treasury in repayment of costs relating to construction of the Hoover Dam Visitor Center.

FORT PECK RESERVATION RURAL WATER SYSTEM ACT OF 1999

The Senate proceeded to consider the bill (S. 624) to authorize construciton of the Fort Peck Reservation Rural Water System in the State of Montana, 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 lie thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Fort Peck Reservation Rural Water System Act of 1999''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) there are insufficient water supplies available to residents of the Fort Peck Indian Reservation in the State of Montana, and the water systems that are available do not meet minimum health and safety standards and therefore pose a threat to public health and safety;

(2) in carrying out its trust responsibility, the United States should ensure that adequate and safe water supplies are available to meet the economic, environmental, water supply, and public health needs of the Fort Peck Indian Reservation; and

(3) the best available, reliable, and safe rural and municipal water supply to serve the needs of the Fort Peck Indian Reservation is the Missouri River.

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

(1) to ensure a safe and adequate municipal, rural, and industrial water supply for the residents of the Fort Peck Indian Reservation in the State of Montana; and

(2) to assist the citizens of Roosevelt, Sheridan, Daniels, and Valley Counties in the State, outside the Fort Peck Indian Reservation, in developing safe and adequate municipal, rural, and industrial water supplies.

SEC. 3. DEFINITIONS.

In this Act:

(1) ASSINIBOINE AND SIOUX RURAL WATER SYSTEM.—The term ''Assiniboine and Sioux Rural Water System'' means the rural water system within the Fort Peck Indian Reservation authorized by section 4.

(2) DRY PRAIRIE RURAL WATER SYSTEM.—The term ''Dry Prairie Rural Water System'' means the rural water system authorized by section 5 in the Roosevelt, Sheridan, Daniels, and Valley Counties of the State.

(3) FORT PECK RESERVATION RURAL WATER SYSTEM.—The term ''Fort Peck Reservation Rural Water System'' means the Assiniboine and Sioux Rural Water System and the Dry Prairie Rural Water System.

(4) FORT PECK TRIBES.—The term ''Fort Peck Tribes'' means the Assiniboine and Sioux Indian Tribes within the Fort Peck Indian Reservation.

(5) PICK-SLOAN.—The term ''Pick-Sloan'' means the Pick-Sloan Missouri River Basin Program (authorized by section 9 of the Act entitled ''An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes'', approved December 22, 1944 (commonly known as the ''Flood Control Act of 1944'') (58 Stat. 891)).

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

(7) STATE.—The term ''State'' means the State of Montana.

SEC. 4. ASSINIBOINE AND SIOUX RURAL WATER SYSTEM.

(a) AUTHORIZATION.—The Secretary shall plan, design, construct, operate, maintain, and replace a municipal, rural, and industrial water system, to be known as the ''Assiniboine and Sioux Rural Water System'', as generally described in the report required by subsection (g)(2).

(b) COMPONENTS.—The Assiniboine and Sioux Rural Water System shall consist of—

(1) pumping and treatment facilities located along the Missouri River within the boundaries of the Fort Peck Indian Reservation;

(2) pipelines extending from the water treatment plant throughout the Fort Peck Indian Reservation;

(3) distribution and treatment facilities to serve the needs of the Fort Peck Indian Reservation, including—

(A) public water systems in existence on the date of enactment of this Act that may be purchased, improved, and repaired in accordance with the cooperative agreement entered into under subsection (c); and

(B) water systems owned by individual tribal members and other residents of the Fort Peck Indian Reservation;

(4) appurtenant buildings and access roads;

(5) all property and property rights necessary for the facilities described in this subsection;

(6) electrical power transmission and distribution facilities necessary for services to Fort Peck Reservation Rural Water System facilities; and

(7) such other pipelines, pumping plants, and facilities as the Secretary determines to be appropriate to meet the water supply, economic, public health, and environmental needs of the Fort Peck Indian Reservation, including water storage tanks, water lines, and other facilities for the Fort Peck Tribes and the villages, towns, and municipalities in the Fort Peck Indian Reservation.

(c) COOPERATIVE AGREEMENT.—

(1) IN GENERAL.—The Secretary shall enter into a cooperative agreement with the Fort Peck Tribal Executive Board for planning, designing, constructing, operating, maintaining, and replacing the Assiniboine and Sioux Rural Water System.

(2) MANDATORY PROVISIONS.—The cooperative agreement under paragraph (1) shall specify, in a manner that is acceptable to the Secretary and the Fort Peck Tribal Executive Board—

(A) the responsibilities of each party to the agreement for—

(i) needs assessment, feasibility, and environmental studies;

(ii) engineering and design;

(iii) construction;

(iv) water conservation measures; and

(v) administration of contracts relating to performance of the activities described in clauses (i) through (iv);

(B) the procedures and requirements for approval and acceptance of the design and construction and for carrying out other activities described in subparagraph (A); and

(C) the rights, responsibilities, and liabilities of each party to the agreement.

(3) OPTIONAL PROVISIONS.—The cooperative agreement under paragraph (1) may include provisions relating to the purchase, improvement, and repair of water systems in existence on the date of enactment of this Act, including systems owned by individual tribal members and other residents of the Fort Peck Indian Reservation.

(4) TERMINATION.—The Secretary may terminate a cooperative agreement under paragraph (1) if the Secretary determines that—

(A) the quality of construction does not meet all standards established for similar facilities constructed by the Secretary; or

(B) the operation and maintenance of the Assiniboine and Sioux Rural Water System does not meet conditions acceptable to the Secretary that are adequate to fulfill the obligations of the United States to the Fort Peck Tribes.

(5) TRANSFER.—On execution of a cooperative agreement under paragraph (1), in accordance with the cooperative agreement, the Secretary may transfer to the Fort Peck Tribes, on a nonreimbursable basis, funds made available for the Assiniboine and Sioux Rural Water System under section 9.

(d) SERVICE AREA.—The service area of the Assiniboine and Sioux Rural Water System shall be the area within the boundaries of the Fort Peck Indian Reservation.

(e) CONSTRUCTION REQUIREMENTS.—The components of the Assiniboine and Sioux Rural Water System shall be planned and constructed to a size that is sufficient to meet the municipal, rural, and industrial water supply requirements of the service area of the Fort Peck Reservation Rural Water System.

(f) TITLE TO ASSINIBOINE AND SIOUX RURAL WATER SYSTEM.—Title to the Assiniboine and Sioux Rural Water System shall be held in trust by the United States for the Fort Peck Tribes and shall not be transferred unless a transfer is authorized by an Act of Congress enacted after the date of enactment of this Act.

(g) LIMITATION ON AVAILABILITY OF CONSTRUCTION FUNDS.—The Secretary shall not obligate funds for construction of the Assiniboine and Sioux Rural Water System until—

(1) the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) are met with respect to the Assiniboine and Sioux Rural Water System;

(2) on or after the date that is 90 days after the date of submission to Congress of a final engineering report approved by the Secretary; and

(3) the Secretary publishes a written finding that the water conservation plan developed under section 7 includes prudent and reasonable water conservation measures for the operation of the Assiniboine and Sioux Rural Water System that have been shown to be economically and financially feasible.

(h) TECHNICAL ASSISTANCE.—The Secretary shall provide such technical assistance as is necessary to enable the Fort Peck Tribes to plan, design, construct, operate, maintain, and replace the Assiniboine and Sioux Rural Water System, including operation and management training.

(i) APPLICATION OF INDIAN SELF-DETERMINATION ACT.—Planning, design, construction, operation, maintenance, and replacement of the Assiniboine and Sioux Rural Water System within the Fort Peck Indian Reservation shall be subject to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

SEC. 5. DRY PRAIRIE RURAL WATER SYSTEM.

(a) PLANNING AND CONSTRUCTION.—

(1) AUTHORIZATION.—The Secretary shall enter into a cooperative agreement with Dry Prairie Rural Water Association Incorporated (or any successor non-Federal entity) to provide Federal funds for the planning, design, and construction of the Dry Prairie Rural Water System in Roosevelt, Sheridan, Daniels, and Valley Counties, Montana, outside the Fort Peck Indian Reservation.

(2) USE OF FEDERAL FUNDS.—

(A) FEDERAL SHARE.—The Federal share of the cost of planning, design, and construction of the Dry Prairie Rural Water System shall be not more than 76 percent.

(B) COOPERATIVE AGREEMENTS.—Federal funds made available to carry out this section may be obligated and expended only through a cooperative agreement entered into under subsection (c).

(b) COMPONENTS.—The components of the Dry Prairie Rural Water System facilities on which Federal funds may be obligated and expended under this section shall include—

(1) storage, pumping, interconnection, and pipeline facilities;

(2) appurtenant buildings and access roads;

(3) all property and property rights necessary for the facilities described in this subsection;

(4) electrical power transmission and distribution facilities necessary for service to Dry Prairie Rural Water System facilities; and

(5) other facilities customary to the development of rural water distribution systems in the State, including supplemental water intake, pumping, and treatment facilities.

(c) COOPERATIVE AGREEMENT.—

(1) IN GENERAL.—The Secretary, with the concurrence of the Assiniboine and Sioux Rural Water System Board, shall enter into a cooperative agreement with Dry Prairie Rural Water Association Incorporated to provide Federal assistance for the planning, design, and construction of the Dry Prairie Rural Water System.

(2) MANDATORY PROVISIONS.—The cooperative agreement under paragraph (1) shall specify, in a manner that is acceptable to the Secretary and Dry Prairie Rural Water Association Incorporated—

(A) the responsibilities of each party to the agreement for—

(i) needs assessment, feasibility, and environmental studies;

(ii) engineering and design;

(iii) construction;

(iv) water conservation measures; and

(v) administration of contracts relating to performance of the activities described in clauses (i) through (iv);

(B) the procedures and requirements for approval and acceptance of the design and construction and for carrying out other activities described in subparagraph (A); and

(C) the rights, responsibilities, and liabilities of each party to the agreement.

(d) SERVICE AREA.—

(1) IN GENERAL.—Except as provided in paragraph (2), the service area of the Dry Prairie Rural Water System shall be the area in the State—

(A) north of the Missouri River;

(B) south of the border between the United States and Canada;

(C) west of the border between the States of North Dakota and Montana; and

(D) east of the western line of range 39 east.

(2) FORT PECK INDIAN RESERVATION.—The service area shall not include the area inside the Fort Peck Indian Reservation.

(e) LIMITATION ON AVAILABILITY OF CONSTRUCTION FUNDS.—The Secretary shall not obligate funds for construction of the Dry Prairie Rural Water System until—

(1) the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) are met with respect to the Dry Prairie Rural Water System;

(2) on or after the date that is 90 days after the date of submission to Congress of a final engineering report approved by the Secretary; and

(3) the Secretary publishes a written finding that the water conservation plan developed

under section 7 includes prudent and reasonable water conservation measures for the operation of the Dry Prairie Rural Water System that have been shown to be economically and financially feasible.

(f) INTERCONNECTION OF FACILITIES.—

(1) IN GENERAL.—The Secretary shall—

(A) interconnect the Dry Prairie Rural Water System with the Assiniboine and Sioux Rural Water System; and

(B) provide for the delivery of water to the Dry Prairie Rural Water System from the Missouri River through the Assiniboine and Sioux Rural Water System.

(2) CHARGES.—The Secretary shall not charge for the water delivered.

(g) LIMITATION ON USE OF FEDERAL FUNDS.—

(1) IN GENERAL.—The operation, maintenance, and replacement expenses associated with water deliveries from the Assiniboine and Sioux Rural Water System to the Dry Prairie Rural Water System shall not be a Federal responsibility and shall be borne by the Dry Prairie Rural Water System.

(2) FEDERAL FUNDS.—The Secretary may not obligate or expend any Federal funds for the operation, maintenance, or replacement of the Dry Prairie Rural Water System.

(h) TITLE TO DRY PRAIRIE RURAL WATER SYSTEM.—Title to the Dry Prairie Rural Water System shall be held by Dry Prairie Rural Water Association, Incorporated.

SEC. 6. USE OF PICK-SLOAN POWER.

(a) IN GENERAL.—From power designated for future irrigation and drainage pumping for the Pick-Sloan Missouri River Basin Program, the Western Area Power Administration shall make available the capacity and energy required to meet the pumping, treatment, and incidental operational requirements of the Dry Prairie Rural Water System and Assiniboine and Sioux Rural Water System, as described in sections 4 and 5.

(b) CONDITIONS.—The capacity and energy described in subsection (a) shall be made available on the following conditions:

(1) The Dry Prairie Rural Water System and Assiniboine and Sioux Rural Water Systems shall be operated on a not-for-profit basis.

(2) The Dry Prairie Rural Water System and Assiniboine and Sioux Rural Water System shall contract to purchase their entire electric service requirements, including the capacity and energy made available under subsection (a), from a qualified preference power supplier that purchases power from the Western Area Power Administration.

(3) The rate schedule applicable to the capacity and energy made available under subsection (a) shall be the wholesale firm power rate schedule of the Pick-Sloan Eastern Division of the Western Area Power Administration in effect when the power is delivered by the Administration.

(4) It shall be agreed by contract among—

(A) the Western Area Power Administration;

(B) the power supplier with which the water Dry Prairie Rural Water System and Assiniboine and Sioux Rural Water System contract under paragraph (2);

(C) the power supplier of the entity described in subparagraph (B);

(D) the Dry Prairie Rural Water Association, Inc.; and

(E) the Fort Peck Tribes;

that in the case of the capacity and energy made available under subsection (a), the benefit of the rate schedule described in paragraph (3) shall be passed through to the Dry Prairie Rural Water System and Assiniboine and Sioux Rural Water System, except that the power supplier of the Dry Prairie Rural Water System and Assiniboine and Sioux Rural Water System shall not be precluded from including, in the charges of the supplier to the water system for the electric service, the other usual and customary charges of the supplier.

(c) ADDITIONAL POWER.—If power in addition to that made available under subsection (a) is required to meet the pumping requirements of the service area of the Fort Peck Reservation Rural Water System described in sections 4 and 5, the Administrator of the Western Area Power Administration may purchase the necessary additional power under such terms and conditions as the Administrator determines to be appropriate.

(d) RECOVERY OF EXPENSES.—

(1) ASSINIBOINE AND SIOUX RURAL WATER SYSTEM.—In the case of the Assiniboine and Sioux Rural Water System, expenses associated with power purchases under subsection (a) shall be recovered through a separate power charge, sufficient to cover expenses, applied to the Assiniboine and Sioux Rural Water System's operation and maintenance cost.

(2) DRY PRAIRIE RURAL WATER SYSTEM.—In the case of the Dry Prairie Rural Water System, expenses associated with power purchases under subsections (a) shall be recovered through a separate power charge, sufficient to cover expenses, to be paid fully by the Dry Prairie Rural Water Association, Inc.

SEC. 7. WATER CONSERVATION PLAN.

(a) IN GENERAL.—The Fort Peck Tribes and Dry Prairie Rural Water Association Incorporated shall develop a water conservation plan containing—

(1) a description of water conservation objectives;

(2) a description of appropriate water conservation measures; and

(3) a time schedule for implementing the measures and this Act to meet the water conservation objectives.

(b) PURPOSE.—The water conservation plan under subsection (a) shall be designed to ensure that users of water from the Assiniboine and Sioux Rural Water System and the Dry Prairie Rural Water System will use the best practicable technology and management techniques to conserve water.

(c) PUBLIC PARTICIPATION.—Section 210(c) of the Reclamation Reform Act of 1982 (43 U.S.C. 390jj(c)) shall apply to an activity authorized under this Act.

SEC. 8. WATER RIGHTS.

This Act does not—

(1) impair the validity of or preempt any provision of State water law or any interstate compact governing water;

(2) alter the right of any State to any appropriated share of the water of any body of surface or ground water, whether determined by any past or future interstate compact or by any past or future legislative or final judicial allocation;

(3) preempt or modify any Federal or State law or interstate compact concerning water quality or disposal;

(4) confer on any non-Federal entity the authority to exercise any Federal right to the water of any stream or to any ground water resource;

(5) affect any right of the Fort Peck Tribes to water, located within or outside the external boundaries of the Fort Peck Indian Reservation, based on a treaty, compact, executive order, agreement, Act of Congress, aboriginal title, the decision in Winters v. United States, 207 U.S. 564 (1908) (commonly known as the ''Winters Doctrine''), or other law; or

(6) validate or invalidate any assertion of the existence, nonexistence, or extinguishment of any water right held or Indian water compact entered into by the Fort Peck Tribes or by any other Indian tribe or individual Indian under Federal or State law.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) ASSINIBOINE AND SIOUX RURAL WATER SYSTEM.—There are authorized to be appropriated—

(1) over a period of 10 fiscal years, $124,000,000 for the planning, design, and construction of the Assiniboine and Sioux Rural Water System in accordance with subsections (b), (d), and (e) of section 4; and

(2) such sums as are necessary for the operation, maintenance, and replacement of the Assiniboine and Sioux Rural Water System, including power costs of the Western Area Power Administration.

(b) DRY PRAIRIE RURAL WATER SYSTEM.—There is authorized to be appropriated, over a period of 10 fiscal years, $51,000,000 for the planning, design, and construction of the Dry Prairie Rural Water System.

(c) COST INDEXING.—The funds authorized to be appropriated may be increased or decreased by such amounts as are justified by reason of ordinary fluctuations in development costs incurred after October 1, 1998, as indicated by engineering cost indices applicable for the type of construction involved.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 624), as amended, was passed, as follows:

S. 624

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 ''Fort Peck Reservation Rural Water System Act of 1999''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) there are insufficient water supplies available to residents of the Fort Peck Indian Reservation in the State of Montana, and the water systems that are available do not meet minimum health and safety standards and therefore pose a threat to public health and safety;

(2) in carrying out its trust responsibility, the United States should ensure that adequate and safe water supplies are available to meet the economic, environmental, water supply, and public health needs of the Fort Peck Indian Reservation; and

(3) the best available, reliable, and safe rural and municipal water supply to serve the needs of the Fort Peck Indian Reservation is the Missouri River.

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

(1) to ensure a safe and adequate municipal, rural, and industrial water supply for the residents of the Fort Peck Indian Reservation in the State of Montana; and

(2) to assist the citizens of Roosevelt, Sheridan, Daniels, and Valley Counties in the State, outside the Fort Peck Indian Reservation, in developing safe and adequate municipal, rural, and industrial water supplies.

SEC. 3. DEFINITIONS.

In this Act:

(1) ASSINIBOINE AND SIOUX RURAL WATER SYSTEM.—The term ''Assiniboine and Sioux Rural Water System'' means the rural water system within the Fort Peck Indian Reservation authorized by section 4.

(2) DRY PRAIRIE RURAL WATER SYSTEM.—The term ''Dry Prairie Rural Water System'' means the rural water system authorized by section 5 in the Roosevelt, Sheridan, Daniels, and Valley Counties of the State.

(3) FORT PECK RESERVATION RURAL WATER SYSTEM.—The term ''Fort Peck Reservation Rural Water System'' means the Assiniboine and Sioux Rural Water System and the Dry Prairie Rural Water System.

(4) FORT PECK TRIBES.—The term ''Fort Peck Tribes'' means the Assiniboine and Sioux Indian Tribes within the Fort Peck Indian Reservation.

(5) PICK-SLOAN.—The term ''Pick-Sloan'' means the Pick-Sloan Missouri River Basin

Program (authorized by section 9 of the Act entitled ''An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes'', approved December 22, 1944 (commonly known as the ''Flood Control Act of 1944'') (58 Stat. 891)).

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

(7) STATE.—The term ''State'' means the State of Montana.

SEC. 4. ASSINIBOINE AND SIOUX RURAL WATER SYSTEM.

(a) AUTHORIZATION.—The Secretary shall plan, design, construct, operate, maintain, and replace a municipal, rural, and industrial water system, to be known as the ''Assiniboine and Sioux Rural Water System'', as generally described in the report required by subsection (g)(2).

(b) COMPONENTS.—The Assiniboine and Sioux Rural Water System shall consist of—

(1) pumping and treatment facilities located along the Missouri River within the boundaries of the Fort Peck Indian Reservation;

(2) pipelines extending from the water treatment plant throughout the Fort Peck Indian Reservation;

(3) distribution and treatment facilities to serve the needs of the Fort Peck Indian Reservation, including—

(A) public water systems in existence on the date of enactment of this Act that may be purchased, improved, and repaired in accordance with the cooperative agreement entered into under subsection (c); and

(B) water systems owned by individual tribal members and other residents of the Fort Peck Indian Reservation;

(4) appurtenant buildings and access roads;

(5) all property and property rights necessary for the facilities described in this subsection;

(6) electrical power transmission and distribution facilities necessary for services to Fort Peck Reservation Rural Water System facilities; and

(7) such other pipelines, pumping plants, and facilities as the Secretary determines to be appropriate to meet the water supply, economic, public health, and environmental needs of the Fort Peck Indian Reservation, including water storage tanks, water lines, and other facilities for the Fort Peck Tribes and the villages, towns, and municipalities in the Fort Peck Indian Reservation.

(c) COOPERATIVE AGREEMENT.—

(1) IN GENERAL.—The Secretary shall enter into a cooperative agreement with the Fort Peck Tribal Executive Board for planning, designing, constructing, operating, maintaining, and replacing the Assiniboine and Sioux Rural Water System.

(2) MANDATORY PROVISIONS.—The cooperative agreement under paragraph (1) shall specify, in a manner that is acceptable to the Secretary and the Fort Peck Tribal Executive Board—

(A) the responsibilities of each party to the agreement for—

(i) needs assessment, feasibility, and environmental studies;

(ii) engineering and design;

(iii) construction;

(iv) water conservation measures; and

(v) administration of contracts relating to performance of the activities described in clauses (i) through (iv);

(B) the procedures and requirements for approval and acceptance of the design and construction and for carrying out other activities described in subparagraph (A); and

(C) the rights, responsibilities, and liabilities of each party to the agreement.

(3) OPTIONAL PROVISIONS.—The cooperative agreement under paragraph (1) may include provisions relating to the purchase, improvement, and repair of water systems in existence on the date of enactment of this Act, including systems owned by individual tribal members and other residents of the Fort Peck Indian Reservation.

(4) TERMINATION.—The Secretary may terminate a cooperative agreement under paragraph (1) if the Secretary determines that—

(A) the quality of construction does not meet all standards established for similar facilities constructed by the Secretary; or

(B) the operation and maintenance of the Assiniboine and Sioux Rural Water System does not meet conditions acceptable to the Secretary that are adequate to fulfill the obligations of the United States to the Fort Peck Tribes.

(5) TRANSFER.—On execution of a cooperative agreement under paragraph (1), in accordance with the cooperative agreement, the Secretary may transfer to the Fort Peck Tribes, on a nonreimbursable basis, funds made available for the Assiniboine and Sioux Rural Water System under section 9.

(d) SERVICE AREA.—The service area of the Assiniboine and Sioux Rural Water System shall be the area within the boundaries of the Fort Peck Indian Reservation.

(e) CONSTRUCTION REQUIREMENTS.—The components of the Assiniboine and Sioux Rural Water System shall be planned and constructed to a size that is sufficient to meet the municipal, rural, and industrial water supply requirements of the service area of the Fort Peck Reservation Rural Water System.

(f) TITLE TO ASSINIBOINE AND SIOUX RURAL WATER SYSTEM.—Title to the Assiniboine and Sioux Rural Water System shall be held in trust by the United States for the Fort Peck Tribes and shall not be transferred unless a transfer is authorized by an Act of Congress enacted after the date of enactment of this Act.

(g) LIMITATION ON AVAILABILITY OF CONSTRUCTION FUNDS.—The Secretary shall not obligate funds for construction of the Assiniboine and Sioux Rural Water System until—

(1) the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) are met with respect to the Assiniboine and Sioux Rural Water System;

(2) on or after the date that is 90 days after the date of submission to Congress of a final engineering report approved by the Secretary; and

(3) the Secretary publishes a written finding that the water conservation plan developed under section 7 includes prudent and reasonable water conservation measures for the operation of the Assiniboine and Sioux Rural Water System that have been shown to be economically and financially feasible.

(h) TECHNICAL ASSISTANCE.—The Secretary shall provide such technical assistance as is necessary to enable the Fort Peck Tribes to plan, design, construct, operate, maintain, and replace the Assiniboine and Sioux Rural Water System, including operation and management training.

(i) APPLICATION OF INDIAN SELF-DETERMINATION ACT.—Planning, design, construction, operation, maintenance, and replacement of the Assiniboine and Sioux Rural Water System within the Fort Peck Indian Reservation shall be subject to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

SEC. 5. DRY PRAIRIE RURAL WATER SYSTEM.

(a) PLANNING AND CONSTRUCTION.—

(1) AUTHORIZATION.—The Secretary shall enter into a cooperative agreement with Dry Prairie Rural Water Association Incorporated (or any successor non-Federal entity) to provide Federal funds for the planning, design, and construction of the Dry Prairie Rural Water System in Roosevelt, Sheridan, Daniels, and Valley Counties, Montana, outside the Fort Peck Indian Reservation.

(2) USE OF FEDERAL FUNDS.—

(A) FEDERAL SHARE.—The Federal share of the cost of planning, design, and construction of the Dry Prairie Rural Water System shall be not more than 76 percent.

(B) COOPERATIVE AGREEMENTS.—Federal funds made available to carry out this section may be obligated and expended only through a cooperative agreement entered into under subsection (c).

(b) COMPONENTS.—The components of the Dry Prairie Rural Water System facilities on which Federal funds may be obligated and expended under this section shall include—

(1) storage, pumping, interconnection, and pipeline facilities;

(2) appurtenant buildings and access roads;

(3) all property and property rights necessary for the facilities described in this subsection;

(4) electrical power transmission and distribution facilities necessary for service to Dry Prairie Rural Water System facilities; and

(5) other facilities customary to the development of rural water distribution systems in the State, including supplemental water intake, pumping, and treatment facilities.

(c) COOPERATIVE AGREEMENT.—

(1) IN GENERAL.—The Secretary, with the concurrence of the Assiniboine and Sioux Rural Water System Board, shall enter into a cooperative agreement with Dry Prairie Rural Water Association Incorporated to provide Federal assistance for the planning, design, and construction of the Dry Prairie Rural Water System.

(2) MANDATORY PROVISIONS.—The cooperative agreement under paragraph (1) shall specify, in a manner that is acceptable to the Secretary and Dry Prairie Rural Water Association Incorporated—

(A) the responsibilities of each party to the agreement for—

(i) needs assessment, feasibility, and environmental studies;

(ii) engineering and design;

(iii) construction;

(iv) water conservation measures; and

(v) administration of contracts relating to performance of the activities described in clauses (i) through (iv);

(B) the procedures and requirements for approval and acceptance of the design and construction and for carrying out other activities described in subparagraph (A); and

(C) the rights, responsibilities, and liabilities of each party to the agreement.

(d) SERVICE AREA.—

(1) IN GENERAL.—Except as provided in paragraph (2), the service area of the Dry Prairie Rural Water System shall be the area in the State—

(A) north of the Missouri River;

(B) south of the border between the United States and Canada;

(C) west of the border between the States of North Dakota and Montana; and

(D) east of the western line of range 39 east.

(2) FORT PECK INDIAN RESERVATION.—The service area shall not include the area inside the Fort Peck Indian Reservation.

(e) LIMITATION ON AVAILABILITY OF CONSTRUCTION FUNDS.—The Secretary shall not obligate funds for construction of the Dry Prairie Rural Water System until—

(1) the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) are met with respect to the Dry Prairie Rural Water System;

(2) on or after the date that is 90 days after the date of submission to Congress of a final engineering report approved by the Secretary; and

(3) the Secretary publishes a written finding that the water conservation plan developed under section 7 includes prudent and reasonable water conservation measures for the operation of the Dry Prairie Rural Water System that have been shown to be economically and financially feasible.

(f) INTERCONNECTION OF FACILITIES.—

(1) IN GENERAL.—The Secretary shall—

(A) interconnect the Dry Prairie Rural Water System with the Assiniboine and Sioux Rural Water System; and

(B) provide for the delivery of water to the Dry Prairie Rural Water System from the Missouri River through the Assiniboine and Sioux Rural Water System.

(2) CHARGES.—The Secretary shall not charge for the water delivered.

(g) LIMITATION ON USE OF FEDERAL FUNDS.—

(1) IN GENERAL.—The operation, maintenance, and replacement expenses associated with water deliveries from the Assiniboine and Sioux Rural Water System to the Dry Prairie Rural Water System shall not be a Federal responsibility and shall be borne by the Dry Prairie Rural Water System.

(2) FEDERAL FUNDS.—The Secretary may not obligate or expend any Federal funds for the operation, maintenance, or replacement of the Dry Prairie Rural Water System.

(h) TITLE TO DRY PRAIRIE RURAL WATER SYSTEM.—Title to the Dry Prairie Rural Water System shall be held by Dry Prairie Rural Water Association, Incorporated.

SEC. 6. USE OF PICK-SLOAN POWER.

(a) IN GENERAL.—From power designated for future irrigation and drainage pumping for the Pick-Sloan Missouri River Basin Program, the Western Area Power Administration shall make available the capacity and energy required to meet the pumping, treatment, and incidental operational requirements of the Dry Prairie Rural Water System and Assiniboine and Sioux Rural Water System, as described in sections 4 and 5.

(b) CONDITIONS.—The capacity and energy described in subsection (a) shall be made available on the following conditions:

(1) The Dry Prairie Rural Water System and Assiniboine and Sioux Rural Water Systems shall be operated on a not-for-profit basis.

(2) The Dry Prairie Rural Water System and Assiniboine and Sioux Rural Water System shall contract to purchase their entire electric service requirements, including the capacity and energy made available under subsection (a), from a qualified preference power supplier that purchases power from the Western Area Power Administration.

(3) The rate schedule applicable to the capacity and energy made available under subsection (a) shall be the wholesale firm power rate schedule of the Pick-Sloan Eastern Division of the Western Area Power Administration in effect when the power is delivered by the Administration.

(4) It shall be agreed by contract among—

(A) the Western Area Power Administration;

(B) the power supplier with which the water Dry Prairie Rural Water System and Assiniboine and Sioux Rural Water System contract under paragraph (2);

(C) the power supplier of the entity described in subparagraph (B);

(D) the Dry Prairie Rural Water Association, Inc.; and

(E) the Fort Peck Tribes;

that in the case of the capacity and energy made available under subsection (a), the benefit of the rate schedule described in paragraph (3) shall be passed through to the Dry Prairie Rural Water System and Assiniboine and Sioux Rural Water System, except that the power supplier of the Dry Prairie Rural Water System and Assiniboine and Sioux Rural Water System shall not be precluded from including, in the charges of the supplier to the water system for the electric service, the other usual and customary charges of the supplier.

(c) ADDITIONAL POWER.—If power in addition to that made available under subsection (a) is required to meet the pumping requirements of the service area of the Fort Peck Reservation Rural Water System described in sections 4 and 5, the Administrator of the Western Area Power Administration may purchase the necessary additional power under such terms and conditions as the Administrator determines to be appropriate.

(d) RECOVERY OF EXPENSES.—

(1) ASSINIBOINE AND SIOUX RURAL WATER SYSTEM.—In the case of the Assiniboine and Sioux Rural Water System, expenses associated with power purchases under subsection (a) shall be recovered through a separate power charge, sufficient to cover expenses, applied to the Assiniboine and Sioux Rural Water System's operation and maintenance cost.

(2) DRY PRAIRIE RURAL WATER SYSTEM.—In the case of the Dry Prairie Rural Water System, expenses associated with power purchases under subsections (a) shall be recovered through a separate power charge, sufficient to cover expenses, to be paid fully by the Dry Prairie Rural Water Association, Inc.

SEC. 7. WATER CONSERVATION PLAN.

(a) IN GENERAL.—The Fort Peck Tribes and Dry Prairie Rural Water Association Incorporated shall develop a water conservation plan containing—

(1) a description of water conservation objectives;

(2) a description of appropriate water conservation measures; and

(3) a time schedule for implementing the measures and this Act to meet the water conservation objectives.

(b) PURPOSE.—The water conservation plan under subsection (a) shall be designed to ensure that users of water from the Assiniboine and Sioux Rural Water System and the Dry Prairie Rural Water System will use the best practicable technology and management techniques to conserve water.

(c) PUBLIC PARTICIPATION.—Section 210(c) of the Reclamation Reform Act of 1982 (43 U.S.C. 390jj(c)) shall apply to an activity authorized under this Act.

SEC. 8. WATER RIGHTS.

This Act does not—

(1) impair the validity of or preempt any provision of State water law or any interstate compact governing water;

(2) alter the right of any State to any appropriated share of the water of any body of surface or ground water, whether determined by any past or future interstate compact or by any past or future legislative or final judicial allocation;

(3) preempt or modify any Federal or State law or interstate compact concerning water quality or disposal;

(4) confer on any non-Federal entity the authority to exercise any Federal right to the water of any stream or to any ground water resource;

(5) affect any right of the Fort Peck Tribes to water, located within or outside the external boundaries of the Fort Peck Indian Reservation, based on a treaty, compact, executive order, agreement, Act of Congress, aboriginal title, the decision in Winters v. United States, 207 U.S. 564 (1908) (commonly known as the ''Winters Doctrine''), or other law; or

(6) validate or invalidate any assertion of the existence, nonexistence, or extinguishment of any water right held or Indian water compact entered into by the Fort Peck Tribes or by any other Indian tribe or individual Indian under Federal or State law.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) ASSINIBOINE AND SIOUX RURAL WATER SYSTEM.—There are authorized to be appropriated—

(1) over a period of 10 fiscal years, $124,000,000 for the planning, design, and construction of the Assiniboine and Sioux Rural Water System in accordance with subsections (b), (d), and (e) of section 4; and

(2) such sums as are necessary for the operation, maintenance, and replacement of the Assiniboine and Sioux Rural Water System, including power costs of the Western Area Power Administration.

(b) DRY PRAIRIE RURAL WATER SYSTEM.—There is authorized to be appropriated, over a period of 10 fiscal years, $51,000,000 for the planning, design, and construction of the Dry Prairie Rural Water System.

(c) COST INDEXING.—The funds authorized to be appropriated may be increased or decreased by such amounts as are justified by reason of ordinary fluctuations in development costs incurred after October 1, 1998, as indicated by engineering cost indices applicable for the type of construction involved.

NATIONAL FOREST AND PUBLIC LANDS OF NEVADA ENHANCEMENT ACT OF 1988

The bill (S. 439) to amend the National Forest and Public Lands of Nevada Enhancement Act of 1988 to adjust the boundary of the Toiyable National Forest, Nevada, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 439

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

SECTION 1. ADJUSTMENT OF BOUNDARY OF THE TOIYABE NATIONAL FOREST, NEVADA.

Section 4(a) of the National Forest and Public Lands of Nevada Enhancement Act of 1988 (102 Stat. 2750) is amended—

(1) by striking ''Effective'' and inserting the following:

''(1) IN GENERAL.—Effective''; and

(2) by adding at the end the following:

''(2) BOUNDARY ADJUSTMENT.—Effective on the date of enactment of this paragraph, the portion of the land transferred to the Secretary of Agriculture under paragraph (1) situated between the lines marked 'Old Forest Boundary' and 'Revised National Forest Boundary' on the map entitled 'Nevada Interchange ''A'', Change 1', and dated September 16, 1998, is transferred to the Secretary of the Interior.''.

MIWALETA PARK EXPANSION ACT

The Senate proceeded to consider the bill (S. 977) to provide for the conveyance by the Bureau of Land Management to Douglas County, Oregon, of a county park and certain adjacent land, 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. 977

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 ''Miwaleta Park Expansion Act''.

SEC. 2. LAND CONVEYANCE, BUREAU OF LAND MANAGEMENT LAND, DOUGLAS COUNTY, OREGON.

(a) IN GENERAL.—

(1) CONVEYANCE.—The Secretary of the Interior (referred to in this section as the ''Secretary'') shall convey, without consideration, to Douglas County, Oregon (referred to in this section as the ''County''), all right, title, and interest of the United States in and to a parcel of land (including improvements on the land) described in paragraph (2) and consisting of—

(A) Miwaleta Park, a county park managed under agreement by the County on Federal land managed by the Bureau of Land Management; and

(B) an adjacent tract of Federal land managed by the Bureau of Land Management.

(2) LEGAL DESCRIPTION.—The parcel of land referred to in paragraph (1) is the parcel in the SW¼ of the NE¼; SE¼ of the NW¼ of sec. 27, T. 31 S., R. 4 W., W.M., Douglas County, Oregon, described as follows:

The property lying between the southerly right-of-way line of the relocated Cow Creek County Road No. 36 and contour elevation 1881.5 MSL, comprising approximately 28.50 acres.

(b) USE OF LAND.—

[(1) IN GENERAL.—After conveyance of land under subsection (a), the County may manage and exercise any program or policy that the County considers appropriate in the use of the land for park purposes.]

(1) IN GENERAL.—After conveyance of land under subsection (a), the County shall manage the land for public park purposes in a manner so as not to adversely affect attainment of the objectives of the adjacent Late Successional Reserve as described in the Northwest Forest Plan, and in accordance with a management plan for the area developed in cooperation with the United States Fish and Wildlife Service.

(2) REVERSIONARY INTEREST.—

[(A) IN GENERAL.—If the Secretary determines that the land conveyed under subsection (a) is not being used for park purposes]

(A) IN GENERAL.—If the Secretary determines that the land conveyed under subsection (a) is not being used for public park purposes, at the option of the Secretary—

(i) all right, title, and interest in and to the land, including any improvements on the land, shall revert to the United States; and

(ii) the United States shall have the right of immediate entry onto the land.

(B) DETERMINATION ON THE RECORD.—Any determination of the Secretary under subparagraph (A) shall be made on the record.

(c) SURVEY.—The exact acreage and legal description of the land to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary and paid for by the County.

(d) IMPACT ON FERC WITHDRAWAL.—

(1) IN GENERAL.—The conveyance of land under subsection (a) shall have no effect on the conditions and rights provided in Federal Energy Regulatory Commission Withdrawal No. 7161.

(2) CONFLICTS.—In a case of conflict between the use of the conveyed land as a park and the purposes of the withdrawal, the purposes of the withdrawal shall prevail.

(e) COSTS OF CONVEYANCE.—Except as provided in subsection (c), costs associated with the conveyance under subsection (a) shall be borne by the party incurring the costs.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

The committee amendments were agreed to.

The bill (S. 977), as amended, was passed, as follows:

S. 977

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 ''Miwaleta Park Expansion Act''.

SEC. 2. LAND CONVEYANCE, BUREAU OF LAND MANAGEMENT LAND, DOUGLAS COUNTY, OREGON.

(a) IN GENERAL.—

(1) CONVEYANCE.—The Secretary of the Interior (referred to in this section as the ''Secretary'') shall convey, without consideration, to Douglas County, Oregon (referred to in this section as the ''County''), all right, title, and interest of the United States in and to a parcel of land (including improvements on the land) described in paragraph (2) and consisting of—

(A) Miwaleta Park, a county park managed under agreement by the County on Federal land managed by the Bureau of Land Management; and

(B) an adjacent tract of Federal land managed by the Bureau of Land Management.

(2) LEGAL DESCRIPTION.—The parcel of land referred to in paragraph (1) is the parcel in the SW¼ of the NE¼; SE¼ of the NW¼ of sec. 27, T. 31 S., R. 4 W., W.M., Douglas County, Oregon, described as follows:

The property lying between the southerly right-of-way line of the relocated Cow Creek County Road No. 36 and contour elevation 1881.5 MSL, comprising approximately 28.50 acres.

(b) USE OF LAND.—

(1) IN GENERAL.—After conveyance of land under subsection (a), the County shall manage the land for public park purposes in a manner so as not to adversely affect attainment of the objectives of the adjacent Late Successional Reserve as described in the Northwest Forest Plan, and in accordance with a management plan for the area developed in cooperation with the United States Fish and Wildlife Service.

(2) REVERSIONARY INTEREST.—

(A) IN GENERAL.—If the Secretary determines that the land conveyed under subsection (a) is not being used for public park purposes, at the option of the Secretary—

(i) all right, title, and interest in and to the land, including any improvements on the land, shall revert to the United States; and

(ii) the United States shall have the right of immediate entry onto the land.

(B) DETERMINATION ON THE RECORD.—Any determination of the Secretary under subparagraph (A) shall be made on the record.

(c) SURVEY.—The exact acreage and legal description of the land to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary and paid for by the County.

(d) IMPACT ON FERC WITHDRAWAL.—

(1) IN GENERAL.—The conveyance of land under subsection (a) shall have no effect on the conditions and rights provided in Federal Energy Regulatory Commission Withdrawal No. 7161.

(2) CONFLICTS.—In a case of conflict between the use of the conveyed land as a park and the purposes of the withdrawal, the purposes of the withdrawal shall prevail.

(e) COSTS OF CONVEYANCE.—Except as provided in subsection (c), costs associated with the conveyance under subsection (a) shall be borne by the party incurring the costs.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

LOWER DELAWARE WILD AND SCENIC RIVERS ACT

The Senate proceeded to consider the bill (S. 1296) to designate portions of the lower Delaware River and associated tributaries as a component of the National Wild and Scenic Rivers System, 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 ''Lower Delaware Wild and Scenic Rivers Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) Public Law 102–460 directed the Secretary of the Interior, in cooperation and consultation with appropriate Federal, State, regional, and local agencies, to conduct a study of the eligibility and suitability of the lower Delaware River for inclusion in the Wild and Scenic Rivers System:

(2) during the study, the Lower Delaware Wild and Scenic River Study Task Force and the National Park Service prepared a river management plan for the study area entitled ''Lower Delaware River Management Plan'' and dated August 1997, which establishes goals and actions that will ensure long-term protection of the river's outstanding values and compatible management of land and water resources associated with the river; and

(3) after completion of the study, 24 municipalities along segments of the Delaware River eligible for designation passed resolutions supporting the Lower Delaware River Management Plan, agreeing to take action to implement the goals of the plan, and endorsing designation of the river.

SEC. 3 DESIGNATION.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended—

(1) by designating the first undesignated paragraph following paragraph 156, pertaining to Elkhorn Creek and enacted by Public Law 104–208, as paragraph 157;

(2) by designating the second undesignated paragraph following paragraph 156, pertaining to the Clarion River, Pennsylvania, and enacted by Public Law 104–314, as paragraph 158;

(3) by designating the third undesignated paragraph following paragraph 156, pertaining to the Lamprey River, New Hampshire, and enacted by Public Law 104–333, as paragraph 159;

(4) by striking the fourth undesignated paragraph following paragraph 156, pertaining to Elkhorn Creek and enacted by Public Law 104–333; and

(5) by adding at the end the following:

''(161) LOWER DELAWARE RIVER AND ASSOCIATED TRIBUTARIES, NEW JERSEY AND PENNSYLVANIA.—(A) The 65.6 miles of river segments in New Jersey and Pennsylvania, consisting of—

''(i) the segment from river mile 193.8 to the northern border of the city of Easton, Pennsylvania (approximately 10.5 miles), as a recreational river;

''(ii) the segment from a point just south of the Gilbert Generating Station to a point just north of the Point Pleasant Pumping Station (approximately 14.2 miles), as a recreational river;

''(iii) the segment from the point just south of the Point Pleasant Pumping Station to a point 1,000 feet north of the Route 202 bridge (approximately 6.3), as a recreational river;

''(iv) the segment from a point 1,750 feet south of the Route 202 bridge to the southern border of

the town of New Hope, Pennsylvania (approximately 1.9), as a recreational river;

''(v) the segment from the southern boundary of the town of New Hope, Pennsylvania, to the town of Washington Crossing, Pennsylvania (approximately 6 miles), as a recreational river;

''(vi) Tinicum Creek (approximately 14.7 miles), as a scenic river;

''(vii) Tohickon Creek from the Lake Nockamixon Dam to the Delaware River (approximately 10.7 miles), as a scenic river; and

''(viii) Paunacussing Creek in Solebury Township (approximately 3 miles), as a recreational river.

''(B) ADMINISTRATION.—The river segments referred to in subparagraph (A) shall be administered by the Secretary of the Interior. Notwithstanding section 10(c), the river segments shall not be administered as part of the National Park System.''.

SEC. 4. MANAGEMENT OF RIVER SEGMENTS.

(A) MANAGEMENT OF SEGMENTS.—The river segments designated in section 3 shall be managed—

(1) in accordance with the river management plan entitled ''Lower Delaware River Management Plan'' and dated August 1997 (referred to as the ''management plan''), prepared by the Lower Delaware Wild and Scenic River Study Task Force and the National Park Service, which establishes goals and actions that will ensure long-term protection of the river's outstanding values and compatible management of land and water resources associated with the river; and

(2) in cooperation with appropriate Federal, State, regional, and local agencies, including—

(A) the New Jersey Department of Environmental Protection;

(B) the Pennsylvania Department of Conservation and Natural Resources;

(C) the Delaware and Lehigh Navigation Canal Heritage Corridor Commission;

(D) the Delaware and Raritan Canal Commission; and

(E) the Delaware River Greenway Partnership.

(b) SATISFACTION OF REQUIREMENTS FOR PLAN.—The management plan shall be considered to satisfy the requirements for a comprehensive management plan under subsection 3(d) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(d)).

(c) FEDERAL ROLE.—

(1) RESTRICTIONS ON WATER RESOURCE PROJECTS.—In determining under section 7(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1278(a)) whether a proposed water resources project would have a direct and adverse effect on the value for which a segment is designated as part of the Wild and Scenic Rivers System, the Secretary of the Interior (hereinafter referred to as the ''Secretary'') shall consider the extent to which the project is consistent with the management plan.

(2) COOPERATIVE AGREEMENTS.—Any cooperative agreements entered into under section 10(e) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(e)) relating to any of the segments designated by this Act shall—

(A) be consistent with the management plan; and

(B) may include provisions for financial or other assistance from the United States to facilitate the long-term protection, conservation, and enhancement of the segments.

(3) SUPPORT FOR IMPLEMENTATION.—The Secretary may provide technical assistance, staff support, and funding to assist in the implementation of the management plan.

(d) LAND MANAGEMENT.—

(1) IN GENERAL.—The Secretary may provide planning, financial, and technical assistance to local municipalities to assist in the implementation of actions to protect the natural, economic, and historic resources of the river segments designated by this Act.

(2) PLAN REQUIREMENTS.—After adoption of recommendations made in section III of the management plan, the zoning ordinances of the municipalities bordering the segments shall be considered to satisfy the standards and requirements under section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)).

(e) ADDITIONAL SEGMENTS.—

(1) IN GENERAL.—In this paragraph, the term ''additional segment'' means—

(A) the segment from the Delaware Water Gap to the Toll Bridge connecting Columbia, New Jersey, and Portland, Pennsylvania (approximately 9.2 miles), which, if made part of the Wild and Scenic Rivers System in accordance with this paragraph, shall be administered by the Secretary as a recreational river;

(B) the segment from the Erie Lackawanna railroad bridge to the southern tip of Dildine Island (approximately 3.6 miles), which, if made part of the Wild and Scenic Rivers System in accordance with this paragraph, shall be administered by the Secretary as a recreational river;

(C) the segment from the southern tip of Mack Island to the northern border of the town of Belvidere, New Jersey (approximately 2 miles), which, if made part of the Wild and Scenic Rivers System in accordance with this paragraph, shall be administered by the Secretary as a recreational river;

(D) the segment from the southern border of the town of Phillipsburg, New Jersey, to a point just north of Gilbert Generating Station (approximately 9.5 miles, which, if made part of the Wild and Scenic Rivers System in accordance with this paragraph, shall be administered by the Secretary as a recreational river;

(E) Paulinskill River in Knowlton Township (approximately 2.4 miles), which, if made part of the Wild and Scenic Rivers System in accordance with this paragraph, shall be administered by the Secretary as a recreational river; and

(F) Cook's Creek (approximately 3.5 miles), which, if made part of the Wild and Scenic Rivers System in accordance with this paragraph, shall be administered by the Secretary as a scenic river.

(2) FINDING.—Congress finds that each of the additional segments is suitable for designation as a recreational river or scenic river under this paragraph, if there is adequate local support for the designation.

(3) DESIGNATION.—If the Secretary finds that there is adequate local support for designating any of the additional segments as a recreational river or scenic river—

(A) the Secretary shall publish in the Federal Register a notice of the designation of the segment; and

(B) the segment shall thereby be designated as a recreational river or scenic river, as the case may be, in accordance with the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.).

(4) CRITERIA FOR LOCAL SUPPORT.—In determining whether there is adequate local support for the designation of an additional segment, the Secretary shall consider, among other things, the preferences of local governments expressed in resolutions concerning designation of the segment.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as are necessary to carry out this Act.

The committee amendment was agreed to.

The bill (S. 1296), as amended, was passed, as follows:

S. 1296

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 ''Lower Delaware Wild and Scenic Rivers Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) Public Law 102–460 directed the Secretary of the Interior, in cooperation and consultation with appropriate Federal, State, regional, and local agencies, to conduct a study of the eligibility and suitability of the lower Delaware River for inclusion in the Wild and Scenic Rivers System:

(2) during the study, the Lower Delaware Wild and Scenic River Study Task Force and the National Park Service prepared a river management plan for the study area entitled ''Lower Delaware River Management Plan'' and dated August 1997, which establishes goals and actions that will ensure long-term protection of the river's outstanding values and compatible management of land and water resources associated with the river; and

(3) after completion of the study, 24 municipalities along segments of the Delaware River eligible for designation passed resolutions supporting the Lower Delaware River Management Plan, agreeing to take action to implement the goals of the plan, and endorsing designation of the river.

SEC. 3 DESIGNATION.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended—

(1) by designating the first undesignated paragraph following paragraph 156, pertaining to Elkhorn Creek and enacted by Public Law 104–208, as paragraph 157;

(2) by designating the second undesignated paragraph following paragraph 156, pertaining to the Clarion River, Pennsylvania, and enacted by Public Law 104–314, as paragraph 158;

(3) by designating the third undesignated paragraph following paragraph 156, pertaining to the Lamprey River, New Hampshire, and enacted by Public Law 104–333, as paragraph 159;

(4) by striking the fourth undesignated paragraph following paragraph 156, pertaining to Elkhorn Creek and enacted by Public Law 104–333; and

(5) by adding at the end the following:

''(161) LOWER DELAWARE RIVER AND ASSOCIATED TRIBUTARIES, NEW JERSEY AND PENNSYLVANIA.—(A) The 65.6 miles of river segments in New Jersey and Pennsylvania, consisting of—

''(i) the segment from river mile 193.8 to the northern border of the city of Easton, Pennsylvania (approximately 10.5 miles), as a recreational river;

''(ii) the segment from a point just south of the Gilbert Generating Station to a point just north of the Point Pleasant Pumping Station (approximately 14.2 miles), as a recreational river;

''(iii) the segment from the point just south of the Point Pleasant Pumping Station to a point 1,000 feet north of the Route 202 bridge (approximately 6.3), as a recreational river;

''(iv) the segment from a point 1,750 feet south of the Route 202 bridge to the southern border of the town of New Hope, Pennsylvania (approximately 1.9), as a recreational river;

''(v) the segment from the southern boundary of the town of New Hope, Pennsylvania, to the town of Washington Crossing, Pennsylvania (approximately 6 miles), as a recreational river;

''(vi) Tinicum Creek (approximately 14.7 miles), as a scenic river;

''(vii) Tohickon Creek from the Lake Nockamixon Dam to the Delaware River (approximately 10.7 miles), as a scenic river; and

''(viii) Paunacussing Creek in Solebury Township (approximately 3 miles), as a recreational river.

''(B) ADMINISTRATION.—The river segments referred to in subparagraph (A) shall be administered by the Secretary of the Interior.

Notwithstanding section 10(c), the river segments shall not be administered as part of the National Park System.''.

SEC. 4. MANAGEMENT OF RIVER SEGMENTS.

(A) MANAGEMENT OF SEGMENTS.—The river segments designated in section 3 shall be managed—

(1) in accordance with the river management plan entitled ''Lower Delaware River Management Plan'' and dated August 1997 (referred to as the ''management plan''), prepared by the Lower Delaware Wild and Scenic River Study Task Force and the National Park Service, which establishes goals and actions that will ensure long-term protection of the river's outstanding values and compatible management of land and water resources associated with the river; and

(2) in cooperation with appropriate Federal, State, regional, and local agencies, including—

(A) the New Jersey Department of Environmental Protection;

(B) the Pennsylvania Department of Conservation and Natural Resources;

(C) the Delaware and Lehigh Navigation Canal Heritage Corridor Commission;

(D) the Delaware and Raritan Canal Commission; and

(E) the Delaware River Greenway Partnership.

(b) SATISFACTION OF REQUIREMENTS FOR PLAN.—The management plan shall be considered to satisfy the requirements for a comprehensive management plan under subsection 3(d) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(d)).

(c) FEDERAL ROLE.—

(1) RESTRICTIONS ON WATER RESOURCE PROJECTS.—In determining under section 7(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1278(a)) whether a proposed water resources project would have a direct and adverse effect on the value for which a segment is designated as part of the Wild and Scenic Rivers System, the Secretary of the Interior (hereinafter referred to as the ''Secretary'') shall consider the extent to which the project is consistent with the management plan.

(2) COOPERATIVE AGREEMENTS.—Any cooperative agreements entered into under section 10(e) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(e)) relating to any of the segments designated by this Act shall—

(A) be consistent with the management plan; and

(B) may include provisions for financial or other assistance from the United States to facilitate the long-term protection, conservation, and enhancement of the segments.

(3) SUPPORT FOR IMPLEMENTATION.—The Secretary may provide technical assistance, staff support, and funding to assist in the implementation of the management plan.

(d) LAND MANAGEMENT.—

(1) IN GENERAL.—The Secretary may provide planning, financial, and technical assistance to local municipalities to assist in the implementation of actions to protect the natural, economic, and historic resources of the river segments designated by this Act.

(2) PLAN REQUIREMENTS.—After adoption of recommendations made in section III of the management plan, the zoning ordinances of the municipalities bordering the segments shall be considered to satisfy the standards and requirements under section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)).

(e) ADDITIONAL SEGMENTS.—

(1) IN GENERAL.—In this paragraph, the term ''additional segment'' means—

(A) the segment from the Delaware Water Gap to the Toll Bridge connecting Columbia, New Jersey, and Portland, Pennsylvania (approximately 9.2 miles), which, if made part of the Wild and Scenic Rivers System in accordance with this paragraph, shall be administered by the Secretary as a recreational river;

(B) the segment from the Erie Lackawanna railroad bridge to the southern tip of Dildine Island (approximately 3.6 miles), which, if made part of the Wild and Scenic Rivers System in accordance with this paragraph, shall be administered by the Secretary as a recreational river;

(C) the segment from the southern tip of Mack Island to the northern border of the town of Belvidere, New Jersey (approximately 2 miles), which, if made part of the Wild and Scenic Rivers System in accordance with this paragraph, shall be administered by the Secretary as a recreational river;

(D) the segment from the southern border of the town of Phillipsburg, New Jersey, to a point just north of Gilbert Generating Station (approximately 9.5 miles, which, if made part of the Wild and Scenic Rivers System in accordance with this paragraph, shall be administered by the Secretary as a recreational river;

(E) Paulinskill River in Knowlton Township (approximately 2.4 miles), which, if made part of the Wild and Scenic Rivers System in accordance with this paragraph, shall be administered by the Secretary as a recreational river; and

(F) Cook's Creek (approximately 3.5 miles), which, if made part of the Wild and Scenic Rivers System in accordance with this paragraph, shall be administered by the Secretary as a scenic river.

(2) FINDING.—Congress finds that each of the additional segments is suitable for designation as a recreational river or scenic river under this paragraph, if there is adequate local support for the designation.

(3) DESIGNATION.—If the Secretary finds that there is adequate local support for designating any of the additional segments as a recreational river or scenic river—

(A) the Secretary shall publish in the Federal Register a notice of the designation of the segment; and

(B) the segment shall thereby be designated as a recreational river or scenic river, as the case may be, in accordance with the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.).

(4) CRITERIA FOR LOCAL SUPPORT.—In determining whether there is adequate local support for the designation of an additional segment, the Secretary shall consider, among other things, the preferences of local governments expressed in resolutions concerning designation of the segment.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as are necessary to carry out this Act.

TAUNTON RIVER WILD AND SCENIC RIVER STUDY ACT OF 1999

The Senate proceeded to consider the bill (S. 1569) to amend the Wild and Scenic Rivers Act to designate segments of the Taunton River in the Commonwealth of Massachusetts for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes, 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 as shown in italic.)

S. 1569

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 ''Taunton River Wild and Scenic River Study Act of 1999''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the Taunton River in the State of Massachusetts possesses important resource values (including wildlife, ecological, and scenic values), historic sites, and a cultural past important to the heritage of the United States;

(2) there is strong support among State and local officials, area residents, and river users for a cooperative wild and scenic river study of the area; and

(3) there is a longstanding interest among State and local officials, area residents, and river users in undertaking a concerted cooperative effort to manage the river in a productive and meaningful way.

SEC. 3. DESIGNATION FOR STUDY.

Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) is amended—

(1) by designating the undesignated paragraph following (135) as paragraph (136); and

(2) by adding at the end the following:

''(137) TAUNTON RIVER, MASSACHUSETTS.—The segment downstream from the headwaters, from the confluence of the Town River and the Matfield River in Bridgewater to the confluence with the Forge River in Raynham, Massachusetts.''.

[SEC. 3. STUDY AND REPORT.]

SEC. 4. STUDY AND REPORT.

Section 5(b) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(b)) is amended—

(1) by redesignating the second paragraph (8) as paragraph (10);

(2) by redesignating the second paragraph (11) as paragraph (12);

(3) by redesignating the third paragraph (11) as paragraph (13);

(4) by redesignating the fourth paragraph (11) as paragraph (14);

(5) by redesignating the first undesignated paragraph as paragraph (15);

(6) by redesignating the second undesignated paragraph as paragraph (16); and

(7) by adding at the end the following:

''(17) TAUNTON RIVER, MASSACHUSETTS.—Not later than 3 years after the date of enactment of this paragraph, the Secretary of the Interior—

''(A) shall complete the study of the Taunton River, Massachusetts; and

''(B) shall submit to Congress a report describing the results of the study.''.

[SEC. 4. AUTHORIZATION OF APPROPRIATIONS.]

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

The committee amendments were agreed to.

The bill (S. 1569), as amended, was passed, as follows:

S. 1569

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 ''Taunton River Wild and Scenic River Study Act of 1999''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the Taunton River in the State of Massachusetts possesses important resource values (including wildlife, ecological, and scenic values), historic sites, and a cultural past important to the heritage of the United States;

(2) there is strong support among State and local officials, area residents, and river users for a cooperative wild and scenic river study of the area; and

(3) there is a longstanding interest among State and local officials, area residents, and river users in undertaking a concerted cooperative effort to manage the river in a productive and meaningful way.

SEC. 3. DESIGNATION FOR STUDY.

Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) is amended—

(1) by designating the undesignated paragraph following (135) as paragraph (136); and

(2) by adding at the end the following:

''(137) TAUNTON RIVER, MASSACHUSETTS.—The segment downstream from the headwaters, from the confluence of the Town River and the Matfield River in Bridgewater to the confluence with the Forge River in Raynham, Massachusetts.''.

SEC. 4. STUDY AND REPORT.

Section 5(b) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(b)) is amended—

(1) by redesignating the second paragraph (8) as paragraph (10);

(2) by redesignating the second paragraph (11) as paragraph (12);

(3) by redesignating the third paragraph (11) as paragraph (13);

(4) by redesignating the fourth paragraph (11) as paragraph (14);

(5) by redesignating the first undesignated paragraph as paragraph (15);

(6) by redesignating the second undesignated paragraph as paragraph (16); and

(7) by adding at the end the following:

''(17) TAUNTON RIVER, MASSACHUSETTS.—Not later than 3 years after the date of enactment of this paragraph, the Secretary of the Interior—

''(A) shall complete the study of the Taunton River, Massachusetts; and

''(B) shall submit to Congress a report describing the results of the study.''.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

BLACK HILLS NATIONAL FOREST PROPERTY EXCHANGE

The bill (S. 1599) to authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other land in the Black Hills National Forest and to use funds derived from the sale or exchange to acquire replacement sites and to acquire or construct administrative improvements in connection with the Black Hills National Forest, was considered, ordered and engrossed for a third reading, read the third time, and passed; as follows:

S. 1599

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

SECTION 1. SALE OR EXCHANGE OF LAND.

(a) IN GENERAL.—The Secretary of Agriculture (referred to in this Act as the ''Secretary'') may, under such terms and conditions as the Secretary may prescribe, sell or exchange any right, title, and interest of the United States in and to the approximately 367 acres contained in the following parcels of land in the State of South Dakota:

(1) Tract BLKH–1 ''Spearfish Dwelling'' (approximately 0.24 acres); N½ lots 8 and 9 of block 16, sec. 10, T6N, R2E.

(2) Tract BLKH–2 ''Deadwood Garage'' (approximately 0.12 acres); lots 9 and 11 of block 34, sec. 26, T5N, R3E.

(3) Tract BLKH–3 ''Deadwood Dwellings'' (approximately 0.32 acres); lots 12 through 16 of Block 44, sec. 26, T5N, R3E.

(4) Tract BLKH–4 ''Hardy Work Center'' (approximately 150 acres); E½, SW¼, SE¼; SE¼, SE¼; sec. 19; NE¼, NW¼, NE¼; E½, NE¼, SE¼; E½, SE¼, NE¼; NE¼, NE¼; sec. 30, T3N, R1E.

(5) Tract BLKH–6 ''Pactola Work Center'' (approximately 100 acres); W½, SW¼, NW¼; W½, NW¼, SW¼; W½, SW¼, SW¼; SE¼, SW¼, SW¼; sec. 25; E½, E¼, SE¼; SE¼, SE¼, NE¼; sec. 26; T2N, R5E.

(6) Tract BLKH–7 ''Pactola Ranger District Office'' (approximately 8.25 acres); lot 1 of Ranger Station Subdivision, sec. 4, T1N, R7E.

(7) Tract BLKH–8 ''Reder Administrative Site'' (approximately 82 acres); lots 6 and 7, sec. 29; lot A of Reder Placer, lot 19, NW¼, SE¼, NE¼, sec. 30, T1S, R5E.

(8) Tract BLKH–9 ''Allen Gulch Properties'' (approximately 20.60 acres); lot 14, sec. 25, T1S, R4E.

(9) Tract BLKH–10 ''Custer Ranger District Office'' (approximately 0.39 acres); lots 4 and 9 of block 125 plus the east 15 feet of the vacated north/south alley adjacent to lot 4, city of Custer, sec. 26, T3S, R4E.

(b) APPLICABLE AUTHORITIES.—Except as otherwise provided in this Act, any sale or exchange of land described in subsection (a) shall be subject to laws (including regulations) applicable to the conveyance and acquisition of land for National Forest System purposes.

(c) CASH EQUALIZATION.—Notwithstanding any other provision of law, the Secretary may accept cash equalization payments in excess of 25 percent of the total value of the land described in subsection (a) from any exchange under subsection (a).

(d) SOLICITATIONS OF OFFERS.—

(1) IN GENERAL.—In carrying out this Act, the Secretary may use solicitations of offers for sale or exchange under this Act on such terms and conditions as the Secretary may prescribe.

(2) REJECTION OF OFFERS.—The Secretary may reject any offer under this Act if the Secretary determines that the offer is not adequate or not in the public interest.

SEC. 2. DISPOSITION OF FUNDS.

Any funds received by the Secretary through sale or by cash equalization from an exchange—

(1) shall be deposited into the fund established by Public Law 90–171 (commonly known as the ''Sisk Act'') (16 U.S.C. 484a); and

(2) shall be available for expenditure, on appropriation, for—

(A) the acquisition of land and interests in land in the State of South Dakota; and

(B) the acquisition or construction of administrative improvements in connection with the Black Hills National Forest.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

NATIONAL OILHEAT RESEARCH ALLIANCE ACT OF 1999

The Senate proceeded to consider the bill (S. 348) to authorize and faciliate a program to enhance training, research and development, energy conservation and efficiency, and consumer education in the oilheat industry for the benefit of oilheat consumers and the public, and for other purposes, 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. 348

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Oilheat Research Alliance Act of 1999''.

SEC. 2. FINDINGS.

Congress finds that—

(1) oilheat is an important commodity relied on by approximately 30,000,000 Americans as an efficient and economical energy source for commercial and residential space and hot water heating;

(2) oilheat equipment operates at efficiencies among the highest of any space heating energy source, reducing fuel costs and making oilheat an economical means of space heating;

(3) the production, distribution, and marketing of oilheat and oilheat equipment plays a significant role in the economy of the United States, accounting for approximately $12,900,000,000 in expenditures annually and employing millions of Americans in all aspects of the oilheat industry;

(4) only very limited Federal resources have been made available for oilheat research, development, safety, training, and education efforts, to the detriment of both the oilheat industry and its 30,000,000 consumers; and

(5) the cooperative development, self-financing, and implementation of a coordinated national oilheat industry program of research and development, training, and consumer education is necessary and important for the welfare of the oilheat industry, the general economy of the United States, and the millions of Americans that rely on oilheat for commercial and residential space and hot water heating.

SEC. 3. DEFINITIONS.

In this Act:

(1) ALLIANCE.—The term ''Alliance'' means a national oilheat research alliance established under section 4.

(2) CONSUMER EDUCATION.—The term ''consumer education'' means the provision of information to assist consumers and other persons in making evaluations and decisions regarding oilheat and other nonindustrial commercial or residential space or hot water heating fuels.

(3) EXCHANGE.—The term ''exchange'' means an agreement that—

(A) entitles each party or its customers to receive oilheat from the other party; and

(B) requires only an insubstantial portion of the volumes involved in the exchange to be settled in cash or property other than the oilheat.

(4) INDUSTRY TRADE ASSOCIATION.—The term ''industry trade association'' means an organization described in paragraph (3) or (6) of section 501(c) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of that Code and is organized for the purpose of representing the oilheat industry.

(5) NO. 1 DISTILLATE.—The term ''No. 1 distillate'' means fuel oil classified as No. 1 distillate by the American Society for Testing and Materials.

(6) NO. 2 DYED DISTILLATE.—The term ''No. 2 dyed distillate'' means fuel oil classified as No. 2 distillate by the American Society for Testing and Materials that is indelibly dyed in accordance with regulations prescribed by the Secretary of the Treasury under section 4082(a)(2) of the Internal Revenue Code of 1986.

(7) OILHEAT.—The term ''oilheat'' means—

(A) No. 1 distillate; and

(B) No. 2 dyed distillate;

that is used as a fuel for nonindustrial commercial or residential space or hot water heating.

(8) OILHEAT INDUSTRY.—

(A) IN GENERAL.—The term ''oilheat industry'' means—

(i) persons in the production, transportation, or sale of oilheat; and

(ii) persons engaged in the manufacture or distribution of oilheat utilization equipment.

(B) EXCLUSION.—The term ''oilheat industry'' does not include ultimate consumers of oilheat.

(9) PUBLIC MEMBER.—The term ''public member'' means a member of the Alliance described in section 5(c)(1)(F).

(10) QUALIFIED INDUSTRY ORGANIZATION.—The term ''qualified industry organization'' means the National Association for Oilheat Research and Education or a successor organization.

(11) QUALIFIED STATE ASSOCIATION.—The term ''qualified State association'' means the industry trade association or other organization that the qualified industry organization or the Alliance determines best represents retail marketers in a State.

(12) RETAIL MARKETER.—The term ''retail marketer'' means a person engaged primarily in the sale of oilheat to ultimate consumers.

(13) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(14) WHOLESALE DISTRIBUTOR.—The term ''wholesale distributor'' means a person that—

(A)(i) produces No. 1 distillate or No. 2 dyed distillate;

(ii) imports No. 1 distillate or No. 2 dyed distillate; or

(iii) transports No. 1 distillate or No. 2 dyed distillate across State boundaries or among local marketing areas; and

(B) sells the distillate to another person that does not produce, import, or transport No. 1 distillate or No. 2 dyed distillate across State boundaries or among local marketing areas.

SEC. 4. REFERENDA.

(a) CREATION OF PROGRAM.—

(1) IN GENERAL.—The oilheat industry, through the qualified industry organization, may conduct, at its own expense, a referendum among retail marketers and wholesale distributors for the establishment of a national oilheat research alliance.

(2) REIMBURSEMENT OF COST.—The Alliance, if established, shall reimburse the qualified industry organization for the cost of accounting and documentation for the referendum.

(3) CONDUCT.—A referendum under paragraph (1) shall be conducted by an independent auditing firm.

(4) VOTING RIGHTS.—

(A) RETAIL MARKETERS.—Voting rights of retail marketers in a referendum under paragraph (1) shall be based on the volume of oilheat sold in a State by each retail marketer in the calendar year previous to the year in which the referendum is conducted or in another representative period.

(B) WHOLESALE DISTRIBUTORS.—Voting rights of wholesale distributors in a referendum under paragraph (1) shall be based on the volume of No. 1 distillate and No. 2 dyed distillate sold in a State by each wholesale distributor in the calendar year previous to the year in which the referendum is conducted or in another representative period, weighted by the ratio of the total volume of No. 1 distillate and No. 2 dyed distillate sold for nonindustrial commercial and residential space and hot water heating in the State to the total volume of No. 1 distillate and No. 2 dyed distillate sold in that State.

(5) ESTABLISHMENT BY APPROVAL OF TWO-THIRDS.—

(A) IN GENERAL.—Subject to subparagraph (B), on approval of persons representing two-thirds of the total volume of oilheat voted in the retail marketer class and two-thirds of the total weighted volume of No. 1 distillate and No. 2 dyed distillate voted in the wholesale distributor class, the Alliance shall be established and shall be authorized to levy assessments under section 7.

(B) REQUIREMENT OF MAJORITY OF RETAIL MARKETERS.—Except as provided in subsection (b), the oilheat industry in a State shall not participate in the Alliance if less than 50 percent of the retail marketer vote in the State approves establishment of the Alliance.

(6) CERTIFICATION OF VOLUMES.—Each person voting in the referendum shall certify to the independent auditing firm the volume of oilheat, No. 1 distillate, or No. 2 dyed distillate represented by the vote of the person.

(7) NOTIFICATION.—Not later than 90 days after the date of enactment of this Act, a qualified State association may notify the qualified industry organization in writing that a referendum under paragraph (1) will not be conducted in the State.

(b) SUBSEQUENT STATE PARTICIPATION.—The oilheat industry in a State that has not participated initially in the Alliance may subsequently elect to participate by conducting a referendum under subsection (a).

(c) TERMINATION OR SUSPENSION.—

(1) IN GENERAL.—On the initiative of the Alliance or on petition to the Alliance by retail marketers and wholesale distributors representing 35 percent of the volume of oilheat or weighted No. 1 distillate and No. 2 dyed distillate in each class, the Alliance shall, at its own expense, hold a referendum, to be conducted by an independent auditing firm selected by the Alliance, to determine whether the oilheat industry favors termination or suspension of the Alliance.

(2) VOLUME PERCENTAGES REQUIRED TO TERMINATE OR SUSPEND.—Termination or suspension shall not take effect unless termination or suspension is approved by—

(A) persons representing more than one-half of the total volume of oilheat voted in the retail marketer class and more than one-half of the total volume of weighted No. 1 distillate and No. 2 dyed distillate voted in the wholesale distributor class; or

(B) persons representing more than two-thirds of the total volume of fuel voted in either such class.

(d) CALCULATION OF OILHEAT SALES.—For the purposes of this section and section 5, the volume of oilheat sold annually in a State shall be determined on the basis of information provided by the Energy Information Administration with respect to a calendar year or other representative period.

SEC. 5. MEMBERSHIP.

(a) SELECTION.—

(1) IN GENERAL.—Except as provided in subsection (c)(1)(C), the qualified industry organization shall select members of the Alliance representing the oilheat industry in a State from a list of nominees submitted by the qualified State association in the State.

(2) VACANCIES.—A vacancy in the Alliance shall be filled in the same manner as the original selection.

(b) REPRESENTATION.—In selecting members of the Alliance, the qualified industry organization shall make best efforts to select members that are representative of the oilheat industry, including representation of—

(1) interstate and intrastate operators among retail marketers;

(2) wholesale distributors of No. 1 distillate and No. 2 dyed distillate;

(3) large and small companies among wholesale distributors and retail marketers; and

(4) diverse geographic regions of the country.

(c) NUMBER OF MEMBERS.—

(1) IN GENERAL.—The membership of the Alliance shall be as follows:

(A) One member representing each State with oilheat sales in excess of 32,000,000 gallons per year.

(B) If fewer than 24 States are represented under subparagraph (A), 1 member representing each of the States with the highest volume of annual oilheat sales, as necessary to cause the total number of States represented under subparagraph (A) and this subparagraph to equal 24.

(C) 5 representatives of retail marketers, 1 each to be selected by the qualified State associations of the 5 States with the highest volume of annual oilheat sales.

(D) 5 additional representatives of retail marketers.

(E) 21 representatives of wholesale distributors.

(F) 6 public members, who shall be representatives of significant users of oilheat, the oilheat research community, *State energy officials*, or other groups knowledgeable about oilheat.

(2) FULL-TIME OWNERS OR EMPLOYEES.—Other than the public members, Alliance members shall be full-time owners or employees of members of the oilheat industry, except that members described in subparagraphs (C), (D), and (E) of paragraph (1) may be employees of the qualified industry organization or an industry trade association.

(d) COMPENSATION.—Alliance members shall receive no compensation for their service, nor shall Alliance members be reimbursed for expenses relating to their service, except that public members, on request, may be reimbursed for reasonable expenses directly related to participation in meetings of the Alliance.

(e) TERMS.—

(1) IN GENERAL.—Subject to paragraph (4), a member of the Alliance shall serve a term of 3 years, except that a member filling an unexpired term may serve a total of 7 consecutive years.

(2) TERM LIMIT.—A member may serve not more than 2 full consecutive terms.

(3) FORMER MEMBERS.—A former member of the Alliance may be returned to the Alliance if the member has not been a member for a period of 2 years.

(4) INITIAL APPOINTMENTS.—Initial appointments to the Alliance shall be for terms of 1, 2, and 3 years, as determined by the qualified industry organization, staggered to provide for the subsequent selection of one-third of the members each year.

SEC. 6. FUNCTIONS.

(a) IN GENERAL.—

(1) PROGRAMS, PROJECTS; CONTRACTS AND OTHER AGREEMENTS.—The Alliance—

(A) shall develop programs and projects and enter into contracts or other agreements with other persons and entities for implementing this Act, including programs—

(i) to enhance consumer and employee safety and training;

(ii) to provide for research, development, and demonstration of clean and efficient oilheat utilization equipment; and

(iii) for consumer education; and

(B) may provide for the payment of the costs of carrying out subparagraph (A) with assessments collected under section 7.

(2) COORDINATION.—The Alliance shall coordinate its activities with industry trade

associations and other persons as appropriate to provide efficient delivery of services and to avoid unnecessary duplication of activities.

(3) ACTIVITIES.—

(A) EXCLUSIONS.—Activities under clause (i) or (ii) of paragraph (1)(A) shall not include advertising, promotions, or consumer surveys in support of advertising or promotions.

(B) RESEARCH, DEVELOPMENT, AND DEMONSTRATION ACTIVITIES.—

(i) IN GENERAL.—Research, development, and demonstration activities under paragraph (1)(A)(ii) shall include—

(I) all activities incidental to research, development, and demonstration of clean and efficient oilheat utilization equipment; and

(II) the obtaining of patents, including payment of attorney's fees for making and perfecting a patent application.

(ii) EXCLUDED ACTIVITIES.—Research, development, and demonstration activities under paragraph (1)(A)(ii) shall not include research, development, and demonstration of oilheat utilization equipment with respect to which technically feasible and commercially feasible operations have been verified, except that funds may be provided for improvements to existing equipment until the technical feasibility and commercial feasibility of the operation of those improvements have been verified.

(b) PRIORITIES.—In the development of programs and projects, the Alliance shall give priority to issues relating to—

(1) research, development, and demonstration;

(2) safety;

(3) consumer education; and

(4) training.

(c) ADMINISTRATION.—

(1) OFFICERS; COMMITTEES; BYLAWS.—The Alliance—

(A) shall select from among its members a chairperson and other officers as necessary;

(B) may establish and authorize committees and subcommittees of the Alliance to take specific actions that the Alliance is authorized to take; and

(C) shall adopt bylaws for the conduct of business and the implementation of this Act.

(2) SOLICITATION OF OILHEAT INDUSTRY COMMENT AND RECOMMENDATIONS.—The Alliance shall establish procedures for the solicitation of oilheat industry comment and recommendations on any significant contracts and other agreements, programs, and projects to be funded by the Alliance.

(3) ADVISORY COMMITTEES.—The Alliance may establish advisory committees consisting of persons other than Alliance members.

(4) VOTING.—Each member of the Alliance shall have 1 vote in matters before the Alliance.

(d) ADMINISTRATIVE EXPENSES.—

(1) IN GENERAL.—The administrative expenses of operating the Alliance (not including costs incurred in the collection of assessments under section 7) plus amounts paid under paragraph (2) shall not exceed 7 percent of the amount of assessments collected in any calendar year, except that during the first year of operation of the Alliance such expenses and amounts shall not exceed 10 percent of the amount of assessments.

(2) REIMBURSEMENT OF THE SECRETARY.—

(A) IN GENERAL.—The Alliance shall annually reimburse the Secretary for costs incurred by the Federal Government relating to the Alliance.

(B) LIMITATION.—Reimbursement under subparagraph (A) for any calendar year shall not exceed the amount that the Secretary determines is twice the average annual salary of 1 employee of the Department of Energy.

(e) BUDGET.—

(1) PUBLICATION OF PROPOSED BUDGET.—Before August 1 of each year, the Alliance shall publish for public review and comment a proposed budget for the next calendar year, including the probable costs of all programs, projects, and contracts and other agreements.

(2) SUBMISSION TO THE SECRETARY AND CONGRESS.—After review and comment under paragraph (1), the Alliance shall submit the proposed budget to the Secretary and Congress.

(3) RECOMMENDATIONS BY THE SECRETARY.—The Secretary may recommend for inclusion in the budget programs and activities that the Secretary considers appropriate.

(4) IMPLEMENTATION.—The Alliance shall not implement a proposed budget until the expiration of 60 days after submitting the proposed budget to the Secretary.

(f) RECORDS; AUDITS.—

(1) RECORDS.—The Alliance shall—

(A) keep records that clearly reflect all of the acts and transactions of the Alliance; and

(B) make the records available to the public.

(2) AUDITS.—

(A) IN GENERAL.—The records of the Alliance (including fee assessment reports and applications for refunds under section 7(b)(4)) shall be audited by a certified public accountant at least once each year and at such other times as the Alliance may designate.

(B) AVAILABILITY OF AUDIT REPORTS.—Copies of each audit report shall be provided to the Secretary, the members of the Alliance, and the qualified industry organization, and, on request, to other members of the oilheat industry.

(C) POLICIES AND PROCEDURES.—

(i) IN GENERAL.—The Alliance shall establish policies and procedures for auditing compliance with this Act.

(ii) CONFORMITY WITH GAAP.—The policies and procedures established under clause (i) shall conform with generally accepted accounting principles.

(g) PUBLIC ACCESS TO ALLIANCE PROCEEDINGS.—

(1) PUBLIC NOTICE.—The Alliance shall give at least 30 days' public notice of each meeting of the Alliance.

(2) MEETINGS OPEN TO THE PUBLIC.—Each meeting of the Alliance shall be open to the public.

(3) MINUTES.—The minutes of each meeting of the Alliance shall be made available to and readily accessible by the public.

(h) ANNUAL REPORT.—Each year the Alliance shall prepare and make publicly available a report that—

(1) includes a description of all programs, projects, and contracts and other agreements undertaken by the Alliance during the previous year and those planned for the current year; and

(2) details the allocation of Alliance resources for each such program and project.

SEC. 7. ASSESSMENTS.

(a) RATE.—The assessment rate shall be equal to two-tenths-cent per gallon of No. 1 distillate and No. 2 dyed distillate.

(b) COLLECTION RULES.—

(1) COLLECTION AT POINT OF SALE.—The assessment shall be collected at the point of sale of No. 1 distillate and No. 2 dyed distillate by a wholesale distributor to a person other than a wholesale distributor, including a sale made pursuant to an exchange.

(2) RESPONSIBILITY FOR PAYMENT.—A wholesale distributor—

(A) shall be responsible for payment of an assessment to the Alliance on a quarterly basis; and

(B) shall provide to the Alliance certification of the volume of fuel sold.

(3) NO OWNERSHIP INTEREST.—A person that has no ownership interest in No. 1 distillate or No. 2 dyed distillate shall not be responsible for payment of an assessment under this section.

(4) FAILURE TO RECEIVE PAYMENT.—

(A) REFUND.—A wholesale distributor that does not receive payments from a purchaser for No. 1 distillate or No. 2 dyed distillate within 1 year of the date of sale may apply for a refund from the Alliance of the assessment paid.

(B) AMOUNT.—The amount of a refund shall not exceed the amount of the assessment levied on the No. 1 distillate or No. 2 dyed distillate for which payment was not received.

(5) IMPORTATION AFTER POINT OF SALE.—The owner of No. 1 distillate or No. 2 dyed distillate imported after the point of sale—

(A) shall be responsible for payment of the assessment to the Alliance at the point at which the product enters the United States; and

(B) shall provide to the Alliance certification of the volume of fuel imported.

(6) LATE PAYMENT CHARGE.—The Alliance may establish a late payment charge and rate of interest to be imposed on any person who fails to remit or pay to the Alliance any amount due under this Act.

(7) ALTERNATIVE COLLECTION RULES.—The Alliance may establish, or approve a request of the oilheat industry in a State for, an alternative means of collecting the assessment if another means is determined to be more efficient or more effective.

(c) SALE FOR USE OTHER THAN AS OILHEAT.—No. 1 distillate and No. 2 dyed distillate sold for uses other than as oilheat are excluded from the assessment.

(d) INVESTMENT OF FUNDS.—Pending disbursement under a program, project, or contract or other agreement the Alliance may invest funds collected through assessments, and any other funds received by the Alliance, only—

(1) in obligations of the United States or any agency of the United States;

(2) in general obligations of any State or any political subdivision of a State;

(3) in any interest-bearing account or certificate of deposit of a bank that is a member of the Federal Reserve System; or

(4) in obligations fully guaranteed as to principal and interest by the United States.

(e) STATE, LOCAL, AND REGIONAL PROGRAMS.—

(1) COORDINATION.—The Alliance shall establish a program coordinating the operation of the Alliance with the operator of any similar State, local, or regional program created under State law (including a regulation), or similar entity.

(2) FUNDS MADE AVAILABLE TO QUALIFIED STATE ASSOCIATIONS.—

(A) IN GENERAL.—

(i) BASE AMOUNT.—The Alliance shall make available to the qualified State association of each State an amount equal to 15 percent of the amount of assessments collected in the State.

(ii) ADDITIONAL AMOUNT.—

(I) IN GENERAL.—A qualified State association may request that the Alliance provide to the association any portion of the remaining 85 percent of the amount of assessments collected in the State.

(II) REQUEST REQUIREMENTS.—A request under this clause shall—

(aa) specify the amount of funds requested;

(bb) describe in detail the specific uses for which the requested funds are sought;

(cc) include a commitment to comply with this Act in using the requested funds; and

(dd) be made publicly available.

(III) DIRECT BENEFIT.—The Alliance shall not provide any funds in response to a request under this clause unless the Alliance

determines that the funds will be used to directly benefit the oilheat industry.

(IV) MONITORING; TERMS, CONDITIONS, AND REPORTING REQUIREMENTS.—The Alliance shall—

(aa) monitor the use of funds provided under this clause; and

(bb) impose whatever terms, conditions, and reporting requirements that the Alliance considers necessary to ensure compliance with this Act.

SEC. 8. MARKET SURVEY AND CONSUMER PROTECTION.

(a) PRICE ANALYSIS.—Beginning 2 years after establishment of the Alliance and annually thereafter, the Secretary of Commerce, using only data provided by the Energy Information Administration and other public sources, shall prepare and make available to the Congress, the Alliance, the Secretary of Energy, and the public, an analysis of changes in the price of oilheat relative to other energy sources. The oilheat price analysis shall compare indexed changes in the price of consumer grade oilheat to a composite of indexed changes in the price of residential electricity, residential natural gas, and propane on an annual national average basis. For purposes of indexing changes in oilheat, residential electricity, residential natural gas, and propane prices, the Secretary of Commerce shall use a 5-year rolling average price beginning with the year 4 years prior to the establishment of the Alliance.

(b) AUTHORITY TO RESTRICT ACTIVITIES.—If in any year the 5-year average price composite index of consumer grade oilheat exceeds the 5-year rolling average price composite index of residential electricity, residential natural gas, and propane in an amount greater than 10.1 percent, the activities of the Alliance shall be restricted to research and development, training, and safety matters. The Alliance shall inform the Secretary of Energy and the Congress of any restriction of activities under this subsection. Upon expiration of 180 days after the beginning of any such restriction of activities, the Secretary of Commerce shall again conduct the oilheat price analysis described in subsection (a). Activities of the Alliance shall continue to be restricted under this subsection until the price index excess is 10.1 percent or less.

SEC. [8.] *9.* COMPLIANCE.

(a) IN GENERAL.—The Alliance may bring a civil action in United States district court to compel payment of an assessment under section 7.

(b) COSTS.—A successful action for compliance under this section may also require payment by the defendant of the costs incurred by the Alliance in bringing the action.

SEC. [9.] *10.* LOBBYING RESTRICTIONS.

No funds derived from assessments under section 7 collected by the Alliance shall be used to influence legislation or elections, except that the Alliance may use such funds to formulate and submit to the Secretary recommendations for amendments to this Act or other laws that would further the purposes of this Act.

SEC. [10.] *11.* DISCLOSURE.

Any consumer education activity undertaken with funds provided by the Alliance shall include a statement that the activities were supported, in whole or in part, by the Alliance.

SEC. [11.] *12.* VIOLATIONS.

(a) PROHIBITION.—It shall be unlawful for any person to conduct a consumer education activity, undertaken with funds derived from assessments collected by the Alliance under section 7, that includes—

(1) a reference to a private brand name;

(2) a false or unwarranted claim on behalf of oilheat or related products; or

(3) a reference with respect to the attributes or use of any competing product.

(b) COMPLAINTS.—

(1) IN GENERAL.—A public utility that is aggrieved by a violation described in subsection (a) may file a complaint with the Alliance.

(2) TRANSMITTAL TO QUALIFIED STATE ASSOCIATION.—A complaint shall be transmitted concurrently to any qualified State association undertaking the consumer education activity with respect to which the complaint is made.

(3) CESSATION OF ACTIVITIES.—On receipt of a complaint under this subsection, the Alliance, and any qualified State association undertaking the consumer education activity with respect to which the complaint is made, shall cease that consumer education activity until—

(A) the complaint is withdrawn; or

(B) a court determines that the conduct of the activity complained of does not constitute a violation of subsection (a).

(c) RESOLUTION BY PARTIES.—

(1) IN GENERAL.—Not later than 10 days after a complaint is filed and transmitted under subsection (b), the complaining party, the Alliance, and any qualified State association undertaking the consumer education activity with respect to which the complaint is made shall meet to attempt to resolve the complaint.

(2) WITHDRAWAL OF COMPLAINT.—If the issues in dispute are resolved in those discussions, the complaining party shall withdraw its complaint.

(d) JUDICIAL REVIEW.—

(1) IN GENERAL.—A public utility filing a complaint under this section, the Alliance, a qualified State association undertaking the consumer education activity with respect to which a complaint under this section is made, or any person aggrieved by a violation of subsection (a) may seek appropriate relief in United States district court.

(2) RELIEF.—A public utility filing a complaint under this section shall be entitled to temporary and injunctive relief enjoining the consumer education activity with respect to which a complaint under this section is made until—

(A) the complaint is withdrawn; or

(B) the court has determined that the consumer education activity complained of does not constitute a violation of subsection (a).

(e) ATTORNEY'S FEES.—

(1) MERITORIOUS CASE.—In a case in Federal court in which the court grants a public utility injunctive relief under subsection (d), the public utility shall be entitled to recover an attorney's fee from the Alliance and any qualified State association undertaking the consumer education activity with respect to which a complaint under this section is made.

(2) NONMERITORIOUS CASE.—In any case under subsection (d) in which the court determines a complaint under subsection (b) to be frivolous and without merit, the prevailing party shall be entitled to recover an attorney's fee.

(f) SAVINGS CLAUSE.—Nothing in this section shall limit causes of action brought under any other law.

SEC. [12.] *13.* SUNSET.

This Act shall cease to be effective as of the date that is 4 years after the date on which the Alliance is established.

AMENDMENT NO. 2802

(Purpose: To amend S. 348, as reported)

On page 2, after line 2, insert the following:

''TITLE I—NATIONAL OIL HEAT RESEARCH ALLIANCE ACT OF 1999''

On page 6, after line 18, insert the following:

''(15) STATE.—The term 'State' means the several states, except the State of Alaska.''.

On page 30, after line 11, insert the following:

''TITLE II—SMALL HYDROELECTRIC PROJECTS IN ALASKA

"SEC. 201. ALASKA STATE JURISDICTION OVER SMALL HYDROELECTRIC PROJECTS.

''Part I of the Federal Power Act (16 U.S.C. 792 et seq.) is amended by adding at the end the following:

""SEC. 32. ALASKA STATE JURISDICTION OVER SMALL HYDROELECTRIC PROJECTS.

'' '(a) DISCONTINUANCE OF REGULATION BY THE COMMISSION.—

Notwithstanding sections 4(e) and 23(b), the Commission shall discontinue exercising licensing and regulatory authority under this Part over qualifying project works in the State of Alaska, effective on the date on which the commission certifies that the State of Alaska has in place a regulatory program for water-power development that—

'' '(1) protects the public interest, the purposes listed in paragraph (2), and the environment to the same extent provided by licensing and regulation by the Commission under this Part and other applicable Federal laws, including the endangered Species Act (16 U.S.C. 1531 et seq.) and the fish and wildlife Coordination Act (16 U.S.C. 661 et seq.);

'' '(2) gives equal consideration to the purposes of—

'' '(A) energy conservation;

'' '(B) the protection, mitigation of damage to, and enhancement of, fish and wildlife (including related spawning grounds and habitat);

'' '(C) the protection of recreational opportunities,

'' '(D) the preservation of other aspects of environmental quality,

'' '(E) the interests of Alaska Natives, and

'' '(F) other beneficial public uses, including irrigation, flood control, water supply, and navigation; and

'' '(3) requires, as a license for any project works—

'' '(A) the construction, maintenance, and operation by a licensee at its own expense of such lights and signals as may be directed by the Secretary of the Department in which the Coast Guard is operating, and such fishways as may be prescribed by the Secretary of the Interior or the Secretary of Commerce, as appropriate;

'' '(B) the operation of any navigation facilities which may be constructed as part of any project to be controlled at all times by such reasonable rules and regulations as may be made by the Secretary of the Army; and

'' '(C) conditions for the protection, mitigation, and enhancement of fish and wildlife based on recommendations received pursuant to the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.) from the National Marine Fisheries Service, the United States Fish and Wildlife Service, and State fish and wildlife agencies.

'' '(b) DEFINITION OF ''QUALIFYING PROJECT WORKS.''—For purposes of this section, the term ''qualifying project works'' means project works—

'' '(1) that are not part of a project licensed under this Part or exempted from licensing under this Part or section 405 of the Public Utility Regulatory Policies Act of 1978 prior to the date of enactment of this section;

'' '(2) for which a preliminary permit, a license application, or an application for an exemption from licensing has not been accepted for filing by the Commission prior to the date of enactment of subsection (c) (unless such application is withdrawn at the election of the applicant);

'' '(3) that are part of a project that has a power production capacity of 5,000 kilowatts or less;

'' '(4) that are located entirely within the boundaries of the State of Alaska; and

''(5) that are not located in whole or in part on any Indian reservation, a conservation system unit (as defined in section 102(4) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3102(4))), or segment of a river designated for study for addition to the Wild and Scenic Rivers System.

''(c) ELECTION OF STATE LICENSING.—In the case of nonqualifying project works that would be a qualifying project works but for the fact that the project has been licensed (or exempted from licensing) by the Commission prior to the enactment of this section, the licensee of such project may in its discretion elect to make the project subject to licensing and regulation by the State of Alaska under this section.

''(d) PROJECT WORKS ON FEDERAL LANDS.—With respect to projects located in whole or in part on a reservation, a conservation system unit, or the public lands, a State license or exemption from licensing shall be subject to—

''(1) the approval of the Secretary having jurisdiction over such lands; and

''(2) such conditions as the Secretary may prescribe.

''(e) CONSULTATION WITH AFFECTED AGENCIES.—The Commission shall consult with the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Commerce before certifying the State of Alaska's regulatory program.

''(f) APPLICATION OF FEDERAL LAWS.—Nothing in this section shall preempt the application of Federal environmental, natural resources, or cultural resources protection laws according to their terms.

''(g) OVERSIGHT BY THE COMMISSION.—The State of Alaska shall notify the Commission not later than 30 days after making any significant modification to its regulatory program. The Commission shall periodically review the State's program to ensure compliance with the provisions of this section.

''(h) RESUMPTION OF COMMISSION AUTHORITY.—Notwithstanding subsection (a), the Commission shall reassert its licensing and regulatory authority under this part if the Commission finds that the State of Alaska has not complied with one or more of the requirements of this section.

''(i) DETERMINATION BY THE COMMISSION.—

''(1) Upon application by the Governor of the State of Alaska, the Commission shall within 30 days commence a review of the State of Alaska's regulatory program for water-power development to determine whether it complies with the requirements of subsection (a).

''(2) The Commission's review required by paragraph 91) shall be completed within one year of initiation, and the Commission shall within 30 days thereafter issue a final order determining whether or not the State of Alaska's regulatory program for water-power development complies with the regulations of subsection (a).

''(3) If the Commission fails to issue a final order in accordance with paragraph (2), the State of Alaska's regulatory program for water-power development shall be deemed to be in compliance with subsection (a).

''TITLE III—HYDROELECTRIC PROJECTS IN HAWAII

''SEC. 301. PROJECTS ON FRESH WATERS IN THE STATE OF HAWAII

''Section 4(e) of the Federal Power Act (16 U.S.C. 797(e)) is amended in the first sentence by striking ''several States, or upon'' and inserting ''several States (except fresh waters in the State of Hawaii, unless a license would be required under section 23), or upon''.

''TITLE IV—ARROWROCK DAM HYDROELECTRIC PROJECT

''SEC. 501. EXTENSION OF TIME FOR FEDERAL ENERGY REGULATORY COMMISSION PROJECT.

''Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 4656, the Commission may, at the request of the licensee for the project and after reasonable notice, in accordance with the good faith, due diligence, and public interest requirements of that section and the Commission's procedures under that section, extend until March 26, 2005, the time period during which the licensee is required to commence construction of the project.'.''

The amendment (No. 2802) was agreed to.

The committee amendments were agreed to.

The bill (S. 348), as amended, was passed, as follows:

S. 348

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

TITLE I—NATIONAL OIL HEAT RESEARCH ALLIANCE ACT OF 1999

SEC. 101. SHORT TITLE.

This title may be cited as the ''National Oilheat Research Alliance Act of 1999''.

SEC. 102. FINDINGS.

Congress finds that—

(1) oilheat is an important commodity relied on by approximately 30,000,000 Americans as an efficient and economical energy source for commercial and residential space and hot water heating;

(2) oilheat equipment operates at efficiencies among the highest of any space heating energy source, reducing fuel costs and making oilheat an economical means of space heating;

(3) the production, distribution, and marketing of oilheat and oilheat equipment plays a significant role in the economy of the United States, accounting for approximately $12,900,000,000 in expenditures annually and employing millions of Americans in all aspects of the oilheat industry;

(4) only very limited Federal resources have been made available for oilheat research, development, safety, training, and education efforts, to the detriment of both the oilheat industry and its 30,000,000 consumers; and

(5) the cooperative development, self-financing, and implementation of a coordinated national oilheat industry program of research and development, training, and consumer education is necessary and important for the welfare of the oilheat industry, the general economy of the United States, and the millions of Americans that rely on oilheat for commercial and residential space and hot water heating.

SEC. 103. DEFINITIONS.

In this title:

(1) ALLIANCE.—The term ''Alliance'' means a national oilheat research alliance established under section 104.

(2) CONSUMER EDUCATION.—The term ''consumer education'' means the provision of information to assist consumers and other persons in making evaluations and decisions regarding oilheat and other nonindustrial commercial or residential space or hot water heating fuels.

(3) EXCHANGE.—The term ''exchange'' means an agreement that—

(A) entitles each party or its customers to receive oilheat from the other party; and

(B) requires only an insubstantial portion of the volumes involved in the exchange to be settled in cash or property other than the oilheat.

(4) INDUSTRY TRADE ASSOCIATION.—The term ''industry trade association'' means an organization described in paragraph (3) or (6) of section 501(c) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of that Code and is organized for the purpose of representing the oilheat industry.

(5) NO. 1 DISTILLATE.—The term ''No. 1 distillate'' means fuel oil classified as No. 1 distillate by the American Society for Testing and Materials.

(6) NO. 2 DYED DISTILLATE.—The term ''No. 2 dyed distillate'' means fuel oil classified as No. 2 distillate by the American Society for Testing and Materials that is indelibly dyed in accordance with regulations prescribed by the Secretary of the Treasury under section 4082(a)(2) of the Internal Revenue Code of 1986.

(7) OILHEAT.—The term ''oilheat'' means—

(A) No. 1 distillate; and

(B) No. 2 dyed distillate;

that is used as a fuel for nonindustrial commercial or residential space or hot water heating.

(8) OILHEAT INDUSTRY.—

(A) IN GENERAL.—The term ''oilheat industry'' means—

(i) persons in the production, transportation, or sale of oilheat; and

(ii) persons engaged in the manufacture or distribution of oilheat utilization equipment.

(B) EXCLUSION.—The term ''oilheat industry'' does not include ultimate consumers of oilheat.

(9) PUBLIC MEMBER.—The term ''public member'' means a member of the Alliance described in section 105(c)(1)(F).

(10) QUALIFIED INDUSTRY ORGANIZATION.—The term ''qualified industry organization'' means the National Association for Oilheat Research and Education or a successor organization.

(11) QUALIFIED STATE ASSOCIATION.—The term ''qualified State association'' means the industry trade association or other organization that the qualified industry organization or the Alliance determines best represents retail marketers in a State.

(12) RETAIL MARKETER.—The term ''retail marketer'' means a person engaged primarily in the sale of oilheat to ultimate consumers.

(13) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(14) WHOLESALE DISTRIBUTOR.—The term ''wholesale distributor'' means a person that—

(A)(i) produces No. 1 distillate or No. 2 dyed distillate;

(ii) imports No. 1 distillate or No. 2 dyed distillate; or

(iii) transports No. 1 distillate or No. 2 dyed distillate across State boundaries or among local marketing areas; and

(B) sells the distillate to another person that does not produce, import, or transport No. 1 distillate or No. 2 dyed distillate across State boundaries or among local marketing areas.

(15) STATE.—The term ''State'' means the several States, except the State of Alaska.

SEC. 104. REFERENDA.

(a) CREATION OF PROGRAM.—

(1) IN GENERAL.—The oilheat industry, through the qualified industry organization, may conduct, at its own expense, a referendum among retail marketers and wholesale distributors for the establishment of a national oilheat research alliance.

(2) REIMBURSEMENT OF COST.—The Alliance, if established, shall reimburse the qualified

industry organization for the cost of accounting and documentation for the referendum.

(3) CONDUCT.—A referendum under paragraph (1) shall be conducted by an independent auditing firm.

(4) VOTING RIGHTS.—

(A) RETAIL MARKETERS.—Voting rights of retail marketers in a referendum under paragraph (1) shall be based on the volume of oilheat sold in a State by each retail marketer in the calendar year previous to the year in which the referendum is conducted or in another representative period.

(B) WHOLESALE DISTRIBUTORS.—Voting rights of wholesale distributors in a referendum under paragraph (1) shall be based on the volume of No. 1 distillate and No. 2 dyed distillate sold in a State by each wholesale distributor in the calendar year previous to the year in which the referendum is conducted or in another representative period, weighted by the ratio of the total volume of No. 1 distillate and No. 2 dyed distillate sold for nonindustrial commercial and residential space and hot water heating in the State to the total volume of No. 1 distillate and No. 2 dyed distillate sold in that State.

(5) ESTABLISHMENT BY APPROVAL OF TWO-THIRDS.—

(A) IN GENERAL.—Subject to subparagraph (B), on approval of persons representing two-thirds of the total volume of oilheat voted in the retail marketer class and two-thirds of the total weighted volume of No. 1 distillate and No. 2 dyed distillate voted in the wholesale distributor class, the Alliance shall be established and shall be authorized to levy assessments under section 107.

(B) REQUIREMENT OF MAJORITY OF RETAIL MARKETERS.—Except as provided in subsection (b), the oilheat industry in a State shall not participate in the Alliance if less than 50 percent of the retail marketer vote in the State approves establishment of the Alliance.

(6) CERTIFICATION OF VOLUMES.—Each person voting in the referendum shall certify to the independent auditing firm the volume of oilheat, No. 1 distillate, or No. 2 dyed distillate represented by the vote of the person.

(7) NOTIFICATION.—Not later than 90 days after the date of enactment of this title, a qualified State association may notify the qualified industry organization in writing that a referendum under paragraph (1) will not be conducted in the State.

(b) SUBSEQUENT STATE PARTICIPATION.—The oilheat industry in a State that has not participated initially in the Alliance may subsequently elect to participate by conducting a referendum under subsection (a).

(c) TERMINATION OR SUSPENSION.—

(1) IN GENERAL.—On the initiative of the Alliance or on petition to the Alliance by retail marketers and wholesale distributors representing 35 percent of the volume of oilheat or weighted No. 1 distillate and No. 2 dyed distillate in each class, the Alliance shall, at its own expense, hold a referendum, to be conducted by an independent auditing firm selected by the Alliance, to determine whether the oilheat industry favors termination or suspension of the Alliance.

(2) VOLUME PERCENTAGES REQUIRED TO TERMINATE OR SUSPEND.—Termination or suspension shall not take effect unless termination or suspension is approved by—

(A) persons representing more than one-half of the total volume of oilheat voted in the retail marketer class and more than one-half of the total volume of weighted No. 1 distillate and No. 2 dyed distillate voted in the wholesale distributor class; or

(B) persons representing more than two-thirds of the total volume of fuel voted in either such class.

(d) CALCULATION OF OILHEAT SALES.—For the purposes of this section and section 105, the volume of oilheat sold annually in a State shall be determined on the basis of information provided by the Energy Information Administration with respect to a calendar year or other representative period.

SEC. 105. MEMBERSHIP.

(a) SELECTION.—

(1) IN GENERAL.—Except as provided in subsection (c)(1)(C), the qualified industry organization shall select members of the Alliance representing the oilheat industry in a State from a list of nominees submitted by the qualified State association in the State.

(2) VACANCIES.—A vacancy in the Alliance shall be filled in the same manner as the original selection.

(b) REPRESENTATION.—In selecting members of the Alliance, the qualified industry organization shall make best efforts to select members that are representative of the oilheat industry, including representation of—

(1) interstate and intrastate operators among retail marketers;

(2) wholesale distributors of No. 1 distillate and No. 2 dyed distillate;

(3) large and small companies among wholesale distributors and retail marketers; and

(4) diverse geographic regions of the country.

(c) NUMBER OF MEMBERS.—

(1) IN GENERAL.—The membership of the Alliance shall be as follows:

(A) One member representing each State with oilheat sales in excess of 32,000,000 gallons per year.

(B) If fewer than 24 States are represented under subparagraph (A), 1 member representing each of the States with the highest volume of annual oilheat sales, as necessary to cause the total number of States represented under subparagraph (A) and this subparagraph to equal 24.

(C) 5 representatives of retail marketers, 1 each to be selected by the qualified State associations of the 5 States with the highest volume of annual oilheat sales.

(D) 5 additional representatives of retail marketers.

(E) 21 representatives of wholesale distributors.

(F) 6 public members, who shall be representatives of significant users of oilheat, the oilheat research community, State energy officials, or other groups knowledgeable about oilheat.

(2) FULL-TIME OWNERS OR EMPLOYEES.—Other than the public members, Alliance members shall be full-time owners or employees of members of the oilheat industry, except that members described in subparagraphs (C), (D), and (E) of paragraph (1) may be employees of the qualified industry organization or an industry trade association.

(d) COMPENSATION.—Alliance members shall receive no compensation for their service, nor shall Alliance members be reimbursed for expenses relating to their service, except that public members, on request, may be reimbursed for reasonable expenses directly related to participation in meetings of the Alliance.

(e) TERMS.—

(1) IN GENERAL.—Subject to paragraph (4), a member of the Alliance shall serve a term of 3 years, except that a member filling an unexpired term may serve a total of 7 consecutive years.

(2) TERM LIMIT.—A member may serve not more than 2 full consecutive terms.

(3) FORMER MEMBERS.—A former member of the Alliance may be returned to the Alliance if the member has not been a member for a period of 2 years.

(4) INITIAL APPOINTMENTS.—Initial appointments to the Alliance shall be for terms of 1, 2, and 3 years, as determined by the qualified industry organization, staggered to provide for the subsequent selection of one-third of the members each year.

SEC. 106. FUNCTIONS.

(a) IN GENERAL.—

(1) PROGRAMS, PROJECTS; CONTRACTS AND OTHER AGREEMENTS.—The Alliance—

(A) shall develop programs and projects and enter into contracts or other agreements with other persons and entities for implementing this title, including programs—

(i) to enhance consumer and employee safety and training;

(ii) to provide for research, development, and demonstration of clean and efficient oilheat utilization equipment; and

(iii) for consumer education; and

(B) may provide for the payment of the costs of carrying out subparagraph (A) with assessments collected under section 107.

(2) COORDINATION.—The Alliance shall coordinate its activities with industry trade associations and other persons as appropriate to provide efficient delivery of services and to avoid unnecessary duplication of activities.

(3) ACTIVITIES.—

(A) EXCLUSIONS.—Activities under clause (i) or (ii) of paragraph (1)(A) shall not include advertising, promotions, or consumer surveys in support of advertising or promotions.

(B) RESEARCH, DEVELOPMENT, AND DEMONSTRATION ACTIVITIES.—

(i) IN GENERAL.—Research, development, and demonstration activities under paragraph (1)(A)(ii) shall include—

(I) all activities incidental to research, development, and demonstration of clean and efficient oilheat utilization equipment; and

(II) the obtaining of patents, including payment of attorney's fees for making and perfecting a patent application.

(ii) EXCLUDED ACTIVITIES.—Research, development, and demonstration activities under paragraph (1)(A)(ii) shall not include research, development, and demonstration of oilheat utilization equipment with respect to which technically feasible and commercially feasible operations have been verified, except that funds may be provided for improvements to existing equipment until the technical feasibility and commercial feasibility of the operation of those improvements have been verified.

(b) PRIORITIES.—In the development of programs and projects, the Alliance shall give priority to issues relating to—

(1) research, development, and demonstration;

(2) safety;

(3) consumer education; and

(4) training.

(c) ADMINISTRATION.—

(1) OFFICERS; COMMITTEES; BYLAWS.—The Alliance—

(A) shall select from among its members a chairperson and other officers as necessary;

(B) may establish and authorize committees and subcommittees of the Alliance to take specific actions that the Alliance is authorized to take; and

(C) shall adopt bylaws for the conduct of business and the implementation of this title.

(2) SOLICITATION OF OILHEAT INDUSTRY COMMENT AND RECOMMENDATIONS.—The Alliance shall establish procedures for the solicitation of oilheat industry comment and recommendations on any significant contracts and other agreements, programs, and projects to be funded by the Alliance.

(3) ADVISORY COMMITTEES.—The Alliance may establish advisory committees consisting of persons other than Alliance members.

(4) VOTING.—Each member of the Alliance shall have 1 vote in matters before the Alliance.

(d) ADMINISTRATIVE EXPENSES.—

(1) IN GENERAL.—The administrative expenses of operating the Alliance (not including costs incurred in the collection of assessments under section 107) plus amounts paid under paragraph (2) shall not exceed 7 percent of the amount of assessments collected in any calendar year, except that during the first year of operation of the Alliance such expenses and amounts shall not exceed 10 percent of the amount of assessments.

(2) REIMBURSEMENT OF THE SECRETARY.—

(A) IN GENERAL.—The Alliance shall annually reimburse the Secretary for costs incurred by the Federal Government relating to the Alliance.

(B) LIMITATION.—Reimbursement under subparagraph (A) for any calendar year shall not exceed the amount that the Secretary determines is twice the average annual salary of 1 employee of the Department of Energy.

(e) BUDGET.—

(1) PUBLICATION OF PROPOSED BUDGET.—Before August 1 of each year, the Alliance shall publish for public review and comment a proposed budget for the next calendar year, including the probable costs of all programs, projects, and contracts and other agreements.

(2) SUBMISSION TO THE SECRETARY AND CONGRESS.—After review and comment under paragraph (1), the Alliance shall submit the proposed budget to the Secretary and Congress.

(3) RECOMMENDATIONS BY THE SECRETARY.—The Secretary may recommend for inclusion in the budget programs and activities that the Secretary considers appropriate.

(4) IMPLEMENTATION.—The Alliance shall not implement a proposed budget until the expiration of 60 days after submitting the proposed budget to the Secretary.

(f) RECORDS; AUDITS.—

(1) RECORDS.—The Alliance shall—

(A) keep records that clearly reflect all of the acts and transactions of the Alliance; and

(B) make the records available to the public.

(2) AUDITS.—

(A) IN GENERAL.—The records of the Alliance (including fee assessment reports and applications for refunds under section 107(b)(4)) shall be audited by a certified public accountant at least once each year and at such other times as the Alliance may designate.

(B) AVAILABILITY OF AUDIT REPORTS.—Copies of each audit report shall be provided to the Secretary, the members of the Alliance, and the qualified industry organization, and, on request, to other members of the oilheat industry.

(C) POLICIES AND PROCEDURES.—

(i) IN GENERAL.—The Alliance shall establish policies and procedures for auditing compliance with this title.

(ii) CONFORMITY WITH GAAP.—The policies and procedures established under clause (i) shall conform with generally accepted accounting principles.

(g) PUBLIC ACCESS TO ALLIANCE PROCEEDINGS.—

(1) PUBLIC NOTICE.—The Alliance shall give at least 30 days' public notice of each meeting of the Alliance.

(2) MEETINGS OPEN TO THE PUBLIC.—Each meeting of the Alliance shall be open to the public.

(3) MINUTES.—The minutes of each meeting of the Alliance shall be made available to and readily accessible by the public.

(h) ANNUAL REPORT.—Each year the Alliance shall prepare and make publicly available a report that—

(1) includes a description of all programs, projects, and contracts and other agreements undertaken by the Alliance during the previous year and those planned for the current year; and

(2) details the allocation of Alliance resources for each such program and project.

SEC. 107. ASSESSMENTS.

(a) RATE.—The assessment rate shall be equal to two-tenths-cent per gallon of No. 1 distillate and No. 2 dyed distillate.

(b) COLLECTION RULES.—

(1) COLLECTION AT POINT OF SALE.—The assessment shall be collected at the point of sale of No. 1 distillate and No. 2 dyed distillate by a wholesale distributor to a person other than a wholesale distributor, including a sale made pursuant to an exchange.

(2) RESPONSIBILITY FOR PAYMENT.—A wholesale distributor—

(A) shall be responsible for payment of an assessment to the Alliance on a quarterly basis; and

(B) shall provide to the Alliance certification of the volume of fuel sold.

(3) NO OWNERSHIP INTEREST.—A person that has no ownership interest in No. 1 distillate or No. 2 dyed distillate shall not be responsible for payment of an assessment under this section.

(4) FAILURE TO RECEIVE PAYMENT.—

(A) REFUND.—A wholesale distributor that does not receive payments from a purchaser for No. 1 distillate or No. 2 dyed distillate within 1 year of the date of sale may apply for a refund from the Alliance of the assessment paid.

(B) AMOUNT.—The amount of a refund shall not exceed the amount of the assessment levied on the No. 1 distillate or No. 2 dyed distillate for which payment was not received.

(5) IMPORTATION AFTER POINT OF SALE.—The owner of No. 1 distillate or No. 2 dyed distillate imported after the point of sale—

(A) shall be responsible for payment of the assessment to the Alliance at the point at which the product enters the United States; and

(B) shall provide to the Alliance certification of the volume of fuel imported.

(6) LATE PAYMENT CHARGE.—The Alliance may establish a late payment charge and rate of interest to be imposed on any person who fails to remit or pay to the Alliance any amount due under this title.

(7) ALTERNATIVE COLLECTION RULES.—The Alliance may establish, or approve a request of the oilheat industry in a State for, an alternative means of collecting the assessment if another means is determined to be more efficient or more effective.

(c) SALE FOR USE OTHER THAN AS OILHEAT.—No. 1 distillate and No. 2 dyed distillate sold for uses other than as oilheat are excluded from the assessment.

(d) INVESTMENT OF FUNDS.—Pending disbursement under a program, project, or contract or other agreement the Alliance may invest funds collected through assessments, and any other funds received by the Alliance, only—

(1) in obligations of the United States or any agency of the United States;

(2) in general obligations of any State or any political subdivision of a State;

(3) in any interest-bearing account or certificate of deposit of a bank that is a member of the Federal Reserve System; or

(4) in obligations fully guaranteed as to principal and interest by the United States.

(e) STATE, LOCAL, AND REGIONAL PROGRAMS.—

(1) COORDINATION.—The Alliance shall establish a program coordinating the operation of the Alliance with the operator of any similar State, local, or regional program created under State law (including a regulation), or similar entity.

(2) FUNDS MADE AVAILABLE TO QUALIFIED STATE ASSOCIATIONS.—

(A) IN GENERAL.—

(i) BASE AMOUNT.—The Alliance shall make available to the qualified State association of each State an amount equal to 15 percent of the amount of assessments collected in the State.

(ii) ADDITIONAL AMOUNT.—

(I) IN GENERAL.—A qualified State association may request that the Alliance provide to the association any portion of the remaining 85 percent of the amount of assessments collected in the State.

(II) REQUEST REQUIREMENTS.—A request under this clause shall—

(aa) specify the amount of funds requested;

(bb) describe in detail the specific uses for which the requested funds are sought;

(cc) include a commitment to comply with this title in using the requested funds; and

(dd) be made publicly available.

(III) DIRECT BENEFIT.—The Alliance shall not provide any funds in response to a request under this clause unless the Alliance determines that the funds will be used to directly benefit the oilheat industry.

(IV) MONITORING; TERMS, CONDITIONS, AND REPORTING REQUIREMENTS.—The Alliance shall—

(aa) monitor the use of funds provided under this clause; and

(bb) impose whatever terms, conditions, and reporting requirements that the Alliance considers necessary to ensure compliance with this title.

SEC. 108. MARKET SURVEY AND CONSUMER PROTECTION.

(a) PRICE ANALYSIS.—Beginning 2 years after establishment of the Alliance and annually thereafter, the Secretary of Commerce, using only data provided by the Energy Information Administration and other public sources, shall prepare and make available to the Congress, the Alliance, the Secretary of Energy, and the public, an analysis of changes in the price of oilheat relative to other energy sources. The oilheat price analysis shall compare indexed changes in the price of consumer grade oilheat to a composite of indexed changes in the price of residential electricity, residential natural gas, and propane on an annual national average basis. For purposes of indexing changes in oilheat, residential electricity, residential natural gas, and propane prices, the Secretary of Commerce shall use a 5-year rolling average price beginning with the year 4 years prior to the establishment of the Alliance.

(b) AUTHORITY TO RESTRICT ACTIVITIES.—If in any year the 5-year average price composite index of consumer grade oilheat exceeds the 5-year rolling average price composite index of residential electricity, residential natural gas, and propane in an amount greater than 10.1 percent, the activities of the Alliance shall be restricted to research and development, training, and safety matters. The Alliance shall inform the Secretary of Energy and the Congress of any restriction of activities under this subsection. Upon expiration of 180 days after the beginning of any such restriction of activities, the Secretary of Commerce shall again conduct the oilheat price analysis described in subsection (a). Activities of the Alliance shall continue to be restricted under this subsection until the price index excess is 10.1 percent or less.

SEC. 109. COMPLIANCE.

(a) IN GENERAL.—The Alliance may bring a civil action in United States district court to compel payment of an assessment under section 107.

(b) COSTS.—A successful action for compliance under this section may also require payment by the defendant of the costs incurred by the Alliance in bringing the action.

SEC. 110. LOBBYING RESTRICTIONS.

No funds derived from assessments under section 107 collected by the Alliance shall be used to influence legislation or elections, except that the Alliance may use such funds to formulate and submit to the Secretary recommendations for amendments to this title or other laws that would further the purposes of this title.

SEC. 111. DISCLOSURE.

Any consumer education activity undertaken with funds provided by the Alliance shall include a statement that the activities were supported, in whole or in part, by the Alliance.

SEC. 112. VIOLATIONS.

(a) PROHIBITION.—It shall be unlawful for any person to conduct a consumer education activity, undertaken with funds derived from assessments collected by the Alliance under section 107, that includes—

(1) a reference to a private brand name;

(2) a false or unwarranted claim on behalf of oilheat or related products; or

(3) a reference with respect to the attributes or use of any competing product.

(b) COMPLAINTS.—

(1) IN GENERAL.—A public utility that is aggrieved by a violation described in subsection (a) may file a complaint with the Alliance.

(2) TRANSMITTAL TO QUALIFIED STATE ASSOCIATION.—A complaint shall be transmitted concurrently to any qualified State association undertaking the consumer education activity with respect to which the complaint is made.

(3) CESSATION OF ACTIVITIES.—On receipt of a complaint under this subsection, the Alliance, and any qualified State association undertaking the consumer education activity with respect to which the complaint is made, shall cease that consumer education activity until—

(A) the complaint is withdrawn; or

(B) a court determines that the conduct of the activity complained of does not constitute a violation of subsection (a).

(c) RESOLUTION BY PARTIES.—

(1) IN GENERAL.—Not later than 10 days after a complaint is filed and transmitted under subsection (b), the complaining party, the Alliance, and any qualified State association undertaking the consumer education activity with respect to which the complaint is made shall meet to attempt to resolve the complaint.

(2) WITHDRAWAL OF COMPLAINT.—If the issues in dispute are resolved in those discussions, the complaining party shall withdraw its complaint.

(d) JUDICIAL REVIEW.—

(1) IN GENERAL.—A public utility filing a complaint under this section, the Alliance, a qualified State association undertaking the consumer education activity with respect to which a complaint under this section is made, or any person aggrieved by a violation of subsection (a) may seek appropriate relief in United States district court.

(2) RELIEF.—A public utility filing a complaint under this section shall be entitled to temporary and injunctive relief enjoining the consumer education activity with respect to which a complaint under this section is made until—

(A) the complaint is withdrawn; or

(B) the court has determined that the consumer education activity complained of does not constitute a violation of subsection (a).

(e) ATTORNEY'S FEES.—

(1) MERITORIOUS CASE.—In a case in Federal court in which the court grants a public utility injunctive relief under subsection (d), the public utility shall be entitled to recover an attorney's fee from the Alliance and any qualified State association undertaking the consumer education activity with respect to which a complaint under this section is made.

(2) NONMERITORIOUS CASE.—In any case under subsection (d) in which the court determines a complaint under subsection (b) to be frivolous and without merit, the prevailing party shall be entitled to recover an attorney's fee.

(f) SAVINGS CLAUSE.—Nothing in this section shall limit causes of action brought under any other law.

SEC. 113. SUNSET.

This title shall cease to be effective as of the date that is 4 years after the date on which the Alliance is established.

TITLE II—SMALL HYDROELECTRIC PROJECTS IN ALASKA

SEC. 201. ALASKA STATE JURISDICTION OVER SMALL HYDROELECTRIC PROJECTS.

Park I of the Federal Power Act (16 U.S.C. 792 et seq.) is amended by adding at the end the following:

"SEC. 32. ALASKA STATE JURISDICTION OVER SMALL HYDROELECTRIC PROJECTS.

''(a) DISCONTINUANCE OF REGULATION BY THE COMMISSION.—Notwithstanding sections 4(e) and 23(b), the Commission shall discontinue exercising licensing and regulatory authority under this Park over qualifying project works in the State of Alaska, effective on the date on which the Commission certifies that the State of Alaska has in place a regulatory program for water-power development that—

''(1) protects the public interest, the purposes listed in paragraph (2), and the environment to the same extent provided by licensing and regulation by the Commission under this part and other applicable Federal laws, including the Endangered Species Act (16 U.S.C. 1531 et seq.) and the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);

''(2) gives equal consideration to the purposes of—

''(A) energy conservation;

''(B) the protection, mitigation of damage to, and enhancement of, fish and wildlife (including related spawning grounds and habitat);

''(C) the protection of recreational opportunities;

''(D) the preservation of other aspects of environmental quality;

''(E) the interests of Alaska Natives; and

''(F) other beneficial public uses, including irrigation, flood control, water supply, and navigation; and

''(3) requires, as a condition of a license for any project works—

''(A) the construction, maintenance, and operation by a licensee at its own expense of such lights and signals as may be directed by the Secretary of the Department in which the Coast Guard is operating, and such fishways as may be prescribed by the Secretary of the Interior or the Secretary of Commerce, as appropriate;

''(B) the operation of any navigation facilities which may be constructed as part of any project to be controlled at all times by such reasonable rules and regulations as may be made by the Secretary of the Army; and

''(C) conditions for the protection, mitigation, and enhancement of fish and wildlife based on recommendations received pursuant to the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.) from the National Marine Fisheries Service, the United States Fish and Wildlife Service, and State fish and wildlife agencies.

''(b) DEFINITION OF 'QUALIFYING PROJECT WORKS'.—For purposes of this section, the term 'qualifying project works' means project works—

''(1) that are not part of a project licensed under this Part or exempted from licensing under this part or section 405 of the Public Utility Regulatory Policies Act of 1978 prior to the date of enactment of this section;

''(2) for which a preliminary permit, a license application, or an application for an exemption from licensing has not been accepted for filing by the Commission prior to the date of enactment of subsection (c) (unless such application is withdrawn at the election of the applicant);

''(3) that are part of a project that has a power production capacity of 5,000 kilowatts or less;

''(4) that are located entirely within the boundaries of the State of Alaska; and

''(5) that are not located in whole or in part on any Indian reservation, a conservation system unit (as defined in section 102(4) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3102(4))), or segment of a river designated for study for addition to the Wild and Scenic Rivers System.

''(c) ELECTION OF STATE LICENSING.—In the case of nonqualifying project works that would be a qualifying project works but for the fact that the project has been licensed (or exempted from licensing) by the Commission prior to the enactment of this section, the licensee of such project may in its discretion elect to make the project subject to licensing and regulation by the State of Alaska under this section.

''(d) PROJECT WORKS ON FEDERAL LANDS.—With respect to projects located in whole or in part on a reservation, a conservation system unit, or the public lands, a State license or exemption from licensing shall be subject to—

''(1) the approval of the Secretary having jurisdiction over such lands; and

''(2) such conditions as the Secretary may prescribe.

''(e) CONSULTATION WITH AFFECTED AGENCIES.—The Commission shall consult with the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Commerce before certifying the State of Alaska's regulatory program.

''(f) APPLICATION OF FEDERAL LAWS.—Nothing in this section shall preempt the application of Federal environmental, natural resources, or cultural resources protection laws according to their terms.

''(g) OVERSIGHT BY THE COMMISSION.—The State of Alaska shall notify the Commission not later than 30 days after making any significant modification to its regulatory program. The Commission shall periodically review the State's program to ensure compliance with the provisions of this section.

''(h) RESUMPTION OF COMMISSION AUTHORITY.—Notwithstanding subsection (a), the Commission shall reassert its licensing and regulatory authority under this part if the Commission finds that the State of Alaska has not complied with one or more of the requirements of this section.

''(i) DETERMINATION BY THE COMMISSION.—

''(1) Upon application by the Governor of the State of Alaska, the Commission shall within 30 days commence a review of the State of Alaska's regulatory program for water-power development to determine whether it complies with the requirements of subsection (a).

''(2) The Commission's review required by paragraph (1) shall be completed within one year of initiation, and the Commission shall

within 30 days thereafter issue a final order determining whether or not the State of Alaska's regulatory program for water-power development complies with the requirements of subsection (a).

''(3) If the Commission fails to issue a final order in accordance with paragraph (2), the State of Alaska's regulatory program for water-power development shall be deemed to be in compliance with subsection (a).

TITLE III—HYDROELECTRIC PROJECTS IN HAWAII

SEC. 301. PROJECTS ON FRESH WATERS IN THE STATE OF HAWAII.

Section 4(e) of the Federal Power Act (16 U.S.C. 797(e)) is amended in the first sentence by striking ''several States, or upon'' and inserting ''several States (except fresh waters in the State of Hawaii, unless a license would be required under section 23), or upon''.

TITLE IV—ARROWROCK DAM HYDROELECTRIC PROJECT

SEC. 401. EXTENSION OF TIME FOR FEDERAL ENERGY REGULATORY COMMISSION PROJECT.

Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 4656, the Commission may, at the request of the licensee for the project and after reasonable notice, in accordance with the good faith, due diligence, and public interest requirements of that section and the Commission's procedures under that section, extend until March 26, 2005, the time period during which the licensee is required to commence construction of the project.

ARIZONA NATIONAL FOREST IMPROVEMENT ACT OF 1999

The Senate proceeded to condider the bill (S. 1088) to authorize the Secretary of Agriculture to convey certain administrative sites in national forests in the State of Arizona, to convey certain land to the City of Sedona, Arizona for a wastewater treatment facility, and for other purposes.

S. 1088

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 ''Arizona National Forest Improvement Act of 1999''.

SEC. 2. DEFINITIONS.

In this Act:

(1) CITY.—The term ''City'' means the city of Sedona, Arizona.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

SEC. 3. SALE OR EXCHANGE OF ADMINISTRATIVE SITES.

(a) IN GENERAL.—The Secretary may, under such terms and conditions as the Secretary may prescribe, sell or exchange any and all right, title, and interest of the United States in and to the following National Forest System land and administrative sites:

(1) The Camp Verde Administrative Site, comprising approximately 213.60 acres, as depicted on the map entitled ''Camp Verde Administrative Site'', dated April 12, 1997.

(2) A portion of the Cave Creek Administrative Site, comprising approximately 16 acres, as depicted on the map entitled ''Cave Creek Administrative Site'', dated May 1, 1997.

(3) The Fredonia Duplex Housing Site, comprising approximately 1.40 acres, and the Fredonia Housing Site, comprising approximately 1.58 acres, as depicted on the map entitled ''Fredonia Duplex Dwelling, Fredonia Ranger Dwelling'', dated August 28, 1997.

(4) The Groom Creek Administrative Site, comprising approximately 7.88 acres, as depicted on the map entitled ''Groom Creek Administrative Site'', dated April 29, 1997.

(5) The Payson Administrative Site, comprising approximately 296.43 acres, as depicted on the map entitled ''Payson Administrative Site'', dated May 1, 1997.

(6) The Sedona Administrative Site, comprising approximately 21.41 acres, as depicted on the map entitled ''Sedona Administrative Site'', dated April 12, 1997.

(b) CONSIDERATION.—Consideration for a sale or exchange of land under subsection (a) may include the acquisition of land, existing improvements, and improvements constructed to the specifications of the Secretary.

(c) APPLICABLE LAW.—Except as otherwise provided in this section, any sale or exchange of land under subsection (a) shall be subject to the laws (including regulations) applicable to the conveyance and acquisition of land for the National Forest System.

(d) CASH EQUALIZATION.—Notwithstanding any other provision of law, the Secretary may accept a cash equalization payment in excess of 25 percent of the value of any land or administrative site exchanged under subsection (a).

(e) SOLICITATION OF OFFERS.—

(1) IN GENERAL.—The Secretary may solicit offers for the sale or exchange of land under this section on such terms and conditions as the Secretary may prescribe.

(2) REJECTION OF OFFERS.—The Secretary may reject any offer made under this section if the Secretary determines that the offer is not adequate or not in the public interest.

(f) REVOCATIONS.—Notwithstanding any other provision of law, on conveyance of land by the Secretary under this section, any public order withdrawing the land from any form of appropriation under the public land laws is revoked.

SEC. 4. CONVEYANCE TO CITY OF SEDONA.

(a) IN GENERAL.—The Secretary may sell to the city of Sedona, Arizona, by quitclaim deed in fee simple, all right, title, and interest of the United States in and to approximately 300 acres of land as depicted on the map in the environmental assessment entitled ''Sedona Effluent Management Plan'', dated August 1998, for construction of an effluent disposal system in Yavapai County, Arizona.

(b) DESCRIPTION.—A legal description of the land conveyed under subsection (a) shall be available for public inspection in the office of the Chief of the Forest Service, Washington, District of Columbia.

(c) CONSIDERATION.—

(1) FAIR MARKET VALUE.—As consideration for the conveyance of land under subsection (a), the City shall pay to the Secretary an amount equal to the fair market value of the land as determined by an appraisal acceptable to the Secretary and prepared in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions.

(2) COST OF APPRAISAL.—The City shall pay the cost of the appraisal of the land.

(3) PAYMENT.—Payment of the amount determined under paragraph (1) (including any interest payable under paragraph (4)) shall be paid, at the option of the City—

(A) in full not later than 180 days after the date of the conveyance of the land; or

(B) in 7 equal annual installments commencing not later than January 1 of the first year following the date of the conveyance and annually thereafter until the total amount has been paid.

(4) INTEREST RATE.—Any payment due for the conveyance of land under this section shall accrue, beginning on the date of the conveyance, interest at a rate equal to the current (as of the date of the conveyance) market yield on outstanding, marketable obligations of the United States with maturities of 1 year.

(d) RELEASE.—Subject to compliance with all Federal environmental laws by the Secretary before the date of conveyance of land under this section, on conveyance of the land, the City shall agree in writing to hold the United States harmless from any and all claims to the land, including all claims resulting from hazardous materials on the conveyed land.

(e) RIGHT OF REENTRY.—At any time before full payment is made for the conveyance of land under this section, the conveyance shall be subject to a right of reentry in the United States if the Secretary determines that—

(1) the City has not complied with the requirements of this section or the conditions prescribed by the Secretary in the deed of conveyance; or

(2) the conveyed land is not used for disposal of treated effluent or other purposes related to the construction of an effluent disposal system in Yavapai County, Arizona.

SEC. 5. DISPOSITION OF FUNDS.

(a) DEPOSIT OF PROCEEDS.—The Secretary shall deposit the proceeds of a sale or exchange under this Act in the fund established under Public Law 90–171 (16 U.S.C. 484a) (commonly known as the ''Sisk Act'').

(b) USE OF PROCEEDS.—Funds deposited under subsection (a) shall be available to the Secretary, without further Act of appropriation, for—

(1) the acquisition, construction, or improvement of administrative facilities for the Coconino National Forest, Kaibab National Forest, Prescott National Forest, and Tonto National Forest; or

(2) the acquisition of land and or an interest in land in the State of Arizona.

AMENDMENT NO. 2803

(Purpose: To reduce the amount of consideration to be paid by the City by the amount of special use permit fees paid by the City)

On page 5, line 15, strike the period at the end and insert '', reduced by the total amount of special use permit fees for wastewater treatment facilities paid by the City to the Forest Service during the period beginning on January 1, 1999, and ending on the earlier of—

(A) the date that is 270 days after the date of enactment of this Act; or

(B) the date on which the full payment is made by the City under paragraph (3)(A) or the date on which first installment payment is made under paragraph (3)(B), depending on the election made by the City under paragraph (3).

On page 5, lines 18 and 19, strike ''the amount determined under paragraph (1)'' and insert ''the consideration required under paragraph (1)''.

The amendment (No. 2803) was agreed to.

The bill (S. 1088), as amended, was passed, as follows:

S. 1088

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 ''Arizona National Forest Improvement Act of 1999''.

SEC. 2. DEFINITIONS.

In this Act:

(1) CITY.—The term ''City'' means the city of Sedona, Arizona.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

SEC. 3. SALE OR EXCHANGE OF ADMINISTRATIVE SITES.

(a) IN GENERAL.—The Secretary may, under such terms and conditions as the Secretary may prescribe, sell or exchange any and all right, title, and interest of the United States in and to the following National Forest System land and administrative sites:

(1) The Camp Verde Administrative Site, comprising approximately 213.60 acres, as depicted on the map entitled ''Camp Verde Administrative Site'', dated April 12, 1997.

(2) A portion of the Cave Creek Administrative Site, comprising approximately 16 acres, as depicted on the map entitled ''Cave Creek Administrative Site'', dated May 1, 1997.

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(5) The Payson Administrative Site, comprising approximately 296.43 acres, as depicted on the map entitled ''Payson Administrative Site'', dated May 1, 1997.

(6) The Sedona Administrative Site, comprising approximately 21.41 acres, as depicted on the map entitled ''Sedona Administrative Site'', dated April 12, 1997.

(b) CONSIDERATION.—Consideration for a sale or exchange of land under subsection (a) may include the acquisition of land, existing improvements, and improvements constructed to the specifications of the Secretary.

(c) APPLICABLE LAW.—Except as otherwise provided in this section, any sale or exchange of land under subsection (a) shall be subject to the laws (including regulations) applicable to the conveyance and acquisition of land for the National Forest System.

(d) CASH EQUALIZATION.—Notwithstanding any other provision of law, the Secretary may accept a cash equalization payment in excess of 25 percent of the value of any land or administrative site exchanged under subsection (a).

(e) SOLICITATION OF OFFERS.—

(1) IN GENERAL.—The Secretary may solicit offers for the sale or exchange of land under this section on such terms and conditions as the Secretary may prescribe.

(2) REJECTION OF OFFERS.—The Secretary may reject any offer made under this section if the Secretary determines that the offer is not adequate or not in the public interest.

(f) REVOCATIONS.—Notwithstanding any other provision of law, on conveyance of land by the Secretary under this section, any public order withdrawing the land from any form of appropriation under the public land laws is revoked.

SEC. 4. CONVEYANCE TO CITY OF SEDONA.

(a) IN GENERAL.—The Secretary may sell to the city of Sedona, Arizona, by quitclaim deed in fee simple, all right, title, and interest of the United States in and to approximately 300 acres of land as depicted on the map in the environmental assessment entitled ''Sedona Effluent Management Plan'', dated August 1998, for construction of an effluent disposal system in Yavapai County, Arizona.

(b) DESCRIPTION.—A legal description of the land conveyed under subsection (a) shall be available for public inspection in the office of the Chief of the Forest Service, Washington, District of Columbia.

(c) CONSIDERATION.—

(1) FAIR MARKET VALUE.—As consideration for the conveyance of land under subsection (a), the City shall pay to the Secretary an amount equal to the fair market value of the land as determined by an appraisal acceptable to the Secretary and prepared in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions, reduced by the total amount of special use permit fees for wastewater treatment facilities paid by the City to the Forest Service during the period beginning on January 1, 1999, and ending on the earlier of—

(A) the date that is 270 days after the date of enactment of this Act; or

(B) the date on which the full payment is made by the City under paragraph (3)(A) or the date on which first installment payment is made under paragraph (3)(B), depending on the election made by the City under paragraph (3).

(2) COST OF APPRAISAL.—The City shall pay the cost of the appraisal of the land.

(3) PAYMENT.—Payment of the consideration required under paragraph (1) (including any interest payable under paragraph (4)) shall be paid, at the option of the City—

(A) in full not later than 180 days after the date of the conveyance of the land; or

(B) in 7 equal annual installments commencing not later than January 1 of the first year following the date of the conveyance and annually thereafter until the total amount has been paid.

(4) INTEREST RATE.—Any payment due for the conveyance of land under this section shall accrue, beginning on the date of the conveyance, interest at a rate equal to the current (as of the date of the conveyance) market yield on outstanding, marketable obligations of the United States with maturities of 1 year.

(d) RELEASE.—Subject to compliance with all Federal environmental laws by the Secretary before the date of conveyance of land under this section, on conveyance of the land, the City shall agree in writing to hold the United States harmless from any and all claims to the land, including all claims resulting from hazardous materials on the conveyed land.

(e) RIGHT OF REENTRY.—At any time before full payment is made for the conveyance of land under this section, the conveyance shall be subject to a right of reentry in the United States if the Secretary determines that—

(1) the City has not complied with the requirements of this section or the conditions prescribed by the Secretary in the deed of conveyance; or

(2) the conveyed land is not used for disposal of treated effluent or other purposes related to the construction of an effluent disposal system in Yavapai County, Arizona.

SEC. 5. DISPOSITION OF FUNDS.

(a) DEPOSIT OF PROCEEDS.—The Secretary shall deposit the proceeds of a sale or exchange under this Act in the fund established under Public Law 90–171 (16 U.S.C. 484a) (commonly known as the ''Sisk Act'').

(b) USE OF PROCEEDS.—Funds deposited under subsection (a) shall be available to the Secretary, without further Act of appropriation, for—

(1) the acquisition, construction, or improvement of administrative facilities for the Coconino National Forest, Kaibab National Forest, Prescott National Forest, and Tonto National Forest; or

(2) the acquisition of land and or an interest in land in the State of Arizona.

OMNIBUS PARKS TECHNICAL CORRECTIONS ACT OF 1999

The Senate proceeded to consider the bill (H.R. 149) to make technical corrections to the Omnibus Parks and Public Lands Management Act of 1996 and to other laws related to parks and public lands, 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.)

H.R. 149

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

SECTION 1. SHORT TITLE; REFERENCE TO OMNIBUS PARKS AND PUBLIC LANDS MANAGEMENT ACT OF 1996.

(a) SHORT TITLE.—This Act may be cited as the ''Omnibus Parks Technical Corrections Act of 1999''.

(b) REFERENCE TO OMNIBUS PARKS ACT.—In this Act, the term ''Omnibus Parks Act'' means the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333; 110 Stat. 4093).

TITLE I—TECHNICAL CORRECTIONS TO DIVISION I

SEC. 101. PRESIDIO OF SAN FRANCISCO.

Title I of division I of the Omnibus Parks Act (16 U.S.C. 460bb note) is amended as follows:

(1) In section 101(2) (110 Stat. 4097), by striking ''the Presidio is'' and inserting ''the Presidio was''.

(2) In section 103(b)(1) (110 Stat. 4099), by striking ''other lands administrated by the Secretary.'' in the last sentence and inserting ''other lands administered by the Secretary.''.

(3) In section 105(a)(2) (110 Stat. 4104), by striking ''in accordance with section 104(h) of this title.'' and inserting ''in accordance with section 104(i) of this title.''.

(4) In section 104(b) (110 Stat. 4101), by—

(A) adding the following after the end of the first sentence: ''The National Park Service or any other Federal agency is authorized to enter into agreements, leases, contracts and other arrangements with the Presidio Trust which are necessary and appropriate to carry out the purposes of this title.'';

(B) inserting after ''June 30, 1932 (40 U.S.C. 303b).'' ''The Trust may use alternative means of dispute resolution authorized under subchapter IV of chapter 5 of title 5, United States Code (5 U.S.C. 571 et seq.).''; and

(C) by inserting at the end of the paragraph ''The Trust is authorized to use funds available to the Trust to purchase insurance and for reasonable reception and representation expenses, including membership dues, business cards and business related meal expenditures.''.

(5) Section 104(g) (110 Stat. 4103) is amended to read as follows:

''(g) FINANCIAL MANAGEMENT.—Nothwithstanding section 1341 of title 31 of the United States Code, all proceeds and other revenues received by the Trust shall be retained by the Trust. Those proceeds shall be available, without further appropriation, to the Trust for the administration, preservation, restoration, operation and maintenance, improvement, repair and related expenses incurred with respect to Presidio properties under its administrative jurisdiction. The Secretary of the Treasury shall invest, at the direction of the Trust, such excess moneys that the Trust determines are not required to meet current withdrawals. Such investment shall be in public debt securities with maturities suitable to the needs of the Trust and bearing interest at rates determined by the Secretary of the Treasury taking into consideration the current average yield on outstanding marketable obligations of the United States of comparable maturity.''.

(6) In section 104(j) (110 Stat. 4103), by striking ''exercised.'' and inserting ''exercised, including rules and regulations for the use and

management of the property under the Trust's jurisdiction.''.

In section 104 (110 Stat. 4101, 4104), by adding after subsection (o) the following:

''(p) EXCLUSIVE RIGHTS TO NAME AND INSIGNIA.—The Trust shall have the sole and exclusive right to use the words 'Presidio Trust' and any seal, emblem, or other insignia adopted by its Board of Directors. Without express written authority of the Trust, no person may use the words 'Presidio Trust', or any combination or variation of those words alone or with other words, as the name under which that person shall do or purport to do business, for the purpose of trade, or by way of advertisement, or in any manner that may falsely suggest any connection with the Trust.''.

(8) In section 104(n) (110 Stat. 4103), by inserting after ''implementation of the'' in the first sentence the words ''general objectives of the''.

(9) Subsection 104(d) (110 Stat. 4103), is amended in paragraph (3) by striking ''after determining that the projects to be funded from the proceeds thereof are creditworthy and that a repayment schedule is established and only'' and by inserting ''including a review of the creditworthiness of the loan and establishment of a repayment schedule,'' after ''and subject to such terms and conditions,''.

(10) In section 105(a)(2) (110 Stat. 4104), by striking ''not more than $3,000,000 annually'' and inserting after ''Of such sums,'' the word ''funds''.

(11) In section 105(c) (110 Stat. 4104), by inserting before ''including'' the words ''on a reimbursable basis,''.

SEC. 102. COLONIAL NATIONAL HISTORICAL PARK.

Section 211(d) of division I of the Omnibus Parks Act (110 Stat. 4110; 16 U.S.C. 81p) is amended by striking ''depicted on the map dated August 1993, numbered 333/80031A,'' and inserting ''depicted on the map dated August 1996, numbered 333/80031B,''.

SEC. 103. MERCED IRRIGATION DISTRICT.

Section 218(a) of division I of the Omnibus Parks Act (110 Stat. 4113) is amended by striking ''this Act'' and inserting ''this section''.

SEC. 104. BIG THICKET NATIONAL PRESERVE.

Section 306 of division I of the Omnibus Parks Act (110 Stat. 4132; 16 U.S.C. 698 note) is amended as follows:

(1) In subsection (d), by striking ''until the earlier of the consummation of the exchange of July 1, 1998,'' and inserting ''until the earlier of the consummation of the exchange or July 1, 1998,''.

(2) In subsection (f)(2), by striking ''in Menard'' and inserting ''in the Menard''.

SEC. 105. KENAI NATIVES ASSOCIATION LAND EXCHANGE.

Section 311 of division I of the Omnibus Parks Act (110 Stat. 4139) is amended as follows:

(1) In subsection (d)(2)(B)(ii), by striking ''W, Seward Meridian'' and inserting ''W., Seward Meridian''.

(2) In subsection (f)(1), by striking ''to be know'' and inserting ''to be known''.

SEC. 106. LAMPREY WILD AND SCENIC RIVER.

(a) TECHNICAL CORRECTION.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C 1274(a)), as amended by section 405(a) of division I of the Omnibus Parks Act (110 Stat. 4149), is amended in the second sentence of the paragraph relating to the Lamprey River, New Hampshire, by striking ''through cooperation agreements'' and inserting ''through cooperative agreements''.

(b) CROSS REFERENCE.—Section 405(b)(1) of division I of the Omnibus Parks Act (110 Stat. 4149; 16 U.S.C. 1274 note) is amended by striking ''this Act'' and inserting ''the Wild and Scenic Rivers Act''.

SEC. 107. VANCOUVER NATIONAL HISTORIC RESERVE.

Section 502(a) of division I of the Omnibus Parks Act (110 Stat. 4154; 16 U.S.C. 461 note) is amended by striking ''by the Vancouver Historical Assessment' published''.

SEC. 108. MEMORIAL TO MARTIN LUTHER KING, JR.

Section 508 of division I of the Omnibus Parks Act (110 Stat. 4157, 40 U.S.C. 1003 note) is amended as follows:

(1) In subsection (a), by striking ''of 1986'' and inserting ''(40 U.S.C. 1001 et seq.)''.

(2) In subsection (b), by striking ''the Act'' and all that follows through ''1986'' and inserting ''the Commemorative Works Act''.

(3) In subsection (d), by striking ''the Act referred to in section 4401(b))'' and inserting ''the Commemorative Works Act)''.

SEC. 109. ADVISORY COUNCIL ON HISTORIC PRESERVATION.

The first sentence of section 205(g) of the National Historic Preservation Act (16 U.S.C. 470m(g)), as amended by section 509(c) of division I of the Omnibus Parks Act (110 Stat. 4157), is amended by striking ''for the purpose.'' and inserting ''for that purpose.''.

SEC. 110. GREAT FALLS HISTORIC DISTRICT, NEW JERSEY.

Section 510(a)(1) of division I of the Omnibus Parks Act (110 Stat. 4158; 16 U.S.C. 461 note) is amended by striking ''the contribution of our national heritage'' and inserting ''the contribution to our national heritage''.

SEC. 111. NEW BEDFORD WHALING NATIONAL HISTORICAL PARK.

(a) Section 511 of division I of the Omnibus Parks Act (110 Stat. 4159; 16 U.S.C. 410ddd) is amended as follows:

(1) In the section heading, by striking **''NATIONAL HISTORIC LANDMARK DISTRICT''** and inserting **''WHALING NATIONAL HISTORICAL PARK''**.

(2) In subsection (c)—

(A) in paragraph (1), by striking ''certain districts structures, and relics'' and inserting ''certain districts, structures, and relics''; and

(B) in paragraph (2)(A)(i), by striking ''The area included with the New Bedford National Historic Landmark District, known as the'' and inserting ''The area included within the New Bedford Historic District (a National Landmark District), also known as the''.

(3) In subsection (d)(2), by striking ''to provide''.

(4) By redesignating the second subsection (e) and subsection (f) as subsections (f) and (g), respectively.

(5) In subsection (g), as so redesignated—

(A) in paragraph (1), by striking ''section 3(D).'' and inserting ''subsection (d).''; and

(B) in paragraph (2)(C), by striking ''cooperative grants under subsection (d)(2).'' and inserting ''cooperative agreements under subsection (e)(2).''.

SEC. 112. NICODEMUS NATIONAL HISTORIC SITE.

Section 512(a)(1)(B) of division I of the Omnibus Parks Act (110 Stat. 4163; 16 U.S.C. 461 note) is amended by striking ''Afican-Americans'' and inserting ''African-Americans''.

SEC. 113. UNALASKA.

Section 513(c) of division I of the Omnibus Parks Act (110 Stat. 4165; 16 U.S.C. 461 note) is amended by striking ''whall be comprised'' and inserting ''shall be comprised''.

SEC. 114. REVOLUTIONARY WAR AND WAR OF 1812 HISTORIC PRESERVATION STUDY.

Section 603(d)(2) of division I of the Omnibus Parks Act (110 Stat. 4172; 16 U.S.C. 1a–5 note) is amended by striking ''subsection (b) shall—'' and inserting ''paragraph (1) shall—''.

SEC. 115. SHENANDOAH VALLEY BATTLEFIELDS.

Section 606 of division I of the Omnibus Parks Act (110 Stat. 4175; 16 U.S.C. 461 note) is amended as follows:

(1) In subsection (d)—

(A) in paragraph (1), by striking ''section 5.'' and inserting ''subsection (e).'';

(B) in paragraph (2), by striking ''section 9.'' and inserting ''subsection (h).''; and

(C) in paragraph (3), by striking ''Commission plan approved by the Secretary under section 6.'' and inserting ''plan developed and approved under subsection (f).''.

(2) In subsection (f)(1), by striking ''this Act'' and inserting ''this section''.

(3) In subsection (g)—

(A) in paragraph (3), by striking ''purposes of this Act'' and inserting ''purposes of this section''; and

(B) in paragraph (5), by striking ''section 9.'' and inserting ''subsection (i).''.

(4) In subsection (h)(12), by striking ''this Act'' and inserting ''this section''.

SEC. 116. WASHITA BATTLEFIELD.

Section 607 of division I of the Omnibus Parks Act (110 Stat. 4181; 16 U.S.C. 461 note) is amended—

(1) in subsection (c)(3), by striking ''this Act'' and inserting ''this section''; and

(2) in subsection (d)(2), by striking ''local land owners'' and inserting ''local landowners''.

SEC. 117. SKI AREA PERMIT RENTAL CHARGE.

Section 701 of division I of the Omnibus Parks Act (110 Stat 4182; 16 U.S.C. 497c) is amended as follows:

(1) In subsection (b)(3), by striking ''legislated by this Act'' and inserting ''required by this section''.

(2) In subsection (d)—

(A) in the matter preceding paragraph (1), by striking ''formula of this Act'' and inserting ''formula of this section'';

(B) in paragraphs (1), (2), and (3) and in the sentence below paragraph (3), by striking ''this Act'' each place it appears and inserting ''this section''; and

(C) in the sentence below paragraph (3), by inserting ''adjusted gross revenue for the'' before ''1994–1995 base year''.

(3) In subsection (f), by inserting inside the parenthesis ''offered for commercial or other promotional purposes'' after ''complimentary lift tickets''.

(4) In subsection (i), by striking ''this Act'' and inserting ''this section''.

SEC. 118. GLACIER BAY NATIONAL PARK.

Section 3 of Public Law 91–383 (16 U.S.C. 1a–2), as amended by section 703 of division I of the Omnibus Parks Act (110 Stat. 4185), is amended as follows:

(1) In subsection (g), by striking ''bearing the cost of such exhibits and demonstrations;'' and inserting ''bearing the cost of such exhibits and demonstrations.''.

(2) By capitalizing the first letter of the first word in each of the subsections (a) through (i).

(3) By striking the semicolon at the end of each of the subsections (a) through (f) and at the end of subsection (h) and inserting a period.

(4) In subsection (i), by striking ''; and'' and inserting a period.

(5) By conforming the margins of subsection (j) with the margins of the preceding subsections.

SEC. 119. ROBERT J. LAGOMARSINO VISITOR CENTER.

Section 809(b) of division I of the Omnibus Parks Act (110 Stat. 4189; 16 U.S.C. 410ff note) is amended by striking ''section 301'' and inserting ''subsection (a)''.

SEC. 120. NATIONAL PARK SERVICE ADMINISTRATIVE REFORM.

(a) TECHNICAL CORRECTIONS.—Section 814 of division I of the Omnibus Parks Act (110 Stat. 4190) is amended as follows:

(1) In subsection (a) (16 U.S.C. 17o note)—

(A) in paragraph (6), by striking ''this Act'' and inserting ''this section'';

(B) in paragraph (7)(B), by striking ''COMPTETITIVE LEASING.—'' and inserting ''COMPETITIVE LEASING.—'';

(C) in paragraph (9), by striking ''granted by statue'' and inserting ''granted by statute'';

(D) in paragraph (11)(B)(ii), by striking ''more cost effective'' and inserting ''more cost-effective'';

(E) in paragraph (13), by striking ''paragraph (13),'' and inserting ''paragraph (12),''; and

(F) in paragraph (18), by striking ''under paragraph (7)(A)(i)(I), any lease under paragraph (11)(B), and any lease of seasonal quarters under subsection (l),'' and inserting ''under paragraph (7)(A) and any lease under paragraph (11)''.

(2) In subsection (d)(2)(E), by striking ''is amended''.

(b) CHANGE TO PLURAL.—Section 7(c)(2) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–9(c)(2)), as added by section 814(b) of the Omnibus Parks Act (110 Stat. 4194), is amended as follows:

(1) In subparagraph (C), by striking ''lands, water, and interest therein'' and inserting ''lands, waters, and interests therein''.

(2) In subparagraph (F), by striking ''lands, water, or interests therein, or a portion of whose lands, water, or interests therein,'' and inserting ''lands, waters, or interests therein, or a portion of whose lands, waters, or interests therein,''.

(c) ADD MISSING WORD.—Section 2(b) of Public Law 101–337 (16 U.S.C. 19jj–1(b)), as amended by section 814(h)(3) of the Omnibus Parks Act (110 Stat. 4199), is amended by inserting ''or'' after ''park system resource''.

SEC. 121. BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR.

Section 6(d)(2) of the Act entitled ''An Act to establish the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island'', approved November 10, 1986 (Public Law 99–647; 16 U.S.C. 461 note), as added by section 901(c) of division I of the Omnibus Parks Act (110 Stat. 4202), is amended by striking ''may be made in the approval plan'' and inserting ''may be made in the approved plan''.

SEC. 122. TALLGRASS PRAIRIE NATIONAL PRESERVE.

Subtitle A of title X of division I of the Omnibus Parks Act is amended as follows:

(1) In section 1002(a)(4)(A) (110 Stat. 4204; 16 U.S.C. 689u(a)(4)(A)), by striking ''to purchase'' and inserting ''to acquire''.

(2) In section 1004(b) (110 Stat. 4205; 16 U.S.C. 689u–2(b)), by striking ''of June 3, 1994,'' and inserting ''on June 3, 1994,''.

(3) In section 1005 (110 Stat. 4205; 16 U.S.C. 689u–3)—

(A) in subsection (d)(1), by striking ''this Act'' and inserting ''this subtitle''; and

(B) in subsection (g)(3)(A), by striking ''the tall grass prairie'' and inserting ''the tallgrass prairie''.

SEC. 123. RECREATION LAKES.

(a) TECHNICAL CORRECTIONS.—Section 1021(a) of division I of the Omnibus Parks Act (110 Stat. 4210; 16 U.S.C. 460l–10e note) is amended as follows:

(1) By striking ''manmade lakes'' both places it appears and inserting ''man-made lakes''.

(2) By striking ''for recreational opportunities at federally-managed'' and inserting ''for recreational opportunities at federally managed''.

(b) ADVISORY COMMISSION.—Section 13 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–10e), as added by section 1021(b) of the Omnibus Parks Act (110 Stat. 4210), is amended as follows:

(1) In subsection (b)(6), by striking ''recreation related infrastructure.'' and inserting ''recreation-related infrastructure.''.

(2) In subsection (e)—

(A) by striking ''water related recreation'' in the first sentence and inserting ''water-related recreation'';

(B) in paragraph (2), by striking ''at federally-managed lakes'' and inserting ''at federally managed lakes''; and

(C) by striking ''manmade lakes'' each place it appears and inserting ''man-made lakes''.

SEC. 124. FOSSIL FOREST PROTECTION.

Section 103 of the San Juan Basin Wilderness Protection Act of 1984 (43 U.S.C. 178), as amended by section 1022(e) of the Omnibus Parks Act (110 Stat. 4213), is amended as follows:

(1) In subsections (b)(1) and (e)(1), by striking ''Committee on Natural Resources'' and inserting ''Committee on Resources''.

(2) In subsection (e)(1), by striking ''this Act'' and inserting ''this subsection''.

SEC. 125. OPAL CREEK WILDERNESS AND SCENIC RECREATION AREA.

Section 1023(c)(1)(A) of division I of the Omnibus Parks Act (110 Stat. 4215; 16 U.S.C. 545b(c)(1)(A)) is amended by striking ''of 1964''.

SEC. 126. BOSTON HARBOR ISLANDS NATIONAL RECREATION AREA.

Section 1029 of division I of the Omnibus Parks Act (110 Stat. 4232; 16 U.S.C. 460kkk) is amended as follows:

(1) In the section heading, by striking ''**RECREATION AREA**'' and inserting ''**NATIONAL RECREATION AREA**''.

(2) In subsection (b)(1), by inserting quotation marks around the term ''recreation area''.

(3) In subsection (e)(3)(B), by striking ''subsections (b) (3), (4), (5), (6), (7), (8), (9), and (10).'' and inserting ''subparagraphs (C), (D), (E), (F), (G), (H), (I), and (J) of paragraph (2).''.

(4) In subsection (f)(2)(A)(i), by striking ''profit sector roles'' and inserting ''private-sector roles''.

(5) In subsection (g)(1), by striking ''and revenue raising activities.'' and inserting ''and revenue-raising activities.''.

(6) In subsection (h)(2), by striking ''ration'' and inserting ''ratio''.

SEC. 127. NATCHEZ NATIONAL HISTORICAL PARK.

(a) TECHNICAL AMENDMENT.—Section 3(b)(1) of Public Law 100–479 (16 U.S.C. 410oo–2(b)(1)), as added by section 1030 of the Omnibus Parks Act (110 Stat. 4238), is amended by striking ''and visitors' center'' and inserting ''and visitor center''.

(b) AMENDATORY INSTRUCTION.—Section 1030 of the Omnibus Parks Act (110 Stat. 4238) is amended by striking ''after 'SEC. 3.';'' and inserting ''before 'Except';''.

SEC. 128. REGULATION OF FISHING IN CERTAIN WATERS OF ALASKA.

Section 1035 of division I of the Omnibus Parks Act (110 Stat. 2240) is amended as follows:

(1) In the section heading, by striking ''**REGULATIONS**'' and inserting ''**REGULATION**''.

(2) In subsection (c), by striking ''this Act'' and inserting ''this section''.

SEC. 129. BOUNDARY REVISIONS.

Section 814(b)(2)(G) of Public Law 104–333 is amended by striking ''are adjacent to'' and inserting in lieu thereof ''abut''.

TITLE II—TECHNICAL CORRECTIONS TO DIVISION II

SEC. 201. NATIONAL COAL HERITAGE AREA.

Title I of division II of the Omnibus Parks Act (16 U.S.C. 461 note) is amended as follows:

(1) In section 104(4) (110 Stat. 4244), by striking ''history preservation'' and inserting ''historic preservation''.

(2) In section 105 (110 Stat. 4244), by striking ''paragraphs (2) and (5) of section 104'' and inserting ''paragraph (2) of section 104''.

(3) In section 106(a)(3) (110 Stat. 4244), by striking ''or Secretary'' and inserting ''or the Secretary''.

SEC. 202. TENNESSEE CIVIL WAR HERITAGE AREA.

Title II of division II of the Omnibus Parks Act (16 U.S.C. 461 note) is amended as follows:

(1) In section 201(b)(4) (110 Stat. 4245), by striking ''and associated sites associated'' and insert ''and sites associated''.

(2) In section 207(a) (110 Stat. 4248), by striking ''as provide for'' and inserting ''as provided for''.

SEC. 203. AUGUSTA CANAL NATIONAL HERITAGE AREA.

Section 301(1) of division II of the Omnibus Parks Act (110 Stat. 4249; 16 U.S.C. 461 note) is amended by striking ''National Historic Register of Historic Places,'' and inserting ''National Register of Historic Places,''.

SEC. 204. ESSEX NATIONAL HERITAGE AREA.

Section 501(a)(8) of division II of the Omnibus Parks Act (110 Stat. 4257; 16 U.S.C. 461 note) is amended by striking ''a visitors' center'' and inserting ''a visitor center''.

SEC. 205. OHIO & ERIE CANAL NATIONAL HERITAGE CORRIDOR.

Title VIII of division II of the Omnibus Parks Act (16 U.S.C. 461 note) is amended as follows:

(1) In section 805(b)(2) (110 Stat. 4269), by striking ''One individuals,'' and inserting ''One individual,''.

(2) In section 808(a)(3)(A) (110 Stat. 4279), by striking ''from the Committee.'' and inserting ''from the Committee,''.

SEC. 206. HUDSON RIVER VALLEY NATIONAL HERITAGE AREA.

Section 908(a)(1)(B) of division II of the Omnibus Parks Act (110 Stat. 4279; 16 U.S.C. 461 note) is amended by striking ''on nonfederally owned property'' and inserting ''for non-federally owned property''.

TITLE III—TECHNICAL CORRECTIONS TO OTHER PUBLIC LAWS

SEC. 301. REAUTHORIZATION OF DELAWARE WATER GAP NATIONAL RECREATION AREA CITIZEN ADVISORY COMMISSION.

Effective as of November 6, 1998, section 507 of Public Law 105–355 (112 Stat. 3264, 16 U.S.C. 460o note) is amended by striking ''Public Law 101–573'' and inserting ''Public Law 100–573''.

SEC. 302. ARCHES NATIONAL PARK EXPANSION ACT OF 1998.

Section 8 of Public Law 92–155 (16 U.S.C. 272g), as added by section 2(e)(2) of the Arches National Park Expansion Act of 1998 (Public Law 105–329; 112 Stat. 3062), is amended as follows:

(1) In subsection (b)(2), by striking '', described as lots 1 through 12 located in the S½N½ and the N½N½N½S½ of section 1, Township 25 South, Range 18 East, Salt Lake base and meridian.'' and inserting ''located in section 1, Township 25 South, Range 18 East, Salt Lake base and meridian, and more fully described as follows:

''(A) Lots 1 through 12.

''(B) The S½N½ of such section.

''(C) The N½N½N½S½ of such section.''; and

(2) By striking subsection (d).

SEC. 303. DUTCH JOHN FEDERAL PROPERTY DISPOSITION AND ASSISTANCE ACT OF 1998.

(a) TRANSFER OF JURISDICTION.—Section 6(b) of the Dutch John Federal Property Disposition and Assistance Act of 1998 (Public Law 105–326; 112 Stat. 3044) is amended as follows:

(1) By striking the subsection heading and inserting the following: ''ADDITIONAL TRANSFERS OF ADMINISTRATIVE JURISDICTION.—''.

(2) By striking paragraphs (1) and (2) and inserting the following new paragraphs:

''(1) TRANSFER FROM SECRETARY OF THE INTERIOR.—The Secretary of the Interior shall transfer to the Secretary of Agriculture administrative jurisdiction over approximately 2,167 acres of lands and interests in land located in Duchesne and Wasatch Counties, Utah, that were acquired by the Secretary of the Interior for the Central Utah Project, as depicted on the maps entitled—

''(A) the 'Dutch John Townsite, Ashley National Forest, Lower Stillwater', dated February 1997;

''(B) The 'Dutch John Townsite, Ashley National Forest, Red Hollow (Diamond Properties)', dated February 1997; and

''(C) The 'Dutch John Townsite, Ashley National Forest, Coal Hollow (Current Creek Reservoir)', dated February 1997.

''(2) TRANSFER FROM SECRETARY OF AGRICULTURE.—The Secretary of Agriculture shall transfer to the Secretary of the Interior administrative jurisdiction over approximately 2,450 acres of lands and interests in lands located in the Ashley National Forest, as depicted on the map entitled 'Ashley National Forest, Lands to be Transferred to the Bureau of Reclamation (BOR) from the Forest Service', dated February 1997.''.

(3) In paragraph (3)(A), by striking the second sentence and inserting the following new sentence: ''The boundaries of the Ashley National Forest and the Uinta National Forest are hereby adjusted to reflect the transfers required by this section.''.

(4) In paragraph (3)(B), by striking ''The transferred lands'' and inserting ''The lands and interests in land transferred to the Secretary of Agriculture under paragraph (1)''.

(5) Section 10(g)(5)(A) of such Act (112 Stat. 3050) is amended by striking ''Daggett County'' and inserting in lieu thereof ''Dutch John''.

(b) ELECTRIC POWER.—Section 13(d) of such Act (112 Stat. 3053) is amended by striking paragraph (1) and inserting the following new paragraph:

''(1) AVAILABILITY.—The United States shall make available for the Dutch John community electric power and associated energy previously reserved from the Colorado River Storage Project for project use as firm electric service.''.

SEC. 304. OREGON PUBLIC LANDS TRANSFER AND PROTECTION ACT OF 1998.

Section 3 of the Oregon Public Lands Transfer and Protection Act of 1998 (Public Law 105–321; 112 Stat. 3022) is amended as follows:

(1) In subsection (a), by striking paragraph (3) and redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(2) By striking subsection (b) and inserting the following new subsection:

''(b) POLICY OF NO NET LOSS OF O & C LAND AND CBWR LAND.—In carrying out sales, purchases, and exchanges of land in the geographic area, the Secretary shall ensure that on October 30, 2008, and on the expiration of each 10-year period thereafter, the number of acres of O & C land and CBWR land in the geographic area is not less than the number of acres of such land on October 30, 1998.''.

SEC. 305. NATIONAL PARK FOUNDATION.

Section 4 of Public Law 90–209 is amended—

(1) by inserting ''with or'' between ''practicable'' and ''without'' in the final sentence thereof; and

(2) by adding at the end thereof a new sentence as follows: ''Funds reimbursed to either Department shall be retained by the Department and may, without further appropriation be expended, in accordance with the Historic Preservation Act, as amended.

SEC. 306. NATIONAL PARKS OMNIBUS MANAGEMENT ACT OF 1998.

Section 603(c)(1) of Public Law 105–391 is amended by striking ''10'' and inserting in lieu thereof ''15''.

SEC. 307. GRAND STAIRCASE-ESCALANTE NATIONAL MONUMENT.

Section 201(d) of Public Law 105–355 is amended by inserting ''and/or Tropic Utah,'' after the words ''school district, Utah,'' and by striking ''Public Purposes Act,'' and the remainder of the sentence and inserting in lieu thereof ''Public Purposes Act.''.

SEC. 308. SPIRIT MOUND.

Section 112(a) of division C of Public Law 105–277 (112 Stat. 2681–592) is amended—

(1) by striking ''is authorized to acquire'' and inserting in lieu thereof ''is authorized: (1) to acquire'';

(2) by striking ''South Dakota.'' and inserting in lieu thereof ''South Dakota; or''; and

(3) by adding at the end thereof the following new paragraph:

''(2) to transfer available funds for the acquisition of the tract to the State of South Dakota upon the completion of a binding agreement with the State to provide for the acquisition and long-term preservation, interpretation, and restoration of the Spirit Mound tract.''.

SEC. 309. AMERICA'S AGRICULTURAL HERITAGE PARTNERSHIP ACT AMENDMENT.

Section 702(5) of division II of the Public Law 104–333 (110 Stat. 4265), is amended by striking ''Secretary of Agriculture'' and inserting in lieu thereof ''Secretary of the Interior''.

SEC. 310. NATIONAL PARK SERVICE ENTRANCE AND RECREATIONAL USE FEES.

(a) The Secretary of the Interior is authorized to retain and expend revenues from entrance and recreation use fees at units of the National Park System where such fees are collected under section 4 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–6a), notwithstanding the provisions of section 4(i) of such Act. Fees shall be retained and expended in the same manner and for the same purposes as provided under the Recreational Fee Demonstration Program (section 315 of Public Law 104–134, as amended (16 U.S.C. 4601–6a note).

(b) Nothing in this section shall affect the collection of fees at units of the National Park System designated as fee demonstration projects under the Recreational Fee Demonstration Program.

(c) The authorities in this section shall expire upon the termination of the Recreational Fee Demonstration Program.

SEC. 311. NATIONAL PARKS OMNIBUS MANAGEMENT ACT OF 1998.

Section 404 of the National Parks Omnibus Management Act of 1998 (Public Law 105–391; 112 Stat. 3508; 16 U.S.C. 5953) is amended by striking ''contract terms and conditions,'' and inserting ''contract terms and conditions,''.

AMENDMENT NO. 2804

(Purpose: To make further amendments to H.R. 149, as reported by the Committee on Energy and Natural Resources)

On page 5, strike lines 4 through 11 and redesignate the subsequent paragraphs accordingly.

On page 5 at the end of section 101 add the following new paragraphs:

''(11) Section 103(c)(2) (110 Stat. 4099) is amended by striking 'consecutive terms.' and inserting 'consecutive terms, except that upon the expiration of his or her term, an appointed member may continue to serve until his or her successor has been appointed.'

''(12) Section 103(c)(9) (110 Stat. 4100) is amended by striking 'properties administered by the Trust' and insert in lieu thereof 'properties administered by the Trust and all interest created under leases, concessions, permits and other agreements associated with the properties';

''(13) Section 104(d) (110 Stat. 4102) is amended as follows:

''(1) by inserting '(1)' after 'FINANCIAL AUTHORITIES.—';

''(2) by striking '(1) The authority' and inserting in lieu thereof '(A) The authority';

''(3) by striking '(A) the terms' and inserting in lieu thereof '(i) the terms';

''(4) by striking '(B) adequate' and inserting in lieu thereof '(ii) adequate';

''(5) by striking '(C) such guarantees' and inserting in lieu thereof '(iii) such guarantees';

''(6) by striking '(2) The authority' and inserting in lieu thereof '(B) The authority';

''(7) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3) respectively;

''(8) in paragraph (2) (as redesignated by this section)—

''(A) by striking 'The authority' and inserting in lieu thereof 'The Trust shall also have the authority';

''(B) by striking 'after determining that the projects to be funded from the proceeds thereof are creditworthy and that a repayment schedule is established and only'; and

''(C) by inserting after 'and subject to such terms and conditions,' the words 'including a review of the creditworthiness of the loan and establishment of a repayment schedule,'; and

''(9) in paragraph (3) (as redesignated by this section) by inserting before 'this subsection' the words 'paragraph (2) of'.''

On page 26, strike lines 10 through 13 and insert in lieu thereof the following: ''as follows: 'Monies reimbursed to either Department shall be returned by the Department to the account from which the funds for which the reimbursement is made were drawn and may, without further appropriation, be expended for any purpose for which such account is authorized.'.''

On page 28, line 20, strike ''contract'' and insert ''conract''.

The amendment (No. 2804) was agreed to.

The bill (H.R. 149), as amended, was passed.

COMMUNITY FOREST RESTORATION ACT

The Senate proceeded to consider the bill (S. 1288) to provide incentives for collaborative forest restoration projects on National Forest System and other public lands in New Mexico, 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 ''Community Forest Restoration Act''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) A century of fire suppression, logging, and livestock grazing has altered the ecological balance of New Mexico's forests.

(2) Some forest lands in New Mexico contain an unnaturally high number of small diameter trees that are subject to large, high intensity wildfires that can endanger human lives, livelihoods, and ecological stability.

(3) Forest lands that contain an unnaturally high number of small diameter trees have reduced biodiversity and provide fewer benefits to human communities, wildlife, and watersheds.

(4) Healthy and productive watersheds minimize the threat of large, high intensity wildfires, provide abundant and diverse wildlife habitat, and produce a variety of timber and non-timber products including better quality water and increased water flows.

(5) Restoration efforts are more successful when there is involvement from neighboring communities and better stewardship will evolve from more diverse involvement.

(6) Designing demonstration restoration projects through a collaborative approach may—

(A) lead to the development of cost effective restoration activities;

(B) empower diverse organizations to implement activities which value local and traditional knowledge;

(C) build ownership and civic pride; and

(D) ensure healthy, diverse, and productive forests and watersheds.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to promote healthy watersheds and reduce the threat of large, high intensity wildfires, insect infestation, and disease in the forests in New Mexico;

(2) to improve the functioning of forest ecosystems and enhance plant and wildlife biodiversity by reducing the unnaturally high number and density of small diameter trees on Federal, Tribal, State, County, and Municipal forest lands;

(3) to improve communication and joint problem solving among individuals and groups who are interested in restoring the diversity and productivity of forested watersheds in New Mexico;

(4) to improve the use of, or add value to, small diameter trees;

(5) to encourage sustainable communities and sustainable forests through collaborative partnerships, whose objectives are forest restoration; and

(6) to develop, demonstrate, and evaluate ecologically sound forest restoration techniques.

SEC. 4. DEFINITIONS.

As used in this Act—

(1) the term ''Secretary'' means the Secretary of Agriculture acting through the Chief of the Forest Service; and

(2) the term ''stakeholder'' includes: tribal governments, educational institutions, landowners, and other interested public and private entities.

SEC. 5. ESTABLISHMENT OF PROGRAM.

(a) The Secretary shall establish a cooperative forest restoration program in New Mexico in order to provide cost-share grants to stakeholders for experimental forest restoration projects that are designed through a collaborative process (hereinafter referred to as the ''Collaborative Forest Restoration Program''). The projects may be entirely on, or on any combination of, Federal, Tribal, State, County, or Municipal forest lands. The Federal share of an individual project cost shall not exceed eighty percent of the total cost. The twenty percent matching may be in the form of cash or in-kind contribution.

(b) ELIGIBILITY REQUIREMENTS.—To be eligible to receive funding under this Act, a project shall—

(1) address the following objectives—

(A) reduce the threat of large, high intensity wildfires and the negative effects of excessive competition between trees by restoring ecosystem functions, structures, and species composition, including the reduction of non-native species populations;

(B) re-establish fire regimes approximating those that shaped forest ecosystems prior to fire suppression;

(C) preserve old and large trees;

(D) replant trees in deforested areas if they exist in the proposed project area; and

(E) improve the use of, or add value to, small diameter trees;

(2) comply with all Federal and State environmental laws;

(3) include a diverse and balanced group of stakeholders as well as appropriate Federal, Tribal, State, County, and Municipal government representatives in the design, implementation, and monitoring of the project;

(4) incorporate current scientific forest restoration information; and

(5) include a multi-party assessment to—

(A) identify both the existing ecological condition of the proposed project area and the desired future condition; and

(B) report, upon project completion, on the positive or negative impact and effectiveness of the project including improvements in local management skills and on the ground results;

(6) create local employment or training opportunities within the context of accomplishing restoration objectives, that are consistent with the purposes of this Act, including summer youth jobs programs such as the Youth Conservation Corps where appropriate;

(7) not exceed four years in length;

(8) not exceed a total annual cost of $150,000, with the Federal portion not exceeding $120,000 annually, nor exceed a total cost of $450,000 for the project, with the Federal portion of the total cost not exceeding $360,000;

(9) leverage Federal funding through in-kind or matching contributions; and

(10) include an agreement by each stakeholder to attend an annual workshop with other stakeholders for the purpose of discussing the cooperative forest restoration program and projects implemented under this Act. The Secretary shall coordinate and fund the annual workshop. Stakeholders may use funding for projects authorized under this Act to pay for their travel and per diem expenses to attend the workshop.

SEC. 6. SELECTION PROCESS.

(a) After consulting with the technical advisory panel established in subsection (b), the Secretary shall select the proposals that will receive funding through the Collaborative Forest Restoration Program.

(b) The Secretary shall convene a technical advisory panel to evaluate the proposals for forest restoration grants and provide recommendations regarding which proposals would best meet the objectives of the Collaborative Forest Restoration Program. The technical advisory panel shall consider eligibility criteria established in section 5, the effect on long term management, and seek to use a consensus-based decision making process to develop such recommendations. The panel shall be composed of 12 to 15 members, to be appointed by the Secretary as follows:

(1) A State Natural Resource official from the State of New Mexico.

(2) At least two representatives from Federal land management agencies.

(3) At least one tribal or pueblo representative.

(4) At least two independent scientists with experience in forest ecosystem restoration.

(5) Equal representation from—

(A) conservation interests;

(B) local communities; and

(C) commodity interests.

SEC. 7. MONITORING AND EVALUATON.

The Secretary shall establish a multi-party monitoring and evaluation process in order to assess the cumulative accomplishments or adverse impacts of the Collaborative Forest Restoration Program. The Secretary shall include any interested individual or organization in the monitoring and evaluation process. The Secretary also shall conduct a monitoring program to assess the short and long term ecological effects of the restoration treatments, if any, or a minimum of 15 years.

SEC. 8. REPORT.

No later than five years after the first fiscal year in which funding is made available for this program, the Secretary shall submit a report 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. The report shall include an assessment on whether, and to what extent, the projects funded pursuant to this Act are meeting the purposes of the Collaborative Forest Restoration Program.

AMENDMENT NO. 2805

(Purpose: To authorize the appropriation of $5 million each year)

At the end of the bill add the following:

''SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $5,000,000 annually to carry out this Act.''.

The amendment (No. 2805) was agreed to.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 1288), as amended, was passed, as follows:

S. 1288

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 ''Community Forest Restoration Act''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) A century of fire suppression, logging, and livestock grazing has altered the ecological balance of New Mexico's forests.

(2) Some forest lands in New Mexico contain an unnaturally high number of small diameter trees that are subject to large, high intensity wildfires that can endanger human lives, livelihoods, and ecological stability.

(3) Forest lands that contain an unnaturally high number of small diameter trees have reduced biodiversity and provide fewer benefits to human communities, wildlife, and watersheds.

(4) Healthy and productive watersheds minimize the threat of large, high intensity wildfires, provide abundant and diverse wildlife habitat, and produce a variety of timber and non-timber products including better quality water and increased water flows.

(5) Restoration efforts are more successful when there is involvement from neighboring communities and better stewardship will evolve from more diverse involvement.

(6) Designing demonstration restoration projects through a collaborative approach may—

(A) lead to the development of cost effective restoration activities;

(B) empower diverse organizations to implement activities which value local and traditional knowledge;

(C) build ownership and civic pride; and

(D) ensure healthy, diverse, and productive forests and watersheds.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to promote healthy watersheds and reduce the threat of large, high intensity wildfires, insect infestation, and disease in the forests in New Mexico;

(2) to improve the functioning of forest ecosystems and enhance plant and wildlife biodiversity by reducing the unnaturally high number and density of small diameter trees on Federal, Tribal, State, County, and Municipal forest lands;

(3) to improve communication and joint problem solving among individuals and groups who are interested in restoring the diversity and productivity of forested watersheds in New Mexico;

(4) to improve the use of, or add value to, small diameter trees;

(5) to encourage sustainable communities and sustainable forests through collaborative partnerships, whose objectives are forest restoration; and

(6) to develop, demonstrate, and evaluate ecologically sound forest restoration techniques.

SEC. 4. DEFINITIONS.

As used in this Act—

(1) the term ''Secretary'' means the Secretary of Agriculture acting through the Chief of the Forest Service; and

(2) the term ''stakeholder'' includes: tribal governments, educational institutions, landowners, and other interested public and private entities.

SEC. 5. ESTABLISHMENT OF PROGRAM.

(a) The Secretary shall establish a cooperative forest restoration program in New Mexico in order to provide cost-share grants to stakeholders for experimental forest restoration projects that are designed through a collaborative process (hereinafter referred to as the ''Collaborative Forest Restoration Program''). The projects may be entirely on, or on any combination of, Federal, Tribal, State, County, or Municipal forest lands. The Federal share of an individual project cost shall not exceed eighty percent of the total cost. The twenty percent matching may be in the form of cash or in-kind contribution.

(b) ELIGIBILITY REQUIREMENTS.—To be eligible to receive funding under this Act, a project shall—

(1) address the following objectives—

(A) reduce the threat of large, high intensity wildfires and the negative effects of excessive competition between trees by restoring ecosystem functions, structures, and species composition, including the reduction of non-native species populations;

(B) re-establish fire regimes approximating those that shaped forest ecosystems prior to fire suppression;

(C) preserve old and large trees;

(D) replant trees in deforested areas if they exist in the proposed project area; and

(E) improve the use of, or add value to, small diameter trees;

(2) comply with all Federal and State environmental laws;

(3) include a diverse and balanced group of stakeholders as well as appropriate Federal, Tribal, State, County, and Municipal government representatives in the design, implementation, and monitoring of the project;

(4) incorporate current scientific forest restoration information; and

(5) include a multi-party assessment to—

(A) identify both the existing ecological condition of the proposed project area and the desired future condition; and

(B) report, upon project completion, on the positive or negative impact and effectiveness of the project including improvements in local management skills and on the ground results;

(6) create local employment or training opportunities within the context of accomplishing restoration objectives, that are consistent with the purposes of this Act, including summer youth jobs programs such as the Youth Conservation Corps where appropriate;

(7) not exceed four years in length;

(8) not exceed a total annual cost of $150,000, with the Federal portion not exceeding $120,000 annually, nor exceed a total cost of $450,000 for the project, with the Federal portion of the total cost not exceeding $360,000;

(9) leverage Federal funding through in-kind or matching contributions; and

(10) include an agreement by each stakeholder to attend an annual workshop with other stakeholders for the purpose of discussing the cooperative forest restoration program and projects implemented under this Act. The Secretary shall coordinate and fund the annual workshop. Stakeholders may use funding for projects authorized under this Act to pay for their travel and per diem expenses to attend the workshop.

SEC. 6. SELECTION PROCESS.

(a) After consulting with the technical advisory panel established in subsection (b), the Secretary shall select the proposals that will receive funding through the Collaborative Forest Restoration Program.

(b) The Secretary shall convene a technical advisory panel to evaluate the proposals for forest restoration grants and provide recommendations regarding which proposals would best meet the objectives of the Collaborative Forest Restoration Program. The technical advisory panel shall consider eligibility criteria established in section 5, the effect on long term management, and seek to use a consensus-based decision making process to develop such recommendations. The panel shall be composed of 12 to 15 members, to be appointed by the Secretary as follows:

(1) A State Natural Resource official from the State of New Mexico.

(2) At least two representatives from Federal land management agencies.

(3) At least one tribal or pueblo representative.

(4) At least two independent scientists with experience in forest ecosystem restoration.

(5) Equal representation from—

(A) conservation interests;

(B) local communities; and

(C) commodity interests.

SEC. 7. MONITORING AND EVALUATON.

The Secretary shall establish a multi-party monitoring and evaluation process in order to assess the cumulative accomplishments or adverse impacts of the Collaborative Forest Restoration Program. The Secretary shall include any interested individual or organization in the monitoring and evaluation process. The Secretary also shall conduct a monitoring program to assess the short and long term ecological effects of the restoration treatments, if any, or a minimum of 15 years.

SEC. 8. REPORT.

No later than five years after the first fiscal year in which funding is made available for this program, the Secretary shall submit a report 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. The report shall include an assessment on whether, and to what extent, the projects funded pursuant to this Act are meeting the purposes of the Collaborative Forest Restoration Program.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $5,000,000 annually to carry out this Act.

GAS HYDRATE RESEARCH AND DEVELOPMENT ACT OF 1999

The Senate proceeded to consider the bill (H.R. 1753) to promote research, identification, assessment, exploration, and development of gas hydrate resources, and for other purposes.

H.R. 1753

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 ''Gas Hydrate Research and Development Act of 1999''.

SEC. 2. DEFINITIONS.

In this Act:

(1) CONTRACT.—The term ''contract'' means a procurement contract within the meaning of section 6303 of title 31, United States Code.

(2) COOPERATIVE AGREEMENT.—The term ''cooperative agreement'' means a cooperative agreement within the meaning of section 6305 of title 31, United States Code.

(3) DIRECTOR.—The term ''Director'' means the Director of the National Science Foundation.

(4) GRANT.—The term ''grant'' means a grant awarded under a grant agreement, within the meaning of section 6304 of title 31, United States Code.

(5) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' means an institution of higher education, within the meaning of section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Energy, acting through the Assistant Secretary for Fossil Energy.

(7) SECRETARY OF COMMERCE.—The term ''Secretary of Commerce'' means the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration.

(8) SECRETARY OF DEFENSE.—The term ''Secretary of Defense'' means the Secretary of Defense, acting through the Secretary of the Navy.

(9) SECRETARY OF THE INTERIOR.—The term ''Secretary of the Interior'' means the Secretary of the Interior, acting through the Director of the United States Geological Survey and the Director of the Minerals Management Service.

SEC. 3. GAS HYDRATE RESEARCH AND DEVELOPMENT PROGRAM.

(a) IN GENERAL.—

(1) COMMENCEMENT OF PROGRAM.—Not later than 180 days after the date of the enactment of this Act, the Secretary, in consultation with the Secretary of Commerce, the Secretary of Defense, the Secretary of the Interior, and the Director, shall commence a program of gas hydrate research and development.

(2) DESIGNATIONS.—The Secretary, the Secretary of Commerce, the Secretary of Defense, the Secretary of the Interior, and the Director shall designate individuals to carry out this section.

(3) MEETINGS.—The individuals designated under paragraph (2) shall meet not later than 120 days after the date on which all such individuals are designated and not less frequently than every 120 days thereafter to—

(A) review the progress of the program under paragraph (1); and

(B) make recommendations on future activities to occur subsequent to the meeting.

(b) GRANTS, CONTRACTS, COOPERATIVE AGREEMENTS, INTERAGENCY FUNDS TRANSFER AGREEMENTS, AND FIELD WORK PROPOSALS.—

(1) ASSISTANCE AND COORDINATION.—The Secretary may award grants or contracts to, or enter into cooperative agreements with, institutions of higher education and industrial enterprises to—

(A) conduct basic and applied research to identify, explore, assess, and develop gas hydrate as a source of energy;

(B) assist in developing technologies required for efficient and environmentally sound development of gas hydrate resources;

(C) undertake research programs to provide safe means of transport and storage of gas produced from gas hydrates;

(D) promote education and training in gas hydrate resource research and resource development;

(E) conduct basic and applied research to assess and mitigate the environmental impacts of hydrate degassing (including both natural degassing and degassing associated with commercial development); and

(F) develop technologies to reduce the risks of drilling through gas hydrates.

(2) COMPETITIVE MERIT-BASED REVIEW.—Funds made available under paragraph (1) shall be made available based on a competitive merit-based process.

(c) CONSULTATION.—The Secretary shall establish an advisory panel consisting of experts from industry, institutions of higher education, and Federal agencies to—

(1) advise the Secretary on potential applications of gas hydrate;

(2) assist in developing recommendations and priorities for the gas hydrate research

and development program carried out under subsection (a)(1); and

(3) report to the Congress within 2 years after the date of the enactment of this Act, or at such later date as the Secretary considers advisable, on the impact on global climate change from gas hydrate extraction and consumption.

(d) LIMITATIONS.—

(1) ADMINISTRATIVE EXPENSES.—Not more than 5 percent of the amount made available to carry out this section for a fiscal year may be used by the Secretary for expenses associated with the administration of the program carried out under subsection (a)(1).

(2) CONSTRUCTION COSTS.—None of the funds made available to carry out this section may be used for the construction of a new building or the acquisition, expansion, remodeling, or alteration of an existing building (including site grading and improvement and architect fees).

(e) RESPONSIBILITIES OF THE SECRETARY.—In carrying out subsection (b)(1), the Secretary shall—

(1) facilitate and develop partnerships among Government, industry, and institutions of higher education to research, identify, assess, and explore gas hydrate resources;

(2) undertake programs to develop basic information necessary for promoting long-term interest in gas hydrate resources as an energy source;

(3) ensure that the data and information developed through the program are accessible and widely disseminated as needed and appropriate;

(4) promote cooperation among agencies that are developing technologies that may hold promise for gas hydrate resource development; and

(5) report annually to Congress on accomplishments under this section.

SEC. 4. AMENDMENTS TO THE MINING AND MINERALS POLICY ACT OF 1970.

Section 201 of the Mining and Minerals Policy Act of 1970 (30 U.S.C. 1901) is amended—

(1) by redesignating paragraphs (4) through (7) as paragraphs (5) through (8), respectively;

(2) by inserting after paragraph (3) the following:

''(4) The term 'gas hydrate' means a gas clathrate that—

''(A) is in the form of a gas-water ice-like crystalline material; and

''(B) is stable and occurs naturally in deep-ocean and permafrost areas.''; and

(3) in paragraph (7), as so redesignated by paragraph (1) of this section—

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

(B) by redesignating subparagraph (G) as subparagraph (H); and

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

''(G) for purposes of this section and sections 202 through 205 only, gas hydrate; and''.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Energy to carry out this Act—

(1) $5,000,000 for fiscal year 2000;

(2) $7,500,000 for fiscal year 2001;

(3) $11,000,000 for fiscal year 2002;

(4) $12,000,000 for fiscal year 2003; and

(5) $12,000,000 for fiscal year 2004.

Amounts authorized under this section shall remain available until expended.

SEC. 6. SUNSET.

Section 3 of this Act shall cease to be effective after the end of fiscal year 2004.

SEC. 7. REPORTS AND STUDIES.

The Secretary shall simultaneously provide to the Committee on Science of the House of Representatives and the Committee on Energy and Natural Resources of the Senate copies of any report or study that the Department of Energy prepares at the direction of any committee of the Congress.

AMENDMENT NO. 2806

(Purpose: To provide a complete substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Methane Hydrate Research and Development Act of 1999''.

SEC. 2. DEFINITIONS.

In this Act:

(1) CONTRACT.—The term ''contract'' means a procurement contract within the meaning of section 6303 of title 31, United States Code.

(2) COOPERATIVE AGREEMENT.—The term ''cooperative agreement'' means a cooperative agreement within the meaning of section 6305 of title 31, United States Code.

(3) DIRECTOR.—The term ''Director'' means the Director of the National Science Foundation.

(4) GRANT.—The term ''grant'' means a grant awarded under a grant agreement, within the meaning of section 6304 of title 31, United States Code.

(5) INDUSTRIAL ENTERPRISE.—The term ''industrial enterprise'' means a private, nongovernmental enterprise incorporated under Federal or State law that has an expertise or capability that relates to methane hydrate research and development.

(6) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' means an institution of higher education, within the meaning of section 102(a)(1) of the Higher Education Act of 1965 (20 U.S.C. 1002(a)(1)).

(7) METHANE HYDRATE.—The term ''methane hydrate'' means—

(A) a methane clathrate that is in the form of a methane-water ice-like cyrstalline material and is stable and occurs naturally in deep-ocean and permafrost areas, and

(B) other natural gas hydrates found in association with deep-ocean and permafrost deposits of methane hydrate.

(8) SECRETARY OF ENERGY.—The term ''Secretary of Energy'' means the Secretary of Energy, acting through the Assistant Secretary for Fossil Energy.

(9) SECRETARY OF COMMERCE.—The term ''Secretary of Commerce'' means the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration.

(10) SECRETARY OF DEFENSE.—The term ''Secretary of Defense'' means the Secretary of Defense, acting through the Secretary of the Navy.

(11) SECRETARY OF THE INTERIOR.—The term ''Secretary of the Interior'' means the Secretary of the Interior, acting through the Director of the United States Geological Survey and the Director of the Minerals Management Service.

SEC. 3. METHANE HYDRATE RESEARCH AND DEVELOPMENT PROGRAM.

(a) IN GENERAL.—

(1) COMMENCEMENT OF PROGRAM.—Not later than 180 days after the date of enactment of this Act, the Secretary of Energy, in collaboration with the Secretary of Commerce, the Secretary of Defense, the Secretary of the Interior, and the Director, shall commence a program of methane hydrate research and development in accordance with subsection (b).

(2) DESIGNATIONS.—The Secretary of Energy, the Secretary of Commerce, the Secretary of Defense, the Secretary of the Interior, and the Director shall designate individuals to carry out this section.

(3) COORDINATION.—The individual designated by the Secretary of Energy shall coordinate all activities within the Department of Energy relating to methane hydrate research and development.

(4) MEETINGS.—The individuals designated under paragraph (2) shall meet not later than 270 days after the date of enactment of this Act, and not less frequently than every 120 days thereafter to—

(A) review the progress of the program under paragraph (1); and

(B) make recommendations on future activities to occur subsequent to the meeting.

(b) GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS.—

(1) ASSISTANCE AND COORDINATION.—In carrying out the program of methane hydrate research and development authorized by this subsection the Secretary of Energy may award grants or contracts to, or enter into cooperative agreements with, institutions of higher education and industrial enterprises to—

(A) conduct basic and applied research to identify, explore, assess, and develop methane hydrate as a source of energy;

(B) assist in developing technologies required for efficient and environmentally sound development of methane hydrate resources;

(C) undertake research programs to provide safe means of transport and storage of methane produced from gas methane hydrates;

(D) promote education and training in methane hydrate resource research and resource development;

(E) conduct basic and applied research to assess and mitigate the environmental impacts of hydrate degassing (including both natural degassing and degassing associated with commercial development);

(F) develop technologies to reduce the risks of drilling through methane hydrates; and

(G) conduct exploratory drilling in support of the activities authorized by this paragraph.

(2) COMPETITIVE MERIT-BASED REVIEW.—Funds made available under paragraph (1) shall be made available based on a competitive merit-based process.

(3) CONSULTATION.—

(A) IN GENERAL.—The Secretary of Energy shall establish and advisory panel consisting of experts from industry, institutions of higher education, and Federal agencies to—

(i) advise the Secretary of Energy on potential applications of methane hydrate; and

(ii) assist in developing recommendations and priorities for the as methane hydrate research and development program carried out under subsection (a)(1); and

(iii) not later than 2 years after the date of enactment of this Act, and at such later dates as the panel considers advisable, submit to Congress a report on the anticipated impact on global climate change from—

(I) methane hydrate formation;

(II) methane hydrate degassing (including natural degassing and degassing associated with commercial development); and

(III) the consumption of natural gas produced from methane hydrates.

(B) MEMBERSHIP.—Not more than twenty-five percent of the individuals serving on the advisory panel shall be Federal employees.

(c) LIMITATIONS.—

(1) ADMINISTRATIVE EXPENSES.—Not more than 5 percent of the amount made available to carry out this section for a fiscal year may be used by the Secretary of Energy for expenses associated with the administration of the program carried out under subsection (a)(1).

(2) CONSTRUCTION COSTS.—None of the funds made available to carry out this section may

be used for the construction of a new building or the acquisition, expansion, remodeling, or alteration of an existing building (including site grading and improvement and architect fees).

(d) Responsibilities of the Secretary of Energy.—In carrying out subsection (b)(1), the Secretary of Energy, shall—

(1) facilitate and develop partnerships among government, industry, and institutions of higher education to research, identify, assess, and explore methane hydrate resources;

(2) undertake programs to develop basic information necessary for promoting long-term interest in methane hydrate resources as an energy source;

(3) ensure that the data and information developed through the program are accessible and widely disseminated as needed and appropriate;

(4) promote cooperation among agencies that are developing technologies that may hold promise for methane hydrate resource development; and

(5) report annually to Congress on accomplishments under this section.

SEC. 4. AMENDMENTS TO THE MINING AND MINERALS POLICY ACT OF 1970.

Section 201 of the Mining and Minerals Policy Act of 1970 (30 U.S.C. 1901) is amended—

(1) in paragraph (6)—

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

(B) by redesignating subparagraph (G) as subparagraph (H); and

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

''(G) for purposes of this section and sections 202 through 205 only, methane hydrate; and''.

(2) by redesignating paragraph (7) as paragraph (8); and

(3) by inserting after paragraph 6 the following:

''(7) The term ''methane hydrate'' means—

''(A) a methane clathrate that is in the form of a methane-water ice-like crystalline material and is stable and occurs naturally in deep-ocean and permafrost areas; and

''(B) other natural gas hydrates found in association with deep-ocean and permafrost deposits of methane hydrate.'';

SEC. 5. REPORTS AND STUDIES.

The Secretary of Energy shall simultaneously provide to the Committee on Science and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate copies of any report or study that the Department of Energy pursuant to this Act.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Energy to carry out this Act—

(1) $5,000,000 for fiscal year 2000;
(2) $7,500,000 for fiscal year 2001;
(3) $11,000,000 for fiscal year 2002;
(4) $12,000,000 for fiscal year 2003;
(5) $12,000,000 for fiscal year 2004; and
(6) thereafter such sums as are necessary.

Amounts authorized under this section shall remain available until expended.

Amend the title to read as follow: ''An act to promote the research, identification, assessment, exploration, and development of methane hydrate resources, and for other purposes.''.

The amendment (No. 2806) was agreed to.

The bill (H.R. 1753, as amended, was passed.

SENATOR COLLINS FROM MAINE

Mr. LOTT. Mr. President, I also want to thank the Senator from Maine who is on the floor and waiting to assist with the closing of the Senate for the year.

The hour is late on Friday night, but she has agreed to be here. And she also does a magnificent job presiding in the Chair. I thank her for being here and being prepared to help us with the closing actions that are necessary in order for the Senate to complete this session of the Congress.

LEWIS AND CLARK NATIONAL HISTORIC TRAIL LAND

Mr. LOTT. Mr. President, I ask unanimous consent that the Energy Committee be discharged from consideration of H.R. 2737, and the Senate then proceed to its immediate consideration.

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

The Clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2737) to authorize the Secretary of the Interior to convey to the State of Illinois certain federal land associated with the Lewis and Clark National Historic Trail.

There being no objection, the Senate proceeded to consider the bill.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be read three times, passed, the motion to reconsider be laid upon the table, with no intervening action.

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

The bill (H.R. 2737) was read the third time, and passed.

JACKSON MULTI-AGENCY CAMPUS ACT OF 1999

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of Calendar No. 401, S. 1374.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as following:

A bill (S. 1374) to authorize the development and maintenance of multi-agency campus project in the town of Jackson, WY.

There being objection, the Senate proceeded to consider the bill 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 ''Jackson Multi-Agency Campus Act of 1999''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the management of public land and natural resources and the service of the public in the area of Jackson, Wyoming, are responsibilities shared by—

(A) the Department of Agriculture;

(B) the Forest Service;

(C) the Department of the Interior, including—

(i) the National Park Service; and

(ii) the United States Fish and Wildlife Service;

(D) the Game and Fish Commission of the State of Wyoming;

(E) Teton County, Wyoming;

(F) the town of Jackson, Wyoming;

(G) the Jackson Chamber of Commerce; and

(H) the Jackson Hole Historical Society; and

(2) it is desirable to locate the administrative offices of several of the agencies and entities specified in paragraph (1) on 1 site to—

(A) facilitate communication between the agencies and entities;

(B) reduce costs to the Federal, State, and local governments; and

(C) better serve the public.

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

(1) to authorize the Federal agencies specified in subsection (a)—

(A) to develop and maintain the Project in Jackson, Wyoming, in cooperation with the other agencies and entities specified in subsection (a); and

(B) to provide resources and enter into such agreements as are necessary for the planning, design, construction, operation, maintenance, and fixture modifications of all elements of the Project;

(2) to direct the Secretary to convey to the town of Jackson, Wyoming, certain parcels of federally owned land located in Teton County, Wyoming, in exchange for construction of facilities for the Bridger-Teton National Forest by the town of Jackson;

(3) to direct the Secretary to convey to the Game and Fish Commission of the State of Wyoming certain parcels of federally owned land in the town of Jackson, Wyoming, in exchange for approximately 1.35 acres of land, also located in the town of Jackson, to be used in the construction of the Project; and

(4) to relinquish certain reversionary interests of the United States in order to facilitate the transactions described in paragraphs (1) through (3).

SEC. 3. DEFINITIONS.

In this Act:

(1) COMMISSION.—The term ''Commission'' means the Game and Fish Commission of the State of Wyoming.

(2) CONSTRUCTION COST.—The term ''construction cost'' means any cost that is—

(A) associated with building improvements to Federal standards and guidelines; and

(B) open to a competitive bidding process approved by the Secretary.

(3) FEDERAL PARCEL.—The term ''Federal parcel'' means—

(A) the parcel of land, and all appurtenances to the land, comprising approximately 15.3 acres, depicted as ''Bridger-Teton National Forest'' on the Map; and

(B) the parcel comprising approximately 80 acres, known as the ''Cache Creek Administrative Site'', located adjacent to the town.

(4) MAP.—The term ''Map'' means the map entitled ''Multi-Agency Campus Project Site'', dated March 31, 1999, and on file in the offices of—

(A) the Bridger-Teton National Forest, in the State of Wyoming; and

(B) the Chief of the Forest Service.

(5) MASTER PLAN.—The term ''master plan'' means the document entitled ''Conceptual Master Plan'', dated July 14, 1998, and on file at the offices of—

(A) the Bridger-Teton National Forest, in the State of Wyoming; and

(B) the Chief of the Forest Service.

(6) PROJECT.—The term ''Project'' means the proposed project for construction of a multi-agency campus, to be carried out by the town of Jackson in cooperation with the other agencies and entities described in section 2(a)(1), to provide, in accordance with the master plan—

(A) administrative facilities for various agencies and entities; and

(B) interpretive, educational, and other facilities for visitors to the greater Yellowstone area.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture (including a designee of the Secretary).

(8) STATE PARCEL.—The term ''State parcel'' means the parcel of land comprising approximately 3 acres, depicted as ''Wyoming Game and Fish'' on the Map.

(9) TOWN.—The term ''town'' means the town of Jackson, Wyoming.

SEC. 4. MULTI-AGENCY CAMPUS PROJECT, JACKSON, WYOMING.

(a) CONSTRUCTION FOR EXCHANGE OF PROPERTY.—

(1) IN GENERAL.—Not later than 5 years after the date of enactment of this Act, the town may construct, as part of the Project, an administrative facility to be owned and operated by the Bridger-Teton National Forest, if—

(A) an offer by the town to construct the administrative facility is accepted by the Secretary under paragraph (2);

(B) a memorandum of understanding between the town and the Secretary outlining the roles and responsibilities of each party involved in the land exchange and construction is executed;

(C) a final building design and construction cost estimate is approved by the Secretary; and

(D) the exchange described in subsection (b)(2) is completed in accordance with that subsection.

(2) ACCEPTANCE AND AUTHORIZATION TO CONSTRUCT.—The Secretary, on receipt of an acceptable offer from the town under paragraph (1), shall authorize the town to construct the administrative facility described in paragraph (1) in accordance with this Act.

(3) CONVEYANCE.—

(A) SECRETARY.—The Secretary shall convey all right, title, and interest in and to the Federal land described in section 5(a)(1) to the town in simultaneous exchange for, and on satisfactory completion of, the administrative facility.

(B) TOWN.—The town shall convey all right, title, and interest in and to the administrative facility constructed under this section in exchange for the land described in 5(a)(1).

(b) OFFER TO CONVEY STATE PARCEL.—

(1) IN GENERAL.—The Commission may offer to convey a portion of the State parcel, depicted on the Map as ''Parcel Three'', to the United States to be used for construction of an administrative facility for the Bridger-Teton National Forest.

(2) CONVEYANCE.—If the offer described in paragraph (1) is made not later than 5 years after the date of enactment of this Act, the Secretary shall convey the Federal land described in section 5(a)(2) to the Commission, in exchange for the portion of the State parcel described in paragraph (1), in accordance with this Act.

SEC. 5. CONVEYANCE OF FEDERAL LAND.

(a) IN GENERAL.—In exchange for the consideration described in section 3, the Secretary shall convey—

(1) to the town, in a manner that equalizes values—

(A) the portion of the Federal parcel, comprising approximately 9.3 acres, depicted on the Map as ''Parcel Two''; and

(B) if an additional conveyance of land is necessary to equalize the values of land exchanged after the conveyance of Parcel Two, an appropriate portion of the portion of the Federal parcel comprising approximately 80 acres, known as the ''Cache Creek Administrative Site'' and located adjacent to the town; and

(2) to the Commission, the portion of the Federal parcel, comprising approximately 3.2 acres, depicted on the Map as ''Parcel One''.

(b) REVERSIONARY INTERESTS.—As additional consideration for acceptance by the United States of any offer described in section 4, the United States shall relinquish all reversionary interests in the State parcel, as set forth in the deed between the United States and the State of Wyoming, dated February 19, 1957, and recorded on October 2, 1967, in Book 14 of Deeds, Page 382, in the records of Teton County, Wyoming.

SEC. 6. EQUAL VALUE OF INTERESTS EXCHANGED.

(a) VALUATION OF LAND TO BE CONVEYED.—

(1) IN GENERAL.—The fair market and improvement values of the land to be exchanged under this Act shall be determined—

(A) by appraisals acceptable to the Secretary, using nationally recognized appraisal standards; and

(B) in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(2) APPRAISAL REPORT.—Each appraisal report shall be written to Federal standards, as defined in the Uniform Appraisal Standards for Federal Land Acquisitions developed by the Interagency Land Acquisition Conference.

(3) NO EFFECT ON VALUE OF REVERSIONARY INTERESTS.—An appraisal of the State parcel shall not take into consideration any reversionary interest held by the United States in the State parcel as of the date on which the appraisal is conducted.

(b) VALUE OF FEDERAL LAND GREATER THAN CONSTRUCTION COSTS.—If the value of the Federal land to be conveyed to the town under section 5(a)(1) is greater than the construction costs to be paid by the town for the administrative facility described in section 4(a), the Secretary shall reduce the acreage of the Federal land conveyed so that the value of the Federal land conveyed to the town closely approximates the construction costs.

(c) VALUE OF FEDERAL LAND EQUAL TO VALUE OF STATE PARCEL.—

(1) IN GENERAL.—The value of any Federal land conveyed to the Commission under section 5(a)(2) shall be equal to the value of the State parcel conveyed to the United States under section 4(b).

(2) BOUNDARIES.—The boundaries of the Federal land and the State parcel may be adjusted to equalize values.

(d) PAYMENT OF CASH EQUALIZATION.—Notwithstanding subsections (b) and (c), the values of Federal land and the State parcel may be equalized by payment of cash to the Secretary, the Commission, or the town, as appropriate, in accordance with section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)), if the values cannot be equalized by adjusting the size of parcels to be conveyed or by conveying additional land, without compromising the design of the Project.

SEC. 7. ADDITIONAL PROVISIONS.

(a) CONSTRUCTION OF FEDERAL FACILITIES.—The construction of facilities on Federal land within the boundaries of the Project shall be—

(1) supervised and managed by the town in accordance with the memorandum of agreement referred to in section 4(a)(1)(A); and

(2) carried out to standards and specifications approved by the Secretary.

(b) ACCESS.—The town (including contractors and subcontractors of the town) shall have access to the Federal land until completion of construction for all purposes related to construction of facilities under this Act.

(c) ADMINISTRATION OF LAND ACQUIRED BY UNITED STATES.—Land acquired by the United States under this Act shall be governed by all laws applicable to the administration of national forest sites.

(d) WETLAND.—

(1) IN GENERAL.—There shall be no construction of any facility after the date of conveyance of Federal land under this Act within any portion of the Federal parcel delineated on the map as ''wetlands''.

(2) DEEDS AND CONVEYANCE DOCUMENTS.—A deed or other conveyance document executed by the Secretary in carrying out this Act shall contain such reservations as are necessary to preclude development of wetland on any portion of the Federal parcel.

Mr. LOTT. Mr. President, I ask unanimous consent that the committee substitute be agreed to, the bill be 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 committee amendment in the nature of a substitute was agreed to.

The bill (S. 1374), as amended, was read the third time, and passed, as follows:

S. 1374

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 ''Jackson Multi-Agency Campus Act of 1999''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the management of public land and natural resources and the service of the public in the area of Jackson, Wyoming, are responsibilities shared by—

(A) the Department of Agriculture;

(B) the Forest Service;

(C) the Department of the Interior, including—

(i) the National Park Service; and

(ii) the United States Fish and Wildlife Service;

(D) the Game and Fish Commission of the State of Wyoming;

(E) Teton County, Wyoming;

(F) the town of Jackson, Wyoming;

(G) the Jackson Chamber of Commerce; and

(H) the Jackson Hole Historical Society; and

(2) it is desirable to locate the administrative offices of several of the agencies and entities specified in paragraph (1) on 1 site to—

(A) facilitate communication between the agencies and entities;

(B) reduce costs to the Federal, State, and local governments; and

(C) better serve the public.

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

(1) to authorize the Federal agencies specified in subsection (a)—

(A) to develop and maintain the Project in Jackson, Wyoming, in cooperation with the other agencies and entities specified in subsection (a); and

(B) to provide resources and enter into such agreements as are necessary for the planning, design, construction, operation, maintenance, and fixture modifications of all elements of the Project;

(2) to direct the Secretary to convey to the town of Jackson, Wyoming, certain parcels of federally owned land located in Teton County, Wyoming, in exchange for construction of facilities for the Bridger-Teton National Forest by the town of Jackson;

(3) to direct the Secretary to convey to the Game and Fish Commission of the State of Wyoming certain parcels of federally owned land in the town of Jackson, Wyoming, in exchange for approximately 1.35 acres of land, also located in the town of Jackson, to be used in the construction of the Project; and

(4) to relinquish certain reversionary interests of the United States in order to facilitate the transactions described in paragraphs (1) through (3).

SEC. 3. DEFINITIONS.

In this Act:

(1) COMMISSION.—The term ''Commission'' means the Game and Fish Commission of the State of Wyoming.

(2) CONSTRUCTION COST.—The term ''construction cost'' means any cost that is—

(A) associated with building improvements to Federal standards and guidelines; and

(B) open to a competitive bidding process approved by the Secretary.

(3) FEDERAL PARCEL.—The term ''Federal parcel'' means—

(A) the parcel of land, and all appurtenances to the land, comprising approximately 15.3 acres, depicted as ''Bridger-Teton National Forest'' on the Map; and

(B) the parcel comprising approximately 80 acres, known as the ''Cache Creek Administrative Site'', located adjacent to the town.

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(6) PROJECT.—The term ''Project'' means the proposed project for construction of a multi-agency campus, to be carried out by the town of Jackson in cooperation with the other agencies and entities described in section 2(a)(1), to provide, in accordance with the master plan—

(A) administrative facilities for various agencies and entities; and

(B) interpretive, educational, and other facilities for visitors to the greater Yellowstone area.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture (including a designee of the Secretary).

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(A) an offer by the town to construct the administrative facility is accepted by the Secretary under paragraph (2);

(B) a memorandum of understanding between the town and the Secretary outlining the roles and responsibilities of each party involved in the land exchange and construction is executed;

(C) a final building design and construction cost estimate is approved by the Secretary; and

(D) the exchange described in subsection (b)(2) is completed in accordance with that subsection.

(2) ACCEPTANCE AND AUTHORIZATION TO CONSTRUCT.—The Secretary, on receipt of an acceptable offer from the town under paragraph (1), shall authorize the town to construct the administrative facility described in paragraph (1) in accordance with this Act.

(3) CONVEYANCE.—

(A) SECRETARY.—The Secretary shall convey all right, title, and interest in and to the Federal land described in section 5(a)(1) to the town in simultaneous exchange for, and on satisfactory completion of, the administrative facility.

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(B) in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(2) APPRAISAL REPORT.—Each appraisal report shall be written to Federal standards, as defined in the Uniform Appraisal Standards for Federal Land Acquisitions developed by the Interagency Land Acquisition Conference.

(3) NO EFFECT ON VALUE OF REVERSIONARY INTERESTS.—An appraisal of the State parcel shall not take into consideration any reversionary interest held by the United States in the State parcel as of the date on which the appraisal is conducted.

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(1) IN GENERAL.—There shall be no construction of any facility after the date of conveyance of Federal land under this Act within any portion of the Federal parcel delineated on the map as ''wetlands''.

(2) DEEDS AND CONVEYANCE DOCUMENTS.—A deed or other conveyance document executed by the Secretary in carrying out this Act shall contain such reservations as are necessary to preclude development of wetland on any portion of the Federal parcel.

AMENDMENT TO THE PACIFIC ELECTRIC POWER PLANNING AND CONSERVATION ACT

AMENDMENT TO THE ACT THAT ESTABLISHED THE KEWEENAW NATIONAL HISTORICAL PARK

Mr. LOTT. Mr. President, I ask unanimous consent that the Energy Committee be discharged from further consideration of S. 1937, and H.R. 748, and the Senate then proceed to their immediate consideration en bloc.

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

The clerk will report the bills by title.

The legislative clerk read as follows:

A bill (S. 1937) to amend the Pacific Northwest Electric Power Planning and Conservation Act to provide for sales of electricity by the Bonneville Power Administration to joint operating entities.

A bill (H.R. 748) to amend the Act that established the Keweenaw National Historical Park to require the Secretary of the Interior to consider nominees of various local interests in appointing members of the Keweenaw National Historical Parks Advisory Commission.

There being no objection, the Senate proceeded to consider the bills.

Mr. LEVIN. Mr. President, I am very pleased that the Senate is about to approve H.R. 748, legislation to repair a constitutional defect in the way the advisory commission was structured in the Act which established the Keweenaw National Historical Park. The Act instructed the Secretary of the Interior to select an Advisory Commission from a list of nominees provided by state and local officials. The Justice Department has taken the position that this provision violates the Appointments Clause of the Constitution (Article II, Section 2).

Mr. President, I have worked hard to pass this legislation in the Senate which has already passed the House of Representatives. With the President's signature, this legislation can now become law, relieving the uncertainty and ambiguity relative to the commission which has lasted too long by permitting the appointment of the advisory commission to move forward. This will greatly assist in my efforts and those of the many supporters and admirers of this beautiful and historic park.

Along with the money being appropriated today for the park, we are giving a major boost to the preservation of this significant part of Michigan's and America's history.

Mr. LOTT. Mr. President, I ask unanimous consent that the bills be read a third time, passed, the motions to reconsider be laid upon the table, and any statements relating to the bills be printed in the RECORD with the above occurring en bloc.

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

The bill (S. 1937) was read the third time and passed, as follows:

S. 1937

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

SECTION 1. Section 5(b) of the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839c(b)) is amended by adding at the end the following:

''(7) REQUIRED SALE.—

''(A) DEFINITION OF A JOINT OPERATING ENTITY.—In this section, the term 'joint operating entity' means an entity that is lawfully organized under State law as a public body or cooperative prior to the date of enactment of this paragraph, and is formed by and whose members or participants are two or more public bodies or cooperatives, each of which was a customer of the Bonneville Power Administration on or before January 1, 1999.

''(B) SALE.—Pursuant to paragraph (1), the Administrator shall sell, at wholesale to a joint operating entity, electric power solely for the purpose of meeting the regional firm power consumer loads of regional public bodies and cooperatives that are members of or participants in the joint operating entity.

''(C) NO RESALE.—A public body or cooperative to which a joint operating entity sells electric power under subparagraph (B) shall not resell that power except to retail customers of the public body or cooperative or to another regional member or participant of the same joint operating entity, or except as otherwise permitted by law.''.

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

CONGRATULATING SENATORS FOR THE LEWIS AND CLARK AUTHORIZATION PROJECT

Mr. DASCHLE. Mr. President, I know there is additional business to be conducted.

Let me say briefly that we have just passed a number of very important pieces of legislation affecting many States, and it is unfortunate at this hour and given these circumstances that Senators who have had so much to do with their passage are not on the floor to be able to watch them as they have finally passed.

I commend Senator JOHNSON in particular for one bill that was part of the package, the Lewis and Clark authorization project.

As a result of the passage of this legislation, there are tens of thousands of people in southeastern South Dakota, southwestern Minnesota, and northeastern Iowa who will benefit from good, clean, abundant sources of water, in some cases for the first time in a long time.

This has been a work in progress for many years. It passed in large measure because there was such a collective effort in the southeastern part of our State, and the southwestern part of Minnesota, and, as I said, in the northeastern part of Iowa.

I commend them for their efforts and their diligence and their persistence. I congratulate them for the fact that it now has passed.

Let me also thank the distinguished Senator from Oregon, Mr. SMITH, and the Senator from Alaska, Mr. MURKOWSKI, for all of their help and effort in getting us to this point.

It would not have happened without them as well.

This is a great day for my State. It is a great day for those in other States.

I, again, congratulate especially Senator JOHNSON for his leadership and his effort in getting us to this point.

I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from West Virginia.

SENATOR HOLLINGS

Mr. BYRD. Mr. President, on occasion I have noted the birthdays of some of my colleagues by sharing a few observations about them. But, like those poor schoolchildren whose birthdays fall in the middle of the summer vacation, thus denying them the pleasure of a day of special recognition at school, one of my colleague's birthday falls on a day when the Senate can be virtually guaranteed not to be in session. I do not wish to let the whim of the calendar prevent me from honoring a man whose many sterling qualities compare to his more natally auspicious brethren.

Senator ERNEST F. ''FRITZ'' HOLLINGS was born on January 1, 1922, denying by just a few hours an extra year's tax deduction to his hardworking parents. That may have been the only disappointment caused by their overachieving son, however. Young ERNEST went on to do his parents proud by graduating as a member of the highest honor society at The Citadel in 1942, then serving proudly for thirty-three months in World War II, attaining the rank of captain. Upon returning home, he again took up the scholar's mantle, earning his law degree at the University of South Carolina in 1947, followed by his doctorate of law from The Citadel in 1959. He excelled as a lawyer, being admitted to practice before the South Carolina Supreme Court, the U.S. District Court, the U.S. Circuit Court of Appeals, U.S. Tax Court, U.S. Customs Court, and the U.S. Supreme Court. He was first elected to public office at the tender age of 26, in 1948, to the South Carolina General Assembly, and subsequently served with distinction as lieutenant governor, South Carolina's youngest Governor in this century, and as Senator. I feel sure his parents must have been proud of him. I know that I am proud to have served with him in the United States Senate for the last thirty-two, almost thirty-three, years.

The rolling, sonorous cadences of this rich Carolina drawl soften the edges of Senator HOLLINGS's sometimes acerbic observations and acid analysis of bills and treaties. I know of few Members who can so decisively carve up sloppy legislation with so few trenchant observations, so mellifluously delivered, that one still feels that the afternoon is going smoothly and pleasantly. With his background in tax and customs law, Senator HOLLINGS has long been a force on the Commerce Committee, and his energy is felt on the Senate Floor any time trade legislation or treaties are considered. As a member of the Appropriations and Budget Committees, he is well versed in the intricacies of fiscal policy-making. And on telecommunications matters few would dare tangle with him without first arming themselves with unassailable arguments at one's trigger finger, for fear of being completely done in by his quick-draw ripostes!

We have been on opposite ends of main street legislative shoot-outs over the years regarding the Balanced Budget Amendment and the nefarious Line Item Veto, but never has courtesy or friendship fallen victim to our philosophical disagreements. To the contrary, we have found common ground in our opposition to unfair trade practices and unequal trade agreements that hurt Americans. On the whole, I must admit I prefer to have Senator HOLLINGS on my side, rather than against, as he is such a formidable foe.

I have highlighted a few of my distinguished colleague's many honors, but there is one that still eludes him. For though he continues to make his parents proud in heaven, and his family and constituents proud here on Earth, he remains the most senior junior Senator in our nation's history. At 32 years and 10 months, Senator HOLLINGS has surpassed even the legendary Senator John C. Stennis, who served 31 years and 2 months of his impressive 42 years of service as a Senator from Mississippi in the shadow of the equally legendary Senator James O. Eastland. This record is a testament to both the performance and the endurance of Senator HOLLINGS and his distinguished senior Senator, STROM THURMOND. I know that Senator HOLLINGS wears his title with pride and good humor, and his home state of South Carolina is all the better for it.

As these last weeks of this congressional session come to a clattering and confusing end amid legislation, floor debates, and appropriations conferences, I am proud to keep a resolution I made last New Year's day to remember and pay tribute to a good friend and a remarkable, well talented Senator. I hope during his next birthday, come January 1, the year 2000, hidden among the hoopla and hyperbole surrounding the year 2000, that Senator HOLLINGS and his lovely wife, Peatsy, can celebrate his birthday knowing that it does not pass unnoticed or unacknowledged by his friends here in the Senate.

So, on behalf of my wife Erma, I say to Senator HOLLINGS these words:

Count your garden by the flowers
Never by the leaves that fall;
Count your days by the sunny hours,
Not remembering clouds at all;
Count your nights by stars, not shadows,
Count your life by smiles, not tears,
And on that beautiful January day,
Count your age by friends, not years.

SENATE FAMILY APPRECIATION

Mr. BYRD. Mr. President, I also want to thank the members of staffs of Senators, and the Members, the Senate family who sit here before us every day, who work so assiduously and in such a dedicated fashion. They make our lives easier than they would otherwise be, and they make it possible, whereas it would be otherwise impossible, for us to do the work of serving our constituents. I hope that they will all have a very happy Thanksgiving and very pleasant Christmas.

Let me also thank my colleagues on both sides of the aisle. The lovely lady from Maine sits in the majority leader's chair at this moment; she does the work of the Senate in such a beautiful manner, and who does so with such skill and dignity as rare as the day in June.

I want to thank everyone. I want to thank my own colleague, JAY ROCKEFELLER, for being my colleague, and I want to thank the official reporters for doing their difficult work and doing it so well and so promptly and always so courteously.

So I thank, in closing, the two leaders who make it possible for all of us to get our work done. They are courteous; they are very helpful. I particularly thank the distinguished majority leader for his assistance in regard to the amendment I offered yesterday and which was cosponsored by my senior colleague and by the senior Senator from Kentucky and the junior Senator from Kentucky, MITCH MCCONNELL, and Mr. BUNNING, and all of the other Senators on both sides of the aisle who worked with me on behalf of that amendment. I thank my own leader for also helping to pave the way for us to have a vote, have the Senate vote on that amendment.

When Thanksgiving Day comes and the turkey is being carved and my dear wife of 62, almost 62½ years, and my lovely daughters, their husbands, our grandchildren, and our great grandchildren are all around me, we will think of the blessings of the good Lord, and one of those blessings is that of being in the company of and associated with so many wonderful people who are part of the Senate family every day.

Mr. President, I yield the floor.

HAPPY BIRTHDAY, SENATOR BYRD

Ms. COLLINS. Mr. President, first I thank the distinguished Senator from West Virginia for his very kind comments. I also want to bring to my colleagues' attention the fact that the senior Senator from West Virginia, too, is celebrating a birthday very soon; I believe tomorrow is the day. On behalf of the entire Senate family, I wish him a very happy birthday and many more. He sets a standard of public service to which we all aspire. I am delighted to give him the greetings of the Senate this evening in the hope that he will enjoy a very happy birthday with his family.

Mr. BYRD. Mr. President, if the distinguished Senator will yield?

Ms. COLLINS. I am happy to yield to the Senator.

Mr. BYRD. I am very grateful for her overly generous and charitable remarks. May I say in kind to her:

The hours are like a string of pearls,
The days like diamonds rare,
The moments are the threads of gold,
That bind them for our wear,
So may the years that come to you
Such health and good contain
That every moment, hour, and day
Be like a golden chain.

Thank you, thank you, thank you.

Ms. COLLINS. I thank the Senator for his beautiful poetry and his kind wishes.

DUGGER MOUNTAIN WILDERNESS ACT OF 1999

Ms. COLLINS. Mr. President, I ask unanimous consent the Senate proceed to the consideration of H.R. 2632, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2632) to designate certain Federal lands in the Talladega National Forest in the State of Alabama as the Dugger Mountain Wilderness.

There being no objection, the Senate proceeded to consider the bill.

Ms. COLLINS. I ask unanimous consent the bill be read a 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 bill (H.R. 2632) was read the third time and passed.

FOSTER CARE INDEPENDENCE ACT OF 1999

Ms. COLLINS. Mr. President, I ask unanimous consent the Finance Committee be discharged from further consideration of H.R. 1802, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1802) to amend part E of title IV of the Social Security Act to provide the 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.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 2797

Ms. COLLINS. Mr. President, I offer a substitute amendment on behalf of myself, Senator ROTH, and Senator MOYNIHAN. It is at the desk. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maine [Ms. COLLINS], for herself, Mr. ROTH, Mr. MOYNIHAN, Mr. L. CHAFEE, and Mr. REED, proposes an amendment numbered 2797.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Ms. COLLINS. Mr. President, I ask unanimous consent the amendment be agreed to.

The amendment (No. 2797) was agreed to.

Ms. COLLINS. Mr. President, I am delighted to offer the substitute amendment on this legislation on behalf of myself, Senator ROBB, and Senator MOYNIHAN. This amendment is also cosponsored by Senators CHAFEE, BREAUX, JEFFORDS, KENNEDY, REED, GRAHAM, SNOWE, GORTON, FEINSTEIN, GREGG, LANDRIEU, BOND, LEVIN, and KERRY. It is a revised version of the Foster Care Independence Act of 1999, which our beloved friend and late colleague, Senator John Chafee of Rhode Island, first introduced with Senator ROCKEFELLER earlier this year.

I particularly commend the chairman and the ranking member of the Senate Finance Committee, Senator ROTH and Senator MOYNIHAN, for their leadership in negotiating and clearing this important bill so it could be sent to the President this year. Both have been long-time advocates for the well-being of foster children.

I also know Senator John Chafee would be so pleased that his son, LINC, is carrying on his efforts to help the well-being of foster children.

I thank the majority leader and the assistant majority leader for all of their work in helping us to bring this very important legislation to the Senate floor before we adjourn.

This legislation was very dear to the heart of Senator John Chafee. He recognized it as a rare opportunity to provide needed assistance to one of our Nation's most vulnerable groups, children in foster care programs. Senator Chafee was well known as a guardian of the rights of children, and he had a particular soft spot in his heart for children in foster care programs. He was a fierce advocate on their behalf.

It was tremendously important to Senator Chafee that we complete consideration of this legislation this year. This is why I am so proud this evening to be able to offer the substitute amendment as a tribute to Senator Chafee and to this commitment to help teenagers who are ''aging out'' of foster care.

Let me explain exactly what that means. Although practices vary from State to State, many foster children find themselves at risk of homelessness and being uninsured when they reach their 18th birthday. The families caring for them lose their financial assistance and the children themselves lose their health insurance coverage under the Medicaid program.

This can occur, even if the child is still in high school, even if the child has not yet graduated but has turned 18. Each year about 20,000 teenagers are forced to leave the foster care system simply because they have reached the age of 18. The legislation we are considering this evening will help remedy this very serious problem. It is similar to legislation that has already overwhelming passed the House of Representatives.

Among other things, the legislation renames the independent living programs for older foster children to be John H. Chafee Foster Care Independence Program. The legislation doubles the funding for States to assist young people in making the transition from foster care to independent living. It will double the funding from $70 million to $140 million a year.

The bill also provides access to needed health and mental health services for the teenagers who are ''aging out'' of foster care by encouraging States to extend Medicaid coverage to these young people until they reach the age of 21. Moreover, the legislation recognizes our moral obligation to provide special help for young people, age 18 to 21, who have left the foster care program.

The last hearing that Senator Chafee chaired was on the issue of foster care teenagers. I remember his discussing with me how deeply moved he was by a teenage girl who had to finish high school while living in a homeless shelter.

This legislation will help prevent these kinds of tragedies by requiring States to use some portion of their funds under the new John Chafee Independent Program for room and board for 18- to 21-year-olds who have left foster care. At the same time, the legislation also gives States greater flexibility in designing their independent living programs.

Senator Chafee and Senator ROCKEFELLER brought together a lot of these older foster children to meet with a number of us who were interested in hearing their stories. We heard incredible hardships of teenagers who were trying to finish high school while coping with medical problems and the loss of their foster homes. One of them was living in laundromats, was brushing her teeth at a McDonald's, was trying to keep her life together under very difficult circumstances.

This simply should not occur. This bill will go a long way to prevent such awful situations by making sure we are helping these teenagers, these young adults as they transition from foster care to independent living.

The Foster Care Independence Act will provide much needed support to vulnerable teenagers as they make the critical and always difficult, under the best circumstances, transition from adolescence to adulthood. It will greatly improve the lives of hundreds of thousands of young people who will move through the foster care system in future years. As such, it serves as a tremendous living tribute to the late Senator John Chafee, who was so committed to their care.

I urge all my colleagues to join me in supporting this very important legislation.

Mr. ROTH. Mr. President, I rise in support of the bill now before the Senate, the Foster Care Independence Act of 1999.

Before I describe this bill, let me point out that this measure is a tribute to the late Senator John Chafee. This legislation was Senator Chafee's last child welfare initiative in the Finance Committee. As members know, the well being of the nation's youth, particularly the most disadvantaged, was very important to John.

This legislation will provide important assistance to the nation's foster care children. Each year about 20,000 teenagers must leave foster care because they have reached the age of 18. They are then left to their own devices, to make a life for themselves, often with no one to rely on for emotional and financial support. Not surprisingly, these young people are more likely to quit school, be unemployed, have children out of wedlock, and end up on welfare or in jail.

With this bill, we show that this country has not forgotten these young people. As parents, we do certainly not cut off our children at 18. Indeed, children in foster care have more need than most for a helping hand if they are to succeed in adulthood. It is simply common sense and good policy to make a small investment to ensure that these young people become productive taxpaying citizens who can make contributions to society.

The Foster Care Independence Act doubles the money available to the States for the independent living program, from $70 million to $140 million per year. This program helps young people make the transition from foster care to self-sufficiency. The bill expands the program by providing former foster children between 18 and 21 assistance in preparing for further education, planning a career, or training for a job. These programs also offer personal support through mentors, as well as financial assistance and housing.

This bill encourages, but does not require, States to provide Medicaid to young adults who have left foster care. The bill also increases the amount foster children may save and still be eligible for foster care. Such savings will help prepare these young people for the day when they will be on their own.

Lastly, the bill includes a number of reforms that will reduce fraud in the Supplemental Security Income program. The SSI program is on GAO's list of high risk programs.

A childhood spent in foster care is a big enough challenge. Let us help these children find a brighter future. I urge my colleagues to support this legislation in the memory of John Chafee.

Mr. ROCKEFELLER. Mr. President, I rise today to join a bipartisan group of my colleagues in support of the John H. Chafee—Foster Care Independence Act of 1999.

My friend and colleague John Chafee will be honored numerous times in the coming years for his extraordinary public service to both the state and country that he so loved. He should be. There will be many fitting ways to pay him tribute by advancing the many causes important to him.

Enacting the fundamental principles of his bill into law today will be one small way that we can all honor a man who was an outstanding member and statesman in a way that I think he would appreciate because it helps some of our citizens who are most in need.

Senator Chafee has been a tireless champion for children and young people who need a voice, and occasionally some muscle, for many years. I had the privilege to work with him on just some of his efforts to help children, and in particular, to help repair and improve our adoption and foster care policies.

Senator Chafee's unflagging commitment to vulnerable young people was

exemplified by his work on the legislation now before the Senate. Just a few days before his death, he approached me personally to talk about what we could do to ensure that this legislation would pass into law this year.

I also believe that John himself would not agree with honoring him as a motive—he would expect us to pass this legislation for the teens in foster care who need and deserve more help. On October 13th, Senator Chafee and I held a subcommittee hearing on this bill, and it was our last hearing together. John was engaged in talking to the teens at the hearing and after listening to them, he knew that fighting to get this bill done was the right thing to do.

Since John cannot fulfill this vision, I am grateful to the Republican leadership for carrying forward in his name. Senators NICKLES, LOTT, and other members of the leadership have worked very hard to make this one of the final bills we will pass in 1999.

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.

I am keenly aware of the child welfare work that remains. I have worked closely this year with Senator GRASSLEY and understand the concerns that he has about the need for greater accountability and independent oversight for our nation's child welfare system. Senator GRASSLEY believes that there must be independent review of the foster care system, and he is advocating that every state establish Independent Foster Care Review Boards composed of volunteers. I have agreed with Senator GRASSLEY that this is a worthy strategy and I am committed to continue working with him next year as we seek innovative and effective ways to better serve all of our nation's abused and neglected children.

In addition to Senator GRASSLEY'S concerns, there are other issues in child welfare that need continued work. That is why I have also worked with Senators DEWINE, LANDRIEU, and others on a bill that will strengthen our child abuse and neglect courts, and another that will ensure that all abused and neglected children with special needs are eligible for adoption subsidy. These are just a few of the steps we need to take in 2000 and beyond.

While we still have much to do, we have made some progress. We have been pleased to learn that one of the desired outcomes of the 1997 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. In September, the President announced that 35 states had exceeded their goals for adoption placements and received bonus payments as a result. This is wonderful news for America's foster children.

Yet, at the same time, it's disturbing to know that approximately 20,000 young people each year who turn 18 and ''age out'' of the foster care system suddenly face the cold and often cruel consequence of no home, no family, no medical coverage and no system of support in place. In my own state of West Virginia, only 185 of the more than 1000 foster children over the age of 16 were able to get additional help through the state's Independent Living program.

A Wisconsin study tells us that 18 months after leaving foster care, over one-third of the teens leaving foster care 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 the young people who testified before the Finance Committee, Terry and Percy.

When Terry turned 18 she was still in high school. She quickly became homeless, and shared with us the horrifying stories of sleeping in alleys, laundrymats and hospital waiting rooms, brushing her teeth in MacDonald's restrooms so she could complete high school. She developed several medical problems including chicken pox and kidney problems for which she had no access to health care. Her problems worsened, and today, she has permanent kidney damage as a result of the lack of care.

Like Terry, Percy aged out of foster care while still in high school. He did not become homeless, thanks to the support of a local Independence Living program, he was assisted in obtaining an apartment and a job. Still, it was a big challenge to be totally on his own while still finishing school. He graduated and was motivated to go to college, but soon had to drop out because of his lack of health care coverage. Today, Percy is a successful and popular police officer, who still has a dream of finishing college one day.

This legislation before the Senate will provide resources and incentives to states so that fewer of our young people will become stories as horrific as Terry's, and more will receive the types of support that Percy received.

One of the most significant provisions of the 1997 Adoption Act was the assurance of ongoing health care coverage for all children with special needs who move from foster care to adoption. This bill will establish, the John H. Chafee Foster Care Independence Program, as the essential next step to expand vital access to health care for vulnerable youth. This important legislation will make it possible for health care coverage for our foster care youths not to end when they turn 18. 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 the 97 Adoption Act 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 permenant 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 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 to be carried out concurrent with adoption services for older teens, and involves adoptive parents in assisting these teens in becoming successfully independent.

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 support to make them successfully. This bill will provide the resources to improve Independent Programs so that they can achieve the basic goal. Funding is provided for national evaluation and for technical assistance to states to promote quality, and reports back to Congress so we can follow the progress of these efforts.

These will be valuable steps in our efforts to more 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 passing this bill for foster teens and in memory of John Chafee's long career dedicated to the children and others in need of his immense dedication and caring heart.

Mr. MOYNIHAN. Mr. President, some 4 months ago I was proud to cosponsor

this legislation when it was introduced by the late Senator John Chafee. I am prouder today that we are passing it. I am saddened, though, that he is not here with us to see it happen.

This legislation is typical of the work of Senator Chafee. It helps disadvantaged, often forgotten, children—those who are victims of abuse and neglect and have to be taken into foster care. It is practical. The bill is targeted and will help expand small-scale efforts already on the ground. And it is bipartisan, representing a consensus on how to move forward now.

In particular, this bill will help a group of our children in dire circumstances—foster children who leave foster care because they ''age out,'' not because they are reunified with their birth families or are adopted. 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 teenagers for the transition from foster care to independence. The bill 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.

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. Senator ROCKEFELLER and Chairman ROTH have been important as well. But, above all, I thank the late Senator Chafee.

Mr. REED. Mr. President, I rise to join Senators ROTH, COLLINS, LINCOLN, CHAFEE, MOYNIHAN, and others in support of the Foster Care Independence Act.

The Foster Care Independence Act, a top priority of the late Senator John Chafee, addresses the needs of children aging out of the foster care system who are facing the loss of critical support and benefits at a point when they most need them.

Nationally, an estimated 20,000 foster care children ''age out'' of the system each year. In my home state of Rhode Island, approximately 30 percent of all children currently in foster care are older and will soon be leaving the system.

When these young people leave the foster care system, they often find themselves on their own with few financial resources; limited education, training and employment options; no place to live; and little or no support from their community.

The vulnerability of this population cannot be overstated. Studies show that those leaving foster care experience higher rates of unemployment and illegitimate pregnancies and are more likely to fall victim to crime. Indeed, twenty-five to forty percent of these young adults transitioning from foster care experience homelessness; only about half have completed high school; and less than half find jobs.

Without the emotional, social, and financial support families provide, many of these young adults are not adequately prepared for life. If we do not arm them with the resources and skills they need as they transition out of foster care, we are sentencing these kids to failure and chronic dependency. We may see them again and again—on our welfare rolls, in our prisons, living on our streets. We do not want that legacy for any of our children, particularly when we know how to prevent such tragedies from happening in the first place.

I am proud to be an original cosponsor of the Senate's Foster Care Independence Act, which will help these young adults make a strong and sustainable transition to independent adulthood by expanding resources available through the Independent Living Program; allowing states to use Independent Living funds for basic living needs, including room and board; and allowing states to provide health care, including coverage of mental health needs, through Medicaid.

It is fitting that this legislation also renames the Independent Living Program after Senator John Chafee who worked so long on this issue and so hard on this legislation.

I am confident, however, that Senator Chafee would have said that we need to do more for these young people. He advocated strongly for requiring states to provide health care to those aging out of the foster care system that need it. This requirement is not included in the bill we are passing today, but I encourage my own Governor and others to use the flexibility in this bill to provide health care to all those aging out of foster care. While I remain committed to continuing my work on this issue, I urge my colleagues to support this legislation. It is an important step in helping young people leaving foster care to live up to their fullest potential.

Mr. L. CHAFEE. Mr. President, although I have only recently joined the Senate and did not have the privilege of working on this bill, I am honored to rise as a cosponsor of the John H. Chafee Foster Care Independence Act of 1999. I cannot think of a more fitting tribute to the memory of my late father than approving this legislation renamed in his honor.

I thank the leadership for bringing this bill to the floor so soon after my father's passing. And I would also like to acknowledge the hard work of the others who led the effort: Senators ROCKEFELLER, COLLINS, SNOWE, JEFFORDS, MOYNIHAN, BOND, and others. Along with my father, your efforts will provide assistance to one of our nation's most vulnerable groups: older 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.

However, this legislation will cushion a usually abrupt transition by funding Independent Living Programs for foster children through their 21st birthday. It also provides states the option to extend health and mental health care benefits to these youngsters until age 21 under the Medicaid Program and specifies a minimum grant of $500,000 for smaller states like Rhode Island to provide such benefits.

Before he died, my father learned first-hand of the need for this legislation when several older foster care children who had ''aged-out'' of the system testified before his Finance Subcommittee. These youngsters told moving stories; sleeping outdoors, eating out of dumpsters, and accepting the charity of their teachers to pay for medical bills became their harsh reality because they were too old to remain in an Independent Living Program or a foster family. As a result, many of his Senate colleagues and First Lady Hillary Clinton cheered him on in his efforts to enact this legislation.

Indeed, ensuring that the most vulnerable members of our society retained basic human dignity guided my father's actions during his years of public service. Bipartisanship was also a watchword he live by. This bill encompasses both of these noble qualities and I know he would be honored by the passage of this legislation today. I urge my colleagues to join me in supporting this important measure.

Mr. GRASSLEY. Mr. President, I rise today to discuss the critical issue of foster care. Today, there are more than 500,000 children and teens in our nation's foster care system. These children represent one of the most vulnerable segments of our population: Children who have been taken from unsafe homes, and children who have suffered from abuse and neglect. This group of children deserves all the love and attention of a loving, caring and permanent family. Foster care is not permanency. I repeat, foster care is and should not be viewed as permanency for children.

Unfortunately, some youth in foster care—estimated at 20,000 each year—

are not placed in a permanent, safe home before they are graduated from the child welfare system. These youth are expected to be self-sufficient, in many States at the age of eighteen. Foster care independent living programs, also known as ILPs, were initiated in 1985 in an attempt to provide this segment of the foster care population with the skills necessary for self-sufficiency. States have flexibility in the type of services they provide to their older foster youth; some options include assistance in locating employment, help in completing high school, or training in budgeting and other living skills.

The results of ILPs have been, at best, mixed. Two weeks ago, the Government Accounting Office released a report entitled ''Effectiveness of Independent Living Services Unknown.'' GAO conducted a study of ILPs at the request of House Ways and Means Subcommittee on Human Resources Chairman Nancy Johnson. This report reveals that only one national study has been completed to date, and the study determined that ILPs have the ''potential to improve outcomes for youths.'' The study went on to say that ''while HHS is tasked with overseeing implementation of ILP, it has done little to determine program effectiveness and has no established method to review the states' progress in helping youths in the transition from foster care.'' The GAO report recommends that the Secretary of HHS develop ''a uniform set of data elements and a report format for state reporting . . . and concrete measures of effectiveness of assessing state ILPs.''

I have, for a number of years, been concerned about the issue of accountability within the child welfare system. And, the GAO report supports my belief that more explicit information is needed from the States and HHS in order to ensure that Federal money is being spend in a manner that truly benefits the lives of our nation's troubled youth.

Today, the Senate passed legislation that will double the amount of money provided to States to conduct independent living programs. And, I am highly disappointed in the lack of specificity and accountability measures within the bill. Yes, the Secretary of HHS will be required to develop outcome measures and identify data elements in an attempt to collect uniform data from the States. However, there is great leeway provided the Secretary in developing such measures and States are not required to improve upon their own past performance. The Foster Care Independence Act, as passed by the Senate, does require the Secretary to report within 12 months her plans and timetable for collecting data and information from States. I am committed to following the progress of the Secretary in collecting data and developing standards for the States. Rest assured, I will be watching. And, I will do whatever is required of me to ensure that our nation's foster youth are provided with the most effective and worthwhile services their State agencies can provide.

Accountability is critical in any human undertaking. It provides an environment for those doing well to be commended and recognized. And, it sheds light on those acting irresponsibly. We in Congress have the responsibility to see that taxpayer money is spend wisely. I see a no more critical responsibility than in ensuring States are responsibly spending money on vulnerable youth in foster care.

November is National Adoption Month. Earlier this month, I joined my colleagues with the Congressional Coalition on Adoption in celebrating those who have made a difference through adoption. I was able to honor three worthy individuals from the great State of Iowa: Ruth Ann Gaines and Jeff and Earletta Morris. Ruth Ann adopted an autistic boy more than 14 years ago, and the Morrises adopted a teenager just over a year ago. I am grateful for their efforts and heart-felt belief in the value of family, and I am glad to announce them ''Angels in Adoption.''

In closing, I want to reaffirm my commitment to finding permanent, loving families for each boy and girl currently without a loving and safe home. I am disappointed the Foster Care Independence Act did not contain more provisions supporting permanency. However, I will continue my efforts in support of permanency for children in foster care. Among others, Congresswoman NANCY JOHNSON has given me her word that she will work with me to improve accountability in the child welfare system. I look forward to working with all my colleagues in the next session to that end.

Ms. COLLINS. Mr. President, I ask unanimous consent the bill be read a third time and passed, as amended, the motion to reconsider be laid upon the table, and any statements related to the bill be printed in the RECORD.

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

The bill (H.R. 1802), as amended, was read the third time and passed.

AUTHORITY TO MAKE APPOINTMENTS

Ms. COLLINS. Mr. President. I ask unanimous consent that, notwithstanding the sine die adjournment of the present session of the Senate, the President of the Senate, the President of the Senate pro tempore, the majority leader of the Senate, and the minority leader of the Senate be, and they are hereby authorized, to make appointments to commissions, committees, boards, conferences, and interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

The PRESIDING OFFICER. With objection, it is so ordered.

APPOINTMENT

The PRESIDING OFFICER. The Chair announces on behalf of the chairman of the Finance Committee, pursuant to section 8002 of title 26, U.S. Code, the designation of the Senator from Utah (Mr. HATCH) as a member of the Joint Committee on Taxation, in lieu of the late Senator from Rhode Island (Mr. Chafee).

AUTHORITY FOR COMMITTEES TO FILE REPORTED LEGISLATIVE AND EXECUTIVE MATTERS

Ms. COLLINS. Mr. President, I ask unanimous consent that notwithstanding the adjournment of the Senate, committees have from 11 a.m. until 1 p.m. on Tuesday, December 7, and on Friday, January 7, in order to file reported legislative and executive matters.

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

CONVENING THE SECOND SESSION OF THE 106TH CONGRESS

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate turn to the resolution convening the second session of the 106th Congress, House Joint Resolution 85, that the resolution be read a third time and passed and the motion to reconsider be laid upon the table, all without any intervening action or debate.

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

The joint resolution (H.J. 85) was read the third time and passed, as follows:

H.J. RES. 85

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DAY FOR CONVENING OF SECOND SESSION OF ONE HUNDRED SIXTH CONGRESS.

The second regular session of the One Hundred Sixth Congress shall begin at noon on Monday, January 24, 2000.

SEC. 2. ADDITIONAL SESSION PRIOR TO CONVENING.

If the Speaker of the House of Representatives and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House of Representatives and the Minority Leader of the Senate, determine that it is in the public interest for the Members of the House of Representatives and the Senate to reassemble prior to the convening of the second regular session of the One Hundred Sixth Congress as provided in section 1—

(1) the Speaker and Majority Leader shall so notify their respective Members; and

(2) Congress shall reassemble at noon on the second day after the Members are so notified.

MEASURE PLACED ON THE CALENDAR—S. 1982

Ms. COLLINS. Mr. President, I ask unanimous consent that S. 1982 be placed on the Calendar.

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

COMMENDING STEPHEN G. BALE, KEEPER OF THE STATIONERY

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 240, submitted earlier today by Senators LOTT and DASCHLE.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislation clerk read as follows:

A resolution (S. Res. 240) commending Stephen G. Bale, Keeper of the Stationery, United States Senate.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, on December 31, 1999, Steve Bale will retire as Keeper of the Stationery for the United States Senate.

Steve began his Senate career in November 1969 as a clerk in the Stationery Room. In July 1980, he was appointed Assistant Keeper of the Stationery, and in September 1987, assumed the responsibilities as the 16th Keeper of the Stationery.

In this capacity, Steve has directed a busy operation, successfully serving a client base that now spans over 240 offices and five buildings. His leadership of the recent renovations to the Stationery Room has ensured that the office will function efficiently, well into the 21st century.

In his 30 years of public service. Steve has set a standard among his associates for commitment to excellence and dedication to personal service. According to his staff, one of Steve's favorite expressions is, ''In this business, one 'oops' can wipe out fifteen 'attaboys'!'' The standard of excellence he set will benefit the Senate for years to come, as the associates he leaves behind continue in the tradition of the principles he espoused.

Steve Bale should enter his retirement with tremendous satisfaction for all he has accomplished. I am pleased to join so many others in thanking him for his long and faithful service and in wishing him health and happiness in the years to come.

Mr. DASCHLE. Mr. President, Steve Bale is one of those individuals who serve faithfully and diligently over many years to ensure that the United States Senate runs efficiently and effectively. All Senators know and appreciate the members of the Senate community who share their pride in public service and commitment to the Senate. We know we could not do our jobs without the dedication of people such as Steve Bale.

Steve began his career in the Senate in 1969 as an employee of the Stationery Room under the jurisdiction of the Secretary of the Senate and ultimately became Keeper of the Stationery. Not many ascend to that unusual title; there have been only fourteen in the history of the Senate. The first person to hold that title was John Lewis Clubb who was given the title in 1854, after some twenty years of actually doing the job. Some may wonder what the Keeper of the Stationery does for the Senate and how that job and title came into being.

The Stationery Room can be traced back to the First Congress and the first Secretary of the Senate, Samuel A. Otis, who provided various writing and other supplies for the Senate. Operated initially out of a corner of the Secretary's office, the Stationery Room has occupied nine different locations within the Senate. It has grown from this corner-office operation into a multi-million dollar one serving about 240 offices in the Senate and expanded from its initial offerings of ''ink, quills, and parchment'' to a complex merchandise facility which meets the hightech and traditional needs of these offices.

The Stationery Room used to be a simple, service desk facility. Steve led the transition to a full self-service store. Under Steve's direction, the administrative and business functions of the Stationery Room were automated for the first time. He oversaw the installation and GAO certification of an inventory control system and has supervised the installation and testing of the new Y2K compliant computer system. With Steve at the helm, we can all be absolutely certain that the Senate's Stationery Room will NOT have Y2K problems!

Of particular note is the role Steve played in the development and procurement of the Senate's official flag. S. Res. 369, agreed to on September 7, 1984, directed ''the Secretary of the Senate to design and make available to Members an official Senate flag.'' Working closely with the staff of the Committee on Rules and Administration, Steve provided the expertise to have a flag designed, find the appropriate manufacturer and ensure that the Senate has official flags for all of its official functions. Few Senators know about the relatively brief history of the Senate flag and fewer still know about Steve's important role in seeing that this resolution's direction was successfully carried out and that the Senate has a suitable and dignified flag.

We are fortunate to share a wonderful sense of community among the members and staff who serve here. Steve is among the most respected and well liked within this small community. Always helpful, always smiling, always encouraging to the numerous staff who come into his office on a daily basis, he has found no problem too trivial and no task too difficult to handle.

As Steve leaves his many friends and admirers in the Senate, we wish him a long retirement filled with many hours on the golf course.

Ms. COLLINS. 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 so ordered.

The resolution (S. Res. 240) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 240

Whereas the Senate has been advised that its Keeper of the Stationery, Stephen G. Bale, will retire on December 31, 1999;

Whereas Steve Bale became an employee of the Senate of the United States on November 13, 1969, and since that date has ably and faithfully upheld the high standards and traditions of the Senate for a period that included sixteen Congresses;

Whereas Steve Bale has served with distinction as Keeper of the Stationery, and at all times has discharged the important duties and responsibilities of his office with dedication and excellence; and

Whereas his exceptional service and his unfailing dedication have earned him our esteem and affection: Now, therefore, be it

Resolved, That the United States Senate commends Stephen G. Bale for his exemplary service to the Senate and the Nation; wishes to express its deep appreciation for his long, faithful and outstanding service; and extends its very best wishes upon his retirement.

SEC. 2. That the Secretary of the Senate shall transmit a copy of this resolution to Stephen G. Bale.

MOTOR CARRIER SAFETY IMPROVEMENT ACT OF 1999

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 3419.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3419) to amend title 49, United States Code, to establish the Federal Motor Carrier Safety Administration, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

• Mr. MCCAIN. Mr. President, today the Senate will consider H.R. 3419, the Motor Carrier Safety Improvement Act of 1999. H.R. 3419 reflects a negotiated compromise between the House and Senate on two bills (S. 1501 and H.R. 2679). I want to extend my appreciation to Senators HUTCHISON, HOLLINGS, and BREAUX, along with Congressmen SHUSTER and OBERSTAR, for their bipartisan effort in developing this comprehensive motor carrier safety legislation. I also want to acknowledge the recommendations by the Office of the Department of Transportation (DOT) Inspector General, Ken Mead and his staff, as well as the highway safety advocates, truck drivers, industry officials, and safety enforcement officials for their suggestions on improving truck and bus safety.

During the past year, significant attention has been directed toward truck safety issues in both chambers. Following a comprehensive analysis on the federal motor carrier safety program by the DOT Inspector General, the Commerce Committee held two hearings on truck safety concerns. The

House Transportation and Infrastructure Committee also conducted a number of oversight hearings and DOT initiated its own programmatic review. Based on these efforts, a consensus on the need to enact legislation to improve truck safety developed leading to the bipartisan legislation before the Senate today.

The Motor Carrier Safety Improvement Act would establish a separate Federal Motor Carrier Safety Administration within the DOT to carry out motor carrier safety responsibilities. I clearly do not desire to expand the size of the federal government. I know my view is shared by many of my colleagues. However, the near unanimous views voiced by all the interested parties involved in motor carrier safety agree that a separate agency is needed to remedy a severe lack of leadership over motor carrier safety enforcement and regulatory responsibilities at DOT. This legislation addresses this serious safety lapse, but guards against increasing the already bloated Federal bureaucracy by capping employment and funding for the new agency for Fiscal Year 2000.

This legislation provides additional motor carrier safety funding and we fully expect those resources to be dedicated toward increased motor carrier safety enforcement and inspection activities. The cost for unnecessary headquarters administrative or overhead positions, including public affairs officers, congressional liaison representatives and other nonsafety related positions, is not a proper use of the additional authorized funding. Therefore, the Administration is required to provided a detailed justification to the Committee on Commerce, Science, and Transportation and the House Committee on Transportation and Infrastructure before increasing any administrative or overhead positions beyond the current level.

Mr. President, this legislation includes numerous provisions to remedy truck and bus safety problems. I believe one of the most important items in the bill is the provision directing the Department to implement all of the safety recommendations issued by the IG's April 1999 audit report. DOT has indicated it will act on some of the recommendations, but it has been more than six months since the release of the IG's report and DOT has yet to articulate a definitive action plan to implement all of the IG's recommendations. I do not believe we can risk the consequences of ignoring any of these recommendations and accordingly, H.R. 3419 would require concrete action to eliminate the identified safety gaps at DOT. It also gives DOT authority to establish an advisory committee to assist the Secretary in the timely completion of rulemakings and other matters.

This legislation is also designed to improve the Commercial Driver's License program. It would ensure a commercial motor vehicle driver has only one driver record. This uniform driving record would include all traffic violation convictions, whether those violation are committed in a passenger vehicle or a commercial vehicle. The legislation would also require DOT to initiate a rulemaking to combine driver medical records with the commercial drivers license.

Mr. President, the legislation also initiates several actions to remedy inaccurate and incomplete safety data. We must have accurate data if we are going to be able to target enforcement action against unsafe carriers and get them off our roads. Consequently, H.R. 3419 directs the Secretary to carry out a program to improve the collection and analysis of commercial motor vehicle crash data, including accident causation. The National Highway Traffic Safety Administration (NHTSA), in cooperation with the newly established Motor Carrier Safety Administration, would administer the data improvement program.

The legislation also addresses problems identified by the DOT Inspector General concerning foreign truck companies. It reaffirms the existing prohibition on foreign motor carriers from operating or leasing equipment anywhere within the United States outside the boundaries of a commercial zone along the U.S.-Mexico Border unless such foreign carriers have DOT authority to operate beyond the zones.

Mr. President, this comprehensive safety legislation includes many other important provisions. I urge my colleagues to support passage of this important safety legislation. I ask unanimous consent a detailed Joint Explanatory Statement of the bill be printed in the RECORD immediately following my remarks. This Joint Statement will provide legislative history interpreting this important motor carrier safety legislation.

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

JOINT EXPLANATORY STATEMENT ON H.R. 3419, MOTOR CARRIER SAFETY IMPROVEMENT ACT OF 1999

SECTION 1. SHORT TITLE; TABLE OF CONTENTS

The provision provides that this Act may be cited as the ''Motor Carrier Safety Improvement Act of 1999.'' The section also includes a table of contents for the bill.

SEC. 2. SECRETARY DEFINED

The provision defines the term ''Secretary'' to mean the Secretary of Transportation.

SEC. 3. FINDINGS

The provision makes eight findings on motor carrier safety. Among other findings, Congress finds that the current rate, number, and severity of crashes involving motor carriers are unacceptable; the number of Federal and State motor carrier compliance reviews and commercial motor vehicle and operator inspections is insufficient; civil penalties for violators must be utilized to deter future violations; and meaningful measures to improve safety must be implemented expeditiously to prevent increases in motor carrier crashes, injuries, and fatalities. Congress further finds that proper use of Federal resources is essential to the Department of Transportation's ability to improve its research, rulemaking, oversight, and enforcement activities.

SEC. 4. PURPOSES

The provision lists the purposes of this Act as improving the administration of the Federal motor carrier safety program by establishing a Federal Motor Carrier Safety Administration in the Department of Transportation and by enacting measures to reduce the number and severity of large truck-involved crashes through increased inspections and compliance reviews, stronger enforcement measures, expedited rulemakings, scientifically sound research, and improvements to the commercial driver's license program.

TITLE I—FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

SEC. 101. ESTABLISHMENT OF FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

Subsection 101(a) adds a new section 113 to title 49, United States Code, to establish, as a separate administration within the Department of Transportation, the Federal Motor Carrier Safety Administration (FMCSA). The managers note that Section 101 provides that ''in carrying out its duties, the Administrator shall consider the assignment and maintenance of safety as the highest priority.'' This subsection is modeled on provisions which govern the activities of the Federal Aviation Administration and the Secretary of Transportation's responsibilities for the regulation of air transportation. See 49 U.S.C. 40101(a)(1) and (d) and 49 U.S.C. 47101(a)(1). The Managers intend that new section 101 be interpreted and implemented in the same manner as the above-listed provisions in the laws governing aviation.

The Administration is headed by a Presidentially appointed, Senate-confirmed Administrator with professional experience in motor carrier safety; a Deputy Administrator appointed by the Secretary with the approval of the President, and a Chief Safety Officer appointed in the competitive service. In addition to any duties and powers prescribed by the Secretary, the Administrator shall carry out the duties and powers related to motor carriers and motor carrier safety set forth in chapters 5, 51, 55, 57, 59, 133 through 149, 311, 313, 315, and 317 of title 49, United States Code, and 42 U.S.C. 4917.

Subsection (b) provides dedicated funding for the administrative and research expenses of the FMCSA. This subsection increases funding 70 percent (an average of $38 million per year) above the level currently provided within the Federal Highway Administration, to improve the motor carrier safety research, rulemaking, oversight, and enforcement activities transferred to the FMCSA.

Subsections (c) and (d) make conforming amendments to titles 5 and 49, United States Code.

Subsection (e) caps the employment level currently at the Office of Motor Carrier Safety at its headquarters location in fiscal year 2000, except for staff transferred to the Office from the Federal Highway Administration, for fiscal year 2000. The cap includes Office of Motor Carrier Safety staff and FHWA transferred employees (FTEs) who were already dedicated to motor carrier safety matters when the Office of Motor Carrier Safety was established in October 1999. It does not preclude further transfers from the FHWA to the FMCSA during fiscal year 2000.

The Congress has provided additional motor carrier safety funding and expects those resources to be dedicated toward increased motor carrier safety enforcement and inspection activities and to expedite

rulemakings. The cost of unnecessary headquarters administrative or overhead positions, including public affairs officers, congressional liaison representatives and other nonsafety-related positions, is not a proper use of the additional authorized funding. These headquarters' officials are not involved in carrying out safety responsibilities such as developing policies and regulations to enforce motor carrier safety laws.

Subsection (e) requires the Secretary to report to the Senate Committee on Commerce, Science, and Transportation and the House Committee on Transportation and Infrastructure on the specific FMSCA personnel requested for each of fiscal years 2001, 2002, and 2003. The Secretary's justifications for any additional FMSCA headquarters' administrative or overhead positions shall include detailed descriptions of the specific needs to be addressed by the additional personnel. Such justifications must be submitted to allow sufficient time for the Committees to review the Secretary's request.

Subsection (f) provides that the authority to promulgate safety standards for commercial motor vehicles and equipment subsequent to initial manufacture is vested in the Secretary of Transportation and may be delegated.

Subsection (g) requires the Secretary to comply with the requirements of a discretionary departmental regulation, at 48 C.F.R. 1252.209–70, concerning the disclosure of conflicts of interest in research contracts, and to include the text of such regulation in each such contract. This requirement is Department wide. This subsection also calls for a study to determine the effectiveness of this requirement. Eliminating or mitigating conflicts of interest will increase the likelihood that the research results will be more widely accepted and therefore be a more acceptable basis for policy decisions.

The managers note the bill does not establish any specific offices of the FMCSA because the Secretary is best positioned to determine the specific organizational structure of the Administration. The Congress intends for the Secretary to organize the new agency in a manner and structure that adequately reflects the unique demands of passenger vehicle safety, international affairs, and consumer affairs.

SEC. 102. REVENUE ALIGNED BUDGET AUTHORITY

Subsection 102(a) amends section 110 of title 23, United States Code, concerning revenue aligned budget authority, to include the motor carrier safety assistance program (MCSAP) in the group of programs for which funding is annually adjusted to correspond to Highway Trust Fund receipts.

Subsection (b) makes a number of technical and conforming amendments, including the relocation of a second section 110, concerning uniform transferability of Federal-aid highway funds, to section 126 of title 23, United States Code.

SEC. 103. ADDITIONAL FUNDING FOR MOTOR CARRIER SAFETY GRANT PROGRAM

Subsection 103(a) authorizes an additional $75 million from the Highway Trust Fund for each of fiscal years 2001 through 2003 for the motor carrier safety assistance program.

Subsection (b) amends section 4003 of the Transportation Equity Act for the 21st Century (TEA 21) to increase the amount of guaranteed funding provided in TEA 21 for the motor carrier safety assistance program by the following amounts: $65 million for each of fiscal years 2001 through 2003. This subsection also amends section 1102 of TEA 21 to reduce the obligation ceiling for federal-aid highways and highway safety construction programs by $65 million for each of fiscal years 2001 through 2003.

Subsection (c) establishes a maintenance of effort requirement for States receiving MCSAP funds under this section. Each State must maintain its spending for MCSAP-eligible activities at a level equal to the average annual level of expenditures for MCSAP activities for fiscal years 1997, 1998, and 1999.

Subsection (d) permits the Secretary to provide emergency grants of up to $1 million to a State that is having difficulties in meeting the requirements associated with the commercial driver's license program and is in danger of having its program suspended due to noncompliance.

Subsection (e) provides that if a State is not in substantial compliance with each requirement of 49 U.S.C. 31311, concerning commercial driver's licensing, the Secretary shall withhold any allocation of MCSAP funds authorized under this section. This subsection also provides that if, before June 30 of the fiscal year in which it was found in noncompliance, a State is found by the Secretary to be in substantial compliance with each requirement of section 31311 of such title, the Secretary shall allocate to the State the funds withheld under this subsection.

SEC. 104. MOTOR CARRIER SAFETY STRATEGY

Subsection 104(a) requires the Secretary of Transportation, as part of the Department's existing federally required strategic planning efforts required under GPRA, to develop and implement a long-term strategy, including an annual plan and schedule for improving commercial motor vehicle, operator, and carrier safety, and sets forth four goals to be included in the strategy. The goals are: (1) reducing the number and rates of crashes, injuries, and fatalities involving commercial motor vehicles, (2) improving enforcement and compliance programs, (3) identifying and targeting enforcement at high-risk carriers, vehicles, and drivers, and (4) improving research.

Subsection (b) requires that goals be established that are designed to accomplish the safety strategy and that estimates be developed concerning the funding and staffing resources needed to accomplish the goals. By working toward the measurable goals, the Administration will also be progressing toward the strategic goals.

Subsection (c) requires the submission of the strategy and annual plan with the President's annual budget submission, starting with fiscal year 2001.

Subsection (d) establishes that for each of the fiscal years 2001 through 2003, the following officials shall enter into annual performance agreements between: (1) the Secretary and the Federal Motor Carrier Safety Administrator; (2) the Administrator and the Deputy Federal Motor Carrier Safety Administrator; (3) the Administrator and the Chief Safety Officer of the Federal Motor Carrier Safety Administration; and (4) the Administrator and the regulatory ombudsman designated by the Administrator. Each of these officials shall enter into a performance agreement that contains the appropriate numeric or measurable goals of the Administration's motor carrier safety strategy.

The provision requires that the Secretary assess the progress of the officials toward achieving their respective goals, and that the Secretary convey the assessments to the officials, identifying possible future performance improvements. An official's progress toward meeting the goals of a performance agreement is to be given substantial weight by the Secretary when bonuses or other achievement awards are dispersed consistent with the Department's established performance appraisal system.

Subsection (e) requires that the Secretary and the Administrator of the FMCSA assess the progress of the Administration toward achieving the goals set out in subsection (a) no less frequently than semiannually. The assessment should be conveyed to the employees of the FMCSA, and deficiencies identified. The Secretary is required to report to the Congress the results of the individual and Administration progress assessments annually.

Subsection (f) requires the Administrator of the FMCSA to designate a regulatory ombudsman to expedite rulemakings in order to meet statutory and internal departmental deadlines.

SEC. 105. COMMERCIAL MOTOR VEHICLE SAFETY ADVISORY COMMITTEE

The provision permits the establishment of a commercial motor vehicle safety advisory committee to provide advice and recommendations on a range of commercial motor vehicle safety issues. Members are appointed by the Secretary and include representatives of industry, drivers, safety advocates, manufacturers, safety enforcement officials, representatives of late enforcement agencies from border States, and other individuals affected by rulemakings. No one interest may constitute a majority. If the Secretary establishes the advisory committee, it should provide advice to the Secretary on commercial motor vehicle safety regulations ad other matters relating to activities and functions of the Federal Motor Carrier Safety Administration. The committee will remain in effect until September 30, 2003.

SEC. 106. SAVINGS PROVISION

The savings provision is intended to provide for the orderly transfer of personnel and property from the Office of Motor Carrier Safety to the FMCSA. The provision is also intended to ensure that legal documents and requirements that had been in effect on the date of the transfer, and proceedings in effect, will continue as if the Act had not been enacted. The savings provision also provides that lawsuits commenced against the Office of Motor Carrier Safety or its employees, in their official function, continue as if this Act had not been enacted. Further, the provision assures the authority of officials of the FMCSA to continue the functions and performances that had been previously performed by officials of the Office of Motor Carrier Safety, and deems any reference to the Office of Motor Carrier Safety, or its predecessors, to apply to the FMCSA.

SEC. 107. EFFECTIVE DATE

Subsection 107(a) provides that this Act shall take effect on the date of its enactment; except that the amendments made by section 101 which establish the Federal Motor Carrier Safety Administration, shall take effect on January 1, 2000.

Subsection (b) requires that the President's budget submission for fiscal year 2001 and each fiscal year thereafter reflect the establishment of the Federal Motor Carrier Safety Administration in Accordance with this Act.

TITLE II—COMMERCIAL MOTOR VEHICLE AND DRIVER SAFETY

SEC. 201. DISQUALIFICATIONS

Subsection 201(a) amends section 31310 of title 49, United States Code, to make a single violation of driving a commercial motor vehicle with a revoked, suspended, or canceled commercial driver's license, or driving while disqualified, a one-year disqualifying offense, and to make a conviction for causing a fatality through the negligent or criminal operation of a commercial motor vehicle a one-year disqualifying offense. This subsection also makes the commission of more than one violation of driving a commercial motor vehicle with a revoked, suspended, or canceled commercial driver's license, or driving while disqualified, a lifetime disqualifying offense,

and to make a conviction of more than one offense of causing a fatality through the negligent or criminal operation of a commercial motor vehicle a lifetime disqualifying offense.

Subsection (b) amends section 31310 to give the Secretary emergency disqualification authority to revoke the commercial driving privileges of an individual upon a determination by the Secretary that allowing the individual to continue to operate a commercial motor vehicle would create an imminent hazard. The Secretary can disqualify an individual under this provision for no more than 30 days without providing notice and an opportunity for a hearing.

Subsection (b) also amends section 31310 to require the Secretary to issue regulations establishing criteria for disqualifying from operating a commercial motor vehicle an individual who holds a commercial driver's license and who has been convicted of a serious offense involving a vehicle other than a commercial motor vehicle (CMV) resulting in the revocation, cancellation, or suspension of the individual's license, or has been convicted of a drug or alcohol-related offense involving a motor vehicle other than a commercial motor vehicle. The behavior of a CDL holder in operating vehicles other than CMVs is relevant to the CDL holder's fitness to operate a commercial motor vehicle; therefore the Secretary is directed to conduct a rulemaking to determine the appropriate minimum time periods for which a CDL holder should be disqualified, but in no case shall the time periods for which CDL holders are disqualified for such offenses be more stringent than the disqualification periods for offenses involving a commercial motor vehicle.

Subsection (c) amends section 31301 of title 49, United States Code, to add three offenses to the list of serious traffic violations for which a CDL holder can be disqualified under subsection 31310(e). The new offenses are: driving a CMV without obtaining a CDL; driving a CMV without a CDL in your possession; and driving without a required endorsement. But it shall not be a serious traffic violation if a driver cited for operating a CMV without a license in his or her possession can produce proof, before the time to appear or pay the fine for such citation, that he or she did have a valid CDL at the time of the citation.

Subsection (d) makes clarifying amendments to section 31305(b)(1) of title 49, United States Code.

SEC. 202. REQUIREMENTS FOR STATE PARTICIPATION

Subsection 202(a) amends section 31311(a)(6) of title 49, United States Code, to require a State to request, before renewing an individual's CDL, all information about the driving record of such individual from any other State that has issued a driver's license to the individual.

Subsection (b) amends section 31311(a)(8) of such title to require a State, when notifying the Secretary, the operator of CDLIS, and the issuing State of the disqualification, revocation, suspension, or cancellation of a CDL holder's commercial driver's license, to also notify such entities of the underlying violation that resulted in such disqualification, revocation, suspension, or cancellation.

Subsection (c) revises 31311(a)(9) of such title to require a State to notify a CDL holder's home State of any violation of traffic laws committed by the CDL holder, not just violations involving a commercial motor vehicle. The subsection also requires a State to notify any State that has issued a driver's license (non-CDL) to an individual of any violation committed while the individual is operating a CMV.

Subsection (d) amends section 31311(a)(10) of such title to provide that a State may not issue any form of special license or permit, including a provisional or temporary license, to a CDL holder that would permit the CDL holder to drive a CMV during a period in which the CDL holder's license is revoked, suspended, or canceled, or the CDL holder is disqualified from operating a CMV.

Subsection (e) revises 31311(a)(13) of title 49 to provide that a State may establish penalties, with the Secretary's approval, that are consistent with chapter 313, for violations committed by an individual operating a commercial motor vehicle.

Subsection (f) adds a new paragraph 31311(a)(18) to title 49 to require the State to maintain, as part of its driver information system, a record of each violation of motor vehicle traffic control laws committed by a CDL holder, and to make such record available upon request to the individual driver, the Secretary, employers, prospective employers, State licensing and law enforcement agencies, and their authorized agents.

Subsection (g) adds a new paragraph 31311(a)(19) to title 49 to prohibit both conviction masking and deferral programs by requiring every State to keep a complete driving record of all violations of traffic control laws (including CMV and non-CMV violations) by any individual to whom it has issued a CDL, and to make each such complete driving record available to all authorized persons and governmental entities having access to such record. This provision provides that a State may not allow information regarding such violations to be masked or withheld in any way from the record of a CDL holder.

Subsection (g) also adds a new paragraph 31311(a)(20) to title 49 to require each State to comply with the requirements of the regulation issued under 31310(g) of such title.

SEC. 203. STATE NONCOMPLIANCE

Section 203 clarifies the Secretary's authority to shut down a State's CDL program if a State is not substantially complying with Federal CDL requirements. The section permits a CDL holder or applicant to go to another State for licensing or renewal if his/her home state program has been shut down for noncompliance. This provision does not invalidate or otherwise affect commercial driver's licenses issued by a State before that State's CDL program was found to be non-compliant and shut down.

SEC. 204. CHECKS BEFORE ISSUANCE OF DRIVER'S LICENSES

Section 204 amends section 30304 of title 49, United States Code, to require a State, before issuing or renewing any motor vehicle operator's license to an individual, to query both the National Driver Register (NDR) and the commercial driver's license information system (CDLIS). The intent of this provision is to close a loophole in the CDL program identified in the Department of Transportation's CDL Effectiveness Study, whereby a driver currently holding a valid CDL applies for a non-CDL without revealing or surrendering the CDL. Without a check of both NDR and CDLIS, the fact that the driver already holds a CDL at the time of application for a non-CDL can go undetected, thus defeating the fundamental ''one driver, one license'' principle behind the CDL program that prevents drivers from spreading multiple convictions over multiple licenses. The provision also amends section 31311(a)(6) to require that before issuing or renewing a commercial driver's license, the State shall request from any other State that has issued a driver's license to the individual all information about the driving record of the individual.

SEC. 205. REGISTRATION ENFORCEMENT

The provision adds new subsection 13902(e) to authorize the Secretary to put a carrier out of service upon finding that the carrier is operating without authority or beyond the scope of its authority. Foreign motor carriers who operate vehicles in the U.S. are not permitted to operate in interstate commerce without evidence of registration in each motor vehicle.

SEC. 206. DELINQUENT PAYMENT OF PENALTIES

Subsection (a) amends section 13905(c) of title 49, United States Code, to provide that registration of a carrier, broker, or freight forwarder may be suspended, amended, or revoked for failure to pay civil penalty, or arrange and abide by a payment plan, within 90 days of the time specified by order of the Secretary for the payment of such penalty. This provision does not apply to a person unable to pay assessed penalties because a person is a debtor in a case under chapter 11 of title 11, United States Code.

Subsection (b) amends section 521(b) of title 49, United States Code, to provide that an owner or operator of a commercial motor vehicle who fails to pay an assessed civil penalty or fails to arrange and abide by an acceptable payment plan for such civil penalty, within 90 days of the time specified by order of the Secretary for the payment of such penalty, may not operate in interstate commerce. This provision does not apply to a person unable to pay assessed penalties because the person is a debtor in a case under chapter 11 of title 11, United States Code.

SEC. 207. STATE COOPERATION IN REGISTRATION ENFORCEMENT

The provision amends section 31102(b)(1) of title 49, United States Code, to clarify that State motor carrier plans shall ensure State cooperation in enforcement of registration and financial responsibility requirements in sections 13902, 13906, 31138 and 31139 of such title.

SEC. 208. IMMINENT HAZARD

The provision revises the definition of imminent hazard in section 521(b)(5)(b) of title 49, United States Code, to refer to a condition that ''substantially increases the likelihood of'' serious injury or death.

SEC. 209. HOUSEHOLD GOODS AMENDMENTS

Subsection 209(a) is a technical amendment to the definition of household goods in section 13102(10)(A) of title 49, United States Code, regarding certain property moving from a store or factory.

Subsection (b) increases the limit for mandatory arbitration under section 14708(b)(6) of such title from $1,000 to $5,000.

Subsection (c) requires a General Accounting Office study on the effectiveness of DOT enforcement of household goods consumer protection rules and other potential methods of enforcement, including State enforcement.

SEC. 210. NEW MOTOR CARRIER ENTRANT REQUIREMENTS

This provision requires the Secretary to initiate a rulemaking to establish minimum requirements for new motor carriers to ensure applicant carriers are knowledgeable about applicable Federal motor carrier safety standards. It requires motor carrier owners and operators who are granted new operating authority to be reviewed by a safety inspector within eighteen months of commencing operations. The provision requires the Secretary, in establishing the elements of the safety review, to consider the impact on small businesses and to consider establishing alternative locations for conducting such reviews. It also allows the new entrant review requirements to be phased in over time to take into account the availability of

certified motor carrier safety auditors and provides for designating new motor carriers as ''new entrants'' until the required review is completed.

SEC. 211. CERTIFICATION OF SAFETY AUDITORS

The provision requires the Secretary to complete a rulemaking within one year of enactment to improve training and provide for the certification of motor carrier safety auditors, including private contractors, to conduct safety inspection audits. The provision prohibits private contractors from issuing safety ratings or operating authority, and authorizes the Secretary to decertify any motor carrier safety auditors.

SEC. 212 COMMERCIAL VAN RULEMAKING

This provision requires the Secretary to complete in one year an on-going rulemaking, Docket No. FHWA–5710, to determine which small passenger vans should be covered by Federal motor carrier safety regulations. At a minimum, the rulemaking shall apply safety regulations to commercial vans referred to as ''camionetas''—carriers providing international transportation between points in Mexico and points in the United States—and to commercial vans operating in interstate commerce outside commercial zones that have been determined to pose serious safety risks. In no case should the rulemaking be concluded to exempt all small commercial passenger carrying vans.

The managers note there have been a number of fatal accidents involving small passenger vans known as camionetas particularly in the Southern border States. In an effort to address this safety problem, the Congress has acted on two separate occasions directing the Secretary to apply Federal motor carrier safety regulations to these passenger vans. First, the definition of passenger vans was amended as part of the ICC Termination Act of 1995 with the intent of applying safety regulations to these carriers. However, the Department took no action based on this statutory requirement. Due to the lack of action by the Department to regulate these vehicles, the Congress again directed the Department to apply certain motor carrier safety regulations to those vans in the Transportation Equity Act for the 21st Century (TEA 21). The TEA 21 provision required that all commercial vans carrying more than 8 passengers to be covered by most Federal motor carrier safety rules by June 1999, except to the extent DOT exempted operations as it determined appropriate through rulemaking. The Department took no action to even initiate the statutory rulemaking by the June deadline. On September 3, 1999, the Department finally issued a rule but it actually exempted the entire class of vehicles from regulation until further notice. The managers find the Department's blatant misinterpretaion of the statute unacceptable. Therefore, a provision has been included in this bill directing the Secretary to finally address this identified safety problem.

SEC. 213. 24-HOUR STAFFING OF TELEPHONE HOTLINE

The provision amends section 4017 of TEA 21 to require that the Department's toll-free telephone hotline for reporting safety violations be staffed 24 hours a day, 7 days a week, by individuals knowledgeable about Federal motor carrier safety regulations and procedures. This section also increases the funding authorization for the hotline to the level of the Department of Transportation's estimate of the cost of 24-hour coverage.

SEC. 214. CDL SCHOOL BUS ENDORSEMENT

The provision requires the Secretary to conduct a rulemaking to establish a special CDL endorsement for drivers of school buses. The section requires, at a minimum, that the endorsement (1) include a driving skills test in a school bus, and (2) address proper safety procedures for loading and unloading children, using emergency exits, and traversing highway grade crossings.

SEC. 215. MEDICAL CERTIFICATE

The provision requires the Secretary to initiate a rulemaking to provide for the Federal medical qualification certificate to be made part of the commercial driver's license.

SEC. 216. IMPLEMENTATION OF INSPECTOR GENERAL RECOMMENDATIONS

The provision requires the Secretary to implement all the DOT Inspector General's motor carrier safety improvement recommendations contained in the IG's April 1999 report assessing the effectiveness of DOT's motor carrier safety program, except to the extent to which such recommendations are specifically addressed in sections 206, 208, 217, and 222 of this Act. These recommendations, found on pages 17, 18, 26, and 27 of the IG report, are as follows:

Recommendations to Improve the Effectiveness of Motor Carrier Safety Enforcement:

1. Strengthen its enforcement policy by establishing written policy and operating procedures to take strong action against motor carriers with repeat violations of the same acute or critical regulation. Strong enforcement actions would include assessing fines at the statutory maximum amount, the issuance of compliance orders, not negotiating reduced assessments, and when necessary, placing motor carriers out of service.

2. Remove all administrative restrictions on fines placed in the Uniform Fine Assessment program and increase the maximum fines to the level authorized by TEA–21.

3. Establish stiffer fines that cannot be considered a cost of doing business and, if necessary, seek appropriate legislation raising statutory penalty ceilings.

4. Implement a procedure that removes the operating authority from motor carriers that fail to pay civil penalties within 90 days after final orders are issued or settlement agreements are completed.

5. Establish criteria for determining when a motor carrier poses an imminent hazard.

6. Require follow-up visit and monitoring of those motor carriers with a less-than-satisfactory safety rating, at varying intervals, to ensure that safety improvements are sustained, or if safety has deteriorated that appropriate sanctions are invoked.

7. Establish a control mechanism that requires written justification by the OMC State Director when compliance reviews of high-risk carriers are not performed.

8. Establish a written policy and operating procedures that identify criteria and time frames for closing enforcement cases, including the current backlog.

Recommendations for Data Enhancement:

1. Require applicants requesting operating authority to provide the number of commercial vehicles they operate and the number of drivers they employ and require all motor carriers to periodically update this information.

2. Revise the grant formula and provide incentives through MSCAP grants for states to provide accurate, complete and timely commercial vehicle crash reports, vehicle and driver inspection reports and traffic violation data.

3. Withhold funds from MCSAP grants for those States that continue to report inaccurate, incomplete and untimely commercial vehicle crash data, vehicle and driver inspection data and traffic violation data within a reasonable notification period such as one year.

4. Initiate a program to train local enforcement agencies for reporting of crash, roadside inspection data including associated traffic violations.

5. Standardize OMC and NHTSA crash data requirements, crash data collection procedures, and reports.

6. Obtain and analyze crash causes and fault data as a result of comprehensive crash evaluations to identify safety improvements.

The provision requires that every 90 days, beginning 90 days after enactment, the Secretary provide status reports on the implementation of recommendations. The IG would also be directed to provide the Committees with assessments of the Secretary's progress. The IG report shall include an analysis of the number of violations cited by safety inspectors, the level of fines assessed and collected for such violations, the number of cases in which there are findings of extraordinary circumstances under section 222(c) of the Act, and the circumstances in which such findings are made.

SEC. 217. PERIODIC REFILING OF MOTOR CARRIER IDENTIFICATION REPORTS

The provision requires periodic updating, but not more frequently than once every two years, of the Motor Carrier Identification Report, Form MCS-150, filed by each motor carrier conducting operations in interstate or foreign commerce. An initial updating of the information is required within 12 months from enactment of the Act.

SEC. 218. BORDER STAFFING STANDARDS

Subsection 218(a) requires the Secretary to develop and implement appropriate staffing standards for Federal and State motor carrier safety inspectors in international border areas.

Subsection (b) lists the factors to be considered in developing the staffing standards. These include the volumes of traffic, hours of operation of the border facilities, types of commercial motor vehicles (including passenger vehicles) and cargo in the border areas, and the responsibilities of Federal and State inspectors.

Subsection (c) prohibits the United States and any State from reducing its respective level of motor carrier safety inspectors in an international border area below the level of such inspectors in fiscal year 2000.

Subsection (d) provides that if, by October 1, 2001, and each fiscal year thereafter, the Secretary has not ensured that appropriate levels of staffing consistent with the staffing standards are deployed in international border areas, the Secretary should allocate five percent of motor carrier safety assistance program funds for border commercial motor vehicle and safety enforcement programs.

SEC. 219. FOREIGN MOTOR CARRIER PENALTIES AND DISQUALIFICATIONS

Subsection 219(a) provides for civil penalties and disqualifications for foreign motor carriers that operate, before implementation of the land transportation provisions of NAFTA, without authority outside of a commercial zone.

Subsection (b) provides that the civil penalty for an intentional violation shall not be more than $10,000 and may include disqualification from operating in U.S. for not more than 6 months.

Subsection (c) provides that the civil penalty for a pattern of intentional violations shall not be more than $25,000; the carrier shall be disqualified from operating in the U.S., and that such disqualification may be permanent.

Subsection (d) prohibits any foreign motor carrier from leasing its motor vehicles to any other carrier to transport property in the U.S. during any period in which a suspension, condition, restriction, or limitation imposed under 49 U.S.C. 13902(c) applies to the foreign carrier.

Subsection (e) provides that no provision may be enforced if inconsistent with international agreements.

Subsection (f) provides that acts committed without knowledge of the carrier or committed unintentionally are not grounds for penalty or disqualification.

SEC. 220. TRAFFIC LAW INITIATIVE

The provision permits the Secretary to carry out a program with one or more States to develop innovative methods of improving motor carrier traffic law compliance, including the use of photography and other imaging technologies.

SEC, 221, STATE-TO-STATE NOTIFICATION OF VIOLATIONS DATA

The provision requires the Secretary to develop a uniform system to support the electronic transmission of data State-to-State on violations of all motor vehicle traffic control laws by individuals possessing a commercial driver's license.

SEC. 222. MINIMUM AND MAXIMUM ASSESSMENTS

Subsection 222(a) directs the Secretary to ensure that motor carriers operate safely by imposing civil penalties at a level calculated to ensure prompt and sustained compliance with Federal motor carrier safety and commercial diver's license (CDL) laws.

Subsection (b) recommends the Secretary establish and assess minimum civil penalties for Federal motor carrier safety and CDL violations and requires the Secretary to assess the maximum civil penalty for repeat offenders or a pattern of violations.

Subsection (c) recognizes that extraordinary circumstances do arise that merit the assessment of civil penalties at a level lower than any level established under subsection (b) of this section. If the Secretary assesses such lower penalties, the Secretary must document the justification for them.

Subsection (d) requires the Secretary to conduct and submit to Congress a study of the effectiveness of revised civil penalties established in TEA 21 and this Act in ensuring compliance with Federal motor carrier safety and commercial driver's license laws.

SEC. 223. MOTOR CARRIER SAFETY PROGRESS REPORT

The provision directs the Secretary to submit a status report on the Department's progress in achieving its goal of reducing motor carrier fatalities by 50 percent by 2009.

SEC. 224. STUDY OF COMMERCIAL MOTOR VEHICLE CRASH CAUSATION

Subsection 224(a) requires the Secretary to conduct a comprehensive study to determine the causes of, and contributing factors to, crashes involving commercial motor vehicles, including vehicles defined in section 31132(1)(B) of title 49, United States Code, and to identify the data requirements needed to improve the Department's and the States' ability to evaluate crashes and crash trends, identify crash causes and contributing factors, and develop safety measures to reduce such crashes.

Subsection (b) addresses the design of the study, requiring that it yield information to help the Department and the States identify activities likely to lead to significant reductions in commercial motor vehicle-involved crashes including crashes by commercial vans.

Subsection (c) lists the area of expertise of the people with whom the Secretary is required to consult in conducting the study.

Subsection (d) requires the Secretary to provide for public comment on various aspects of the study.

Subsection (e) requires the Secretary to submit the results of the study to Congress, review the study at least once every five years, and update the study and report as necessary.

Subsection (f) provides $5 million in contract authority to carry out this section.

SEC. 225. DATA COLLECTION AND ANALYSIS

This provision directs the Secretary to carry out a program to improve the collection and analysis of data on commercial motor vehicle crashes, including crash causation. NHTSA, in cooperation with the new Federal Motor Carrier Safety Administration, is required to administer the program. It requires NHTSA to integrate driver citation and conviction information and provide $5 million from the FMCSA's administrative takedown to fund this program. This section also provides $5 million in contract authority for information systems under 49 U.S.C. 31106.

SEC. 226. DRUG TEST RESULTS STUDY

Subsection 226(a) directs the Secretary to conduct a study on the feasibility and merits of having medical review officers or employers report positive drug tests of CDL holders to the State that issued the CDL and requiring all prospective employers, before hiring any driver, to query the State that issued the driver's CDL on whether the State has on record any verified positive controlled substances test on such driver.

Subsection (b) lists factor to be considered in the study. They are: safeguarding confidentiality of test results; costs, benefits and safety impacts; and whether a process should be established to allow drivers to correct errors and expunge information from their records after a reasonable time.

Subsection (c) requires the Secretary to issue a report to Congress on the study within two years.

SEC. 227. APPROVAL OF AGREEMENTS

Section 227 amends section 13703 of title 49, United States Code, by adding a new requirement to require the Surface Transportation Board to review every five years any agreement for any activities approved under section 13703. The provision also provides for the continuation of any pending cases before the Board, but prohibits certain nationwide agreements.

SEC. 228. DOT AUTHORITY

This section clarifies Congressional intent with respect to the criminal investigative authority of the Department of Transportation Inspector General (IG).

When the Office of Motor Carrier Safety finds evidence of egregious criminal violations of motor carrier safety regulations through their regulatory compliance efforts, it refers these cases to the IG's Office of Investigations. Recently, a U.S. District Court concluded that an investigation undertaken by the IG exceeded its jurisdiction, see In the Matter of the Search of Northland Trucking Inc. (D.C. Arizona), finding that the motor carrier involved was not a grantee or contractor of the Department, nor was there evidence of collusion with DOT employees. This narrow construction of the IG's authority is not well grounded in law, and the managers are concerned about the adverse impacts the Order could have on IG operations. This provision, therefore, clarifies Congressional intent with respect to the authority of the IG, reaffirming the IG's ability and authority to continue to conduct criminal investigations of parties subject to DOT laws or regulations, whether or not such parties receive Federal funds from the Department.●

Mr. HOLLINGS. Mr. President, I rise in support of H.R. 3419 the Motor Carrier Safety Improvement Act of 1999. This bill creates a separate modal administration, the Federal Motor Carrier Safety Administration, to administer the commercial motor vehicle safety laws and make needed improvements to our highway safety programs. To secure enactment of this important legislation, Senator MCCAIN and I worked with our colleagues in the House to craft a compromise bill. I would like to commend Chairman SHUSTER and Ranking Democrat OBERSTAR of the House Transportation and Infrastructure Committee for their efforts on this compromise proposal. The Administration supports this legislation and the Secretary of Transportation has requested that the Senate complete consideration of this legislation prior to the adjournment of the first session of the 106th Congress.

As many of you may know, I introduced legislation in the 1980s to establish a separate modal administration within the Department of Transportation for the motor carrier industry. Since safety oversight was moved from the Interstate Commerce Commission in 1966, truck and bus safety oversight has been a part of the Federal Highway Administration. H.R. 3419 continues the bifurcation of motor carrier economic and safety regulation. The economic regulatory authority will still be vested at the Surface Transportation Board, and the safety regulatory authority will be designated to the new Administration. Under the current regulatory structure there is a separate regulatory agency for rail, transit, air, and maritime transportation, but no primary agency for the largest mode of commercial transportation—the trucking industry. Establishing a separate agency with the stated responsibility for making the highways safer would be an important step forward in highlighting the importance of truck and bus safety as well as improving regulatory efficiency. I am pleased that members of the Senate and House have agreed to establish a new modal administration; we have high expectations this change will lead to tougher standards, more expeditious rule makings, and a greater degree of enforcement than has been the norm in recent years.

The trucking industry generates over 80% of the revenues derived from the domestic transportation of cargo. The industry has undergone fantastic growth in the past five years. The number of carriers operating in the trucking industry has close to doubled since 1994 alone. Overall, the volume of truck traffic on the highways in this country is astounding, and clearly has an impact on safety. As many of you know, I was not a supporter of deregulating the trucking industry, and I question whether this policy has contributed to our present safety concerns.

The Senate Commerce, Science, and Transportation Committee has held several hearings on the subject of motor carrier safety in the last year. These hearings have included testimony from a number of organizations, including the Department of Transportation's Inspector General, the Chairman of the National Transportation Board and consumer groups all expressing concern about the Office of Motor

Carriers and stating the need for reform. Chairman MCCAIN and I have worked to incorporate many of the recommendations by these groups into the legislation we are considering today.

I would like to briefly summarize some of the major provisions and important consequences of H.R. 3419. This legislation undoubtedly will increase the overall number of safety inspections by requiring that all new entrants to the truck and bus industry undergo a safety review. The bill also requires that carriers become familiar with motor carrier safety regulations and undergo a safety review in order to obtain operating authority. Currently 25,000 to 40,000 new carriers enter into interstate commerce annually. In order to obtain operating authority under the present system, new operators must show proof of insurance and sign a form attesting that they are familiar with safety regulations. This new provision would require that new carriers be designated as ''new entrants'' until the completion of a successful safety review. The intent of this provision is to make sure that new operators have basic safety management practices in place. During their first eighteen months of operation, they would need to show that they have critical safety elements in place—for example, drug testing, maintenance plans, and driving records such as logbooks. This safety review is not intended to be a time consuming investigation of the property and drivers, nor is it intended to be a barrier to entry for new operators; in fact we have stipulated that the Secretary should take into consideration the needs of small businesses when conducting the rulemaking on new entrant safety reviews. However, there is broad consensus that an entry level safety review to ensure a minimum level of safety and compliance with federal safety regulations.

I am pleased that this bill increases the number of motor carrier safety inspectors by requiring that DOT certify private contractors to perform safety audits. I would also like to commend Senator BREAUX for his leadership on the issue of third party inspectors. His introduction of S. 1524, the Motor Carrier Safety Specialist Certification Act, following the Mother's Day bus accident in New Orleans was instrumental in demonstrating the need for additional qualified inspectors. These third party auditors will be required to conduct the initial safety reviews of the new carriers and are likely to lead to an increasing number of inspections and audits overall. These auditors will be certified by DOT to perform safety audits and inspections, however DOT will retain the authority to grant operating authority and issue ratings—we have no plans to delegate this vital enforcement authority to the private sector. The Secretary is directed to complete a rulemaking to establish how third party inspectors are to be certified. However, our expectation is that their role is to assist with the collection of data, not supersede the existing authority of the DOT.

This legislation authorizes an additional $140 million a year for motor carrier safety and data improvements over the levels established in TEA–21, the federal safety transportation bill that was passed in the last year. Of that money $65 million is guaranteed under the budgetary firewalls established in TEA–21. The bulk of this funding will go directly to the states through the Motor Carrier Safety Assistance Program (MCSAP). This grant program to the states is the underpinning for the enforcement of commercial motor vehicle safety laws and I am pleased that we are more than doubling the funding authorized for this important safety program. I look forward to working the Department Transportation to ensure this new agency will have adequate personnel to achieve the important safety objectives set forth in this bill.

H.R. 3419 also requires many data improvements, including periodic refilling of motor carrier information, which means that safety statistics on trucks and buses are soon to be more up to date and that improvement data will be available to the public. Currently, only twenty percent of the carriers operating in interstate commerce have been inspected or audited in relation to safety ratings by the Department of Transportation—this number is insufficient. In order to increase the number of safety rated carriers, accurate data is required. H.R. 3419 directs the National Highway Traffic Safety Administration (NHTSA), in cooperation with the new Federal Motor Carrier Safety Administration, to carry out a program to improve the collection and analysis of data on commercial motor vehicle crashes, including crash causation and requires NHTSA to integrate driver citation and conviction information. In addition, the Secretary is directed to conduct a crash causation study to determine the causes of, and contributing factors to, crashes involving commercial motor vehicles—all interested parties, including victims and safety groups, should be consulted in designing the study. The legislation also requires the Department of Transportation to disclose potential conflicts of interest, and requires DOT to study whether disclosure obligations are sufficient to avoid conflicts of interest. Proper safety regulation is dependent on thorough and impartial research.

H.R. 3419 also toughens Commercial Drives License (CDL) requirements. It will require that medical qualification certificates be part of all CDLs. It will prohibit the masking of convictions on CDL's, thereby ending the practice of erasing convictions for increased fines and plea bargaining down convictions, and erasing convictions in exchange for attending bypass or educational programs. The legislation also will provide access to driver records for safety enforcement and hiring purposes—driver records would be made available to employees, current employers, future employers and law enforcement personnel on request. This language will address concerns about inacurate driver records and ensure that the practice of masking convictions or records is ended. This provision lists parties which should have access to the driving records of commercial motor vehicle operators, however, the expection is that parties such as insurers which currently have access to this information will continue to do so.

I am pleased that this legislation now includes a separate school bus CDL endorsement. By requiring the Secretary to establish a rule making for a CDL endorsement, which includes at a minimum, a driving skills test in a school bus, as well as safety procedures for loading and unloading, using emergency exits and traversing highway rail grade crossings, this bill places a greater emphasis on the safety of transporting our children.

H.R. 3419 also includes recommendations from the DOT IG's report. These recommendations call for the strengthening of enforcement policy by increasing fines, requiring greater monitoring of carriers and standardizing data. The IG's report clearly indicates that we need to do more in the way of compliance reviews and clearing up the backlog of regulatory initiatives that have not been completed. These initiatives are overdue, and the public deserves an aggressive pro-active safety policy.

Several of the IG's recommendations address the enforcement of civil penalties to ensure greater compliance with Federal motor carrier safety and commercial drivers' license laws. Section 222 of H.R. 3419 includes provisions establishing minimum, as well as maximum, penalties for violations. Because situations arise when the Secretary may choose to exercise discretion in the assessment of maximum penalties, a provision was included to allow assessment of penalties at a lower level than established by this provision in extraordinary circumstances. The goal of this provision is to provide administrative flexibility while ensuring that the previous abuses in motor carrier safety enforcement practices are not perpetuated by the new agency. In assessing penalties for violations, the Secretary's exercise of discretion under extraordinary circumstances to reduce or eliminate fines should only be used in rare and unusual conditions and this legislation requires that the Secretary document the justification for such a situation. In addition, the bill will require the Secretary of Transportation and the IG to periodically report to the Congress on their progress implementing not only the application of civil penalties but all of the IG's recommendations.

Additionally, the legislation addresses the issue concerning truck inspections at the US-Mexico border. Currently, far too few trucks are being inspected at the US-Mexico border and

far too few inspected trucks comply with U.S. safety standards. I should note that I do not support Mexican truckers operating in the United States, because this policy ultimately threatens public safety. For example, according to the DOT Inspector General, at the border crossing in El Paso, Texas, an average of 1,300 trucks enter daily, yet only one inspector is on duty allowing for only 10 to 14 truck inspections daily. At other crossings, there are no inspectors. Of those Mexican trucks inspected, about 44 percent were placed out of service because of serious safety violations. This contrasts with a 25 percent out-of-service rate for US trucks and 17 percent for Canadian trucks. This safety record is unacceptable.

The DOT's Inspector General confirmed last year that 68 Mexican trucks were found operating beyond the border commercial zones, where they are legally allowed to work and are probably involved in US cabotage reserved for US truckers. H.R. 3419 would reaffirm the prohibition on foreign motor carriers operating outside the boundaries of a commercial zone along the U.S.-Mexico border. Foreign trucks that are found to be operating outside the commercial zones without authority will be subject to civil penalties.

In conclusion, I would like to ask my colleagues for their support in the passage of this legislation. I would like to thank the following Senate staff for their work on this bill; Debbie Hersman, Carl Bentzel, Kevin Kayes and Moses Boyd, Ann Begeman, Charlotte Casey, and Mark Buese. I would also like to thank House staffers, Clyde Woodle, Dave Heymsfeld, Ward McCarragher, Jess Sharp, Chris Bertram, Patty Doersch, Jack Schenendorf and Roger Nober. These staffers all worked hard to help reach a bipartisan compromise.

H.R. 3419 is a good bill. I strongly support the passage of H.R. 3419 and look forward to its enactment.

Ms. COLLINS. Mr. President, I ask unanimous consent that the bill be 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 (H.R. 3419) was read the third time and passed.

MILTON FRIEDMAN CONGRESSIONAL GOLD MEDAL ACT

Ms. COLLINS. Mr. President, I ask unanimous consent that the Banking Committee be discharged from further consideration of S. 1971 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1971) to authorize the President to award a gold medal on behalf of the Congress to Milton Friedman, in recognition of his outstanding and enduring contributions to individual freedom and opportunity in American society through his exhaustive research and teaching of economics, and his extensive writings on economies and public policy.

There being no objection, the Senate proceeded to consider the bill.

Ms. COLLINS. Mr. President, I ask unanimous consent that bill be read a 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 bill (S. 1971) was read the third time and passed, as follows:

S. 1971

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 ''Milton Friedman Congressional Gold Medal Act''.

SEC. 2. FINDINGS.

The Congress finds that—

(1) Milton Friedman, born July 31, 1912 in New York, New York, is acclaimed as one of the great original thinkers of this century;

(2) Milton Friedman is a living American success story in rising from poverty in an immigrant family to realize the American dream;

(3) Milton Friedman is the world's most renowned economist;

(4) Milton Friedman was awarded the Nobel Memorial Prize for Economic Service in 1976;

(5) Milton Friedman is a Paul Snowden Russell Distinguished Service Professor Emeritus of Economics at the University of Chicago, where he taught from 1946 to 1976, and where he is widely regarded as the leader of the Chicago school of monetary economics;

(6) Milton Friedman has been a senior research fellow at the Hoover Institute since 1977, and a member of the research staff of the National Bureau of Economic Research from 1937 to 1981;

(7) Milton Friedman has selflessly served his country on several occasions, serving as an informal economic advisor to Presidents Richard Nixon and Ronald Reagan;

(8) Milton Friedman has been awarded honorary degrees by universities in the United States, Japan, Israel, and Guatemala, as well as the Grand Cordon of the First Class Order of the Sacred Treasure by the Japanese government in 1986; and

(9) Milton Friedman is known throughout the world as a champion of freedom, opportunity, free markets, and capitalism.

SEC. 3. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The President is authorized to present, on behalf of the Congress, a gold medal of appropriate design to Milton Friedman in recognition of his outstanding and enduring contributions to individual freedom and opportunity in American society through his exhaustive research and teaching of economics, and his extensive writings on economics and public policy.

(b) DESIGN AND STRIKING.—For the purposes of the award referred to in subsection (a), the Secretary of the Treasury (hereafter in this Act referred to as the ''Secretary'') shall strike a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

SEC. 4. DUPLICATE MEDALS.

The Secretary may strike and sell duplicates in bronze of the gold medal struck pursuant to section 3, under such regulations as the Secretary may prescribe, and at a price sufficient to cover the costs thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

SEC. 5. STATUS AS NATIONAL MEDALS.

The medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 6. FUNDING.

(a) AUTHORITY TO USE FUND AMOUNTS.—There is authorized to be charged against the United States Mint Public Enterprise Fund an amount not to exceed $30,000 to pay for the cost of the medals authorized by this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals under section 4 shall be deposited in the United States Mint Public Enterprise Fund.

CONGRESSIONAL GOLD MEDAL AWARD TO FATHER THEODORE M. HESBURGH

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 1932, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1932) to authorize the President to award a gold medal on behalf of the Congress to Father Theodore M. Hesburgh, in recognition of his outstanding and enduring contributions to civil rights, higher education, the Catholic Church, the Nation, and the global community.

There being no objection, the Senate proceeded to consider the bill.

Ms. COLLINS. Mr. President, I ask unanimous consent that the bill be 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 (H.R. 1932) was read the third time and passed.

AMENDING THE PUBLIC HEALTH SERVICE ACT

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1996, introduced by Senators JEFFORDS, KENNEDY, and FRIST.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1996) to amend the Public Health Service Act to clarify provisions relating to the content of petitions for compensation under the vaccine injury compensation program.

There being no objection, the Senate proceeded to consider the bill.

Mr. JEFFORDS. Mr. President, in 1986, the Vaccine Injury Compensation Act was signed into law. The act created the National Vaccine Injury Compensation program which serves two important functions: it provides timely and fair compensation to those few children who are injured from routine immunization and it reduces the adverse effect of the tort system on vaccine supply and cost. Prior to enactment of this bill, the number of U.S.

manufacturers of children's vaccines dropped from seven to two due to a flood of lawsuits filed in response to a network television broadcast claiming that vaccine causes brain injuries. This program has been very successful. However, it has come to our attention that the act requires an amendment which I, and the Senator from Massachusetts and the Senator from Tennessee offer today.

A vaccine becomes part of the compensation program if it is recommended for routine use in children by the Centers for Disease Control. At such time, the Congress must also enact a Federal excise tax on the vaccine (currently at $.75 per antigen in the vaccine). The excise tax revenues are housed in a Federal trust fund, the sole purpose of which is to pay claims and administer this program. The program and the fund is jointly administered by the Department of Health and Human Services (HHS) and the Department of Justice.

HHS publishes a table listing all covered vaccines and events that may be associated with those vaccines as determined by valid scientific studies. Events that are listed on the table, if they occur within the listed time frame, are automatically compensated by the program unless there is demonstration that some other circumstances created the injury. For an event/injury not listed on the table, the claimant must prove causation.

If a vaccine is covered under the Vaccine Injury Compensation program, all claims against it must first be filed and processed through the program. Once a claim is adjudicated (and either an award is made or the claim denied), a claimant can reject the program's determination and opt to file a lawsuit.

Since the benefit of taking a vaccine accrues not only to the recipient but to society as a whole, the Congress decided that it was also society's responsibility to compensate those who are injured by creating a no-fault program that removes the costliness and uncertainty of the tort system. At the time this law was enacted, parameters were established to permit claims for those serious adverse events that were known to be associated with those vaccines that were then available. The statutory proxy for a serious injury is that the residual effect from the injury must be of six months' duration or longer.

Recently, however, a new situation has developed that was not foreseeable at the time of enactment of this law. In October 1999, the CDC's Advisory Committee on Immunization Practices (ACIP), after a review of scientific data from several sources, concluded that intussusception occurs with significantly increased frequency in the first 1–2 weeks after vaccination for rotavirus, particularly after the first dose. Thus, the ACIP withdrew its recommendation for vaccination of infants for rotavirus in the United States.

While most cases of intussusception require only minimal treatment, a few cases require hospitalization and surgery. Under the current law, these cases would not be compensable by the United States Claims Court under the Vaccine Injury Compensation Program, since the statute grants jurisdiction to resolve vaccine cases only in instances in which claimants have suffered the residual effects or complications of a vaccine-related injury for at least six months, or died from the administration of a vaccine.

For this reason, we are offering this bill to amend the law and grant jurisdiction to the Claims Court to resolve compensation cases under the Program in cases in which both hospitalization and surgical intervention were required to correct the ''illness, disability, injury or condition'' caused by the vaccine. Mr. President, this language has been shared with, and is supported by officials at HHS and the American Academy of Pediatrics.

To our knowledge, the amendment would only apply to circumstances under which a vaccine recipient suffered from intussusception as a result of administration of the rotavirus vaccine. The amendment is not intended to expand jurisdiction to other vaccines listed in the Program's Vaccine Injury Table.

We note that this amendment does not address the issue of whether the condition is in fact caused by the vaccine; this is a matter for resolution under other provisions of the no-fault compensation law. Among these are the requirement that the condition either be listed in the Vaccine Injury Table or be established to have been caused in fact by the vaccine. Determinations of this type should only be made after thorough consideration of the scientific evidence by experts in the field; the law commits this issue to the Secretary for consideration in the context of changes to the Vaccine Injury Table through rulemaking, and to the Claims Court for determinations of causation in fact.

Mr. KENNEDY. Mr. President, I join the Senator from Vermont and the Senator from Tennessee in proposing legislation to amend the Vaccine Injury Compensation Program.

This program is an important part of the nation's public health strategy. In order to encourage the development and use of effective vaccines, the program guarantees compensation to the few children who are injured by routine immunization.

Recent evidence suggests that some children may suffer vaccine-related injuries that are not covered under the current criteria used to determine eligibility for compensation. To continue the program's success, Congress must assure that the system is responsive to new developments in medical science. We need to be certain that any child who suffers a severe injury as a result of routine vaccination is eligible for compensation under the program.

My colleague from Vermont has concisely summarized the current status of the program and the importance of amending the statute. Families and physicians need to know that public health procedures are capable of a rapid and appropriate response to scientific developments. It is a privilege to join my colleagues in offering this legislation to improve the Vaccine Injury Compensation Program.

Ms. COLLINS. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that statements relating to the bill be printed in the RECORD.

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

The bill (S. 1996) was read the third time and passed, as follows:

S. 1996

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

SECTION 1. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.

Section 2111(c)(1)(D) of the Public Health Service Act (42 U.S.C. 300aa–11(c)(1)(D)) is amended by striking ''and'' at the end and inserting ''or (iii) suffered such illness, disability, injury or condition from the vaccine which resulted in inpatient hospitalization and surgical intervention to correct such illness, disability, injury or condition, and''.

CLINICAL RESEARCH ENHANCEMENT ACT OF 1999

Ms. COLLINS. Mr. President, I ask unanimous consent that HELP Committee be discharged from further consideration of S. 1813 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1813) to amend the Public Health Service Act to provide additional support for and to expand clinical research programs, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Ms. COLLINS. Mr. President, I ask unanimous consent that the bill be 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. 1813) was read the third time and passed, as follows:

S. 1813

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 ''Clinical Research Enhancement Act of 1999''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) Clinical research is critical to the advancement of scientific knowledge and to the development of cures and improved treatment for disease.

(2) Tremendous advances in biology are opening doors to new insights into human physiology, pathophysiology and disease, creating extraordinary opportunities for clinical research.

(3) Clinical research includes translational research which is an integral part of the research process leading to general human applications. It is the bridge between the laboratory and new methods of diagnosis, treatment, and prevention and is thus essential to progress against cancer and other diseases.

(4) The United States will spend more than $1,200,000,000,000 on health care in 1999, but the Federal budget for health research at the National Institutes of Health was $15,600,000,000 only 1 percent of that total.

(5) Studies at the Institute of Medicine, the National Research Council, and the National Academy of Sciences have all addressed the current problems in clinical research.

(6) The Director of the National Institutes of Health has recognized the current problems in clinical research and appointed a special panel, which recommended expanded support for existing National Institutes of Health clinical research programs and the creation of new initiatives to recruit and retain clinical investigators.

(7) The current level of training and support for health professionals in clinical research is fragmented, undervalued, and underfunded.

(8) Young investigators are not only apprentices for future positions but a crucial source of energy, enthusiasm, and ideas in the day-to-day research that constitutes the scientific enterprise. Serious questions about the future of life-science research are raised by the following:

(A) The number of young investigators applying for grants dropped by 54 percent between 1985 and 1993.

(B) The number of physicians applying for first-time National Institutes of Health research project grants fell from 1226 in 1994 to 963 in 1998, a 21 percent reduction.

(C) Newly independent life-scientists are expected to raise funds to support their new research programs and a substantial proportion of their own salaries.

(9) The following have been cited as reasons for the decline in the number of active clinical researchers, and those choosing this career path:

(A) A medical school graduate incurs an average debt of $85,619, as reported in the Medical School Graduation Questionnaire by the Association of American Medical Colleges (AAMC).

(B) The prolonged period of clinical training required increases the accumulated debt burden.

(C) The decreasing number of mentors and role models.

(D) The perceived instability of funding from the National Institutes of Health and other Federal agencies.

(E) The almost complete absence of clinical research training in the curriculum of training grant awardees.

(F) Academic Medical Centers are experiencing difficulties in maintaining a proper environment for research in a highly competitive health care marketplace, which are compounded by the decreased willingness of third party payers to cover health care costs for patients engaged in research studies and research procedures.

(10) In 1960, general clinical research centers were established under the Office of the Director of the National Institutes of Health with an initial appropriation of $3,000,000.

(11) Appropriations for general clinical research centers in fiscal year 1999 equaled $200,500,000.

Since the late 1960s, spending for general clinical research centers has declined from approximately 3 percent to 1 percent of the National Institutes of Health budget.

(12) In fiscal year 1999, there were 77 general clinical research centers in operation, supplying patients in the areas in which such centers operate with access to the most modern clinical research and clinical research facilities and technologies.

(b) PURPOSE.—It is the purpose of this Act to provide additional support for and to expand clinical research programs.

SEC. 3. INCREASING THE INVOLVEMENT OF THE NATIONAL INSTITUTES OF HEALTH IN CLINICAL RESEARCH.

Part B of title IV of the Public Health Service Act (42 U.S.C. 284 et seq.) is amended by adding at the end the following:

"SEC. 409C. CLINICAL RESEARCH.

''(a) IN GENERAL.—The Director of National Institutes of Health shall undertake activities to support and expand the involvement of the National Institutes of Health in clinical research.

''(b) REQUIREMENTS.—In carrying out subsection (a), the Director of National Institutes of Health shall—

''(1) consider the recommendations of the Division of Research Grants Clinical Research Study Group and other recommendations for enhancing clinical research; and

''(2) establish intramural and extramural clinical research fellowship programs directed specifically at medical and dental students and a continuing education clinical research training program at the National Institutes of Health.

''(c) SUPPORT FOR THE DIVERSE NEEDS OF CLINICAL RESEARCH.—The Director of National Institutes of Health, in cooperation with the Directors of the Institutes, Centers, and Divisions of the National Institutes of Health, shall support and expand the resources available for the diverse needs of the clinical research community, including inpatient, outpatient, and critical care clinical research.

''(d) PEER REVIEW.—The Director of National Institutes of Health shall establish peer review mechanisms to evaluate applications for the awards and fellowships provided for in subsection (b)(2) and section 409D. Such review mechanisms shall include individuals who are exceptionally qualified to appraise the merits of potential clinical research training and research grant proposals.''.

SEC. 4. GENERAL CLINICAL RESEARCH CENTERS.

(a) GRANTS.—Subpart 1 of part B of title IV of the Public Health Service Act (42 U.S.C. 287 et seq.) is amended by adding at the end the following:

"SEC. 481C. GENERAL CLINICAL RESEARCH CENTERS.

''(a) GRANTS.—The Director of the National Center for Research Resources shall award grants for the establishment of general clinical research centers to provide the infrastructure for clinical research including clinical research training and career enhancement. Such centers shall support clinical studies and career development in all settings of the hospital or academic medical center involved.

''(b) ACTIVITIES.—In carrying out subsection (a), the Director of National Institutes of Health shall expand the activities of the general clinical research centers through the increased use of telecommunications and telemedicine initiatives.

''(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each fiscal year.''.

(b) ENHANCEMENT AWARDS.—Part B of title IV of the Public Health Service Act (42 U.S.C. 284 et seq.), as amended by section 3, is further amended by adding at the end the following:

"SEC. 409D. ENHANCEMENT AWARDS.

''(a) MENTORED PATIENT-ORIENTED RESEARCH CAREER DEVELOPMENT AWARDS.—

''(1) GRANTS.—

''(A) IN GENERAL.—The Director of the National Institutes of Health shall make grants (to be referred to as 'Mentored Patient-Oriented Research Career Development Awards') to support individual careers in clinical research at general clinical research centers or at other institutions that have the infrastructure and resources deemed appropriate for conducting patient-oriented clinical research.

''(B) USE.—Grants under subparagraph (A) shall be used to support clinical investigators in the early phases of their independent careers by providing salary and such other support for a period of supervised study.

''(2) APPLICATIONS.—An application for a grant under this subsection shall be submitted by an individual scientist at such time as the Director may require.

''(3) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subsection, there are authorized to be appropriated such sums as may be necessary for each fiscal year.

''(b) MID-CAREER INVESTIGATOR AWARDS IN PATIENT-ORIENTED RESEARCH.—

''(1) GRANTS.—

''(A) IN GENERAL.—The Director of the National Institutes of Health shall make grants (to be referred to as 'Mid-Career Investigator Awards in Patient-Oriented Research') to support individual clinical research projects at general clinical research centers or at other institutions that have the infrastructure and resources deemed appropriate for conducting patient-oriented clinical research.

''(B) USE.—Grants under subparagraph (A) shall be used to provide support for mid-career level clinicians to allow such clinicians to devote time to clinical research and to act as mentors for beginning clinical investigators.

''(2) APPLICATIONS.—An application for a grant under this subsection shall be submitted by an individual scientist at such time as the Director requires.

''(3) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subsection, there are authorized to be appropriated such sums as may be necessary for each fiscal year.

''(c) GRADUATE TRAINING IN CLINICAL INVESTIGATION AWARD.—

''(1) IN GENERAL.—The Director of the National Institutes of Health shall make grants (to be referred to as 'Graduate Training in Clinical Investigation Awards') to support individuals pursuing master's or doctoral degrees in clinical investigation.

''(2) APPLICATIONS.—An application for a grant under this subsection shall be submitted by an individual scientist at such time as the Director may require.

''(3) LIMITATIONS.—Grants under this subsection shall be for terms of 2 years or more and shall provide stipend, tuition, and institutional support for individual advanced degree programs in clinical investigation.

''(4) DEFINITION.—As used in this subsection, the term 'advanced degree programs in clinical investigation' means programs that award a master's or Ph.D. degree in clinical investigation after 2 or more years of training in areas such as the following:

''(A) Analytical methods, biostatistics, and study design.

''(B) Principles of clinical pharmacology and pharmacokinetics.

''(C) Clinical epidemiology.

''(D) Computer data management and medical informatics.

''(E) Ethical and regulatory issues.

''(F) Biomedical writing.

''(5) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subsection, there are authorized to be appropriated such sums as may be necessary for each fiscal year.

''(d) CLINICAL RESEARCH CURRICULUM AWARDS.—

''(1) IN GENERAL.—The Director of the National Institutes of Health shall make grants (to be referred to as 'Clinical Research Curriculum Awards') to institutions for the development and support of programs of core curricula for training clinical investigators, including medical students. Such core curricula may include training in areas such as the following:

''(A) Analytical methods, biostatistics, and study design.

''(B) Principles of clinical pharmacology and pharmacokinetics.

''(C) Clinical epidemiology.

''(D) Computer data management and medical informatics.

''(E) Ethical and regulatory issues.

''(F) Biomedical writing.

''(2) APPLICATIONS.—An application for a grant under this subsection shall be submitted by an individual institution or a consortium of institutions at such time as the Director may require. An institution may submit only 1 such application.

''(3) LIMITATIONS.—Grants under this subsection shall be for terms of up to 5 years and may be renewable.

''(4) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subsection, there are authorized to be appropriated such sums as may be necessary for each fiscal year.''.

SEC. 5. LOAN REPAYMENT PROGRAM REGARDING CLINICAL RESEARCHERS.

Part G of title IV of the Public Health Service Act is amended by inserting after section 487E (42 U.S.C. 288–5) the following:

''SEC. 487F. LOAN REPAYMENT PROGRAM REGARDING CLINICAL RESEARCHERS.

''(a) IN GENERAL.—The Secretary, acting through the Director of the National Institutes of Health, shall establish a program to enter into contracts with qualified health professionals under which such health professionals agree to conduct clinical research, in consideration of the Federal Government agreeing to repay, for each year of service conducting such research, not more than $35,000 of the principal and interest of the educational loans of such health professionals.

''(b) APPLICATION OF PROVISIONS.—The provisions of sections 338B, 338C, and 338E shall, except as inconsistent with subsection (a) of this section, apply to the program established under subsection (a) to the same extent and in the same manner as such provisions apply to the National Health Service Corps Loan Repayment Program established in subpart III of part D of title III.

''(c) FUNDING.—

''(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each fiscal year.

''(2) AVAILABILITY.—Amounts appropriated for carrying out this section shall remain available until the expiration of the second fiscal year beginning after the fiscal year for which the amounts were made available.''.

SEC. 6. DEFINITION.

Section 409 of the Public Health Service Act (42 U.S.C. 284d) is amended—

(1) by striking ''For purposes'' and inserting ''(a) HEALTH SERVICE RESEARCH.—For purposes''; and

(2) by adding at the end the following:

''(b) CLINICAL RESEARCH.—As used in this title, the term 'clinical research' means patient oriented clinical research conducted with human subjects, or research on the causes and consequences of disease in human populations involving material of human origin (such as tissue specimens and cognitive phenomena) for which an investigator or colleague directly interacts with human subjects in an outpatient or inpatient setting to clarify a problem in human physiology, pathophysiology or disease, or epidemiologic or behavioral studies, outcomes research or health services research, or developing new technologies, therapeutic interventions, or clinical trials.''.

SEC. 7. OVERSIGHT BY GENERAL ACCOUNTING OFFICE.

Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Congress a reporting describing the extent to which the National Institutes of Health has complied with the amendments made by this Act.

AMENDING FAIR LABOR STANDARDS ACT OF 1938

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 1693, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1693) to amend the Fair Labor Standards Act of 1938 to clarify the overtime exemption for employees engaged in fire protection activities.

There being no objection, the Senate proceeded to consider the bill.

Ms. COLLINS. Mr. President, I ask unanimous consent the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statement relating to the bill be printed in the RECORD.

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

The bill (H.R. 1696) was read the third time and passed.

AMENDING THE PUBLIC HEALTH SERVICE ACT

Ms. COLLINS. MR. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. 1488, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1488) to amend the Public Health Service Act to provide for recommendations of the Secretary of Health and Human Services regarding the placement of automatic external defibrillators in Federal Buildings in order to improve survival rates of individuals who experience cardiac arrest in such Buildings, and to establish protections from civil liability arising from the emergency use of the devices.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 2798

Ms. COLLINS. Mr. President, Senator GORTON has a substitute amendment at the best, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Maine [Ms. COLLINS] for Mr. Gorton, proposes an amendment numbered 2798.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. GORTON. I am pleased that the Senate will pass the Cardiac Arrest Survival Act before the end of this session. Each year 250,000 Americans suffer from sudden cardiac arrest. It can claim the life of a promising young athlete, a friend of family member regardless of age or health. Sudden Cardiac Arrest occurs when the heart's electrical impulses become chaotic causing the heart to stop pumping blood. Tragically, 95% of Americans who suffer from sudden cardiac arrest will die.

This bill helps to fight this killer by asking the Secretary of Health and Human Services to develop public access to defibrillation programs for federal buildings. Public access to defibrillation programs include improving access to automated external defibrillators (AEDs), training those likely to use the devices, ensuring proper medical oversight of the program and maintaining the devices according to manufacturer's guidelines. An AED is a small, laptop-sized device that is easy to use and can alalyze the heart rhythms of cardiac arrest victims to determine if a shock is warranted and, if necessary, deliver a lifesaving shock to the heart. The devices are so important because for every minute that passes before a cardiac arrest victim's heart is returned to normal rhythm, his or her chance of survival falls by as much as 10 percent.

This bill also provides important gap-filling Good Samaritan immunity for the few states that have yet to pass AED access laws. It will help ensure that people who respond to an emergency and use an AED to help cardiac arrest victims needn't fear frivolous lawsuits. It also provides reassurance to nonmedical facilities such as adult day care centers, the first aid station in a shopping mall, casinos, fitness clubs, sports stadiums, a health clinic in a business, an airport, ambulance, firetruck or other locations where AEDs may be beneficial that they can make these lifesaving devices available.

I want to thank Senators JEFFORDS and FRIST for their help in moving this bill forward. I am also grateful to the American Heart Association, the American Red Cross and the thirty-three other health organizations that have worked so hard to ensure passage of this bill. This is a good bill, it will help save lives and I look forward to working with my colleagues in the House to ensure that it is signed into law.

Mr. KENNEDY. Mr. President, Senator GORTON and I have worked closely

with Chairman JEFFORDS and Chairman FRIST to prepare this substitute amendment to S. 1488, the Cardiac Arrest Survival Act. I particularly commend my colleague from Washington, Senator GORTON, for his leadership on this issue. Promoting the use of defibrillators is good public policy. The substitute amendment is supported by the American Heart Association, the American Red Cross and the American Red Cross. I am hopeful that the recommendations to be developed by the Secretary of Health and Human Services will encourage decision makers at the federal, state and local levels to make the most effective use of automated external defibrillators. I believe that this legislation will save lives. The ''Good Samaritan'' provisions contained in the legislation are targeted, and there is no need for additional categories. I urge the Senate to approve it now, and the House to pass it in the next session. It is a solid proposal, and it deserves prompt enactment.

Mr. GORDON. I couldn't agree more with my colleague from Massachusetts. We have worked together to find common ground on an issue that we all believe is important. The product of these discussions is a bill that I would like to see enacted into law as soon as possible. I hope we can work together with our colleagues in the House to pass this measure and send it to the President next year.

Mr. JEFFORDS. Mr. President, exactly one year ago today, Mike Tighe of Barnard, Vermont boarded a commercial aircraft for a flight to Los Angeles, California. As the plane cruised at about 35,000 feet, Mr. Tighe suffered a deadly heart attack. To make a long story short, Mike is alive and well today, because the aircraft in which he was a passenger had, only two days before that fateful flight, installed an Automated External Defibrillator for use in such an emergency. Today, Mr. President, I am proud to say that the Senate has passed a bill, the Cardiac Arrest Survival Act of 1999, that will make it much easier for federal, state and local government to place these lifesaving devices in public buildings and emergency response units.

Automated External Defibrillators, known as AEDs, are small, easy-to-use, laptop size devices that can analyze heart rhythms to determine if a shock is necessary and, if warranted, prompt the user to deliver a life-saving shock to the heart. Research shows us that for every minute that passes before a cardiac arrest victim is defibrillated, the chance of survival falls by as much as ten percent. Research also shows that 250 lives can be saved each day from cardiac arrests by using the AED. This legislation will help reduce unnecessary and life-threatening minutes of delay, ensuring that public access to defibrillation programs are implemented in the hundreds of thousands of federal buildings.

The Cardiac Arrest Survival Act of 1999, which was introduced by Senator GORTON and referred to the committee that I chair, the Committee on Health Education, Labor and Pensions, has broad bipartisan support, as well as the strong support of the American Heart Association, American Red Cross, and representatives of thousands of first response units across America. I would like to congratulate and thank all my colleagues for passing this legislation today, and especially Senator GORTON, who introduced this bill in August, and has worked tirelessly to get it completed before adjournment.

But most of all, Mr. President, I would like to congratulate Mike Tighe as he celebrates the one year anniversary of the deadly heart attack that he survived because the airplane that he was traveling in was equipped with an Automated External Defibrillator. I hope the bill we passed today moves through the legislative process and is signed into law just as soon as possible next year, so that the estimated 1000 Americans who suffer from sudden cardiac arrests each day will have the same chance that Mr. Tighe did.

Mr. FRIST. Mr. President, I applaud the Senate passage of S. 1488, the Cardiac Arrest Survival Act, a bill which I believe will save lives by examining the appropriate placement of automated external defibrillators (AEDs) in federal buildings and extending protection for those who supply and administer these life saving devices.

Each year, over 250,000 Americans suffer sudden cardiac arrest with only 5% surviving. Sudden cardiac arrest is a common cause of death in which the heart suddenly lapses into a chaotic rhythm known as ventricular fibrillation and stops pumping blood. As a result, the individual collapses, stops breathing and has no pulse. Often the heart can be shocked back into a normal rhythm with the aid of a defibrillator. This is exactly what happened when I resuscitated a patient with cardioplumonary resuscitation (CPR) and electrical cardioversion in the Dirksen Senate Office Building in 1995. I am pleased to report that he is doing well now four years later.

When a person goes into cardiac arrest time is of the essence and every second counts. For every minute that passes without defibrillation, a person's chance of survival decreases by about 10 percent. Thus, having an automated external defibrillator (AED) in an accessible place is important. AEDs are portable, lightweight, easy to use and are becoming an essential part of administering first aid to a victim of sudden cardiac arrest.

We have seen that in places where AEDs are readily available, survival rates in some areas increase to as much as 20–30% and in some settings they have even reached 70%. During the 105th Congress, I authored the ''Aviation Medical Assistance Act,'' which was ultimately signed into law. This bill directed the Federal Aviation Administration to decide whether to require AEDs on aircraft and in airports. As a result of this new law, many airplanes now carry AEDs on board, and some airports have placed AEDs in their terminals. At Chicago O'Hare, just 4 months after AEDs were placed in that airport, 4 victims were resuscitated using the publicly available AEDs.

Currently, there is a movement in the States to expand the availability of AEDs by expressly extending Good Samaritan liability protection to users and providers of the devices. However, in federal jurisdictions such as court houses, federal agencies, and parks, there has been no coordinated effort to determine where AEDs ought to be placed and how an effective training program should occur. In addition, agencies that seek to obtain AEDs for high-risk populations report deferring purchases due to concerns about litigation and liability.

To help address this problem, the Cardiac Arrest Survival Act requests that the Secretary of the Department of Health and Human Services make recommendations for public access to defibrillation programs in federal buildings and extends Good Samaritan protection for automated external defibrillator users and providers in States that have not yet passed state legislation on this issue.

The bill does not require purchase of the devices, it simply asks for the Secretary of Health and Human Services to develop recommendations as to how best to develop these programs. The Good Samaritan portion of the bill is crafted so as not to pre-empt existing State laws, as well as to encourage States to continue to act on this issue in the future. In a matter of two or three years, 43 states have passed some form of AED Good Samaritan protection, which this bill will not pre-empt.

Mr. President, I am pleased that the Senate has taken action on this important piece of legislation and I look forward to its ultimate enactment into law. I want to thank my colleague, Senator GORTON, for taking the lead on this life saving proposal. I also would like to thank the American Heart Association and the American Red Cross for their help in drafting this legislation.

Ms. COLLINS. Mr. President, I ask unanimous consent that the substitute amendment be agreed to.

The amendment (No. 2798) was agreed to.

Ms. COLLINS. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements related to the bill be printed in the RECORD.

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

The bill (S. 1488), as amended, was read the third time and passed.

Ms. COLLINS. Mr. President, I note I am very pleased to be a cosponsor of the legislation that was just passed by the Senate.

AMENDING THE PUBLIC HEALTH SERVICE ACT

Ms. COLLINS. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. 1268, and that the Senate proceed to its immediate consideration.,

The PRESIDING OFFICER. Without objection, it is so ordered, The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1268) to amend the Public Health Service Act to provide support for the modernization and construction of biomedical and behavioral research facilities and laboratory instrumentation.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 2799

(Purpose: To modify the authorization of appropriations)

Ms. COLLINS. Mr. President, Senator HARKIN has an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Maine [Ms. COLLINS] for Mr. HARKIN, proposes an amendment numbered 2799.

The amendment is as follows:

On page 16, lines 14 and 15, strike ''$250,000,000 for fiscal year 2000, $500,000,000'' and insert ''$250,000,000''.

Ms. COLLINS. Mr. President, I ask unanimous consent that the amendment be agreed to.

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

The amendment (No. 2799) was agreed to.

Ms. COLLINS. Mr. President, I ask unanimous consent that the bill be read a third time and passed, as amended, the motion to reconsider be laid upon the table, and that any statements related to the bill be printed in the RECORD.

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

The bill (S. 1268), as amended, was read the third time and passed, as follows:

S. 1268

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 ''Twenty-First Century Research Laboratories Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the National Institutes of Health is the principal source of Federal funding for medical research at universities and other research institutions in the United States;

(2) the National Institutes of Health has received a substantial increase in research funding from Congress for the purpose of expanding the national investment of the United States in behavioral and biomedical research;

(3) the infrastructure of our research institutions is central to the continued leadership of the United States in medical research;

(4) as Congress increases the investment in cutting-edge basic and clinical research, it is critical that Congress also examine the current quality of the laboratories and buildings where research is being conducted, as well as the quality of laboratory equipment used in research;

(5) many of the research facilities and laboratories in the United States are outdated and inadequate;

(6) the National Science Foundation found, in a 1998 report on the status of biomedical research facilities, that over 60 percent of research-performing institutions indicated that they had an inadequate amount of medical research space;

(7) the National Science Foundation reports that academic institutions have deferred nearly $11,000,000,000 in renovation and construction projects because of a lack of funds; and

(8) future increases in Federal funding for the National Institutes of Health must include increased support for the renovation and construction of extramural research facilities in the United States and the purchase of state-of-the-art laboratory instrumentation.

SEC. 3. BIOMEDICAL AND BEHAVIORAL RESEARCH FACILITIES.

Section 481A of the Public Health Service Act (42 U.S.C. 287a–2 et seq.) is amended to read as follows:

''SEC. 481A. BIOMEDICAL AND BEHAVIORAL RESEARCH FACILITIES.

''(a) MODERNIZATION AND CONSTRUCTION OF FACILITIES.—

''(1) IN GENERAL.—The Director of NIH, acting through the Director of the Center, may make grants or contracts to public and nonprofit private entities to expand, remodel, renovate, or alter existing research facilities or construct new research facilities, subject to the provisions of this section.

''(2) CONSTRUCTION AND COST OF CONSTRUCTION.—For purposes of this section, the terms 'construction' and 'cost of construction' include the construction of new buildings and the expansion, renovation, remodeling, and alteration of existing buildings, including architects' fees, but do not include the cost of acquisition of land or off-site improvements.

''(b) SCIENTIFIC AND TECHNICAL REVIEW BOARDS FOR MERIT-BASED REVIEW OF PROPOSALS.—

''(1) IN GENERAL: APPROVAL AS PRECONDITION TO GRANTS.—

''(A) ESTABLISHMENT.—There is established within the Center a Scientific and Technical Review Board on Biomedical and Behavioral Research Facilities (referred to in this section as the 'Board').

''(B) REQUIREMENT.—The Director of the Center may approve an application for a grant under subsection (a) only if the Board has under paragraph (2) recommended the application for approval.

''(2) DUTIES.—

''(A) ADVICE.—The Board shall provide advice to the Director of the Center and the advisory council established under section 480 (in this section referred to as the 'Advisory Council') in carrying out this section.

''(B) DETERMINATION OF MERIT.—In carrying out subparagraph (A), the Board shall make a determination of the merit of each application submitted for a grant under subsection (a), after consideration of the requirements established in subsection (c), and shall report the results of the determination to the Director of the Center and the Advisory Council. Such determinations shall be conducted in a manner consistent with procedures established under section 492.

''(C) AMOUNT.—In carrying out subparagraph (A), the Board shall, in the case of applications recommended for approval, make recommendations to the Director and the Advisory Council on the amount that should be provided under the grant.

''(D) ANNUAL REPORT.—In carrying out subparagraph (A), the Board shall prepare an annual report for the Director of the Center and the Advisory Council describing the activities of the Board in the fiscal year for which the report is made. Each such report shall be available to the public, and shall—

''(i) summarize and analyze expenditures made under this section;

''(ii) provide a summary of the types, numbers, and amounts of applications that were recommended for grants under subsection (a) but that were not approved by the Director of the Center; and

''(iii) contain the recommendations of the Board for any changes in the administration of this section.

''(3) MEMBERSHIP.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Board shall be composed of 15 members to be appointed by the Director of the Center, and such ad-hoc or temporary members as the Director of the Center determines to be appropriate. All members of the Board, including temporary and ad-hoc members, shall be voting members.

''(B) LIMITATION.—Not more than 3 individuals who are officers or employees of the Federal Government may serve as members of the Board.

''(4) CERTAIN REQUIREMENTS REGARDING MEMBERSHIP.—In selecting individuals for membership on the Board, the Director of the Center shall ensure that the members are individuals who, by virtue of their training or experience, are eminently qualified to perform peer review functions. In selecting such individuals for such membership, the Director of the Center shall ensure that the members of the Board collectively—

''(A) are experienced in the planning, construction, financing, and administration of entities that conduct biomedical or behavioral research sciences;

''(B) are knowledgeable in making determinations of the need of entities for biomedical or behavioral research facilities, including such facilities for the dentistry, nursing, pharmacy, and allied health professions;

''(C) are knowledgeable in evaluating the relative priorities for applications for grants under subsection (a) in view of the overall research needs of the United States; and

''(D) are experienced with emerging centers of excellence, as described in subsection (c)(2).

''(5) CERTAIN AUTHORITIES.—

''(A) WORKSHOPS AND CONFERENCES.—In carrying out paragraph (2), the Board may convene workshops and conferences, and collect data as the Board considers appropriate.

''(B) SUBCOMMITTEES.—In carrying out paragraph (2), the Board may establish subcommittees within the Board. Such subcommittees may hold meetings as determined necessary to enable the subcommittee to carry out its duties.

''(6) TERMS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), each appointed member of the Board shall hold office for a term of 4 years. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which such member's predecessor was appointed shall be appointed for the remainder of the term of the predecessor.

''(B) STAGGERED TERMS.—Members appointed to the Board shall serve staggered terms as specified by the Director of the Center when making the appointments.

''(C) REAPPOINTMENT.—No member of the Board shall be eligible for reappointment to the Board until 1 year has elapsed after the end of the most recent term of the member.

''(7) COMPENSATION.—Members of the Board who are not officers or employees of the United States shall receive for each day the members are engaged in the performance of the functions of the Board compensation at the same rate received by members of other national advisory councils established under this title.

''(c) REQUIREMENTS FOR GRANTS.—

''(1) IN GENERAL.—The Director of the Center may make a grant under subsection (a) only if the applicant for the grant meets the following conditions:

''(A) The applicant is determined by such Director to be competent to engage in the type of research for which the proposed facility is to be constructed.

''(B) The applicant provides assurances satisfactory to the Director that—

''(i) for not less than 20 years after completion of the construction involved, the facility will be used for the purposes of the research for which it is to be constructed;

''(ii) sufficient funds will be available to meet the non-Federal share of the cost of constructing the facility;

''(iii) sufficient funds will be available, when construction is completed, for the effective use of the facility for the research for which it is being constructed; and

''(iv) the proposed construction will expand the applicant's capacity for research, or is necessary to improve or maintain the quality of the applicant's research.

''(C) The applicant meets reasonable qualifications established by the Director with respect to—

''(i) the relative scientific and technical merit of the applications, and the relative effectiveness of the proposed facilities, in expanding the capacity for biomedical or behavioral research and in improving the quality of such research;

''(ii) the quality of the research or training, or both, to be carried out in the facilities involved;

''(iii) the congruence of the research activities to be carried out within the facility with the research and investigator manpower needs of the United States; and

''(iv) the age and condition of existing research facilities.

''(D) The applicant has demonstrated a commitment to enhancing and expanding the research productivity of the applicant.

''(2) INSTITUTIONS OF EMERGING EXCELLENCE.—From the amount appropriated under subsection (i) for a fiscal year up to $50,000,000, the Director of the Center shall make available 25 percent of such amount, and from the amount appropriated under such subsection for a fiscal year that is over $50,000,000, the Director of the Center shall make available up to 25 percent of such amount, for grants under subsection (a) to applicants that in addition to meeting the requirements established in paragraph (1), have demonstrated emerging excellence in biomedical or behavioral research, as follows:

''(A) The applicant has a plan for research or training advancement and possesses the ability to carry out the plan.

''(B) The applicant carries out research and research training programs that have a special relevance to a problem, concern, or unmet health need of the United States.

''(C) The applicant has been productive in research or research development and training.

''(D) The applicant—

''(i) has been designated as a center of excellence under section 739;

''(ii) is located in a geographic area whose population includes a significant number of individuals with health status deficit, and the applicant provides health services to such individuals; or

''(iii) is located in a geographic area in which a deficit in health care technology, services, or research resources may adversely affect the health status of the population of the area in the future, and the applicant is carrying out activities with respect to protecting the health status of such population.

''(d) REQUIREMENT OF APPLICATION.—The Director of the Center may make a grant under subsection (a) only if an application for the grant is submitted to the Director and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Director determines to be necessary to carry out this section.

''(e) AMOUNT OF GRANT; PAYMENTS.—

''(1) AMOUNT.—The amount of any grant awarded under subsection (a) shall be determined by the Director of the Center, except that such amount shall not exceed—

''(A) 50 percent of the necessary cost of the construction of a proposed facility as determined by the Director; or

''(B) in the case of a multipurpose facility, 40 percent of that part of the necessary cost of construction that the Director determines to be proportionate to the contemplated use of the facility.

''(2) RESERVATION OF AMOUNTS.—On the approval of any application for a grant under subsection (a), the Director of the Center shall reserve, from any appropriation available for such grants, the amount of such grant, and shall pay such amount, in advance or by way of reimbursement, and in such installments consistent with the construction progress, as the Director may determine appropriate. The reservation of any amount by the Director under this paragraph may be amended by the Director, either on the approval of an amendment of the application or on the revision of the estimated cost of construction of the facility.

''(3) EXCLUSION OF CERTAIN COSTS.—In determining the amount of any grant under subsection (a), there shall be excluded from the cost of construction an amount equal to the sum of—

''(A) the amount of any other Federal grant that the applicant has obtained, or is assured of obtaining, with respect to construction that is to be financed in part by a grant authorized under this section; and

''(B) the amount of any non-Federal funds required to be expended as a condition of such other Federal grant.

''(4) WAIVER OF LIMITATIONS.—The limitations imposed under paragraph (1) may be waived at the discretion of the Director for applicants meeting the conditions described in subsection (c).

''(f) RECAPTURE OF PAYMENTS.—If, not later than 20 years after the completion of construction for which a grant has been awarded under subsection (a)—

''(1) the applicant or other owner of the facility shall cease to be a public or non profit private entity; or

''(2) the facility shall cease to be used for the research purposes for which it was constructed (unless the Director determines, in accordance with regulations, that there is good cause for releasing the applicant or other owner from obligation to do so);

the United States shall be entitled to recover from the applicant or other owner of the facility the amount bearing the same ratio to the current value (as determined by an agreement between the parties or by action brought in the United States District Court for the district in which such facility is situated) of the facility as the amount of the Federal participation bore to the cost of the construction of such facility.

''(g) GUIDELINES.—Not later than 6 months after the date of the enactment of this section, the Director of the Center, after consultation with the Advisory Council, shall issue guidelines with respect to grants under subsection (a).

''(h) REPORT TO CONGRESS.—The Director of the Center shall prepare and submit to the appropriate committees of Congress a biennial report concerning the status of the biomedical and behavioral research facilities and the availability and condition of technologically sophisticated laboratory equipment in the United States. Such reports shall be developed in concert with the report prepared by the National Science Foundation on the needs of research facilities of universities as required under section 108 of the National Science Foundation Authorization Act for Fiscal Year 1986 (42 U.S.C. 1886).

''(i) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $250,000,000 for fiscal year 2001, and such sums as may be necessary for each of the fiscal years 2002 and 2003.''.

SEC. 4. CONSTRUCTION PROGRAM FOR NATIONAL PRIMATE RESEARCH CENTERS.

Section 481B(a) of the Public Health Service Act (42 U.S.C. 287a–3(a)) is amended by striking ''1994'' and all that follows through ''$5,000,000'' and inserting ''2000 through 2002, reserve from the amounts appropriated under section 481A(i) such sums as necessary''.

SEC. 5. SHARED INSTRUMENTATION GRANT PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $100,000,000 for fiscal year 2000, and such sums as may be necessary for each subsequent fiscal year, to enable the Secretary of Health and Human Services, acting through the Director of the National Center for Research Resources, to provide for the continued operation of the Shared Instrumentation Grant Program (initiated in fiscal year 1992 under the authority of section 479 of the Public Health Service Act (42 U.S.C. 287 et seq.)).

(b) REQUIREMENTS FOR GRANTS.—In determining whether to award a grant to an applicant under the program described in subsection (a), the Director of the National Center for Research Resources shall consider—

(1) the extent to which an award for the specific instrument involved would meet the scientific needs and enhance the planned research endeavors of the major users by providing an instrument that is unavailable or to which availability is highly limited;

(2) with respect to the instrument involved, the availability and commitment of the appropriate technical expertise within the major user group or the applicant institution for use of the instrumentation;

(3) the adequacy of the organizational plan for the use of the instrument involved and the internal advisory committee for oversight of the applicant, including sharing arrangements if any;

(4) the applicant's commitment for continued support of the utilization and maintenance of the instrument; and

(5) the extent to which the specified instrument will be shared and the benefit of the proposed instrument to the overall research community to be served.

(c) PEER REVIEW.—In awarding grants under the program described in subsection (a) Director of the National Center for Research Resources shall comply with the peer review requirements in section 492 of the Public Health Service Act (42 U.S.C. 289a).

AMENDING THE PUBLICH HEALTH SERVICE ACT

Ms. COLLINS. Mr. President, I ask unanimous consent that the HELP

Committee be discharged from further consideration of S. 1243, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1243) to amend the Public Health Service Act to revise and extend the prostate cancer preventive health program.

There being no objection, the Senate proceeded to consider the bill.

Ms. COLLINS. Mr. President, I ask unanimous consent that the bill be 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. 1243) was read the third time and passed, as follows:

S. 1243

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 ''Prostate Cancer Research and Prevention Act''.

SEC. 2. AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT.

(a) PREVENTIVE HEALTH MEASURES.—Section 317D of the Public Health Service Act (42 U.S.C. 247b–5) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may make grants to States and local health departments for the purpose of enabling such States and departments to carry out programs that may include the following:

''(1) To identify factors that influence the attitudes or levels of awareness of men and health care practitioners regarding screening for prostate cancer.

''(2) To evaluate, in consultation with the Agency for Health Care Policy and Research and the National Institutes of Health, the effectiveness of screening strategies for prostate cancer.

''(3) To identify, in consultation with the Agency for Health Care Policy and Research, issues related to the quality of life for men after prostrate cancer screening and followup.

''(4) To develop and disseminate public information and education programs for prostate cancer, including appropriate messages about the risks and benefits of prostate cancer screening for the general public, health care providers, policy makers and other appropriate individuals.

''(5) To improve surveillance for prostate cancer.

''(6) To address the needs of underserved and minority populations regarding prostate cancer.

''(7) Upon a determination by the Secretary, who shall take into consideration recommendations by the United States Preventive Services Task Force and shall seek input, where appropriate, from professional societies and other private and public entities, that there is sufficient consensus on the effectiveness of prostate cancer screening—

''(A) to screen men for prostate cancer as a preventive health measure;

''(B) to provide appropriate referrals for the medical treatment of men who have been screened under subparagraph (A) and to ensure, to the extent practicable, the provision of appropriate followup services and support services such as case management;

''(C) to establish mechanisms through which State and local health departments can monitor the quality of screening procedures for prostate cancer, including the interpretation of such procedures; and

''(D) to improve, in consultation with the Health Resources and Services Administration, the education, training, and skills of health practitioners (including appropriate allied health professionals) in the detection and control of prostate cancer.

''(8) To evaluate activities conducted under paragraphs (1) through (7) through appropriate surveillance or program monitoring activities.''; and

(2) in subsection (l)(1), by striking ''1998'' and inserting ''2004''.

(b) NATIONAL INSTITUTES OF HEALTH.—Section 417B(c) of the Public Health Service Act (42 U.S.C. 286a–8(c)) is amended by striking ''and 1996'' and inserting ''through 2004''.

MAKING A TECHNICAL CORRECTION

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of H. Con. Res. 239, which is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 239) directing the Clerk of the House of Representatives to make a technical correction in the enrollment of the bill H.R. 3194.

Ms. COLLINS. Mr. President, I ask unanimous consent that the resolution be agreed to, and the motion to reconsider be laid upon the table.

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

The concurrent resolution (H. Con. Res. 239) was agreed to.

AMENDING THE IMMIGRATION AND NATIONALITY ACT

Ms. COLLINS. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 2886, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2886) to amend the Immigration and Nationality Act to provide that an adopted alien who is less than 18 years of age may be considered a child under such Act if adopted with or after a sibling who is a child under such Act.

There being no objection, the Senate proceeded to consider the bill.

Ms. COLLINS. Mr. President, I ask unanimous consent that the bill be 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 (H.R. 2886) was read the third time and passed.

AMENDING TITLE 18, UNITED STATES CODE

Ms. COLLINS. Mr. President, I now ask unanimous consent that the Senate proceed to the consideration of H.R. 1887, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1887) to amend title 18, United States Code, to punish the depiction of animal cruelty.

There being no objection, the Senate proceeded to consider the bill.

Mr. SMITH of New Hampshire. Mr. President, today, I rise in strong support of H.R. 1887, legislation that overwhelmingly passed the House to ban interstate commerce in videos depicting acts of cruelty against animals. Specifically, this legislation would ban the interstate shipment of videos that record women, often wearing stiletto heeled shoes, slowly crushing live animals to death. Animal victims include hamsters, kittens, puppies, and even monkeys. Viewers purchase these videos for $15 to $300 and apparently derive some sexual gratification from watching these horrifying act of animal cruelty.

The Humane Society of the United States, which brought this issue to the attention of law enforcement agencies, has discovered that there are more than 2,000 video titles that include crushing. One such business in California has labeled itself Steponit.

I really have never heard of more bizarre, more perverse, and more sickening acts that this. This goes way beyond the bounds of even of our most wild imaginations.

The people in this industry should face serious penalties for their sick acts of cruelty. Fines and jail time are appropriate societal responses.

State anti-cruelty statues are not adequate in addressing this problem. It has been difficult for enforcement agents to determine when the practice occurred, where it occurred, and who has been involved, since feet and the crushing of the animals are the only images on the video.

Here is a case where a restriction on interstate commerce in these products—in the age of the Internet, which facilitates this trade—is absolutely necessary. We have to stop the purveyors of this filth, indecency and cruelty.

This is not the harmless act of few people out of the mainstream. This is an extreme antisocial act, where innocent animals are harmed for the profits of producers and the mere sexual gratification of viewers.

In additon to the harm that the animals endure, there is an additional reason to crack down on this industry. There is a well-established link between acts of violence against animals and later acts of violence perpetrated against people. People sometimes rehearse their violence on animals before turning their violent intentions against people. The FBI and other law

enforcement agencies have long recognized this linkage.

What sort of message do we send to children to allow these videos to be commercially traded and then viewed? It has to be desensitizing for children and adults to see these destructive images. There surely is a major impact on society when people lose their empathy and express their violent impulses on a larger social stage.

Mr. President, H.R. 1887 passed the House by an overwhelming vote of 372 to 42. I understand that it is currently being held at the desk. It is my hope that Senate will stop this industry in its tracks by passing this legislation.

Mr. KYL. Mr. President, I rise in support of H.R. 1887, a bill by Representative GALLEGLY which would prohibit, and set penalties for, knowingly creating, selling, or possessing a depiction of animal cruelty with the intention of placing that depiction in interstate or foreign commerce for commercial gain.

I would first like to thank the advocacy groups and individuals who testified at the House Subcommittee on Crime hearing and helped publicize the need for legislation to combat this form of animal cruelty. I would also like to thank Senator HATCH, chairman of the Senate Judiciary Committee, for his help in the passage of H.R. 1887.

I recently was informed by Representative GALLEGLY of a growing problem in California involving ''crush'' videos. Much of the material graphically features women stepping on and killing a variety of small animals. The animals are bound to the floor or other materials and are slowly tortured and crushed. When this deplorable practice came to light, Representative GALLEGLY introduced H.R. 1887, which targets the market for these disturbing videos.

While the acts of animal cruelty featured in these videos may violate many state animal cruelty laws, they can be difficult to prosecute. For example, prosecutors often cannot prove the date when the acts were performed or the identity of the individual committing the act of cruelty because the person's face is concealed or not filmed.

The purpose of H.R. 1887 is to prohibit individuals from profiting from videos depicting animal cruelty if the act depicted is illegal under federal or state law. This bill provides federal law-enforcement officials with a tool to prosecute the individuals making profits from these videos, which can be sold via the Internet and through catalogs for $30 to $100 a piece. Eliminating the videos' commercial incentive will hopefully stem the creation of ''crush'' videos.

This bill is important because many studies have shown that abusing animals is often a prosecutor for committing violence against other people. H.R. 1887 may not solve that problem, but it will at least eliminate the market for a truly reprehensible product.

Ms. COLLINS. Mr. President, I ask unanimous consent that the bill be 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 (H.R. 1887) was read the third time and passed.

NATIONAL AMERICAN INDIAN HERITAGE MONTH

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of calendar No. 413, S. Res. 216.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 216) designating the Month of November 1999 as ''National American Indian Heritage Month''.

There being no objection, the Senate proceeded to consider the resolution.

Ms. COLLINS. 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 (S. Res. 216) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 216

Whereas American Indians and Alaska Natives were the original inhabitants of the land that now constitutes the United States;

Whereas American Indian tribal governments developed the fundamental principles of freedom of speech and separation of powers that form the foundation of the United States Government;

Whereas American Indians and Alaska Natives have traditionally exhibited a respect for the finiteness of natural resources through a reverence for the earth;

Whereas American Indians and Alaska Natives have served with valor in all of America's wars beginning with the Revolutionary War through the conflict in the Persian Gulf, and often the percentage of American Indians who served exceeded significantly the percentage of American Indians in the population of the United States as a whole;

Whereas American Indians and Alaska Natives have made distinct and important contributions to the United States and the rest of the world in many fields, including agriculture, medicine, music, language, and art;

Whereas American Indians and Alaska Natives deserve to be recognized for their individual contributions to the United States as local and national leaders, artists, athletes, and scholars;

Whereas this recognition will encourage self-esteem, pride, and self-awareness in American Indians and Alaska Natives of all ages; and

Whereas November is a time when many Americans commemorate a special time in the history of the United States when American Indians and English settlers celebrated the bounty of their harvest and the promise of new kinships: Now, therefore, be it

Resolved, That the Senate designates November 1999 as ''National American Indian Heritage Month'' and requests that the President issue a proclamation calling on the Federal Government and State and local governments, interested groups and organizations, and the people of the United States to observe the month with appropriate programs, ceremonies, and activities.

AMENDING THE STATUTORY DAMAGES PROVISIONS OF TITLE 17, UNITED STATES CODE

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 3456.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3456) to amend statutory damages provisions of title 17, United States Code.

There being no objection, the Senate proceeded to consider the bill.

Ms. COLLINS. Mr. President, I ask unanimous consent that the bill be 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 (H.R. 3456) was read the third time and passed.

HONORING JOSEPH JEFFERSON ''SHOELESS JOE'' JACKSON

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on Commerce be discharged from further consideration of S. Res. 134 and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 134) expressing the sense of the Senate that Joseph Jefferson ''Shoeless Joe'' Jackson should be appropriately honored for his outstanding baseball accomplishments.

There being no objection, the Senate proceeded to consider the resolution.

Mr. HARKIN. Mr. President, I am very pleased that the Senate has given its approval to Senate Resolution 134. With passage of this resolution, which I introduced earlier this year with Senators THURMOND and HOLLINGS, the Senate has gone on record to right a wrong perpetrated against one of the greatest American baseball players of all time—Joseph Jefferson ''Shoeless Joe'' Jackson. And I want to commend Senators THURMOND and HOLLINGS for their good work on this.

''Shoeless Joe'' has been an inspiration to baseball players and fans for decades. Even the legendary Babe Ruth was said to have copied Jackson's swing. I was touched by Jacksons' 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 was attended by a cast of baseball greats, including 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. Despite all this, in 1920 ''Shoeless Joe'' Jackson was banned from the game of baseball, the gamed 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 Comiskey 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 twelve 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 thirty 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 say 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 held a hearing, thus denying ''Shoeless Joe'' Jackson due process.

Major League Baseball now has the opportunity to correct a great injustice. I have written 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.

The resolution we passed 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 has given us the opportunity to right an old wrong. It has given us the opportunity to honor one of the all-time great players of America's pastime, ''Shoeless Joe'' Jackson.

I thank my colleagues for supporting this resolution.

AMENDMENT NO. 2800

(Purpose: To amend certain findings of the Resolution)

Ms. COLLINS. Mr. President, Senator THURMOND has a substitute at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maine [Ms. COLLINS], for Mr. THURMOND, proposes an amendment number 2800.

The amendment is as follows:

Strike all after the resolving clause and insert the following:

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 1919 World Series against the Cincinnati Reds.

(2) In 1921, a criminal court acquitted ''Shoeless Joe'' Jackaon of charges brought against him as a consequence of his participation in the 1919 World Series.

(3) Despite the acquitta, Commissioner Landis banned ''Shoeless Joe'' Jackson from playing Major League Baseball for life without conducting a hearing, receiving evidence of Jackson's alleged activities, or giving Mr. Jackson a forum to rebut the allegations, issuing a summary punishment that fell far short of due process standards.

(4) 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.

(5) 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.

(6) ''Shoeless Joe'' Jackson's career record clearly makes him one of our Nation's top baseball players of all time.

(7) 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.

(8) ''Shoeless Joe'' Jackson passed away in 1951, and 80 years have elapsed since the 1919 World Series scandal erupted.

(9) Recently, Major League Baseball Commissioner Bud Selig took an important step by agreeing to investigate whether ''Shoeless Joe'' Jackson 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.

(10) Courts have exonerated ''Shoeless Joe'' Jackson, the 1919 World Series box score stands as a witness of his record setting play, and 80 years have passed since the scandal erupted; therefore, Major League Baseball should appropriately honor the outstanding baseball accomplishments of Joseph Jefferson ''Shoeless Joe'' Jackson.

(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.

Ms. COLLINS. Mr. President, I ask unanimous consent that the amendment be agreed to.

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

The amendment (No. 2800) was agreed to.

Ms. COLLINS. Mr. President, I ask unanimous consent that the resolution, as amended, be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to this matter be printed in the RECORD.

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

The resolution (S. Res. 134), as amended, was agreed to.

(The resolution will be printed in a future edition of the RECORD.)

HONORING ZACHARY FISHER

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.J. Res. 26.

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 46) conferring status as an honorary veteran of the United States Armed Forces on Zachary Fisher.

There being no objection, the Senate proceeded to consider the joint resolution.

Ms. COLLINS. Mr. President, I ask unanimous consent that the joint resolution 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 joint resolution (H.J. Res. 46) was read the third time and passed.

DIRECTING SENATE COMMISSION ON ART TO RECOMMEND PAINTINGS FOR SENATE RECEPTION ROOM

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 241, submitted earlier by Senator LOTT.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 241) to direct the Senate Commission on Art to recommend to the Senate two outstanding individuals whose paintings shall be placed in two of the remaining unfilled spaces in the Senate Reception Room.

There being no objection, the Senate proceeded to consider the resolution.

Ms. COLLINS. 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 that any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 241) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 241

Whereas the reception room in the Capitol outside the Senate Chamber was originally designed to contain medallion likenesses of outstanding Americans;

Whereas there are at present 6 unfilled spaces in the Senate reception room for such medallions; and

Whereas it is in the public interest to accomplish the original objective of the design of the Senate reception room by selecting individuals who were outstanding Senate legislators with a deep appreciation for the Senate, who will serve as role models for future Americans: Now, therefore, be it

Resolved, That (a) the Senate Commission on Art established under section 901 of the Arizona-Idaho Conservation Act of 1988 (40 U.S.C. 188b) (referred to as the ''Commission'') shall select 2 outstanding individuals whose paintings shall be placed in 2 of the remaining unfilled spaces in the Senate reception room, upon approval by the Senate.

(b)(1) The Commission shall select individuals from among Senators, without consideration to party affiliation, who have not served as a Senator in the last 21 years. The Commission shall not select a living individual.

(2) The Commission shall consider first those Senators who are not already commemorated in the Capitol or Senate Office Buildings, although such commemoration shall serve as an absolute bar to consideration or selection only for those who have served as President of the Senate, as the latter are visibly and appropriately commemorated through the Vice Presidential bust collection.

(3) The Commission also shall give primary consideration to the service of the Senator while in the Senate, as opposed to other service to the United States.

(c) The Commission is authorized to seek advice and recommendations from historians and other sources in carrying out this resolution.

SEC. 2. The Commission shall make its selections and recommendations pursuant to the first section no later than the close of the second session of the 106th Congress.

SEC. 3. For purposes of making the recommendations required by this resolution, a member of the Commission may designate another Senator to act in place of that member.

SEATTLE, WASHINGTON, WTO MEETING

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate now turn to H. Con. Res. 190, regarding the Seattle, WA WTO meeting, the resolution be considered agreed to, and the motion to reconsider be laid upon the table, all without any intervening action or debate.

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

The concurrent resolution (H. Con. Res. 190) was agreed to.

Mr. ROTH. Mr. President, I am pleased that the Senate has unanimously supported this concurrent resolution. As the United States prepares for the World Trade Organization meeting in Seattle, it is important that Congress send this message—that electronic commerce should be free of tariff and non-tariff barriers, and of multiple and discriminatory taxation. At this time, I do want to make one clarification.

The resolution urges a permanent international ban on tariffs on electronic commerce. It is my understanding that, in this context, this phrase really urges a permanent international ban on tariffs on electronic transmissions. Electronic transmissions is a more exact phrase, which more clearly reflects the findings of this resolution and the current negotiating position of the United States.

Ms. COLLINS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDING PART E OF TITLE IV OF THE SOCIAL SECURITY ACT

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3443, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3443) to amend part E of title IV of the Social Security Act to provide States 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.

There being no objection, the Senate proceeded to consider the bill.

Ms. COLLINS. Mr. President, I ask unanimous consent that the bill be considered 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 bill (H.R. 3443) was read the third time and passed.

THANKS TO THE STAFF

Ms. COLLINS. Mr. President, we are awaiting one final legislative measure that we expect to clear tonight. In the meantime, I thank the floor staff for all of their assistance with this legislative flurry this evening and earlier today. I also express my thanks to the staff of the Senate for their ongoing assistance to me and to other Senators.

I take this opportunity to also praise my own staff, which has worked so hard during this last legislative session. It has been a very productive one, and I feel very fortunate to have such a talented and hard-working staff to support me in my efforts to serve the people of Maine. I thank the presiding officer for his patience as we have proceeded through this last-minute flurry of legislation. We can be proud of the fact that we have been able to clear a great deal of legislation today that will make a real difference for the families of America.

LAND CONVEYANCE

Ms. COLLINS. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on S. 416, an act 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.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 416) entitled ''An Act 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'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

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, (hereinafter referred to as the 'city') 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 160 acres or 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.—

(1) IN GENERAL.—The conveyance under subsection (a) shall be made on the condition that the city—

(A) shall conduct a public process before the final determination is made regarding land use for the disposition of treated effluent,

(B) except as provided by paragraph (2), shall be responsible for system development charges, mainline construction costs, and equivalent dwelling unit monthly service fees as set froth in the agreement between the city and the Forest Service in the letter of understanding dated October 14, 1999; and

(C) shall pay the cost of preparation of any documents required by any environmental law in connection with the conveyance.

(2) ADUSTMENT IN FEES.—

(A) VALUE HIGHER THAN ESTIMATED.—If the land to be conveyed pursuant to subsection (a) is appraised for a value that is 10 percent or more higher than the value estimated for such land in the agreement between the city and the Forest service in the letter of understanding dated October 14, 1999, the city shall be responsible for additional charges, costs, fees, or other compensation so that the total amount of charges, costs, and fees for which the city is responsible under paragraph (1)(B) plus the value of the amount of charges, costs, fees, or other compensation due under this subparagraph is equal to such appraised value. The Secretary and the city shall agree upon the form of additional charges, costs, fees, or other compensation due under this subparagraph.

(B) VALUE LOWER THAN ESTIMATED.—If the land to be conveyed pursuant to subsection (a) is appraised for a value that is 10 percent or more lower than the value estimated for such land in the agreement between the city and the Forest Service in the letter of understanding dated October 14, 1999, the amount of equivalent dwelling unit monthly service fees for which the city shall be responsible under paragraph (1)(B) shall be reduced so that the total amount of charges, costs, and fees for which the city is responsible under that paragraph is equal to such apprised appraised value.

(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 describe 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.

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate concur in the amendment of the House.

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

ORDERS FOR MONDAY, JANUARY 24, 2000

Ms. COLLINS. Mr. President, I believe we have now completed our business today. When the Senate completes its business today, it will stand in adjournment under the provisions of H. Con. Res. 235 until the hour of 12 noon on Monday, January 24, 2000, for the opening of the second session of the 106th Congress.

I ask unanimous consent that following the quorum call and the routine housekeeping matters, the Journal of the proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period for the transaction of routine morning business until 2 p.m., with Members permitted to speak for up to 10 minutes each.

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

PROGRAM

Ms. COLLINS. Mr. President, for the information of all Senators, a cloture vote will occur at 12 noon on Tuesday, January 25, 2000, on the pending bankruptcy bill, in an effort to keep the remaining amendments to the bill germane to the issue of bankruptcy. Other legislation and executive calendar items could be considered during the session of the Senate on that Monday. However, votes are not expected to occur.

I deeply thank all of my colleagues for their patience and cooperation in the final hours of the first session of the 106th Congress. I think we are very fortunate to have the leaders that we have in the Senate. On their behalf, and on my own behalf, I wish everyone a safe and happy holiday season.

ADJOURNMENT SINE DIE

Ms. COLLINS. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the provisions of H. Con. Res. 235.

There being no objection, at 8:49 p.m., the Senate adjourned sine die.

NOMINATIONS

Executive nominations received by the Senate November 19, 1999:

DEPARTMENT OF JUSTICE

E. DOUGLAS HAMILTON, OF KENTUCKY, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF KENTUCKY FOR THE TERM OF FOUR YEARS, VICE BRIAN SCOTT ROY, RESIGNED.

NATIONAL MEDIATION BOARD

FRANCIS J. DUGGAN, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL MEDIATION BOARD FOR A TERM EXPIRING JULY 1, 2003. (REAPPOINTMENT)

PUBLIC HEALTH SERVICE

THE FOLLOWING CANDIDATES FOR PERSONNEL ACTION IN THE REGULAR COMPONENT OF THE PUBLIC HEALTH SERVICE COMMISSIONED CORPS SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW AND REGULATIONS:

1. FOR APPOINTMENT:

To be medical director

EDWIN L. JONES III
DEAN D. METCALFE
ROBERT E. WITTES

To be senior surgeon

LAURA J. FEHRS
BARBARA L. HERWALDT
JOSEPH P. ISER
JOSEPH M. KACZMARCZYK
CAROLYN V. LEE
ILUMINADA M. LIM
KENNETH W. SMEAD III
JEROME I. TOKARS, JR.
STEFAN Z. WIKTOR

To be surgeon

M. MILES BRAUN
MARK E. DELOWERY
HAMID S. JAFARI
FREDERICK W. MILLER
DIANA M. RODRIGUEZ
DONALD J. SHARP

To be senior assistant surgeon

STEPHEN P. KACHUR

To be senior assistant surgeon surgeon

KERMIT C. SMITH

To be senior dental surgeon

CARL F. MEINHARDT

To be dental surgeon

CARL J. GUSTKE
Christopher G. Halliday
Kathy L. Hayes
Thomas A. Korbitz
Raymond F. Lala
Ruth I. Lashley
David M. McCollough
Saunders P. Steiman
JEFFERY L. VIDRINE

To be senior assistant dental surgeon

ROBERT G. GOOD
PAUL H. JOHNSON
Kimberly A. Lafleur-Nigg
John E. Lorincz
Gelynn L. Majure
Kippy G. Martin
Steven A. Mogel
Paul S. Wood
BENJAMIN C. WOOTEN

To be senior nurse officer

MICHAEL B. ANDERSON
KATHLEEN E. HASTINGS

To be nurse officer

KIRK L. HOPINKA
ARMANDO S. LEDESMA

To be senior assistant nurse officer

WENDY S. ANTONOWSKY
MARY L. CLIFT
DANIEL W. CLINE
JEFFREY L. DERRY
CYNTHIA T. FERGUSON
JOHN M. FRAMSTAD
JOHN M. HOLCOMB
PATRICIA M. JACOBS
ROBERTA PROFFITT LAVIN
PETER J. MARTINEAU
PEGGY J. MATHIS
SUSAN M. ORSEGA
BARBARA L. SCHOEN
SYLVIA TRENT-ADAMS
LINDA M. TRUJILLO
TRACY L. WOLFE

To be assistant nurse officer

DEBRA D. AYNES
AKILAH K. GREEN

To be senior engineer officer

KIM A. YALE

To be senior assistant engineer officer

SAMIE NIVER ALLEN
STEVEN L. BOSILJEVAC
CHRISTOPHER A. BRADLEY
GORDON R. DELCHAMPS
MATTHEW N. DIXON
RANDALL J. GARDNER
DARRELL W. LAROCHE
EDWARD M. LOHR
NELSON N. MIX

To be assistant engineer officer

NATHAN C. TATUM

To be scientist director

NEIL S. BUCKHOLTZ

To be senior scientist

ALEJO BORRERO-HERNANDE
ARMEN H. THOUMAIAN

To be scientist

S. LORI BROWN
GEORGE B. JONES
JOYCE L. SMITH

To be sanitarian

ROBERT H. BERGER
JOSEPH L. SALYER

To be senior assistant sanitarian

KEITH W. COOK
ANN M. KRAKE
RICHARD A. ORLANDO

To be senior veterinary officer

MARCIA L. HEADRICK
CAROL S. RUBIN

To be veterinary officer

SEAN F. ALTEKRUSE

To be senior pharmacist

TRUMAN M. HORN
THOMAS E. KRIZ
DAVID L. MILLER
JUSTINA A. MOLZON

To be senior assistant pharmacist

DONALD L. BRANHAM
BEECHER R. COPE, JR.
KATHLEEN M. DOTSON
JOE A. DUNCAN
MARK A. FELTNER
MATTHEW P. GRAMMER
RANDALL J. HAIGH
DANIEL L. HASENFANG
DAVID H. HUANG
MALENA A. JONES
HYE-JOO KIM
MICHAEL J. LONG
Patrick M. Marshall, Jr.
Mark R. Mc Clain
Mayra I. Melendez
Alicia M. Mozzachio
Mary A. Niesen
Scarlet D. Southern
Beverly K. Wilcox
DEBORAH F. YAPLEE

To be assistant pharmacist

JAMES E. BRITTON, JR.
SHARON J. MC COY
TRACY L. MALONEY

To be dietitian

TAMMY L. BROWN

To be senior assistant dietitian

MELISSA A. ZAFONTE

To be therapist

GEORGIA A. JOHNSON

To be senior assistant therapist

MARY BETH DORGAN
JOHN H. FIGAROLA
JEFFREY C. FULTZ

To be health services director

RICHARD A. HATCH

To be senior health services officer

TERRY L. BOLEN
CAROL A. COLEY
HARVEY G. LANDRY
JERRY L. SHERER

To be health services officer

NINA F. DOZORETZ
STEVEN A. SMITH

To be senior assistant health services officer

DEBORAH A. BOLING
DIANE E. CAIRNS
ROBERT J. CARSON
ELIZABETH F. CLAVERIE
PAUL S. CLEMENS
PAMELA G. CONRAD
STEVEN E. HOBBS
MARK S. HOSS
THOMAS W. HURST
DANIEL M. KAVANAUGH
JAMES B. REED
ASTRID L. SZETO
ROBBIN K. WILLIAMS
ANTHONY M. ZECCOLA

To be assistant health services officer

MONTA A. BREEDEN
BONNIE L. GRANT
ARIEL E. VIDALES
COLLEEN E. WHITE

THE FOLLOWING CANDIDATES FOR PERSONNEL ACTION IN THE REGULAR COMPONENT OF THE PUBLIC HEALTH SERVICE SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW AND REGULATIONS:

1. FOR APPOINTMENT:

To be medical director

SUSAN J. BLUMENTHAL
MICHAEL R. BOYD
ANGEL R. BRANA
TIMOTHY R. CAVANAGH
LARRY D. CROOK
RICHARD C. DICKER
LESLIE G. FORD
SUSAN V. GLOYD
CHARLES G. HELMICK III
STEPHEN P. HEYSE
JOYCE M. JOHNSON
EDWIN M. KILBOURNE
JOHN R. KITTREDGE
KESINEE C. NIMIT
PHILIP D. NOGUCHI
Guillermo R. Otero-Herrmann
Herbert B. Peterson
Gerald V. Quinnan, Jr.
Ada I. Rivera
Harold W. Schneider, Jr.
Elston Seal, Jr.
Stanley L. Slater
Suzanne M. Smith
MARGARET A. TIPPLE

To be senior surgeon

WILLIAM E. CARTER, JR.
ROBERT F. CHESBRO
AHJA K. CHON
DAVID S. DICKMAN
JAMES M. GALLOWAY
ALAN E. GREENBERG
THOMAS R. HALES
TERENCE H. HAMEL
FREDERIC W. HELD
PETER M. HOUCK
MARTIN J. KILEEN
BOYD W. MANGES
DAVID M. MANNINO III
TIMOTHY D. MAYHEW
NEIL J. MURPHY
BERNARD L. NAHLEN
TIMOTHY C. NICELY
PATRICK W. OCARROLL
PATRICK J. OCONNER
ROBERT W. PINNER
GARY F. ROSENBERG
MARK H. SCHIFFMAN
JOSEPH E. SNIEZEK
KATHERINE M. STONE
DENNIS P. TOOMEY
CHARLES R. VERGONA
ROBERT P. WISE
JOHN S. YAO
KEVIN S. YESKEY
LYNDA K. ZAUNBRECHER

To be surgeon

JAMES P. ALEXANDER, JR.
ALICE Y. BOUDREAU
GREGORY M. BUCHALTER
JOANNA BUFFINGTON
PALU P. CARNES
Erlinda R. Casuga-Marquez
Joseph M. Chen
AHMED M. ELKASHEF
MICHAEL C. ENGEL
AURELIO GALATI
BROCKTON J. HEFFLIN
RONALD W. JOHNSON
CONNIE A. KREISS
BONITA D. MALIT
WILLIAM J. MARX, JR.
GREGG MC NEIL
TAN T. NGUYEN
ELIZABETH ORTIZ-RIOS
DAVID H. SNIADACK
PAUL H. STEVENS
JUDITY THIERRY
JESSIE S. WING
STEVEN S. WOLF
STEPHANIE ZAZA

To be senior assistant surgeon

JOHN M. BALINTONA
JENNIFER L. BETTS
MATTHEW A. CLARK
AL-KARIM A. DHANJI
HEIDI C. ERICKSON
GRETCHEN M. ESPLUND
PHILIP T. FARABAUGH
DAVID C. HOUGHTON
JOHN C. MOHS
KIMBERLY S. MOHS
ROCHELLE M. NOLTE
LAURIE E. OLNES
SUSANNAH Q. OLNES
TRACEY FORD PETRIDES
MARK A. SHEFFLER
MELISSA A. SIPE
JOANETTE A. SORKIN
REBECCA L. WERNER

To be dental director

ROBERT J. ALLEN
GREGORY K. BAKER
ROBERT J. BENCIC
ROBERT S. BETZ
SCOTT BINGHAM
ERIC G. BRUCE
MICHAEL J. CRISTY
RICHARD M. DAVIDSON
ROBERT J. DAVIS
DONALD O. FORSEE
JAN R. GOLDSMITH
BYRON G. JASPER
MARK E. KOSELL
ROBERT R. MILLER
THOMAS O. OAS
GREGORY T. SMITH
CAROLYN A. TYLENDA
RICHARD M. VAUGHN

To be senior dental surgeon

JOHN S. BETZ
ARTURO BRAVO
MICHAEL H. CANGEMI
JAMES L. CARPENTER
SHERWOOD G. CROW
ROSEMARY E. DUFFY
MILTON J. EISIMINGER
CHARLES W. GRIM
KEVIN S. HARDWICK
DAVID L. HARRIS
STUART R. HOLMES
DEAN A. MALLOY
GEORGE R. MC CARTHY
RONNIE D. MC CUAN
ANDREA G. NEAL
THOMAS R. PALANDECH
Angel L. Rodriguez-Espada
Kevin T. Schlepp
James C. Singleton
Jonathan C. Smith
RICHARD B. TROYER

To be dental surgeon

MITCHEL J. BERNSTEIN
DAVID L. BRIZZEE
BRENDA S. BURGES
ANDREW C. CASTERLINE
LISA W. CAYOUS
ROGER L. CHO
RICHARD L. DECKER
JOSEPH G. HOSEK
RANDALL B. MAYBERRY
ROBERT M. MC CARTHY
STEVE J. MESCHER
MICHAEL J. MINDIOLA
REBECCA V. NESLUND
EDWARD E. NEUBAUER
DEBORAH PHILO-COSTELLO
THOMAS A. REESE
DONALD L. ROSS
ADELE M. UPCHURCH
MARK J. VANELLS

To be nurse director

ROBERT E. ADAMS
DENISE S. CANTON
ALETA J. CRESS
POLLY A. MARCHBANKS
THERESA M. MC DONALD
LOYCE J. PHOENIX
CHERYL B. PRINCE
ELEANOR B. SCHRON

To be senior nurse officer

LUELLA M. BROWN
CHARLENE K. CLOUD
CHARLES S. CULVER
JUDITH J. DANIELSON
PENNY M. HLAVNA
DIANE P. HOLZEM
CHRISTOPHER J. JONES
ROMAN L. KUPCZYNSKI
JOHN S. MOTTER
KERRY P. NESSELER
YECHIAM OSTCHEGA
GLENN A. PRUITT
Marva J. Randolph-Davalos
Latricia C. Robertson
Patrice A. Robins
Annette C. Siemens
Pelagrie C. Snesrud
Michael L. Vitch
RICHARD G. WEYERS

To be nurse officer

BRIAN P. ASAY
NAOMI C. BALLARD
EDITH L. CLARK
MELVIN T. EDDLESTON
MARY Y. ELKINS
ANDREW J. ESTES
VERNA GADDY
JACINTO J. GARRIDO
JUDY A. GERRY
ANNIE L. GILCHRIST
BYRON C. GLENN
JOAN M. HARDING
COLLEEN A. HAYES
NELSON HERNANDEZ
PAUL S. HUNSTIGER
ROLDIE C. JONES
ERIC A. LASURE
ELNORA A. QUALLS
DANIEL REYNA
LETITIA L. RHODES
ROBERT H. SADDORIS
ROBERT J. SIVRET
JAMES E. SORENSON
VIEN H. VANDERHOOF
MARY T. VANLEUVEN
RUTH F. WALKER
JOYCE B. WATSON
DANIEL J. WESKAMP
VERNON L. WILKIE
CHRISTINE L. WILLIAMS

To be senior assistant nurse officer

DANIEL J. ARONSON
GUADALUPE R. LANGBEHN

To be engineer director

JOSEPH S. ALI
STEVEN M. BROMBERG
BARRY J. DAVIS
JAMES F. DUNN
JOSEPH D. GILLAM
KERRY M. GRAGG
DENNIS W. GROCE
DANIEL J. HABES
E. CRISPIN KINNEY
MICHAEL J. KREMER
DANIEL H. SCHUBERT

To be senior engineer officer

RANDALL L. BACHMAN
DENNIS A. BARBER
KENNETH J. EVANS
RONALD C. FERGUSON
DOUGLAS E. MARX
VINCENT D. MORTIMER
KENNETH E. OLSON II
RICHARD A. RUBENDALL
RAYMOND J. SUAREZ
KENNETH E. WILDE
ROBERT L. WILSON

To be engineer officer

ARTHUR M. ANDERSON
RAYMOND M. BEHEL II
ROBERT E. BIDDLE
DAVID M. BIRNEY
LEO M. BLADE
ENZIO E. BORCHINI
THOMAS A. BURNS
MITCHELL W. CONSTANT
WILLIAM R. GRIFFITH
DONALD J. HUTSON
MICHAEL S. JENSEN
JIMMY P. MAGNUSON
KATHY M. PONELEIT
STEPHEN D. RING
DAVID P. SHOULTZ
GEORGE W. STYER
MARK R. THOMAS
MICHAEL B. WICH
ANDREW J. ZAJAC

To be scientist director

RAYMOND E. BIAGINI
EDWARD F. DAWSON
A. ROLAND GARCIA
MARK A. TORAASON

To be senior scientist

WILLIAM CIBULAS, JR.
MARK S. EBERHARDT
JOSEPH M. LARY III
SARA DEE MC ARTHUR
WILLIAM D. WATKINS

To be scientist

DRUE H. BARRETT
ROY A. BLAY
JOYCE A. SALG
GLENN D. TODD

To be sanitarian director

THOMAS E. CROW
STEVEN R. JAMES
EDWARD H. RAU
JOHN G. SERY
BARRY S. STERN
RICHARD M. TAFT
MARVIN W. H. YOUNG

To be senior sanitarian

BRUCE M. ETCHISON
EDWIN J. FLUETTE
DANIEL M. HARPER
ALAN D. KNAPP
BRUCE K. MOLLOY
KENNETH J. SECORD
THOMAS J. VEGELLA

To be sanitarian

DANIEL ALMAGUER
CLINT R. CHAMBERLIN
GARY J. GEFROH
KEVIN W. HANLEY
JEROME F. JOYCE
GREGORY M. KINNES
JOHN P. LEFFEL
ABRAHAM M. MAEKELE
KEVIN D. MEEKS
MICHAEL A. NOSKA
DORIS RAVENELL-BROWN
SARATH B. SENEVIRATNE
DAVID H. SHISHIDO
JESSILYNN B. TAYLOR
BARRY F. WILLIAMS
RONALD D. ZABROCKI

To be veterinary director

MARLENE N. COLE

To be veterinary officer

VICTORIA A. HAMPSHIRE
META H. TIMMONS

To be pharmacist director

JOHN A. BECHER
THOMAS M. DOLAN
MICHAEL W. DREIS
SHIRLEY A. JUAN
RICK S. LARRABEE
HALRON J. MARTIN
BARRY W. NISHIKAWA
DONALD C. PETERS
GEORGE R. SCOTT
WILLIAM B. SISCO
RICHARD A. STOWE
JOHN D. WARE, JR.

To be senior pharmacist

WILLIAM L. ANDERSON
JAMES D. BONA
JAMES L. BUTLER
RICHARD M. FEKJA
DOUGLAS L. HERRING
JIMMY W. MANNING
MICHAEL A. MORTON
DARRELL W. PARRISH
DAVID W. RACINE
JAMES R. ROSTEDT
BYRAN L. SCHULZ
MICHAEL R. SEYBOLD
CATHY L. SHAFFER
CYNTHIA P. SMITH
MARTIN L. SMITH
MICHAEL G. SMITH
ROBERT E. STALEY, JR.
DAVID R. TAYLOR
STEVEN M. WILSON

To be pharmacist

MICHAEL R. ALLEN
ROBERT A. ANDERSON
BARTON W. BAKER
EDWARD D. BASHAW
Christine E. Chamberlain
Michele F. Gemelas
Jill G. Geoghegan
Karen G. Hirshfield
Irene J. Humphrey
William B. Mc Liverty
Shelley F. Paulson
Julie A. Platte
Annie L. Reiner
Steven K. Rietz
Patricia F. Rodgers
John F. Snow
Earl D. Ward, Jr.
KELVIN N. WHITEHEAD

To be senior assistant pharmacist

CHRISTOPHER A. BINA

To be dietitian director

PAMELA L. BRYE
JOSEPH L. PIEPMEYER

To be senior dietitian

JANICE M. HUY
DARLENE C. ISBELL
JOYANNE P. MURPHY

To be dietitian

ANN MAHONEY FARRAR
DAVID M. NELSON
CONNIE Y. TORRENCE-THOMAS

To be therapist director

JAMES A. AKERS

To be senior therapist

DAVID E. NESTOR
IVANA R. WILLIAMS

To be therapist

KEVIN P. YOUNG

To be senior assistant therapist

JEAN E. MARZEN

To be health services director

SUSANNA F. BARRETT
SHELBY A. BIEDENKAPP
LINDA MORRIS BROWN
CURTIS L. FARRAR
RONALD G. FREEMAN
THOMAS R. GANN
MICHAEL R. HANNA
MARION A. JORDAN
SUSAN J. LOCKHART
KEITH C. LONGIE
PETER P. MAZZELLA, JR.
LATHAM R. MORRIS
CHARLES A. SCHABLE

To be senior health services officer

LURA J. ABBOTT
MARUTA Z. BUDETTI
EUGENE G. DANNELS
HILDA P. DOUGLAS
HOWARD A. GOLDSTEIN
CANDACE M. JONES
JEREMIAH P. KING
RICHARD A. LEVY
DAVID B. MAGLOTT
EUGENE A. MIGLIACCIO
Jane Linkletter Osborne
Armando A. Pollack
Paul R. Przybyla
Richard G. Schulman
MAX A. TAHSUDA

To be health services officer

TONI A. BLEDSOE
DONALD H. GABBERT
TRACI L. GALINSKY
BRIAN T. HUDSON
DAVID J. MILLER
LANARDO E. MOODY
GAY E. NORD
DOROTHY E. STEPHENS
WILLIAM TOOL

DEPARTMENT OF JUSTICE

TIMOTHY EARL JONES, JR., OF GEORGIA, TO BE A COMMISSIONER OF THE UNITED STATES PAROLE COMMISSION FOR A TERM OF SIX YEARS, VICE EDWARD F. REILLY, TERM EXPIRED.

MARIE F. RAGGHIANTI, OF TENNESSEE, TO BE A COMMISSIONER OF THE UNITED STATES PAROLE COMMISSION FOR A TERM OF SIX YEARS, VICE GEORGE MACKENZIE RAST, RESIGNED.

CONFIRMATIONS

Executive nominations confirmed by the Senate November 19, 1999:

DEPARTMENT OF ENERGY

IVAN ITKIN, OF PENNSYLVANIA, TO BE DIRECTOR OF THE OFFICE OF CIVILIAN RADIOACTIVE WASTE MANAGEMENT, DEPARTMENT OF ENERGY.

DEPARTMENT OF THE TREASURY

NEAL S. WOLIN, OF ILLINOIS, TO BE GENERAL COUNSEL FOR THE DEPARTMENT OF THE TREASURY.

UNITED STATES INSTITUTE OF PEACE

STEPHEN HADLEY, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2003.

ZALMAY KHALILZAD, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2001.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

PAUL STEVEN MILLER, OF CALIFORNIA, TO BE A MEMBER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM EXPIRING JULY 1, 2004. (REAPPOINTMENT)

DEPARTMENT OF LABOR

IRASEMA GARZA, OF MARYLAND, TO BE DIRECTOR OF THE WOMEN'S BUREAU, DEPARTMENT OF LABOR.

T. MICHAEL KERR, OF THE DISTRICT OF COLUMBIA, TO BE ADMINISTRATOR OF THE WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

ANTHONY MUSICK, OF VIRGINIA, TO BE CHIEF FINANCIAL OFFICER, CORPORATION FOR NATIONAL AND COMMUNITY SERVICE.

DEPARTMENT OF STATE

ALAN PHILLIP LARSON, OF IOWA, TO BE UNDER SECRETARY OF STATE (ECONOMIC, BUSINESS AND AGRICULTURAL AFFAIRS).

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

JOSEPH R. CRAPA, OF VIRGINIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUSAN M. WACHTER, OF PENNSYLVANIA, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

DEPARTMENT OF COMMERCE

LINDA J. BILMES, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF COMMERCE.

LINDA J. BILMES, OF CALIFORNIA, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF COMMERCE.

UNITED STATES INTERNATIONAL TRADE COMMISSION

DEANNA TANNER OKUN, OF IDAHO, TO BE A MEMBER OF THE UNITED STATES INTERNATIONAL TRADE COMMISSION FOR A TERM EXPIRING JUNE 16, 2008.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

NATIONAL LABOR RELATIONS BOARD

JOHN C. TRUESDALE, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING AUGUST 27, 2003.

NATIONAL MEDIATION BOARD

MAGDALENA G. JACOBSEN, OF OREGON, TO BE A MEMBER OF THE NATIONAL MEDIATION BOARD FOR A TERM EXPIRING JULY 1, 2002.

FRANCIS J. DUGGAN, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL MEDIATION BOARD FOR A TERM EXPIRING JULY 1, 2000.

ERNEST W. DUBESTER, OF NEW JERSEY, TO BE A MEMBER OF THE NATIONAL MEDIATION BOARD FOR A TERM EXPIRING JULY 1, 2001.

THE JUDICIARY

RICHARD LINN, OF VIRGINIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FEDERAL CIRCUIT.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR PROMOTION TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 271:

To be captain

RICHARD B. GAINES, 0000

COAST GUARD NOMINATIONS BEGINNING PETER K. OITTINEN, AND ENDING JOSEPH P. SARGENT, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 27, 1999.

WITHDRAWALS

Executive messages transmitted by the President to the Senate on November 19, 1999, withdrawing from further Senate consideration the following nominations:

UNITED STATES PAROLE COMMISSION

TIMOTHY EARL JONES, JR., OF GEORGIA, TO BE A COMMISSIONER OF THE UNITED STATES PAROLE COMMISSION FOR A TERM OF SIX YEARS, VICE GEORGE MACKENZIE RAST, RESIGNED, WHICH WAS SENT TO THE SENATE ON JULY 19, 1999.

MARIE F. RAGGHIANTI, OF MARYLAND, TO BE A COMMISSIONER OF THE UNITED STATES PAROLE COMMISSION FOR A TERM OF SIX YEARS, VICE EDWARD F. REILLY, TERM EXPIRED, WHICH WAS SENT TO THE SENATE ON JULY 19, 1999.