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Senate

PROVIDING FOR A CONDITIONAL ADJOURNMENT OF THE SENATE AND THE HOUSE OF REPRESENTATIVES

Mr. DOMENICI. Mr. President, the leader asked me to indicate the following: I send an adjournment resolution to the desk calling for a conditional adjournment of the Senate until April 12 and ask 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 clerk will report.

The legislative clerk read as follows:

Concurrent resolution (S. Con. Res. 23) providing for a conditional adjournment or recess of the Senate and the House of Representatives.

Mr. DOMENICI. I thank the Chair, and I thank Senator LAUTENBERG.

The PRESIDING OFFICER. The resolution is agreed to.

The concurrent resolution (S. Con. Res. 23) was agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Thursday, March 25, 1999, Friday, March 26, 1999, Saturday, March 27, 1999, or Sunday, March 28, 1999, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, April 12, 1999, or until such time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on the legislative day of Thursday, March 25, 1999, or Friday, March 26, 1999, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 12:30 p.m. on Monday, April 12, 1999, for morning-hour debate, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2000

The Senate continued with the consideration of the concurrent resolution.

AMENDMENT NO. 212

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania (Mr. SANTORUM), proposes an amendment numbered 212, as previously reported.

The PRESIDING OFFICER. There are 2 minutes equally divided.

The Senator from Pennsylvania is recognized.

Mr. SANTORUM. Thank you, Mr. President.

First, I ask that Senator TORRICELLI be added as cosponsor to the resolution.

Mr. President, this is an amendment that is a sense of the Senate to extend reauthorization for the Farm Preservation Program. Senator BOXER and I were able to put in an amendment for $35 billion for farmland preservation in the Freedom to Farm bill 3 years ago. That authorization of $35 billion was supposed to last 5 years. It lasted 3. There is no more money for this program, and there is a tremendous need. The backlog of applications is immense. Nineteen States have participated in this. We have saved over 123,000 acres of farmland.

We have so much debate about urban sprawl. This is an amendment to do something in a responsible way by preserving farmland and preserving agriculture communities that are under stress from urban sprawl and development.

I hope we will have a resounding favorable vote.

Mr. LAUTENBERG. Mr. President, I commend the Senator from Pennsylvania for offering this amendment.

We are ready to accept it here.

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

Mr. SANTORUM. 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 were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Pennsylvania. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN), was necessarily absent. I further announce that the Senator from Indiana (Mr. LUGAR), was absent because of a death in the family.

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

The result was announced—yeas 97, nays 1, as follows:

[Rollcall Vote No. 68 Leg.]

YEAS—97

Abraham	Conrad	Hagel
Akaka	Coverdell	Harkin
Allard	Craig	Hatch
Ashcroft	Crapo	Helms
Baucus	Daschle	Hollings
Bayh	DeWine	Hutchinson
Bennett	Dodd	Hutchison
Biden	Domenici	Inhofe
Bingaman	Dorgan	Inouye
Bond	Durbin	Jeffords
Boxer	Edwards	Johnson
Breaux	Enzi	Kennedy
Brownback	Feingold	Kerrey
Bryan	Feinstein	Kerry
Bunning	Fitzgerald	Kohl
Burns	Frist	Landrieu
Byrd	Gorton	Lautenberg
Campbell	Graham	Leahy
Chafee	Gramm	Levin
Cleland	Grams	Lieberman
Cochran	Grassley	Lincoln
Collins	Gregg	Lott

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

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Mack
McConnell
Mikulski
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NAYS—1

Kyl

NOT VOTING—2

Lugar McCain

The amendment (No. 212) was agreed to.

AMENDMENT NO. 162

The PRESIDING OFFICER. There are now 2 minutes equally divided.

The Senate will be in order.

The Senator from Rhode Island is recognized.

Mr. REED. I thank the Chair.

Mr. LAUTENBERG. Could we have order, Mr. President.

The PRESIDING OFFICER. The Senate is still not in order.

The Senator from Rhode Island.

Mr. REED. I thank the Chair.

Among the first casualties of this proposed budget will be the cities and rural communities of America. This budget would cut upwards to 78 percent of money devoted to community and regional development over the next 10 years.

My amendment is very straightforward. It would restore $88.7 billion over 10 years to bring up funding to the level proposed by the President. It would do so by taking a small portion of the projected tax cuts that are included in this budget. Without my amendment, we will see extreme reductions in community development block grants, the Economic Development Administration, the lead paint abatement program, the brownfields program, those programs that are essential to the cities and rural areas of this country.

We cannot abandon these communities. In fact, we cannot throw them, as this budget would, into financial chaos as they try to make up the difference with the property tax. The irony here is that these tax cuts in the budget will mean tax increases for many communities. It is supported by the U.S. Conference of Mayors and the National League of Cities. I hope Senators will support this measure and not abandon the cities and rural communities of America.

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 Senator from New Mexico.

Mr. DOMENICI. Mr. President, I do not think I am going to argue the substance, other than to say this amendment increases taxes by $64 billion. This amendment increases taxes by $64 billion, relative to the committee bill before us. It suggests it be spent for community and regional development.

Frankly, it would not have to be. The appropriators have their own judgment. They can do what they want with it. Essentially, I do not believe we ought to be raising taxes to pay for programs like this.

In addition, this is not germane and is subject to a point of order, which I now make under the Budget Act. It would exceed the caps that we have agreed to and that are written into statutory law.

The PRESIDING OFFICER. The Senator from Rhode Island.

MOTION TO WAIVE THE BUDGET ACT

Mr. REED. Mr. President, I move to waive the budget point of order.

The PRESIDING OFFICER. The vote now occurs on the motion to waive the budget point of order.

Mr. REED. 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 were ordered.

The PRESIDING OFFICER. All time has expired. The question occurs on agreeing to the motion to waive the Budget Act. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that Senator from Arizona (Mr. MCCAIN), is necessarily absent.

The yeas an nays resulted—yeas 49, nays 50, as follows:

[Rollcall Vote No. 69 Leg.]

YEAS—49

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

NAYS—50

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

NOT VOTING—1

McCain

The PRESIDING OFFICER. On this vote, the yeas are 49 and the nays are 50. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to. The point of order is sustained, and the amendment falls.

AMENDMENT NO. 146

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I remind Senators we have 10 minutes on the next vote. We intend to have regular order so we can finish at a reasonable time. Ten minutes is what we are allowed.

The PRESIDING OFFICER. The Senator from Idaho, Mr. CRAIG, is recognized for 1 minute.

Mr. CRAIG. Mr. President, the Senator from Nebraska, Senator KERREY, and I have joined together in our effort to control the overall growth of government. We are asking that the Senate apply a 60-vote requirement to any new entitlement program—not new spending in existing entitlement programs, but new entitlement programs—exactly as we treat any growth in discretionary spending. It would take a 60-vote point of order for us to add new entitlement programs and spend new money.

I think it is a requirement that this Senate should have. Last year, 54 Senators voted for it. It is bipartisan in its character to control the overall growth of government. We think it is appropriate that it be spent that way.

I retain the remainder of my time.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I am opposing this amendment. It would prohibit using revenues to offset new mandatory spending and instead require all new spending to be offset with other mandatory cuts. It would give special protection to special interest tax loopholes at the expense of programs like Social Security or Medicare.

I understand the Senator said ''new programs.'' It would prevent us from using the onbudget surplus for prescription drugs, new benefits, or any new mandatory spending. The onbudget surplus could be used only for tax breaks.

Also, the amendment would prevent us from using the user fees, such as gas tax, to pay for new highways. If we are looking for a way to pay for a new benefit, why would we say that cutting Social Security is OK but closing a wasteful tax loophole is not? Why would we say that cutting Medicare is OK but eliminating a corporate tax subsidy is not?

I urge my colleagues to oppose this amendment, Mr. President, and I make the budget point of order. I think this is not germane.

The PRESIDING OFFICER. The point of order has already been made.

Mr. CRAIG. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CRAIG. I ask Senators to vote for the waiving of the budget point of order.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Budget Act in relation to

the Craig amendment No. 146. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona [Mr. MCCAIN] is necessarily absent.

The yeas and nays resulted—yeas 52, nays 47, as follows:

[Rollcall Vote No. 70 Leg.]

YEAS—52

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

NAYS—47

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

NOT VOTING—1

McCain

The PRESIDING OFFICER. On this vote, the yeas are 52, the nays are 47. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to, the point of order is sustained, and the amendment falls.

AMENDMENT NO. 175

The PRESIDING OFFICER. Under the previous order, the Senator from California, Mrs. BOXER, is recognized for 1 minute.

Mrs. BOXER. Mr. President, I want to thank the chairman of the committee and my ranking member for agreeing to this. Of course, Senator LAUTENBERG was very supportive in committee, and Senator DOMENICI tonight has said he will go along with this amendment.

It is very simple and clear. It says if there should be a tax cut, we want to see the substantial benefit go to the first 90 percent of wage earners, rather than the top 10 percent.

I think this is good for the people of the country.

I want to thank, again, Senator DOMENICI and Senator LAUTENBERG.

Mr. DOMENICI. Mr. President, there will be no rollcall vote on this amendment. I agree to accept it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 175) was agreed to.

Mrs. BOXER. I move to reconsider the vote.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the next amendment is offered by the Senator from Ohio, Mr. VOINOVICH.

Mr. DOMENICI. If the Senator would yield for some housekeeping, we are having a degree of success with the list of amendments. If your name is not on this list, then it means you are insisting on a rollcall vote. That means there are still about 15 or 20 of you we are looking for to sit down and talk, so we will not have to have so many rollcall votes. These are all generous Senators on this list. They have decided—and the other side has agreed—to accept them. We will do that right now, en bloc.

So that Members might be thinking about this, maybe we ought to find a new way to take care of sense-of-the-Senate amendments that show up on a budget resolution. I had an idea that maybe we should change the law and have a second budget resolution after we have done the real one, and anybody that has a sense of the Senate can offer them to the second budget bill and ask the leader to set this up in a recess period, and people can file these. When we return from the recess, we will vote on them en bloc.

I think that would be an excellent solution. The leader and I will be talking about it soon.

In the meantime, we thank you for great cooperation.

Mr. REID. Will the Senator yield?

Mr. DOMENICI. Yes.

Mr. REID. It is my understanding, having spoken to you and the Democratic manager and the two leaders, we will try to wrap this thing up tonight; is that true?

Mr. DOMENICI. If we get this kind of cooperation, we can do it; if we don't get cooperation, a few Senators will keep us over until tomorrow.

Mr. LAUTENBERG. Late at night, too.

Mr. REID. I say to the Senators on the list that the Democratic and Republican staff worked on that and it still might require votes. We have had great cooperation and a number of amendments have already dropped off.

AMENDMENT NO. 225, AS MODIFIED

Mr. DOMENICI. Mr. President, I send a modification to the desk of amendment No. 225 from Senator SHELBY. This modification has been approved by the other side.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment (No. 225), as modified, is as follows:

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE ON TRANSPORTATION FIREWALLS.

(a) FINDINGS.—The Senate finds that—

(1) domestic firewalls greatly limit funding flexibility as Congress manages budget priorities in a fiscally constrained budget:

(2) domestic firewalls inhibit congressional oversight of programs and organizations under such protections:

(3) domestic firewalls mask mandatory spending under the guise of discretionary spending, thereby presenting a distorted picture of overall discretionary spending;

(4) domestic firewalls impede the ability of Congress to react to changing circumstances or to fund other equally important programs;

(5) the Congress implemented ''domestic discretionary budget firewalls'' for approximately 70 percent of function 400 spending in the 105th Congress;

(6) if the aviation firewall proposal circulating in the House of Representatives were to be enacted, firewalled spread would exceed 100 percent of total function 400 spending called for under this resolution; and

(7) if the aviation firewall proposal circulating in the House of Representatives were to be enacted, drug interdiction activities by the Coast Guard, National Highway Traffic Safety Administration activities, rail safety inspections, Federal support of Amtrak, all National Transportation Safety Board activities, Pipeline and Hazardous materials safety programs, and Coast Guard search and rescue activities would be drastically cut or eliminated.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that no additional firewalls should be enacted for function 400 transportation activities.

UNANIMOUS CONSENT AGREEMENT—AMENDMENTS AGREED TO EN BLOC

Mr. DOMENICI. Mr. President, the following amendments have been cleared on both sides: Shelby, 209; Sessions, 210; Santorum, 211; Roberts, 216; Gorton, 215; Specter, 220; Jeffords, 222; Shelby, 225, as modified; 226, Enzi; Collins, 229; Chafee, 237; Specter, 219; Fitzgerald, 217; and Jeffords, 221.

Mr. LAUTENBERG. Mr. President, our amendments that have been cleared which we can consider en bloc, are as follows: 197, Lieberman; 186, Durbin; 187, Durbin; 188, Dorgan; 189, Dorgan; 199, Bingaman; 191, Torricelli; 244, Moynihan; 169, Feinstein.

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

The amendments (Nos. 209, 210, 211, 216, 215, 220, 222, 225, as modified; 226, 229, 237, 219, 217, 221, 197, 186, 187, 188, 189, 199, 191, 244, 169) were agreed to, en bloc.

AMENDMENT NOS. 234, 239, 235, 241 AND 193 WITHDRAWN

Mr. DOMENICI. The following amendments, and I am very appreciative of this, have been withdrawn: 234, 239, 235, 241 and 193.

The PRESIDING OFFICER. The amendments are withdrawn.

The amendments (Nos. 234, 239, 235, 241 and 193) were withdrawn.

Mr. DOMENICI. We have only 13 amendments remaining on our side. I hope Members or their staffs will please sit down with our staff and see if we can resolve some of these and give us some idea whether we can finish tonight. I very much appreciate it.

Thank you for yielding, Senator. I am sorry for using your time.

AMENDMENT NO. 161

The PRESIDING OFFICER. The clerk will report the amendment of the Senator from Ohio, Mr. VOINOVICH.

The legislative clerk read as follows:

The Senator from Ohio [Mr. VOINOVICH] proposes an amendment numbered 161, as previously offered.

Mr. VOINOVICH. Mr. President, first, I want to commend the distinguished Chairman of the Budget Committee for offering a budget resolution that stays within the spending caps and—for the first time—protects Social Security surpluses.

I also want to thank him for setting aside $131 billion in what I like to call a ''rainy day fund.'' This money can be used for possible contingencies in Medicare or agriculture, emergency spending, or debt reduction.

I respect the view of my colleagues who want to use on-budget surpluses to give the American people a tax cut. But before we give a tax cut, I believe we should pay down our massive national debt first.

My amendment would take out the tax cuts in the budget resolution and use that money to pay down the debt.

If my amendment is adopted, and if the projected surpluses materialize, then we will slash the publicly-held debt from $3.6 trillion today to $960 billion in 2009.

Paying down the debt is the right thing to do—it will reduce our net interest payments, expand the economy, lower interest rates for families, and reduce the need for future tax increases.

Has there been a request for the yeas and nays on this?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. DOMENICI. Mr. President, I think the distinguished Senator from Ohio knows of the great respect I have for him. Over the years, I have worked with him when he was Governor. But I just can't agree with this amendment, and I hope the Senate doesn't.

This amendment says that the American taxpayer deserves no tax relief and, yet, we can spend the money that is in surplus, but we can't give the American people any tax relief. This strikes the entire tax relief program that we have planned in this budget resolution. We have heard some say that we should have only half. We have heard others say we should only have two-thirds of it. This one says none. While in the budget we spend money for Medicare, we spend money out of the surplus for other programs. But now it is being said that we cannot spend any of it on tax cuts. I don't believe this is good policy, and I don't think that is where we ought to end up this year. We will spend and spend and spend that surplus, and there won't be any left for the American people in the not-too-distant future.

Mr. LAUTENBERG. Mr. President, is there any time left?

The PRESIDING OFFICER. All time has expired.

Mr. DOMENICI. Mr. President, I move to table the amendment and 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 the motion to table the amendment of the Senator from Ohio.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) is necessarily absent.

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

The result was announced—yeas 67, nays 32, as follows:

[Rollcall Vote No. 71 Leg.]

YEAS—67

Abraham	Fitzgerald	Mikulski
Allard	Frist	Murkowski
Ashcroft	Gorton	Nickles
Bayh	Gramm	Reed
Bennett	Grams	Roberts
Biden	Grassley	Roth
Bingaman	Gregg	Santorum
Bond	Hagel	Schumer
Breaux	Hatch	Sessions
Brownback	Helms	Shelby
Bryan	Hutchinson	Smith (NH)
Bunning	Hutchison	Smith (OR)
Campbell	Inhofe	Snowe
Cleland	Johnson	Stevens
Cochran	Kerrey	Thomas
Collins	Kerry	Thompson
Coverdell	Kyl	Thurmond
Craig	Landrieu	Torricelli
Crapo	Lincoln	Warner
DeWine	Lott	Wellstone
Domenici	Lugar	Wyden
Edwards	Mack	
Enzi	McConnell	

NAYS—32

Akaka	Feingold	Levin
Baucus	Feinstein	Lieberman
Boxer	Graham	Moynihan
Burns	Harkin	Murray
Byrd	Hollings	Reid
Chafee	Inouye	Robb
Conrad	Jeffords	Rockefeller
Daschle	Kennedy	Sarbanes
Dodd	Kohl	Specter
Dorgan	Lautenberg	Voinovich
Durbin	Leahy	

NOT VOTING—1

McCain

The motion to lay on the table the amendment (No. 161) was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from Massachusetts is recognized.

Mr. DOMENICI. Mr. President, will the Senator yield for a second?

Mr. KENNEDY. Yes.

UNANIMOUS-CONSENT AGREEMENT—AMENDMENT NOS. 173 AND 218

Mr. DOMENICI. Senator MURRAY's amendment numbered 173 has disappeared, and No. 218 by Senator HELMS has been withdrawn.

The PRESIDING OFFICER. Does the Senator from New Mexico make a unanimous consent request with respect to those amendments?

Mr. DOMENICI. No. 173 must be agreed to.

The PRESIDING OFFICER. Without objection, it is agreed to.

The other amendment is withdrawn.

The amendment (No. 173) is agreed to.

The amendment (No. 218) was withdrawn.

Mr. DOMENICI. I thank the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 192

Mr. KENNEDY. Mr. President, in the budget there is $778 billion for 10 years for the reduction in taxes. The amendment offered by myself and Senator DODD is very simple. Effectively, it takes $156 billion of that, first, to fully fund IDEA; to fully fund the smaller classrooms; and to take the remaining funds, which is $43 billion that can be used for afterschool programs, for technology, for Pell grants, for Work-Study Programs, and for other education programs.

Effectively, we are saying this is the best opportunity that we have had in a generation to continue a partnership between local, State and the Federal Government in the areas of education. We have a real opportunity to do so. We believe that we can still leave 80 percent of the tax cut. We are taking 20 percent of the tax cut to fully fund IDEA, to meet our commitments, and to also fully fund the smaller classroom.

This is supported by school board associations, the school administrators, parent/teachers, the disability rights, the Consortium of Citizens with Disabilities, and the Federation of Children with Special Needs. It is supported by all of those groups in the best interests of the future of our country. I hope it is accepted.

Mr. DOMENICI. Mr. President, I have 1 minute. I yield 40 seconds to the Senator from New Hampshire, and I will take the other 20 seconds.

The PRESIDING OFFICER. The Senator from New Mexico will suspend.

The Senator from New Mexico has yielded time.

To whom does the Senator yield his time?

Mr. DOMENICI. I yield to Senator JUDD GREGG of New Hampshire 40 seconds.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, essentially, no one in this Senate has worked harder—many have worked as hard, but I think I have worked as hard as anyone else to try to get funding for IDEA programs. What this amendment is essentially is a ''don't worry, be happy'' amendment. It is an amendment which doesn't address the underlying problem, which is that this Congress and, unfortunately, some people on the other side of the aisle in this Congress are not willing to set priorities in the area of education.

We have in the law, on the books a law that says we should fund IDEA. The only people who have been trying to do that have been on this side of the aisle. In the last 3 years, we have increased funding for IDEA by 85 percent from this side of the aisle. In the DOMENICI budget, we have increased it by another $2.5 billion.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GREGG. Let's do it the right way. Let's do it the way it is done in this budget.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I have been telling you all, Democrat and Republican alike, that what is going to happen with this surplus is we are going to spend it all. I have made a preliminary analysis of this week's Democratic amendments that use the surplus. They have now used $430 billion of the surplus for new programs. This one is in this 430. Some others aren't. I merely ask that we not do this and save some of the money for the American taxpayers.

The PRESIDING OFFICER. All time has expired.

Mr. GREGG. Mr. President, I move to table.

Mr. DOMENICI. I move to table and ask for the yeas and nays.

Mr. KENNEDY. Yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays are ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) is necessarily absent.

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

The result was announced—yeas 54, nays 45, as follows:

[Rollcall Vote No. 72 Leg.]

YEAS—54

Abraham	Fitzgerald	McConnell
Allard	Frist	Murkowski
Ashcroft	Gorton	Nickles
Bennett	Gramm	Roberts
Bond	Grams	Roth
Brownback	Grassley	Santorum
Bunning	Gregg	Sessions
Burns	Hagel	Shelby
Campbell	Hatch	Smith (NH)
Chafee	Helms	Smith (OR)
Cochran	Hutchinson	Snowe
Collins	Hutchison	Specter
Coverdell	Inhofe	Stevens
Craig	Jeffords	Thomas
Crapo	Kyl	Thompson
DeWine	Lott	Thurmond
Domenici	Lugar	Voinovich
Enzi	Mack	Warner

NAYS—45

Akaka	Edwards	Levin
Baucus	Feingold	Lieberman
Bayh	Feinstein	Lincoln
Biden	Graham	Mikulski
Bingaman	Harkin	Moynihan
Boxer	Hollings	Murray
Breaux	Inouye	Reed
Bryan	Johnson	Reid
Byrd	Kennedy	Robb
Cleland	Kerrey	Rockefeller
Conrad	Kerry	Sarbanes
Daschle	Kohl	Schumer
Dodd	Landrieu	Torricelli
Dorgan	Lautenberg	Wellstone
Durbin	Leahy	Wyden

NOT VOTING—1

McCain

The motion to lay on the table the amendment (No. 192) was agreed to.

The PRESIDING OFFICER (Mr. FITZGERALD). The Senator from New Mexico.

AMENDMENT NO. 219, AS MODIFIED

Mr. DOMENICI. Mr. President, we have heretofore adopted a Specter amendment. We should have sent a modification to the desk to Amendment No. 219. I send the modification to the desk and ask the amendment, which was adopted, be so modified.

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

The amendment (No. 219), previously agreed to, as modified is as follows:

At the appropriate place insert the following:

SEC. . SENSE OF THE SENATE REGARDING FUNDING FOR INTENSIVE FIREARMS PROSECUTION PROGRAMS.

(a) FINDINGS.—Congress finds that—

(1) gun violence in America, while declining somewhat in recent years, is still unacceptably high;

(2) keeping firearms out of the hands of criminals can dramatically reduce gun violence in America;

(3) States and localities often do not have the investigative or prosecutorial resources to locate and convict individuals who violate their firearm laws. Even when they do win convictions, states and localities often lack the jail space to hold such convicts for their full prison terms;

(4) there are a number of federal laws on the books which are designed to keep firearms out of the hands of criminals. These laws impose mandatory minimum sentences upon individuals who use firearms to commit crimes of violence and convicted felons caught in possession of a firearm;

(5) the federal government does have the resources to investigate and prosecute violations of these federal firearms laws. The federal government also has enough jail space to hold individuals for the length of their mandatory minimum sentences;

(6) an effort to aggressively and consistently apply these federal firearms laws in Richmond, Virginia, has cut violent crime in that city. This program, called Project Exile, has produced 288 indictments during its first two years of operation and has been credited with contributing to a 15% decrease in violent crimes in Richmond during the same period. In the first three-quarters of 1998, homicides with a firearm in Richmond were down 55% compared to 1997;

(7) the Fiscal Year 1999 Commerce-State-Justice Appropriations act provided $1.5 million to hire additional federal prosecutors and investigators to enforce federal firearms laws in Philadelphia. The Philadelphia project—called Operation Cease Fire—started on January 1, 1999. Since it began, the project has resulted in 31 indictments of 52 defendants on firearms violations. The project has benefited from help from the Philadelphia Police Department and the Bureau of Alcohol, Tobacco and Firearms which was not paid for out of the $1.5 million grant;

(8) In 1993, the office of the U.S. Attorney for the Western District of New York teamed up with the Monroe County District Attorney's Office, the Monroe County Sheriff's Department, the Rochester Police Department, and others to form a Violent Crimes Task Force. In 1997, the Task Force created an Illegal Firearms Suppression Unit, whose mission is to use prosecutorial discretion to bring firearms cases in the judicial forum where penalties for gun violations would be the strictest. The Suppression Unit has been involved in three major prosecutions of interstate gun-purchasing activities and currently has 30 to 40 open single-defendant felony gun cases;

(9) Senator Hatch has introduced legislation to authorize Project CUFF, a federal firearms prosecution program;

(10) the Administration has requested $5 million to conduct intensive firearms prosecution projects on a national level;

(11) given that at least $1.5 million is needed to run an effective program in one American city—Philadelphia—$5 million is far from enough funding to conduct such programs nationally.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Function 750 in the budget resolution assumes that $50,000,000 will be provided in fiscal year 2000 to conduct intensive firearms prosecution projects to combat violence in the twenty-five American cities with the highest crime rates.

AMENDMENT NO. 224

Mr. DOMENICI. Mr. President, we have an Ashcroft amendment, amendment No. 224, which is ready to be accepted. The Democratic leader accepts it also.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 224) was agreed to.

AMENDMENT NO. 163

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Idaho.

Mr. CRAPO. Mr. President, this amendment is a very straightforward amendment. It seeks to deal with the excess surplus we expect to be projected this July. We are now working on a budget that will be saving Social Security, for tax relief, and for the necessary investments we must make in our military, education, Medicare, and other needed programs the Federal Government must pay attention to.

After this budget is put together and we have made those adjustments, we expect the July reports will say we have an even larger surplus than is now expected.

This amendment says, if a larger surplus develops, that surplus should be set aside in a lockbox for either tax relief or debt retirement. It is very straightforward, to say after we have met the needs in negotiating this budget, we then apply any future increases in the surplus to debt retirement or tax relief.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I rise in opposition to the Crapo amendment. As the Senator said, it creates a reserve fund to lock in any additional onbudget surplus in the outyears to be used exclusively for tax breaks and debt reduction.

Mr. President, Democrats welcome the opportunity to lock away a portion of the surplus for debt reduction. We have offered amendments that would do just that. But this amendment would limit the use of future surpluses to debt reduction or tax breaks only.

So I have to ask a question here. Why is it all right to set aside the surplus to

create a new special interest tax loophole, but not OK to use the surplus for an increase in military pay?

Why is it OK to set aside the surplus to give more tax breaks to the well off but not OK to use the surplus to hire more teachers and reduce class size?

Mrs. BOXER. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senate will be in order. Will the Senators take their conferences off the floor.

Mr. LAUTENBERG. It would be nice to have order.

Mr. President, this amendment is not about fiscal responsibility. It is not about saving Social Security or Medicare. It is about setting aside the surplus to give tax breaks to a select few, including the wealthiest among us. I hope my colleagues will oppose this amendment.

AMENDMENT NO. 165

Mr. KOHL. I would like to take a moment to explain my opposition to the amendment by the gentleman from Idaho, Senator CRAPO. This amendment would set aside all on-budget surpluses above those estimated in the Republican Budget Resolution. These funds would then be used for either tax cuts or debt reduction. While I agree with his goals of reducing taxes and eliminating the debt, I believe that this is the wrong way to go about it.

I am committed to reserving 77 percent of the total, unified, surplus to increase the solvency of Medicare and Social Security. I do not believe that we should bind ourselves to the estimates of surpluses in this bill. If higher than anticipated surpluses come into the Treasury then I believe that we should still put 77 percent of those new, unexpected funds into the Social Security and Medicare programs.

The Democratic plan leaves 23 percent of the unified surplus for tax cuts, debt reduction and domestic priorities. This leaves room for a tax cut regardless of future surpluses, and is not dependent on the estimates in this bill. Committing ourselves to reserving 77 percent of the unified surplus for Medicare and Social Security will keep these programs solvent longer than the proposal from the Senator for Idaho, and therefore I cannot support his amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the point of order. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) is necessarily absent.

The yeas and nays resulted—yeas 42, nays 57, as follows:

[Rollcall Vote No. 73 Leg.}

YEAS—42

Abraham	Burns	DeWine
Allard	Campbell	Enzi
Ashcroft	Cochran	Fitzgerald
Bennett	Coverdell	Frist
Brownback	Craig	Gramm
Bunning	Crapo	Grams
Grassley	Kyl	Sessions
Gregg	Lott	Shelby
Hagel	Mack	Smith NH
Hatch	McConnell	Thomas
Helms	Murkowski	Thompson
Hutchinson	Nickles	Thurmond
Hutchison	Roth	Voinovich
Inhofe	Santorum	Warner

NAYS—57

Akaka	Edwards	Lincoln
Baucus	Feingold	Lugar
Bayh	Feinstein	Mikulski
Biden	Gorton	Moynihan
Bingaman	Graham	Murray
Bond	Harkin	Reed
Boxer	Hollings	Reid
Breaux	Inouye	Robb
Bryan	Jeffords	Roberts
Byrd	Johnson	Rockefeller
Chafee	Kennedy	Sarbanes
Cleland	Kerrey	Schumer
Collins	Kerry	Smith OR
Conrad	Kohl	Snowe
Daschle	Landrieu	Specter
Dodd	Lautenberg	Stevens
Domenici	Leahy	Torricelli
Dorgan	Levin	Wellstone
Durbin	Lieberman	Wyden

NOT VOTING—1

McCain

The PRESIDING OFFICER. On this vote the yeas are 42, the nays are 57. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

The Senator from Connecticut has 1 minute.

AMENDMENT NO. 160, AS MODIFIED

Mr. DODD. Mr. President, I send a modification of my amendment to the desk and ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. Without objection, the amendment is modified.

The amendment, as modified, is as follows:

On page 3, strike beginning with line 5 through page 5, line 14, and insert the following:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution—

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2000: $1,401,979,000,000.
Fiscal year 2001: $1,435,931,000,000.
Fiscal year 2002: $1,455,992,000,000.
Fiscal year 2003: $1,532,014,000,000.
Fiscal year 2004: $1,585,969,000,000.
Fiscal year 2005: $1,649,259,000,000.
Fiscal year 2006: $1,682,788,000,000.
Fiscal year 2007: $1,737,451,000,000.
Fiscal year 2008: $1,807,417,000,000.
Fiscal year 2009: $1,870,513,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2000: $0.
Fiscal year 2001: −$6,716,000,000.
Fiscal year 2002: −$52,284,000,000.
Fiscal year 2003: −$31,305,000,000.
Fiscal year 2004: −$48,180,000,000.
Fiscal year 2005: −$61,637,000,000.
Fiscal year 2006: −$107,925,000,000.
Fiscal year 2007: −$133,949,000,000.
Fiscal year 2008: −$148,792,000,000.
Fiscal year 2009: −$175,197,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2000: $1,426,931,000,000.
Fiscal year 2001: $1,457,294,000,000.
Fiscal year 2002: $1,488,477,000,000.
Fiscal year 2003: $1,561,513,000,000.
Fiscal year 2004: $1,613,278,000,000.
Fiscal year 2005: $1,666,843,000,000.
Fiscal year 2006: $1,698,902,000,000.
Fiscal year 2007: $1,754,567,000,000.
Fiscal year 2008: $1,815,739,000,000.
Fiscal year 2009: $1,875,969,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2000: $1,408,292,000,000.
Fiscal year 2001: $1,435,931,000,000.
Fiscal year 2002: $1,455,992,000,000.
Fiscal year 2003: $1,532,014,000,000.
Fiscal year 2004: $1,583,070,000,000.
Fiscal year 2005: $1,639,428,000,000.
Fiscal year 2006: $1,667,958,000,000.
Fiscal year 2007: $1,717,688,000,000.
Fiscal year 2008: $1,782,597,000,000.
Fiscal year 2009: $1,842,697,000,000.

On page 28, strike beginning with line 13 through page 31, line 19, and insert the following:

Fiscal year 2000:
(A) New budget authority, $244,390,000,000.
(B) Outlays, $248,088,000,000.
Fiscal year 2001:
(A) New budget authority, $251,873,000,000.
(B) Outlays, $257,750,000,000.
Fiscal year 2002:
(A) New budget authority, $264,620,000,000.
(B) Outlays, $267,411,000,000.
Fiscal year 2003:
(A) New budget authority, $277,386,000,000.
(B) Outlays, $277,175,000,000.
Fiscal year 2004:
(A) New budget authority, $286,576,000,000.
(B) Outlays, $286,388,000,000.
Fiscal year 2005:
(A) New budget authority, $298,942,000,000.
(B) Outlays, $299,128,000,000.
Fiscal year 2006:
(A) New budget authority, $305,655,000,000.
(B) Outlays, $305,943,000,000.
Fiscal year 2007:
(A) New budget authority, $312,047,000,000.
(B) Outlays, $312,753,000,000.
Fiscal year 2008:
(A) New budget authority, $325,315,000,000.
(B) Outlays, $326,666,000,000.
Fiscal year 2009:
(A) New budget authority, $335,562,000,000.
(B) Outlays, $337,102,000,000.

On page 42, strike lines 1 through 5 and insert the following:

(1) to reduce revenues by not more than $0 in fiscal year 2000, $138,485,000,000 for the period of fiscal years 2000 through 2004, and $765,985,000,000 for the period of fiscal years 2000 through 2009; and

Mr. DODD. Mr. President, as I understand it, I have the right to modify my amendment.

The PRESIDING OFFICER. It takes unanimous consent, which has been granted.

Mr. DODD. Mr. President, this modification reduces the amount from $7.5 billion over 5 years to $5 billion on a child care block grant amendment. It is very simple. It is designed to help working families. The amendment increases the mandatory spending by $5 billion over 5 years. The offset comes from a reduction of the $800 billion tax bill by that amount.

This amendment also asserts in nonbinding language that if child care tax credits are expanded in future legislation, that they would be for stay-at-

home parents as well as working parents, and that there would be a tax refundability so the poorer families would be able to take advantage of it.

The reason why this amendment on this concurrent resolution is so important is that if we do not provide additionally to the child care needs in the budget resolution, then there is no other opportunity for us to do it in the 106th Congress.

So this modest amount over 5 years, given the huge waiting lists that exist, the difficulty that working families have in meeting these costs, and providing that incentive as well for stay-at-home parents so they can get the benefit of it, I think justifies the adoption of it.

I am delighted to have as my cosponsors, Senator JEFFORDS of Vermont, Senator REED of Rhode Island, and others. I thank some of my Republican colleagues on the other side for their indication of support for this amendment as well.

Mr. President, I urge adoption of the amendment. I think it is a good one. I think it will help working families and their children get good and decent child care.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I know how interested my friend from Connecticut is in this, and that he has lowered the amount. But I really think that we ought to stick with the format that we have been following here, and we ought not start taking money out of the tax cut to put into new programs.

I yield back my time and move to table the amendment.

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 were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment, as modified. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Arizona (Mr. MCCAIN), and the Senator from Alabama (Mr. SESSIONS), are necessarily absent.

The result was announced—yeas 40, nays 57, as follows:

[Rollcall Vote No. 74 Leg.]

YEAS—40

Allard	Enzi	Lott
Ashcroft	Fitzgerald	Lugar
Bennett	Gorton	Mack
Bond	Gramm	McConnell
Brownback	Grams	Murkowski
Bunning	Grassley	Nickles
Burns	Gregg	Roth
Cochran	Hagel	Santorum
Coverdell	Helms	Shelby
Craig	Hutchison	Smith (NH)
Crapo	Inhofe	
Domenici	Kyl	
Smith (OR)	Thomas	Thurmond
Stevens	Thompson	Voinovich

NAYS—57

Abraham	Durbin	Levin
Akaka	Edwards	Lieberman
Baucus	Feingold	Lincoln
Bayh	Feinstein	Mikulski
Biden	Frist	Moynihan
Bingaman	Graham	Murray
Boxer	Harkin	Reed
Breaux	Hatch	Reid
Bryan	Hollings	Robb
Byrd	Inouye	Roberts
Campbell	Jeffords	Rockefeller
Chafee	Johnson	Sarbanes
Cleland	Kennedy	Schumer
Collins	Kerrey	Snowe
Conrad	Kerry	Specter
Daschle	Kohl	Torricelli
DeWine	Landrieu	Warner
Dodd	Lautenberg	Wellstone
Dorgan	Leahy	Wyden

NOT VOTING—3

Hutchinson	McCain	Sessions

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 160), as modified, was agreed to.

Mr. DODD. Mr. President, I move to reconsider the vote.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. Mr. President, I apologize to my colleagues for that vote being open as long as it was. We can't do that anymore if we are going to have any hope of finishing this.

I would like to ask all Senators to stay in the Chamber. We have reached an hour where I don't think it would be necessary to go back to your office or go to receptions. We still have a number of amendments that are pending. I know the whip is working those amendments on the Democratic side. We are working them over here.

I ask unanimous consent that for the next block of amendments—I think there are five of them in this block—the time for the votes be 6 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. There will need to be the 2 minutes equally divided between the amendments. If the Senators will stay in the Chamber, we can clear a number of amendments. Hopefully, we can move through this quickly. We will see if there is any chance to wrap this up tonight. We will not hold the votes open on this next block of votes.

Mr. REID. Mr. Leader, is there any requirement that the clerk read back every vote? That would save considerable time. Is there any need for that?

Mr. LOTT. Does the Senator mean the results of the vote?

Mr. REID. What happens is, midway through the votes they go over who voted for and against. Is there some requirement for that to be necessary?

Mr. BYRD. Mr. President, that has been done since the beginning of time. (Laughter.)

Mr. LAUTENBERG. That takes care of that.

Mr. LEAHY. I think it is going to continue, Mr. President.

Mr. BYRD. By unanimous consent—may I say with great respect to the Senate—by unanimous consent you can avoid the recapitulation, if you want to do that.

Mr. LOTT. Rather than changing the precedent, Mr. President, let me work with the leadership on both sides to see if we can't in some way expedite this as quickly as possible, maybe without calling the names. We will work on that.

Mr. BYRD. Will the majority leader yield to me?

Mr. LOTT. Yes.

Mr. BYRD. I will tell you how the leader can stop me from keeping everybody else here waiting. He can tell them up there to call the roll, and announce the results. And if he catches me off the floor once, I will take my lumps. I ought to be here, and not keep everybody else waiting. I have a wife who is 81 years old. I am 81 years old. She is there waiting on me. I am here. I think Senators ought to have a little compassion and respect for one another. If the leader will just teach us one time, for those who are not here when that announcement is made, they are going to show up as absent, that will break Senators from imposing on other Senators by being late for votes.

Mr. LOTT. We just did that. Two Senators just missed that last vote.

Stay in the Chamber. We are calling those votes after 6 minutes. Stay on the floor so we can begin the debate and voting.

AMENDMENT NO. 213, AS MODIFIED

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, we have had a little bit of success in getting rid of some other amendments.

Amendment No. 213 needs a modification. Then it is ready. This has been approved on the other side.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 213), as modified, is as follows:

At the appropriate place, insert the following:

SEC. XX. SENSE OF THE SENATE REGARDING SUPPORT FOR STATE AND LOCAL LAW ENFORCEMENT.

(a) FINDINGS.—The Senate finds that—

(1) as national crime rates are beginning to fall as a result of State and local efforts, with Federal support, it is important for the Federal Government to continue its support for State and local law enforcement;

(2) Federal support is crucial to the provision of critical crime fighting programs;

(3) Federal support is also essential to the provision of critical crime fighting services and the effective administration of justice in the States, such as State and local crime laboratories and medical examiners' offices;

(4) Current needs exceed the capacity of State and local crime laboratories to process their forensic examinations, resulting in tremendous backlogs that prevent the swift administration of justice and impede fundamental individual rights, such as the right to a speedy trial and to exculpatory evidence;

(5) last year, Congress passed the Crime Identification Technology Act of 1998, which authorizes $250,000,000 each year for 5 years to assist State and local law enforcement agencies in developing and integrating their anticrime technology systems, and in upgrading their forensic laboratories and information and communications infrastructures upon which these crime fighting systems rely; and

(6) the Federal Government must continue efforts to significantly reduce crime by maintaining Federal funding for State and local law enforcement, and wisely targeting these resources.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions of this resolution assume that—

(1) The amounts made available for fiscal year 2000 to assist State and local law enforcement efforts should be comparable to or greater than amounts made available for that purpose for fiscal year 1999;

(2) the amounts made available for fiscal year 2000 for crime technology programs should be used to further the purposes of the program under section 102 of the Crime Identification Technology Act of 1998 (42 U.S.C. 14601); and

(3) Congress should consider legislation that specifically addresses the backlogs in State and local crime laboratories and medical examiners' offices.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 213), as modified, was agreed to.

AMENDMENT NO. 207, AS MODIFIED

Mr. DOMENICI. Amendment No. 207, which I tendered a while ago, has now been OK'd by the minority. I send it to the desk.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 207), as modified, is as follows:

(Purpose: To provide the Sense of the Senate regarding the need to pursue a rational adjustment to merger notification thresholds for small business and to ensure adequate funding for Antitrust Division of the Department of Justice)

At the appropriate place, insert the following new section:

"SEC. . SENSE OF THE SENATE ON MERGER ENFORCEMENT BY DEPARTMENT OF JUSTICE.

''(a) FINDINGS.—Congress finds that—

''(1) The Antitrust Division of the Department of Justice is charged with the civil and criminal enforcement of the antitrust laws, including review of corporate mergers likely to reduce competition in particular markets, with a goal to promote and protect the competitive process;

''(2) the Antitrust Division requests a 16 percent increase in funding for fiscal year 2000;

''(3) justification for such an increase is based, in part, increasingly numerous and complex merger filings pursuant to the Hart-Scott-Rodino Antitrust Improvements Act of 1976;

''(4) the Hart-Scott-Rodino Antitrust Improvements Act of 1976 sets value thresholds which trigger the requirement for filing premerger notification;

''(5) the number of merger filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976, which the Department, in conjunction with the Federal Trade Commission, is required to review, increased by 38 percent in fiscal year 1998;

''(6) the Department expects the number of merger filings to increase in fiscal years 1999 and 2000;

''(7) the value thresholds, which relate to both the size of the companies involved and the size of the transaction, under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 have not been adjusted since passage of that Act.

''(b) SENSE OF THE SENATE.—It is the Sense of the Senate that the Antitrust Division needs adequate resources and that the levels in this resolution assume the Division will have such adequate resources, including necessary increases in funding, notwithstanding any report language to the contrary, to enable it to meet its statutory requirements, including those related to reviewing and investigating increasingly numerous and complex mergers, but that Congress should pursue consideration of modest, budget neutral, adjustments to the Hart-Scott-Rodino Antitrust Improvements Act of 1976 to account for inflation in the value thresholds of the Act, and in so doing, ensure that the Antitrust Division's resources are focused on matters and transactions most deserving of the Division's attention.

Mr. HATCH. Mr. President, this amendment will put the Senate on record in two important areas.

The first is that, notwithstanding assumptions to the contrary, the Antitrust Division needs and should have adequate resources to enable it to meet its statutory requirements, including those related to reviewing and investigating increasingly numerous and complex mergers.

The second, is that Congress needs to review and pursue adjustments to the Hart-Scott-Rodino Antitrust Improvements Act of 1976. This second point, Mr. President, is an important one and one whose time is long overdue. The threshold values in this Act which trigger the requirement for businesses to file premerger notifications with government antitrust enforcers have not been changed, even for inflation, since 1976—23 years ago.

The overall purpose of the amendment is to ensure that the Antitrust Division's resources are focused on matters and transactions most deserving of the Division's attention, and to remove unnecessary regulatory and financial burdens on small businesses.

Mr. President, few would disagree that it is important to adequately fund the Antitrust Division of the Department of Justice. They are charged with the civil and criminal enforcement of the antitrust laws, including review of corporate mergers, in order to ensure that the consumer benefits from lower prices and better goods that come with vigorous competition in the marketplace. The interests of consumers must prevail over the political interests of some companies.

At our oversight hearing of the Justice Department several weeks ago, I asked Attorney General Reno whether she would work with us to review the value thresholds of the Hart-Scott-Rodino. It is my belief that adjustments to the value thresholds of Hart-Scott-Rodino are needed. They are needed to ensure that the Department's merger reviews take into account inflation and the true economic impact of mergers in today's economy—not in the economy of 1976. The Attorney General, and the Federal Trade Commission have pledged to work with us, and I look forward with working with the Administration to come up with a rational proposal that is a win-win for both the Department and small business.

Mr. President, let me just add that this amendment is not about one company, or one issue. It is about providing rational relief for some small businesses and supporting the enforcement of our laws.

The PRESIDING OFFICER. Without objection, the amendment, as modified, is agreed to.

The amendment (No. 207), as modified, was agreed to.

AMENDMENT NO. 243, AS MODIFIED

Mr. DOMENICI. Mr. President, has Senator LAUTENBERG cleared amendment No. 243 of Senator HUTCHISON and Senator FEINSTEIN?

Mr. LAUTENBERG. Yes. That is fine.

Mr. DOMENICI. Mr. President, I send it to the desk. It is acceptable.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 243), as modified, is as follows:

AMENDMENT NO. 243, AS MODIFIED

(Purpose: Sense of the Senate to create a task force to pursue the creation of a natural disaster reserve fund)

At the appropriate place, insert:

It is the Sense of the Senate that a task force be created for the purpose of studying the possibility of creating a reserve fund for natural disasters. The task force should be composed of three Senators appointed by the majority leader, and two Senators appointed by the minority leader. The task force should also be composed of three members appointed by the speaker of the House, and two members appointed by minority leader in the House. It is the sense of the Senate that the task force make a report to the appropriate committees in Congress within 90 days of being convened. The report should be available for the purposes of consideration during comprehensive overhaul of budget procedures.

The PRESIDING OFFICER. Without objection, the amendment, as modified, is agreed to.

The amendment (No. 243), as modified, was agreed to.

Mr. DOMENICI. I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota, Mr. DORGAN, is recognized.

AMENDMENT NO. 178

Mr. DORGAN. Mr. President, the amendment we will consider next is an amendment which provides an opportunity to address the dire emergency that exists on American farms. All of us in this Chamber know that farm prices have collapsed. We also know that we face the prospect of losing tens of thousands, hundreds of thousands perhaps, of family farmers unless something is done to restore some price protection during this time.

The amendment I have offered is the only opportunity to do that. It provides room in this Budget Act for a $6-billion-per-year price protection opportunity.

In 1995, the budget resolution that we considered was the start of the change of farm programs to the new Freedom to Farm bill. In this budget resolution, we are trying to provide an opportunity to repair the deficiencies in that bill that stripped away much of the needed price protection.

This amendment I hope will be supported by my colleagues and give us the opportunity this year, after a mid-year correction by the Congressional Budget Office, to use needed resources to help family farmers during their dire emergency.

Mr. President, I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I have been keeping track on how much of the surplus we have spent. We spent $430 billion. If we adopt the Democratic amendment, this is $30 billion more. So the surplus would have had $460 billion already spent, if this amendment were adopted. We will increase the mandatory expenditures under agriculture from about $39 billion, to $40 billion, to $75 billion. That will be fixed and permanent, because it is an entitlement. And actually there are many who say this agriculture economy will recover in a couple of years. Yet, we have this built in for 5 years.

I don't think we ought to do this tonight. There is ample time to consider.

I remind you that the President didn't ask for one nickel. We put $6 billion new money in, and now this is $30 billion more.

I move to table the amendment.

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 motion of the Senator from New Mexico to lay on the table the amendment of the Senator from North Dakota. On this question, the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) and the Senator from Wyoming (Mr. THOMAS), are necessarily absent.

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

The result was announced—yeas 53, nays 45, as follows:

[Rollcall Vote No. 75 Leg.]

YEAS—53

Abraham	Crapo	Hutchinson
Allard	DeWine	Hutchison
Ashcroft	Domenici	Inhofe
Bennett	Enzi	Jeffords
Bond	Fitzgerald	Kyl
Brownback	Frist	Lott
Bunning	Gorton	Lugar
Burns	Gramm	Mack
Campbell	Grams	McConnell
Chafee	Grassley	Murkowski
Cochran	Gregg	Nickles
Collins	Hagel	Roberts
Coverdell	Hatch	Roth
Craig	Helms	Santorum
Sessions	Snowe	Thurmond
Shelby	Specter	Voinovich
Smith (NH)	Stevens	Warner
Smith (OR)	Thompson	

NAYS—45

Akaka	Edwards	Levin
Baucus	Feingold	Lieberman
Bayh	Feinstein	Lincoln
Biden	Graham	Mikulski
Bingaman	Harkin	Moynihan
Boxer	Hollings	Murray
Breaux	Inouye	Reed
Bryan	Johnson	Reid
Byrd	Kennedy	Robb
Cleland	Kerrey	Rockefeller
Conrad	Kerry	Sarbanes
Daschle	Kohl	Schumer
Dodd	Landrieu	Torricelli
Dorgan	Lautenberg	Wellstone
Durbin	Leahy	Wyden

NOT VOTING—2

McCain	Thomas

The motion to lay on the table the amendment (No. 178) was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. Mr. President, that vote took 10½ minutes, but I know there were some Senators who were not aware we got consent to limit these votes to 6 minutes. Again, I urge all Senators to remain in the Chamber or in the Cloakroom at the furthest distance. The next vote will cut off after 6 minutes.

I yield the floor.

AMENDMENT NO. 240

Mr. DOMENICI. Mr. President, I understand the Ashcroft amendment, No. 240, has been cleared on the other side. It is at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 240) was agreed to.

Mr. LAUTENBERG. Mr. President, I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, Senator SNOWE's amendment is next.

Mr. LAUTENBERG addressed the Chair.

Mr. DOMENICI. Senator SNOWE's amendment No. 242 is the one that is up.

The PRESIDING OFFICER. The Chair, on its own motion, observes the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. LAUTENBERG addressed the Chair.

AMENDMENT NO. 166 WITHDRAWN

The PRESIDING OFFICER. The next amendment is the Lautenberg amendment, No. 166.

The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, I am withdrawing amendment No. 166.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

The amendment (No. 166) was withdrawn.

AMENDMENT NO. 232

The PRESIDING OFFICER. The next amendment is the Snowe amendment, No. 232. The Senator from Maine is recognized.

Ms. SNOWE. Mr. President, in contrast to the President's budget, we do have a means by which to create a provision for a prescription drug benefit program in the budget resolution. We created a reserve fund in the Budget Committee that was supported by an overwhelmingly bipartisan vote, 21 to 1.

Mr. President, the reserve fund that is included in the budget resolution for the purposes of financing a prescription drug benefit program was supported overwhelmingly by the members of the committee on a bipartisan basis, a 21-to-1 vote.

The amendment I am offering, along with Senator WYDEN, as well as cosponsor Senator SMITH of Oregon, is to expand and create a funding mechanism that will ensure and guarantee the funding of a prescription drug benefit program. We think it is important to ensure that we have this benefit program for our Nation's senior citizens. It is contingent upon a reform package being reported out of the Senate Finance Committee to extend the solvency of the Medicare program. The funding mechanism would be an increase in the tobacco taxes.

I think it is an appropriate linkage between Medicare and tobacco taxes. A recent study shows, in fact, that $25 billion was the cost to the Medicare program as a result of tobacco-related illnesses.

Mr. President, the amendment I am offering along with my good friends and colleagues from Oregon, Senators WYDEN and GORDON SMITH, would expand the reserve fund that is found in section 209 of the budget resolution. Specifically, our amendment would allow new tobacco taxes to be used as an offset for the new Medicare prescription drug benefit that this reserve fund would create.

Mr. President, as I stated on the floor yesterday, I believe that one of the most critical items included in this year's Senate budget resolution is the reserve fund for Medicare and prescription drugs.

Put simply, this reserve fund—that was adopted with the support of all 10 Democratic members on the Budget Committee—will provide the Congress with a critically needed opportunity to address an issue that has been highlighted repeatedly of late: the long-term solvency of Medicare and a means to fund a new Medicare prescription drug benefit.

In light of the recent disappointing conclusion of deliberations by the Bipartisan Commission on Medicare—where the final vote for a recommendation failed by a singe vote—I can think

of no provision more critical to moving these issues forward in the aftermath of that Commission's work than the reserve fund contained in the Senate budget resolution.

Specifically, the reserve fund already contained in the budget resolution will allow for the creation of a new Medicare prescription drug benefit. This reserve fund will be available for any Medicare legislation reported from the Senate Finance Committee that significantly extends the solvency of the Medicare Trust Fund in a meaningful and legitimate manner beyond its current insolvency date of 2008.

However, to ensure our ability to tap the reserve fund is not unduly restricted or that legislation is not stalled in the Finance Committee due to a particular solvency date not being achieved, the reserve fund intentionally provides no specific target date for extending the program's solvency. Rather, it simply requires that the added solvency be ''significant'' with no gimmicks to simply increase the ''paper balance'' of the trust fund. Specifically, the President's proposal to artificially increase the number of IOUs held by the Medicare Trust Fund would be precluded.

Also of critical importance, the reserve fund explicitly provides for the funding of a new Medicare prescription drug benefit that could be funded with a portion of on-budget surpluses that have been set-aside in the Chairman's budget. The on-budget surplus currently set-aside in the budget totals $132 billion over the coming 10 years, so up to this amount of monies could be utilized for the prescription drug benefit.

Given the fact that prescription drug coverage proved to be one of the most divisive issues during the Bipartisan Commission's deliberations, this reserve fund will ensure that this critically needed addition to the Medicare program is not blocked from consideration when legislation to strengthen Medicare is considered on the floor. Furthermore, it serves as a much needed ''carrot-and-stick'' for getting Congress and the President to develop a comprehensive plan to strengthen Medicare soon—not put it off until the day of reckoning in 2008 is nearly upon us.

Mr. President, there are many issues where members of the Senate may disagree, but there is one stark fact—the fact that the Medicare Part A Trust Fund will be broke within 10 years—which everyone in this room must accept. Therefore, since solutions will likely become draconian the longer we wait to take meaningful steps to strengthen the program, we must not wait any longer to take action to credibly extend the solvency of the Medicare Trust Fund and improve the Medicare program overall.

As my colleagues are aware, we didn't get a proposal out of the Bipartisan Medicare Commission despite the best efforts of several members of this body. But that ''hung jury'' decision does not mean we can simply ignore the fact that the Medicare program—which is the program more then 38 million elderly Americans rely on for their health care—is going broke.

Fortunately, the Senate Finance Committee is already taking action, beginning with a series of hearings that began last week on the Commission's majority-supported proposal, and speculation that a markup of Medicare-related legislation could occur in the not-too-distant future. In addition, the President—who was accused of preventing the Commission from getting the final, crucial vote necessary to report a recommendation—has now said that he will send us his own proposal soon.

Mr. President, the reserve fund already included in the Senate budget resolution will facilitate this process by allowing the Congress to take up the President's forthcoming proposal or any other proposal reported by the Senate Finance Committee that credibly addresses Medicare's needs. That, alone, is a critical step forward since we can no longer leave our seniors worrying that our failure to take action will leave them without access to health care. Because when the Trust Fund runs dry there is no health care—none—for many of our nation's senior citizens.

Even as the reserve fund will help spur action on legislation to credibly extend the solvency of the Medicare program, it will also allow us to take a critical step in improving and updating the Medicare system: the addition of a meaningful Medicare prescription drug benefit. I believe this addition is, unquestionably, the most significant we could make to Medicare as we seek to strengthen the system.

Mr. President, the need for this new benefit could not be more clear. When Medicare was created in 1965 it followed the private health insurance model of the time—inpatient health care. Today, thirty-four years later, it is sadly out of date and it is time to bring Medicare ''back to the future'' by providing our seniors with prescription drug coverage.

The lack of a prescription drug coverage benefit is the biggest hole—a black hole really—in the Medicare system. HCFA will tell you that up to 65 percent of Medicare beneficiaries have drug coverage from other sources. But that number simply doesn't tell the whole story.

Specifically, fourteen percent of Medicare beneficiaries get drug coverage from one of the three Medigap policies that cover drugs. Two of these policies require a $250 deductible and then only cover 50 percent of the cost of the drug with a $1,250 cap. Needless to say, you can run up against that cap pretty fast with today's drug prices.

The third policy provides a cap of $3,000 but the premium ranges anywhere from $1,699 to $3,171 depending on where you live. That is a lot of money for someone living on a fixed income.

An estimated 8 percent get drug coverage from participating in Medicare HMOs and another 16 percent receive coverage from Medicaid. Of course to do that, they must be very low-income to begin with and may have to spend a great deal out of pocket for their drugs—what we commonly refer to as spending down—before they are eligible in a given year for coverage. Finally there are those lucky enough—29 percent—to have employer sponsored drug coverage through their retiree program.

Mr. President, drug coverage should be part and parcel of the Medicare system, not a patchwork system where some get coverage and some don't. Prescription drug coverage shouldn't be a ''fringe benefit'' available only to those wealthy enough or poor enough to obtain coverage—it should be part and parcel of the Medicare system that will see today's seniors, and tomorrow's into the 21st Century.

In light of this glaring need for prescription drug coverage, I will be working with senior citizens groups and health care experts over the coming weeks to develop bipartisan legislation with Senator WYDEN and others that will provide Medicare recipients with a comprehensive Medicare prescription drug coverage benefit that could be included in any forthcoming package to strengthen Medicare.

The focus of my proposal will be to provide senior citizens with actual coverage for prescription drugs. Put simply, even if we attempt to control the prices of drugs that are needed by senior citizens, that does not guarantee many of these individuals will be able to afford those prices. That's why a new benefit is so critical.

Although the details of my prescription drug coverage proposal will be developed over the coming weeks, there are several broad principles that I anticipate will be included in the Snowe-Wyden package:

First, this package will not be part of Medicare Part A, and therefore will have no direct impact on the solvency of the Medicare Trust Fund. Like my colleagues, I am gravely concerned about the solvency of the Medicare Trust Fund and believe that issue must be addressed in a comprehensive, bipartisan manner. Therefore, I believe it would be irresponsible to propose a new benefit in the Trust Fund that would further jeopardize its solvency in future years, and will propose that my new benefit package be outside the Trust Fund accordingly.

Second, while the details of our legislation will ultimately be crafted during bipartisan negotiations with interested groups and health care experts, the drug benefit package will be comprehensive and ensure that all seniors have prescription drug coverage.

Third, while the cost of this proposal will ultimately be determined by the benefit package that is crafted, our proposal will be fully-offset. While my colleagues are aware that the cost of

this coverage varies widely depending on the size and scope of the benefit, I believe it would be irresponsible to create any new benefit without paying for it. Accordingly, the primary offset for our package will be an increase in the tobacco tax.

As my colleagues are aware, President Clinton's FY 2000 budget proposal included a 55-cent per pack increase in the cost of cigarettes and an acceleration of the 15-cent per pack increase contained in the 1997 Balanced Budget Agreement. The Joint Tax Committee estimates that the combined revenues of these two proposals would be $36 billion over 5 years, and $70 billion over 10 years.

Interestingly, instead of applying these new revenues to Medicare or a new prescription drug benefit, the President proposes that these tobacco tax revenues be used to offset increases in discretionary spending. Because tax increases are not allowed to offset discretionary spending under the Budget Act, these improper offsets contribute to the President's budget being in violation of the spending limits agreed to just two years ago by $30 billion in FY 2000.

At the same time, the President's budget also fails to provide a single penny for a prescription drug benefit—or even a mechanism to provide monies for such a benefit—after touting the need for prescription drug coverage in the State of the Union address.

In light of this deficiency in the President's budget, the bipartisan proposal I will be crafting with Senator WYDEN will not only create a fully-funded prescription drug benefit, but it will also utilize the proposed tax increase for tobacco contained in the President's budget. Ultimately, it is my hope that the President will recognize that these monies would be best spent on Medicare, and will support our effort accordingly.

Mr. President, the rationale for linking tobacco taxes and Medicare is clear. As outlined in a study by Columbia University, smoking-related illnesses cost the Medicare program $25.5 billion in 1994 alone—a full 14 percent of Medicare's costs in that year.

In fact, as the chart behind me indicates, of the various forms of substance abuse that affect the Medicare program, tobacco-related illnesses accounted for 80% of the $32 billion in total substance abuse costs in 1994. Therefore, dedicating tobacco revenues to Medicare will allow the program to recapture some of the monies it is losing to tobacco.

In particular, the proposal I will be developing with Senator WYDEN will demonstrate how new tobacco monies could be shifted to Medicare and then targeted to the new prescription drug benefit for seniors.

To accommodate the proposal we will be crafting—and the tobacco offset it will contain in particular—the amendment I am offering today will ensure that tobacco tax revenues are among the funding options provided for in the new reserve fund for prescription drugs.

While I am pleased that remaining on-budget surpluses are already an allowable offset in the reserve fund, I believe it is only appropriate that tobacco taxes also be an allowed offset. Not only because this offset be used in the prescription drug package I will be developing with Senator WYDEN, but because of the direct link between tobacco and the Medicare program.

As mentioned, a study by the National Center on Addiction and Substance Abuse at Columbia University found that the cost of tobacco-related illnesses on the Medicare program totaled $25.5 billion in 1994, or 14% of the total expenditures of the Medicare program.

Assuming this percent holds as true today as it did five years ago—and there is no reason to assume otherwise—the impact of tobacco on Medicare is astounding. With CBO projecting Medicare expenditures of $220 billion in the current fiscal year, tobacco-related health care expenses would total upward of $30.8 billion in 1999 alone using the 14 percent assumption. Over the coming years, these numbers will only escalate:

$32.5 billion in 2000.

$34.7 billion in 2001.

$36 billion in 2002.

And $39.5 billion in 2003.

In fact, if tobacco-related illnesses continue to cost the Medicare program 14 percent of its total expenditures, these expenses will total $62.6 billion in the year 2009. All told, tobacco-related illnesses would cost the Medicare program $486 billion from 1999 to 2009!

Mr. President, in light of the impact of tobacco on the Medicare program, I can think of no reason why new tobacco revenues should not be returned to the Medicare program and used to fund a new prescription drug benefit. Along with our efforts to keep the program solvent well beyond 2008, this new benefit is arguably the most pressing need of our nation's senior citizens in the Medicare program. By linking the two issues in the reserve fund I have created, we can and should do both.

Mr. President, while I know that many of my colleagues may not support a tobacco tax increase, I urge that they seriously consider the impact of tobacco-related illnesses on Medicare. My amendment is not an effort to simply pass a tobacco tax for the sake of doing it. Rather, it's about recouping a limited portion of the monies tobacco costs the Medicare program every year, and devoting these monies to a program within Medicare that benefits senior citizens.

The bottom line is that the reserve fund already included in the budget will help facilitate the consideration of Medicare legislation by laying the groundwork for a new Medicare prescription drug benefit that may not otherwise be available. While it would already allow remaining on-budget surpluses to be used for this new benefit, the amendment I am offering today will ensure that another funding source is also available.

Ultimately, the true benefit of adopting my amendment is that it will ensure a new Medicare prescription drug benefit that utilizes tobacco revenues can be offered with only a simple majority vote being required for its adoption. Without this provision, a point of order would lie against such a proposal, and 60 votes would be required to waive the point of order. While not an impossible hurdle, it nevertheless raises the bar on an offset that I believe is wholly appropriate for the issue at hand.

Again, I do not expect that all of my colleagues will support the prescription drug benefit bill that Senator WYDEN and I will be crafting. But I would hope that my colleagues would see the legitimate link between Medicare and tobacco, and will at least vote today to allow this offset to be considered without a supermajority vote in the future.

The reserve fund already contained in the budget resolution is a critical step in the right direction that may ultimately ensure legislation to genuinely strengthen Medicare will move in the Congress. And the amendment we are offering will simply bring one more legitimate, related offset into the mix of available options as that package is crafted in the Congress.

Mr. President, I believe the cost of Medicare prescription drugs constitutes a crisis for our senior citizens. While the President expressed support for such a benefit in the State of the Union, he failed to deliver anything for it in his budget proposal, just as he seemingly failed to assist the Commission in doing their job: sending this Congress a bipartisan Medicare reform proposal.

Despite the President's lack of courage on these issues—or willingness to put substance behind his State of the Union rhetoric—I believe it is critical that we make it possible to strengthen and improve Medicare in the Congress. The reserve fund already contained in the budget may be our best hope to repair and improve the Medicare program. It will allow it to be one of our finest accomplishments in the 106th Congress—not a political punching bag that delivers nothing of value to our deliberations or to our nation's elderly. And the amendment we are offering today will only make the reserve fund better.

Therefore, I urge that my colleagues support our amendment, and work to improve the Medicare ''enabling'' reserve fund already contained in the budget.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from Kentucky.

Mr. BUNNING. Mr. President, I raise a point of order against the pending amendment, No. 232, offered by Senator SNOWE. The language is not germane to the budget resolution before us.

Therefore, I raise the point of order under section 305(b)(2) of the Congressional Budget Act of 1974.

MOTION TO WAIVE THE BUDGET ACT

Mr. WYDEN. Mr. President, can we waive it at this time? I move to waive it at this time.

The PRESIDING OFFICER. The Senator from Oregon has moved to waive the budget point of order. The question is on agreeing to the motion to waive the budget point of order.

Mr. DOMENICI. 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 were ordered.

Mr. DOMENICI. This is a 6-minute rollcall vote.

The PRESIDING OFFICER. The Chair will inform the Senate this is a 6-minute rollcall.

The question is on agreeing to the motion to waive the budget point of order in relation to the Snowe amendment No. 232.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

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

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

The yeas and nays resulted—yeas 54, nays 44, as follows:

[Rollcall Vote No. 76 Leg.]

YEAS—54

Abraham	Durbin	Levin
Akaka	Feingold	Lieberman
Baucus	Feinstein	Lincoln
Bennett	Graham	Mikulski
Biden	Harkin	Moynihan
Bingaman	Hatch	Murray
Boxer	Hollings	Reed
Breaux	Hutchison	Reid
Bryan	Inouye	Rockefeller
Byrd	Jeffords	Santorum
Chafee	Johnson	Sarbanes
Cleland	Kennedy	Schumer
Collins	Kerrey	Smith (OR)
Conrad	Kerry	Snowe
Daschle	Kohl	Specter
DeWine	Landrieu	Torricelli
Dodd	Lautenberg	Wellstone
Dorgan	Leahy	Wyden

NAYS—44

Allard	Fitzgerald	McConnell
Ashcroft	Frist	Murkowski
Bayh	Gorton	Nickles
Bond	Gramm	Robb
Brownback	Grams	Roberts
Bunning	Grassley	Roth
Burns	Gregg	Sessions
Campbell	Hagel	Shelby
Cochran	Helms	Smith (NH)
Coverdell	Hutchinson	Stevens
Craig	Inhofe	Thompson
Crapo	Kyl	Thurmond
Domenici	Lott	Voinovich
Edwards	Lugar	Warner
Enzi	Mack	

NOT VOTING—2

McCain	Thomas

The PRESIDING OFFICER. On this vote the yeas are 54, the nays are 44. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

The Senator from Massachusetts is recognized.

AMENDMENT NO. 195

Mr. KENNEDY. Mr. President, this is a sense of the Senate that we ought to go on record for an increase in the minimum wage. This Nation is having unprecedented prosperity. We have the lowest unemployment that we have had in 30 years, the lowest rates of inflation. Still, we have 11 million minimum-wage workers. And a minimum-wage working family of three is still $3,000 less than the poverty income for a family of three.

This is an issue that affects women. It is an issue that affects children. It is an issue that affects families. No one in the United States of America who works for a living ought to live in poverty.

We hope now to have a sense of the Senate that we will increase the minimum wage 50 cents this year and 50 cents next year. That is what the Daschle amendment does, and this is a sense of the Senate to support it.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, this amendment is not germane under the budget. I make a point of order that it is not germane.

MOTION TO WAIVE THE BUDGET ACT

Mr. KENNEDY. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that Act for the consideration of the pending amendment, and 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 yeas and nays having been ordered, the vote is on the motion to waive.

Mr. KENNEDY. Could I ask the Parliamentarian, an ''aye'' vote would be to?

The PRESIDING OFFICER. An ''aye'' vote would be to waive the budget point of order.

Mr. KENNEDY. Thank you.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Congressional Budget Act in relation to the Kennedy amendment No. 195. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce the Senator from Arizona Mr. MCCAIN and the Senator from Wyoming Mr. THOMAS are necessarily absent.

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

The yeas and nays resulted—yeas 45, nays 53, as follows:

[ROLLCALL VOTE NO. 77 LEG.]

YEAS—45

Akaka	Breaux	Daschle
Bayh	Bryan	Dodd
Biden	Byrd	Dorgan
Bingaman	Cleland	Durbin
Boxer	Conrad	Edwards
Feingold	Landrieu	Reid
Feinstein	Lautenberg	Robb
Harkin	Leahy	Rockefeller
Hollings	Levin	Sarbanes
Inouye	Lieberman	Schumer
Johnson	Lincoln	Smith (OR)
Kennedy	Mikulski	Specter
Kerrey	Moynihan	Torricelli
Kerry	Murray	Wellstone
Kohl	Reed	Wyden

NAYS—53

Abraham	Enzi	Lugar
Allard	Fitzgerald	Mack
Ashcroft	Frist	McConnell
Baucus	Gorton	Murkowski
Bennett	Graham	Nickles
Bond	Gramm	Roberts
Brownback	Grams	Roth
Bunning	Grassley	Santorum
Burns	Gregg	Sessions
Campbell	Hagel	Shelby
Chafee	Hatch	Smith (NH)
Cochran	Helms	Snowe
Collins	Hutchinson	Stevens
Coverdell	Hutchison	Thompson
Craig	Inhofe	Thurmond
Crapo	Jeffords	Voinovich
DeWine	Kyl	Warner
Domenici	Lott	

NOT VOTING—2

McCain	Thomas

The PRESIDING OFFICER. On this vote the yeas are 45, the nays are 53. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to, the point of order is sustained, and the amendment falls.

AMENDMENT NO. 208, AS MODIFIED

Mr. DOMENICI. Mr. President, I ask unanimous consent that the amendment I now send to the desk for Senator ENZI, numbered 208, be modified.

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

The amendment (No. 208), as modified, is as follows:

At the appropriate place, insert:

SEC. . SENSE OF THE SENATE ON ELIMINATING THE MARRIAGE PENALTY AND ACROSS THE BOARD INCOME TAX RATE CUTS.

(a) FINDINGS.—The Senate finds that—

(1) The institution of marriage is the cornerstone of the family and civil society;

(2) Strengthening of the marriage commitment and the family is an indispensable step in the renewal of America's culture;

(3) The Federal income tax punishes marriage by imposing a greater tax burden on married couples than on their single counterparts;

(4) America's tax code should give each married couple the choice to be treated as one economic unit, regardless of which spouse earns the income; and

(5) All American taxpayers are responsible for any budget surplus and deserve broad-based tax relief after the Social Security Trust fund has been protected.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that—

(1) Congress should eliminate the marriage penalty in a manner that treats all married couples equally, regardless of which spouse earns the income; and

AMENDMENT NO. 205, AS MODIFIED

Mr. DOMENICI. I ask unanimous consent that the amendment I send to the desk for Senator LANDRIEU, numbered 205, be modified.

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

The amendment (No. 205) as modified, is as follows:

On page 46, after line 10, add a new subsection (c) that reads as follows:

(c) LIMITATION.—This reserve fund will give priority to the following types of tax relief:

(1) Tax relief to help working families afford child care, including assistance for families with a parent staying out of the workforce in order to care for young children;

(2) Tax relief to help individuals and their families afford the expense of long-term health care;

(3) Tax relief to ease the tax code's marriage penalties on working families;

(4) Any other individual tax relief targeted exclusively for families in the bottom 90 percent of the family income distribution;

(5) The extension of the Research and Experimentation tax credit, the Work Opportunity tax credit, and other expiring tax provisions, a number of which are important to help American businesses compete in the modern international economy and to help bring the benefits of a strong economy to disadvantaged individuals and communities;

(6) Tax incentives to help small businesses; and

(7) Tax relief provided by accelerating the increase in the deductibility of health insurance premiums for the self-employed.

AMENDMENT NOS. 208, AS MODIFIED; 205, AS MODIFIED; 202, AND 171, EN BLOC

Mr. DOMENICI. I want to clear some amendments for immediate consideration: Senator ENZI, 208, as modified; 205, Senator LANDRIEU, as modified; 202, Senator BIDEN; and 171, Senator BOXER. These have been cleared with the other side.

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc.

The amendments (Nos. 208, as modified; 205, as modified; 202 and 171) were agreed to.

AMENDMENT NO. 202

Mr. BIDEN. Mr. President, the amendment I offer to the budget resolution would express the Senate's intention to give high priority to embassy security.

As was underscored by the tragic embassy bombings in East Africa last August, our embassies overseas are highly vulnerable to terrorist attack. Following the bombings, the Secretary of State ordered a worldwide review of the current security situation.

According to testimony provided by the Department of State to the Committee on Foreign Relations, over 80 percent of U.S. embassies and consulates have less than the required 100-foot setback from the street, and many missions are in desperate need of greater security improvements.

As required by law, the Secretary also convened ''Accountability Review Boards'' to examine the bombings. The Boards, chaired by retired Admiral William Crowe, concluded that the United States must—

undertake a comprehensive and long-term strategy for protecting American officials overseas, including sustained funding for enhanced security measures, for long-term costs for increased security personnel, and for a capital building program based on an assessment of requirements to meet the new range of global terrorist threats. This must include substantial budgetary appropriations of approximately $1.4 billion per year maintained over a ten-year period. . .Additional funds for security must be obtained without diverting funds from our major foreign affairs programs.

Last fall, Congress provided $1.4 billion in supplemental appropriations to address the security situation.

But as the conclusions of the Crowe panels underscored, this was just a down payment.

In his budget request, the President requested an additional $300 million in security enhancements in Fiscal Year 2000, and advance appropriations totaling $3 billion from Fiscal 2001 to 2005 for an embassy construction program. I believe this amount is insufficient, a concern echoed by many members of the Committee on Foreign Relations during a hearing held on March 11.

We must recognize, as the Crowe panels did, that the kind of money required to enhance embassy security cannot be borne within the current State Department budget.

For example, the $1.4 billion in annual spending recommended by the Crowe panels amounts to more than one-third of the operating budget of the Department requested for Fiscal 2000. We are kidding ourselves to suggest that these resources can be found within the existing State Department budget.

It should be emphasized that funding for embassy security benefits the entire federal government. Embassies are not merely foreign outposts of the Department of State. They are platforms for the representation of American interests.

Everyone should recognize this essential fact: nearly two-thirds of the personnel in our embassies are from departments other than the State Department. They are from all over the government—the Commerce Department, the Agriculture Department, the Department of Defense, even the Federal Aviation Administration. In sum, embassy security is a government-wide imperative, for which the State Department should not bear an undue funding burden.

Mr. President, the bottom line is this: security costs money, and we cannot pinch pennies. We send our people overseas to do a job. They are on the front lines of our national defense, representing our interests.

It is our duty to do that all that we reasonably can to protect them. And if we fail to protect our embassies, the costs will be not just in lives lost. They will be in wars not prevented, in narcotics trafficking unchecked, and in American jobs lost due to trade opportunities unattained.

So I hope my colleagues will recognize the importance of embassy security as a high priority and support my amendment.

AMENDMENT NO. 204 WITHDRAWN

Mr. DOMENICI. Mr. President, we are withdrawing an amendment of Senator BIDEN numbered 204.

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

The amendment (No. 204) was withdrawn.

Mr. DOMENICI. Mr. President, how long did the last vote take?

The PRESIDING OFFICER. The last vote took about 11½ minutes.

Mr. DOMENICI. We will have some additional votes. I ask unanimous consent that the following amendments be the next amendments to be debated and voted on as provided for under the previous agreement: Senator HOLLINGS 174, current services; Senator ROBB 181, strike pay-go; Senator LAUTENBERG 183, school modernization.

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

AMENDMENT NO. 174

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. HOLLINGS. Mr. President, this continues current policy and uses the surplus moneys to pay down the debt. This amendment by Senator BOB KERREY and myself uses what surplus there is over the budget period to pay down the debt.

Members might say, Was this not the amendment of Senator VOINOVICH which we voted on? Senator VOINOVICH uses Chairman DOMENICI's mark; I use the mark of the Congressional Budget Office.

We call this the Greenspan amendment because Senator SARBANES was questioning the record of the Federal Reserve. He said, How do you save that surplus? How do you keep it from getting spent? Mr. Greenspan said, ''What happens is, you do nothing.'' In other words, you take this year's budget, we are doing fine. We have growth, low unemployment, low inflation rate, and truly pay down the debt.

All of these others talk about it, but there is so much spending and tax cuts, you will never get any debt paid down. This, when it is paid down, will lower the interest costs which will get everybody a real tax cut.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from New Mexico.

Mr. DOMENICI. Mr. President, this amendment wipes out the tax cut in its entirety, wipes out the $6 billion we added for the agricultural community, establishes a freeze, and then after that, it goes up to current services. The first two points are the most important.

I don't believe we ought to adopt this amendment, after all we have gone through in trying to provide some tax cuts for the American people.

I yield back any time I might have.

Mr. HOLLINGS. Mr. President, I yield back my time, and 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 amendment of the Senator from South Carolina.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) and

the Senator from Wyoming (Mr. THOMAS) are necessarily absent.

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

The result was announced—yeas 24, nays 74, as follows:

[Rollcall Vote No. 78 Leg.]

YEAS—24

Akaka	Dorgan	Lautenberg
Biden	Feingold	Leahy
Bingaman	Graham	Lincoln
Boxer	Harkin	Mikulski
Breaux	Hollings	Reid
Bryan	Inouye	Robb
Byrd	Kerrey	Specter
Dodd	Kohl	Voinovich

NAYS—74

Abraham	Feinstein	McConnell
Allard	Fitzgerald	Moynihan
Ashcroft	Frist	Murkowski
Baucus	Gorton	Murray
Bayh	Gramm	Nickles
Bennett	Grams	Reed
Bond	Grassley	Roberts
Brownback	Gregg	Rockefeller
Bunning	Hagel	Roth
Burns	Hatch	Santorum
Campbell	Helms	Sarbanes
Chafee	Hutchinson	Schumer
Cleland	Hutchison	Sessions
Cochran	Inhofe	Shelby
Collins	Jeffords	Smith(NH)
Conrad	Johnson	Smith(OR)
Coverdell	Kennedy	Snowe
Craig	Kerry	Stevens
Crapo	Kyl	Thompson
Daschle	Landrieu	Thurmond
DeWine	Levin	Torricelli
Domenici	Lieberman	Warner
Durbin	Lott	Wellstone
Edwards	Lugar	Wyden
Enzi	Mack	

NOT VOTING—2

McCain	Thomas

The amendment (No. 174) was rejected.

Mr. GRAMM. Mr. President, I move to reconsider the vote.

Mr. DASCHLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. THURMOND. Mr. President, as the Senate debates the Fiscal Year 2000 Budget Resolution, I believe it is important that we keep in mind the statement by General Shelton, the Chairman of the Joint Chiefs of Staff, at the Senate Armed Services Committee on September 29, 1999.

''It is the quality of the men and women who serve that sets the U.S. military apart from all potential adversaries. These talented people are the ones who won the Cold War and ensured our victory in Operation Desert Storm. These dedicated professionals make it possible for the United States to accomplish the many missions we are called on to perform around the world every single day.''

Although we have the best soldiers, sailors, airmen and Marines, all their professionalism is for naught if they do not have the equipment, weapons and supplies to carry out their mission. Since the end of Operation Desert Storm, which reflected both the professionalism and material quality of our Armed Forces, the defense budget has declined by $80 billion. Yet the pace of the military operations has not declined, in fact the pace of operations exceeds that of the Cold War era. Not only are the men and women of our military stretched to the limits, but also their equipment. The Air Force Chief of Staff testified that ''Next year, the average age of our aircraft will be 20 years old . . .'' General Reimer, the Chief of Staff of the Army, stated: ''Mortgaging our modernization accounts did not come without cost. By FY98, Army procurement had declined 73 percent, reaching its lowest level since 1959.'' Mr. President, each of the other service chiefs had similar quotations. These quotes paint a dismal picture of our Armed Forces' readiness and are the challenge to the Congress to increase funding for the Department of Defense.

The Fiscal Year 2000 Budget resolution proposed by the able Chairman of the Budget Committee, Senator DOMENICI, increases the budget authority for defense by $8.3 billion over the Administration's request. I congratulate the Budget Committee on this decisive demonstration of support for our Armed Forces. However, this show of support is diminished by the fact that the Budget Committee reduced the outlays for fiscal year 2000 by $8.7 billion. This reduction coupled with the already existing outlay problem, will result in a reduction to the budget authority levels in the $280.5 billion budget request.

Mr. President, I want to urge Senator DOMENICI, to work with Chairman WARNER and Chairman STEVENS, to resolve this outlay problem before we act on this Resolution. We must not leave the false impression that the increase in the budget authority proposed in this resolution will result in increased security for our Nation. Thank you, Mr. President.

Mr. BYRD. Mr. President, in the report accompanying the budget resolution now before the Senate (Senate Report 106–27), the first paragraph on page seven contains this statement:

> A budget resolution is a fiscal blueprint, a guide, a roadmap, that the Congress develops to direct the course of federal tax and spending legislation. It is a set of aggregate spending and revenue numbers covering the twenty broad functional areas of the government, over a long-term fiscal horizon. It is less than substantive law, but is much more than a sense of the Congress resolution.

Unfortunately, this budget resolution, this guide, this blueprint, is a roadmap which, if followed for the next ten years, will wreak untold devastation. Having just achieved the first year with a unified budget surplus ($70 billion) in thirty years, last September 30—the end of Fiscal Year 1998—and having been unable to pass a congressional budget resolution for this fiscal year, fiscal year 1999, at all, we now have before the Senate not the usual five-year budget resolution, but a much more ambitious ten-year budget to carry us for the period fiscal years 2000–2009. Over that period, we are told by the Congressional Budget Office that unified budget surpluses will total just over $2.5 trillion. Of that amount, Social Security surpluses make up some $1.8 trillion, or 72 percent. Non-Social Security surpluses, according to CBO, will total $787 billion over that period. For fiscal year 2000, there is, in fact, a non-social security deficit of some $7 billion. That is, there would be no surplus at all in Fiscal Year 2000 except in the Social Security Trust Fund.

What does the blueprint now before the Senate, the Republican budget resolution, propose that we do with these multi-trillion-dollar surpluses? Keep in mind that these are only projections; they are not real, and we will not know until after the fact as to whether any of the surpluses projected for any of these 10 years will come to pass. No human being can ever project accurately what Federal revenues or Federal spending will be. No one can know what interest rates will be, or unemployment, or GDP growth. We have had tremendous variances historically with CBO projections, even within one year. To count on their projections for not one, not five, but for 10 years is extremely unwise.

But, let us look at the budget resolution now before the Senate. This budget resolution proposes a Federal tax cut which, according to the committee's report, will approximate $142 billion over the next five years, and $778 billion over the next 10 years. The resolution includes a reconciliation instruction to the tax writing committees instructing them to report out these huge tax cuts in a reconciliation bill. Pursuant to that reconciliation instruction, a tax bill of the magnitude contained in the resolution, some $800 billion, will be before the Senate later this year. If enacted and signed by the President, those tax cuts will go into effect regardless of whether any of the projected surpluses take place.

This is the height of irresponsibility. Just when we have succeeded in turning the corner on the multi-hundred-billion-dollar annual deficits of the 1980's, here comes the Republican budget resolution saying let us take the as-yet, unachieved future budget surpluses and cut Federal revenues now, whether or not those surpluses ever occur.

On that basis alone, if for no other reason, I urge Senators to oppose this budget resolution.

But, that is not the only problem we find in this blueprint. There is the question of the levels of discretionary spending that will be made available over the next 10 years if we follow this budget resolution.

It is well known that the 1997 Balanced Budget Act placed severe constraints on discretionary spending for the period 1998–2002. Those caps were considered necessary in order to help rid ourselves of the annual Federal budget deficits and achieve surpluses. Nevertheless, it is my view that the discretionary caps for 2000, as well as for the following two years—2001 and 2002—are too tight and will require

massive cuts which should not be undertaken at the same time we are providing the huge tax cuts which I have just described.

This resolution calls for funding non-defense discretionary programs in Fiscal Year 2000 at a level of $246 billion, a cut of more than $20 billion, or 7.5 percent, below the present year. To make matters worse, the pending budget resolution would provide increases for a handful of favored programs, such as health, education, and other popular priorities. These plus-ups would mean that other vital, yet unprotected programs, would face cuts of more than 11 percent in Fiscal Year 2000. Cuts of that magnitude, according to the Office of Management and Budget, would affect vital programs such as the following: food safety would be undermined with the lay-off of an estimated 1,000 meat and poultry inspectors; Head Start funding would be cut in excess of $1 billion—cutting services to as many as 100,000 children; the FBI would be cut $337 million, which could result in a reduction of 2,700 FBI agents and support personnel; more than 2,200 air traffic controller positions would be cut; IRS Customer Service would suffer a reduction of 5,000 employees; the number of students in the Work Study Program would decrease by 112,000; and the list goes on and on throughout the entire Federal government.

While making these cuts in vital human and physical infrastructure programs across the nation, this budget resolution would increase defense by $18 billion above a freeze in Fiscal Year 2000. Yet, even with this large increase in budget authority, the resolution comes nowhere near covering the outlays that would be necessary to fund the reently-passed pay increase for the military.

Mr. President, we are on a collision course, once again, when it comes to passing the thirteen annual appropriation bills. If you liked the omnibus appropriations monstrosity that was necessary to complete action on Fiscal Year 1999 appropriation bills, wait until you see the super-monstrosity that I believe will be necessary for Fiscal Year 2000, if we fail to provide relief from the massive cuts that I have just described.

You ain't seen nothin' yet!

And, as if Fiscal Year 2000 were not enough, the problems only worsen in the subsequent years. By 2004, OMB projects that this budget resolution would require cuts in non-defense discretionary programs of as much as 27 percent below a freeze. Furthermore, the current statutory discretionary spending caps expire in 2002 but, under this budget resolution, the cuts to non-defense discretionary programs would deepen to 29 percent by 2009, as non-defense discretionary spending would remain substantially below inflation each year through 2009.

In conclusion, while I appreciate the difficulties faced by the Budget Committee chairman, Mr. DOMENICI, for whom I have great respect, in crafting this budget resolution, I nevertheless have concluded that it is a roadmap leading us back to the 1980's—a period when we saw trillions of dollars of tax cuts enacted by the Reagan administration, based on faulty projections of budget surpluses which never came to pass, as well as spending cuts which were too extreme and likwise never occurred. Consequently, once those tax cuts were enacted, we entered a period of unprecedented budget deficits with their accompanying tripling of the national debt and the interest on that debt rose to where it is today—a level of almost $1 billion per day. We have turned the corner after many years of hard work and a number of deficit reduction packages. We appear to be headed to a time of budget surpluses which should be used for reducing the debt and providing necessary increases in our national physical and human infrastructure that are so vital to the 21st Century.

I urge my colleagues to join me in rejecting this ill-conceived journey along the road back to a repeat of the budgetary disasters of the 1980's. Surely we can do better than this.

Mr. NICKLES. Mr. President, since taking control of Congress in the 1994 elections, the Republican majority has delivered on their promise to balance the federal budget. The Congressional Budget Office says that this year the unified federal budget will have a surplus of $111 billion. Over the next 5 years, these surpluses will total nearly $912 billion. Of the total surplus, $768 billion is attributable to Social Security, and $144 billion in attributable to the rest of the government.

The Republican majority has also delivered the tax relief we promised. In 1997, we passed the largest tax cut in 16 years, which is bringing significant relief to taxpayers this year, including a $400 per child tax credit (rising to $500 next year), a 20% capital gains rate, expanded IRAs, and tax credits and savings incentives for education. We also enacted a landmark IRS reform bill, eliminated President's Clinton's 18-month holding period on capital gains, and passed an expansion of Education Savings Accounts.

The fiscal year 2000 budget we are now considering will build upon these successes. Our budget is based on three principles:

1. Devote the entire Social Security surplus ($768 billion over 5 years) to debt reduction, thus saving it for Social Security reform,

2. Maintain the fiscal discipline of the 1997 Bipartisan Balanced Budget Agreement by sticking to the discretionary spending caps, and

3. Return the ''rest of government'' surplus ($144 billion over 5 years) to working Americans in tax cuts.

Mr. President, our budget is radically different from the one proposed last month by President Clinton.

In his 1998 State of the Union address, the President said, ''Tonight I propose that we reserve 100 percent of the surplus, that is every penny of any surplus, until we have taken all the necessary measures to strengthen the Social Security system for the 21st century.''

However, according to CBO, the President's budget spends $58 billion of the Social Security surplus this year, and $253 billion over the next five years. Even if you ''credit'' the President's proposal to purchase equities for the Social Security trust fund, he still spends $40 billion of the Social Security surplus this year, and $158 billion over the next five years.

President Clinton's proposal to save Social Security by ''devoting'' 62 percent of the budget surplus to it is a scam. The President would deposit $446 billion in IOU's into the Social Security trust fund, on top of the $768 billion that would be deposited there anyway. White House officials admit the President's plan does not extend by one day the year (2013) when Social Security benefits will begin to exceed payroll taxes.

Additionally, the President's budget includes a Medicare scam based on the same faulty logic as the Social Security scam. The President would transfer $123 billion of the surplus to the Medicare trust fund over the next five years. Again, the practical effect of this transfer is nothing more than more IOU's in the trust fund. And the Medicare prescription drug benefit, a huge applause line in the State of the Union, is nowhere to be found in the budget.

Other new programs touted in the President's State of the Union address, such as the promise for Universal Savings Accounts, are also nowhere to be found in his budget. The Secretary of the Treasury has said that the USA accounts are a tax cut, but it is becoming clear that the program will involve a progressive, refundable income tax credit totaling $96 billion over 5 years, $272 billion over 10 years. This massive welfare expansion will nearly double what we will already spend on the EIC program, $139 billion over 5 years, and $293 billion over 10 years. Secretary Rubin has also hinted that USA accounts will likely be limited to persons without employer-provided pension programs, and that anyone making over $100,000 will not be able to participate.

Further, despite claims of ''enormous debt reduction'', CBO says the debt held by the public will be $432 billion higher under the Clinton plan after five years than under current law. Gross public debt will be $973 billion higher.

The President's budget also breaks the discretionary spending caps by $33 billion in fiscal year 2000, and $434 billion over five years.

Finally, despite an estimated $20 trillion in tax revenues over the next 10 years, the President's budget contains no tax cut. In fact, the President's budget includes a gross tax increase of $165 billion over ten years, and a net tax increase of $89 billion.

I would like to include for the RECORD a couple of tables and a chart which compares the Republican budget with President Clinton's budget.

Mr. President, I congratulate the Chairman of the Senate Budget Committee, Senator DOMENICI, and his staff for their fine work in developing this budget. I think it sets us on the right path to reduce the debt, cut taxes, and reform Social Security and Medicare.

COMPARING BUDGETS—GOP 'vs' CLINTON

Issue	GOP	Clinton	Bottom line
Social Security	The GOP budget dedicates the entire $1.8 trillion Social Security surplus to debt reduction, saving it for our nation's elderly.	The Clinton budget spends $58 billion of the Social Security surplus this year, and $253 billion over the next five years. Even if the Social Security trust fund is ''credited'' for proposed equity purchases, the Clinton budget still spends $40 billion of the Social Security surplus this year, and $158 billion over the next five years.	Neither the GOP budget, nor the Clinton budget, change the fact that Social Security benefits exceed taxes in the year 2013. However, the GOP budget saves more of the Social Security surplus so it will be available for real reform.
Medicare	The GOP budget assumes no reductions in Medicare spending. The GOP budget establishes a procedure for considering a prescription drug benefit for seniors if it is part of a REAL Medicare reform package.	The Clinton budget includes $20.2 billion in provider cuts over ten years. The Clinton budget does not provide for a prescription drug benefit.	Neither the GOP budget, nor the Clinton budget, change the fact that Medicare is currently running a cash deficit which will bankrupt the program by 2008. However, the GOP budget would allow real, bipartisan Medicare reform to be considered.
Taxes	The GOP budget cuts taxes by $142 billion over five years, $778 billion over ten years.	The Clinton budget increases taxes by $49 billion over five years, $89 billion over ten years.	Despite $20 trillion in tax revenues and $2.6 trillion in budget surpluses over the next ten years, the Clinton budget RAISES taxes.
Public Debt	The GOP budget reduces the debt held by the public by $1.767 trillion over ten years.	The Clinton budget reduces debt held by the public by $1.305 trillion over ten years.	The GOP budget reduces debt held by the public $463 billion more than the Clinton budget.
Education	The GOP budget increases Elementary & Secondary Education by $7.3 billion over last year. The GOP budget provides this increased funding under the assumption that ESEA reauthorization will provide greater flexibility to state & local governments.	The Clinton budget increases Elementary & Secondary Education by $4 billion over last year, $3.3 billion less than the GOP budget. The Clinton budget requires increased funding to be spent on federally-mandated priorities like 100,000 federal teachers.	Over the next five years, the GOP budget provides $27.5 billion more for education than Clinton and gives local schools the flexibility to determine where they want to spend the money.
Defense	The GOP budget increases defense by $18.1 billion over last year, excluding FY99 emergencies. Compared to FY 99 funding levels including emergencies, the GOP budget provides a $9.9 billion increase.	The Clinton budget increases defense by $9.8 billion over last year, excluding FY99 emergencies. Compared to FY99 funding levels including emergencies, the Clinton budget provides a $1.6 billion increase.	The GOP budget provides $8.3 billion more for defense than the Clinton budget.
Spending Caps	The GOP budget complies with the discretionary spending caps for FY 2000, 2001, and 2002.	The Clinton budget exceeds the discretionary spending caps by $22 billion in budget authority and $30 billion in outlays in FY 2000.	In 1997, every Senator except for Wellstone & Bumpers voted for the discretionary spending caps. If the President's appropriations proposals were enacted, they would result in an 8% sequester of all appropriations accounts.
Total Spending	The GOP budget spends $9.165 trillion over the next five years, $19.918 trillion over the next ten years, with an average growth rate of 3%.	The Clinton budget spends $9.533 trillion over the next five years, $20.99 trillion over the next ten years, with an average growth rate of 3.8%	The Clinton budget uses the Social Security surplus and a tax hike to grow government.

HOW PRESIDENT CLINTON SPENDS THE SOCIAL SECURITY SURPLUS CBO ESTIMATES

[In billions of dollars]

	2000	2001	2002	2003	2004	2000–2004
Unified budget surplus	133	156	212	213	239	952
Social Security surplus	137	145	153	162	171	767
Rest of Government surplus	(5)	11	59	51	68	184
CBO re-estimate of President's tax/spending proposals	(20)	(7)	(14)	(17)	(15)	(73)
Additional discretionary spending	0	(26)	(41)	(36)	(34)	(137)
Purchase of stock by Social Security	(18)	(15)	(19)	(19)	(23)	(93)
USA accounts	(14)	(16)	(22)	(21)	(24)	(96)
Net interest	(1)	(3)	(6)	(11)	(15)	(36)
Clinton spending proposals	(53)	(67)	(102)	(104)	(111)	(436)
Social Security surplus spent	(58)	(56)	(43)	(53)	(43)	(253)
Social Security surplus spent if you credit Social Security equity purchases	(40)	(41)	(24)	(34)	(20)	(158)
General fund transfer to Social Secrurity	85	70	92	90	109	445
General fund transfer to Medicare	18	20	28	27	30	123
Transfers which don't change the surplus	103	90	120	117	139	568

CLINTON TAX PROPOSALS

[In billions of dollars]

	2000	2000–2004	2000–2009
Long term care tax credit	(59)	(5,971)	(14,939)
Dependent child care tax credit	(244)	(5,414)	(12,447)
School construction tax-exempt bonds	(85)	(3,094)	(8,431)
Puerto Rico tax credit	(99)	(664)	(6,371)
Low income housing tax credit	(16)	(1,091)	5,583)
Electric vehicle tax credit	0	(756)	(5,453)
Better America tax-exempt bonds	(6)	(487)	(2,160)
R&D tax credit	(967)	(2,060)	(2,080)
Simplified small business pension plans	(18)	(688)	(1,901)
AMT relief through 2000	(979)	(1,721)	(1,721)
New Markets tax credit	0	(465)	(1,593)
Disabled workers tax credit	(18)	(611)	(1,544)

CLINTON TAX PROPOSALS—Continued

[In billions of dollars]

	2000	2000–2004	2000–2009
Other targeted tax cuts	(1,324)	(6,911)	(10,772)
Total targeted tax cuts	(3,815)	(29,935)	(74,995)
Tobacco tax increase	8,352	36,448	69,888
Sales source rule	908	8,771	21,433
Superfund taxes	1,641	6,828	14,002
DAC tax on insurance products	294	3,730	9,480
Airport and airway user taxes	1,122	5,314	8,009
Non-business valuation discounts	246	2,365	5,901
COLI modifications	230	1,803	4,365
Corporate tax shelters	150	1,350	2,850
Oil spill liability trust fund	247	1,258	2,572

CLINTON TAX PROPOSALS—Continued

[In billions of dollars]

	2000	2000–2004	2000–2009
Start up & organizational expenditures	(71)	534	2,414
Foreign oil & gas extraction income	188	1,001	2,172
Installment method accounting repeal	562	1,989	2,172
Other tax increases	1,039	8,531	19,749
Total tax increases	14,908	79,921	165,003
Net tax increase	11,093	49,369	89,393

HOW PRESIDENT CLINTON INCREASES THE DEBT

[In billions of dollars]

Debt held by the public	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	Change, 1999–2009
Clinton Budget	3,630	3,565	3,491	3,396	3,302	3,189	3,055	2,891	2,710	2,522	2,324	(1,306)
Senate Budget Resolution	3,628	3,510	3,378	3,237	3,088	2,926	2,743	2,544	2,329	2,100	1,861	(1,767)
Higher debt due to Clinton policies	2	55	113	159	214	263	312	347	381	422	463	

Debt subject to limit	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	Change 1999–2000
Clinton Budget	5,546	5,779	6,000	6,243	6,498	6,765	7,043	7,338	7,661	8,019	8,406	2,860
Senate Budget Resolution	5,545	5,651	5,739	5,792	5,832	5,833	5,804	5,713	5,579	5,406	5,185	(360)
Higher debt due to Clinton policies	1	128	261	451	666	932	1,239	1,625	2,082	2,613	3,221	

AMENDMENT NO. 145

Mr. DASCHLE. Mr. President, some people have mischaracterized the vote yesterday in favor of an amendment by the distinguished Senator from Missouri (Mr. ASHCROFT) as a vote against the President's plan for investing a portion of the Social Security surplus in private equities. Such investments have been proposed by the President and many others as a way to boost the return on investment of the Social Security trust fund's reserves. Clearly, the amendment did not reflect the President's plan.

Democrats and Republicans alike are opposed to direct investment by the federal government in private financial markets. That is why the President and other proponents of diversifying the investment of the trust fund have suggested that firewalls be constructed to insulate such investments from direct government control, or any interference by the federal government.

As the Administration has made clear, such investments would be made by private-sector professional fund managers, overseen by a board with the independence of the Federal Reserve Board. The members of the board would not be able to pick and choose which stocks or industries to invest in, nor exercise the voting rights associated with those shares. Instead, investments would be limited by law to stock index funds broadly representative of the entire market.

Many Senators, including me, drew a very significant distinction between the government investment and investment by non-governmental entity on behalf of the Social Security Administration. There's a big difference. Democrats and Republicans agreed that we cannot support direct government investment. But many of us believe we should have professional managers oversee a certain portion of the portfolio, which is something altogether different. This senator supports that idea, and many senators wanted to leave that option open so we could revisit it later on.

The vote on the Ashcroft amendment was not a vote on the President's plan. I look forward to full consideration and debate of responsible proposals for investing a portion of the surplus in equities in order to increase the earnings on the reserves of the Social Security trust fund.

Mr. GRASSLEY. Mr. President, the budget resolution before us today provides the first major increase in defense spending since 1985.

And I voted for it. I support the increase for National defense. In the past, I have opposed increases in the defense budget. Now, I don't. My colleagues must be wondering why. My colleagues may be thinking that the Senator from Iowa has flip-flopped on defense.

I would like to explain my position.

I support this year's defense increase for one reason and one reason only.

The Budget Committee is calling for financial management reforms at the Department of Defense (DOD). The committee is telling DOD to bring its accounting practices up to accepted standards, so it can produce ''auditable'' financial statements within two years.

In a nutshell, the Committee is telling DOD to do what DOD is already required to do under the law.

If those words were not in the Committee report, I would be standing here with an amendment in my hand to cut the DOD budget.

Fortunately, that's not necessary.

I would like to thank my friend from New Mexico, Senator DOMENICI—the Committee Chairman—for placing those important words in the report.

Mr. President, I ask unanimous consent to have the language entitled ''The Need for DOD Financial Reforms'' printed in the RECORD. It appears on pages 25 to 29 of the report.

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

A. SPENDING BY FUNCTION

Function 050: National Defense

FUNCTION SUMMARY

• Approve modifications to existing DoD financial management programs and policies to redress the failure of the Defense Department, as noted by GAO,[1] to meet the goals of the Chief Financial Officers Act and, thereby, to produce auditable financial statements for each military service and major DoD component by the year 2000. The Committee's concerns regarding this important issue are stated at greater length at the end of the description of this budget function.

The need for DoD financial reforms

The Committee is concerned about the longstanding breakdown of discipline in financial management at the Department of Defense. Reports by the DoD Inspector General and General Accounting Office consistently show that DoD's financial accounts and inventories are vulnerable to theft and abuse. These vulnerabilities persist for two reasons: (1) internal controls are weak or nonexistent; and (2) financial transactions are not accurately recorded in the books of account—as they occur. While some progress has been made to improve the financial accounting systems within DoD, it remains a fact that DoD does not observe the age-old principles of separation of duties and double-entry bookkeeping, and attempts to make critical bookkeeping entries weeks, months, and even years after the fact. These unprofessional practices have produced billions of dollars of unreconciled financial mismatches, leaving the department's books of account inaccurate and unreliable.

The Committee believes that these deficiencies must be corrected.

Under the Government Management Reform Act (GMRA) of 1994, which expanded the Chief Financial Officers (CFO) Act of 1990, the DoD Inspector General is required to audit DoD's financial statements, and the General Accounting Office is required to audit the government's consolidated financial statements. This is done annually. Unfortunately, each year the DoD audit agencies issue a disclaimer of opinion. In layman's terms, this means they could not audit the books. And there is nothing on the drawing board to suggest that a ''clean'' audit opinion is feasible in the foreseeable future. DoD has lost control of the money at the transaction level. With no control at the transaction level, it is physically impossible to roll up all the numbers into a top-line financial statement that can stand up to audit scrutiny. The numbers do not add up. DoD resorts to ''unsupported adjustments'' and multi-billion dollar ''plug'' figures to force the books into balance. The IG and GAO reject these practices as unacceptable.

Even though DoD's efforts to prepare an auditable financial statement have been unsuccessful so far, the Committee believes that the annual CFO audits constitute a very authoritative and independent assessment of the department's financial management procedures. They function like a critical indicator or barometer. They help to pinpoint the underlying weaknesses in DoD's bookkeeping procedures. The Committee believes that DoD must move in a decisive way to correct these problems. So long as DoD continues to ignore them, the vast audit effort dedicated to the financial statements will continue to result in disclaimers of opinion—an overall indictment of DoD's financial management operations.

For these reasons, a plan that is designed to bring the Defense Department into compliance with the CFO and GMRA Acts would be supported by the Committee. These reforms would position DoD to prepare auditable financial statements within two years. The main ingredients of such a plan follow:

(1) *Double-entry Bookkeeping:* The preparation of reliable financial statements is literally impossible without double-entry bookkeeping. A standard accounting procedure in the western world for centuries, double-entry bookkeeping records both the debits and credits appropriate to each transaction. A cash purchase of an asset would add the value of that asset to the inventory balanced by the reduction in cash. If DoD did this for each transaction, the books would ''balance,'' that is, debits would equal credits, the books would accurately reflect the cost of operations, and the taxpayers would be assured that something of value was actually received for the money spent. Under current law, the military services are supposed to have ''asset management systems'' in place today that would provide an accurate and complete accounting for the quantity, cost and location of all inventory items. No such system is in existence, however. DoD must adopt a double-entry bookkeeping system in order to generate reliable financial statements.

(2) *Recording Transactions Promptly:* Financial transactions must be accurately recorded in the books of account—as they occur. Under current DoD policies, billions of dollars of transactions are not posted until long after the fact, if ever. In many cases, it takes DoD weeks, months, and even years to make necessary accounting entries. In other documented cases, DoD policies authorize the posting of transactions to the wrong accounts with the idea of avoiding negative liquidated obligations or correcting errors at ''contract close-out'' years later. Attempting to reconcile contracts with payment records years after-the-fact usually proves to be a futile and very costly task. As long as the department's books of account fail to accurately reflect obligations and expenditures, Congress can not be sure that DoD is spending the money as specified in law or that costs reflected in DoD's financial statements are accurate. DoD must record all transactions in the books of account immediately—as they occur.

(3) *Transaction-driven General Ledger:* To help ensure reliable financial management

[1] See High Risk Series: An Update, U.S. General Accounting Office, GAO/HR–99–1, January 1999, pp. 82–94, and Major Management Challenges and Program Risks: Department of Defense, U.S. General Accounting Office, GAO/OGC–99–5, January, 1999.

information, Congress passed the Federal Financial Management Improvement Act of 1996 (FFMIA). This law required all federal agencies to activate a Standard General Ledger at the transaction level that complied with accepted accounting standards. According to GAO, DoD's financial systems are non-compliant with the FFMIA requirements.[2]

Had DoD implemented the required Standard General Ledger chart of accounts, as other agencies have, practiced double-entry bookkeeping, and recorded transactions promptly and accurately, all transactions should naturally roll up through subsidiary accounts into general ledger accounts.

Moreover, if DoD accounting systems were up to accepted standards, auditors could verify the accuracy of the general ledger accounts by tracing the accumulation of costs back down to the original entries for each transaction. This, in turn, should provide a management accounting system that has integrity—one the taxpayers deserve and one that is necessary for completion of reliable financial statements. A transaction-driven general ledger would be a powerful management tool for evaluating DoD's financial performance. While DoD has general ledger accounts, they lack integrity because of massive gaps and the use of ''plug'' figures. Transactions are simply not recorded in the books of account in a timely and accurate manner. Given these continuing shortcomings, it is impossible to follow the audit trail back down to each original transaction. Until this problem is remedied, and DoD develops reliable controls and integrated financial management systems, DoD financial information will be unreliable and its financial statements will be unauditable.

(4) *Separation of Duties:* Organizational and functional independence must be achieved at each major step in the cycle of transactions. This key internal control helps to detect and prevent theft, inhibits collusive fraud and offers greater efficiencies in organizations that are large enough to accommodate specialized operations. For instance, if truly independent entities perform the separate functions of store-keeping or warehousing and accounting for stores transactions, fraud in either function could be discovered by comparing what the store keepers show as on hand to what accounting records show was purchased, used, and should be on hand. With adequate separation of duties, successful fraud would require collusion by not only the store-keepers and accountants but also by organizationally independent managers of those separate functional areas. IG and GAO reports repeatedly show that DoD does not consistently adhere to the age-old principle of real separation of duties—both organizationally and functionally.

Last year, the GAO uncovered a prime example of how DoD does not observe the separation of duties doctrine. The Defense Finance and Accounting Service (DFAS), which performs disbursing and accounting functions for the entire department, is authorized to routinely alter remit addresses on checks. A remit address is the address to which a check is sent. Allowing DFAS to alter remit addresses is a violation of the separation of duties principle that leaves the door open to fraud. The office that processes bills for payment should never be allowed to change a remit address on a check. Such changes should be made through an independent verification process. Remit addresses should be tightly controlled in a central registry and only altered at request of the vendor—in writing.

[2] See GAO–AIMD–98–268, Financial Management: Federal Financial Management Improvement Act Results for Fiscal Year 1997, US General Accounting Office, September 1998, Washington, D.C.

(5) *Accountability:* The DoD CFO and the Financial Managers (FM's) for each of the three military services have been granted the full spectrum of authority under the law. However, these four officials appear to have delegated much of their authority for payment and accounting to DFAS, which disburses over $22 billion a month and employs about 20,000 persons.

Despite the authority that has been passed down the chain of command to DFAS, this organization does not exist—at least in law. There is no specific provision in the U.S. Code granting such authority to DFAS. The Committee fears that the military services could use DFAS as a bureaucratic mechanism to deflect responsibility for ongoing financial mismanagement. DFAS can be blamed, but there is no accountability. In fact, there is nothing in law that requires personal financial accountability anywhere in DoD—from the top CFO down to the lowest technician at DFAS. Even DoD disbursing officials have been exempted from the law that makes all other government disbursing officials ''pecuniarily liable'' for erroneous or fraudulent payments.

If no one at DoD is held accountable for the continuing pattern of financial mismanagement and ''unclean'' CFO audit opinions, then the department may never succeed in producing reliable financial statements.

The CFO and service FM's may delegate authority to DFAS but not personal responsibility. The service FM's must police those to whom they have delegated authority, but the final responsibility resides in their offices with them. They alone should be held accountable for the completion of reliable financial statements.

These goals should be achieved with the financial statement for 2000. The 1998 statements are under review at the present time. If the IG and GAO identify deficiencies that preclude the completion of a satisfactory financial statement for 1998 and 1999, then the FM's should be responsible for making the necessary adjustments and corrections.

The Committee fully supports actions in Congress to achieve these five financial management initiatives because they are specifically designed to bring the department into compliance with the CFO and FFMIA Acts and to lead to the preparation of reliable financial statements. In the months ahead, it is expected that these initiatives will be converted into a legislative reform package and introduced before consideration of the 2000 defense authorization bill or other appropriate legislation. The Committee intends to work closely with the Armed Services Committee and other appropriate committees of Congress to enact legislation that addresses in a meaningful manner the goals articulated here.

Mr. GRASSLEY. Mr. President, I would like to take moment to tell my colleagues why the language on DOD Financial Reforms is so important.

I want to help them understand why I am so concerned about the breakdown of discipline and control in financial management at the Pentagon.

I have been investigating the problem for six years, now.

I have come here to the floor of the Senate and spoken about it many times.

I have offered amendments.

I raised these same concerns during hearings before the Budget Committee earlier this year—on February 24 and again on March 2nd.

My Judiciary Subcommittee on Administrative Oversight held a hearing last September on the lack of effective internal financial controls at DOD.

I am planning another hearing later this year.

The General Accounting Office (GAO) and the Inspector General (IG) have issued report after report after report exposing these problems.

Every single shred of evidence points to the breakdown of financial controls at the Pentagon.

IG and GAO reports consistently demonstrate that DOD accounts and assets are vulnerable to theft and abuse.

They show that internal controls are weak or nonexistent.

They show that financial transactions are not recorded in the books of accounts—as they occur—promptly and accurately.

They show that payments are deliberately posted to the wrong accounts. Sometimes transactions are not recorded in the books for months or even years—and sometimes maybe never.

DOD has no effective capability for tracking the quantity, value and locations of assets and inventory.

DOD has lost control of the money at the transaction level.

With no control at the transaction level, it is physically impossible to roll up all the numbers into a top-line financial statement that can stand up to scrutiny and audit.

Sloppy accounting procedures generate billions of dollars of unreconciled transactions—mismatches between official accounting records and inventory and disbursing records.

Billions and billions of dollars of unreconciled mismatches make it impossible to audit DOD's books.

As a result, DOD gets a failing grade on its annual financial statements that are required by law. Each year, the IG has to issue a disclaimer of opinion.

Unfortunately, there is nothing on the drawing board to suggest that a ''clean'' audit opinion is feasible in the foreseeable future. DOD just doesn't have the accounting tools to get the job done.

There will be no improvement in this dismal picture without reform—and some pressure from the Budget Committee and other committees.

Without reform, the vast effort dedicated to auditing the annual financial statements will be wasted effort.

The report language lays out a general framework for reform.

These reforms are not new or dramatic.

The Committee report language just tells DOD to get on the stick and do what it is already supposed to be doing—under the law. And it calls for some accountability to help get the job done.

This report language should help to move DOD toward a ''clean'' audit opinion within two years.

And there is another important reason why this language is needed today.

As I stated a moment ago, we are looking at the first big increase in defense spending since 1985.

I think the Committee needs to be on the record, telling the Pentagon to get its financial house in order.

If the Pentagon wants all this extra money, then the Pentagon needs to fulfill its Constitutional responsibility to the taxpayers of this country.

First, it needs to regain control of the taxpayers' money it's spending right now.

And second, it needs to provide a full and accurate accounting of how all the money gets spent.

DOD must be able to present an accurate and complete accounting of all financial transactions—including all receipts and expenditures. It needs to be able to do this once a year.

The GAO and IG auditors should be able to examine the Department's books and its financial statements and render a ''clean'' audit opinion.

That's the goal.

Mr. President, I would like to extend a special word of thanks to the Committee Chairman, my friend from New Mexico, Senator DOMENICI, for including this important language in the report.

I would like to thank him for understanding and accepting the urgent need for financial management reform at the Pentagon.

I would like to thank him for working with me in urging the Pentagon to move in the direction of sound financial management.

Mr. President, in my mind, DOD financial management reform is mandatory as we move to larger DOD budgets.

I understand that the language is not binding.

It's simply the first step in the effort to bring about financial reform and accountability at DOD through legislation later this year.

In the months ahead, I look forward to working with the Armed Services and Appropriations Committees to make it happen.

The Chairman of the Committee has agreed to help me do it.

He made a commitment to ''work closely'' with the Armed Services Committee to develop a legislative reform package that addresses the issues raised in the report.

I hope the Armed Services Committee will cooperate and find a way to address the need for financial reforms in tandem with more defense money.

Higher defense budgets need to be hooked up to financial reforms—just like a horse and buggy—one behind the other. They need to move together.

And I hope other members of the Budget Committee will join me in that effort.

I yield the floor.

Mr. DODD. Mr. President, in 1997, we reached an historic agreement on the budget. Building upon the budgets of 1990 and 1993, we brought the budget into balance for the first time in 30 years. Today, the budget before us is equally significant, as it is the first budget of the 21st century. It is one that should reflect what we, as the last Senators of the 20th century, believe should be the priorities of our country as we move into the next millenium.

As we prepare to enter the next century, we need a budget that will protect our senior citizens—the people who have given a lifetime of work to their families, communities and country. They need to know that they will be secure in their golden years with good health care and a decent income. Unfortunately, this budget fails to provide this measure of security, as it fails to provide for the continued strength and solvency of Social Security and Medicare.

Although this budget saves projected Social Security surpluses and uses those surpluses to retire public debt, it contains no provisions to reform the Social Security program and provides no new assets to the Social Security trust fund. In this regard, this budget fails to extend the solvency of the trust fund. In contrast, the Administration's budget proposes specific policies, including transferring publicly held debt to the trust fund, which would extend the life of the Social Security trust fund until the year 2055.

In addition, this budget simply ignores Medicare, Part A of which is due to be bankrupt by the year 2008. It takes funds needed for Medicare and uses them to pay for a tax cut that largely benefits the more well-to-do in our society. Not a single extra dollar is guaranteed for this critical priority and therefore this budget has the potential to negatively impact the millions of Americans who will depend on Medicare for their health care in the future. The Administration, however, has proposed allocating 15 percent of the projected unified budget surpluses for Medicare—nearly $700 billion over the next 15 years—which would extend the solvency of this program for another 12 years, to the year 2020.

Mr. President, we also need a budget that will provide for the education needs of our people. Nothing is more critically important than to provide every child with a good education so that they can grow up to lead productive lives, contributing to the prosperity of their families and country. Unfortunately this budget fails to meet this priority, as well. Although I applaud the efforts of Chairman DOMENICI to increase funding for elementary and secondary education, this budget does so at the expense of equally important education initiatives, like Head Start. In fact, under the Republican plan nearly 100,000 children would lose Head Start services.

This budget shortchanges our commitment to many other domestic priorities, as well. Under this budget, paying for an $800 billion tax cut that would benefit the wealthy would require cuts in non-defense discretionary spending of $20 billion in the next year alone, affecting our efforts to police our streets, to clean up our air and water, and to wage aggressive diplomacy so that we do not have to wage war. More specifically, Mr. President, under the Republican plan, more than 1 million low-income women, infants and children would lose nutrition assistance each month and 73,000 summer job opportunities for low-income youths would be eliminated.

These cuts are draconian and untenable. Newspapers report that even Republican appropriations leaders consider these cuts to be unrealistic. They predict that when appropriations bills come to the Floor, it is unlikely that they will contain the cuts proposed by this budget.

Finally, we need a budget in the 21st century that is fiscally responsible—a budget that sends a message to our trading partners, the markets, and future generations that the era of runaway deficits is over, and that we will not saddle future generations with a national debt that robs them of their ability to make productive investments and hurts our nation's ability to grow and prosper. Sadly, this legislation is fiscally risky and fails to meet these goals.

Although this budget calls for a small tax cut in the first couple of years, the cost explodes in the future. In fact, by the year 2009, these cuts will drain the Treasury by more than $170 billion in that year alone. Let me be clear, I am not opposed to tax cuts, but I support carefully targeted tax cuts that would provide relief to those who most need our help. Regrettably, this budget provides a sweeping tax cut for those in our society who need it least, and does so largely at the expense of funding for both Medicare and other domestic priorities relied on by millions of working Americans.

In conclusion, I regret for a number of reasons that I am unable to support this budget—not least of which is the high regard and esteem with which I hold Chairman DOMENICI. I think all of us in this body recognize that the country has been fortunate to have someone of his intellect and experience dealing with these extraordinarily complex issues. Moreover, while I am grateful that a majority of my colleagues accepted the amendment sponsored by my distinguished colleague from Vermont, Senator JEFFORDS, and myself to increase funding for child care by $5 billion, the modest improvement that this makes to the bill does not change its fundamentally flawed nature.

Mr. President, we have an opportunity and an obligation to enact a budget that meets the test of time. Unfortunately, I believe that the resolution before the Senate has failed to meet that objective. I think we can do better and I believe we must do better as we move forward in the effort to define priorities.

Mr. WARNER. Mr. President, the Service Chiefs testified before the Senate Armed Services Committee on September 29, 1998, and again on January 5, 1999, that they require an additional

$20.0 billion in fiscal year 2000 for defense—over and above the amounts contained in the Balanced Budget Agreement—to reverse the serious problems they are witnessing in military readiness. During the Posture Hearings held by the Armed Services Committee in February and March, the Service Secretaries and Service Chiefs confirmed that significant funding shortfalls remain—despite the increases contained in the budget request. Each service submitted a significant list of remaining ''unfunded requirements.''

While I appreciate the efforts of the Budget Committee to address these funding shortfalls with an increase of $14.6 billion in budget authority for defense, I am concerned with the serious shortfall in outlays. The outlay funding level of $274.6 billion contained in the Budget Resolution is insufficient to fund the projected levels of budget authority in either the defense budget request or the budget resolution. At least $287.3 billion in outlays is needed to fund the budget authority levels contained in the Budget Resolution. This is an increase of $12.7 billion over the caps listed in the Resolution.

Mr. STEVENS. Mr. President, I would like to add to my colleague's comments. The budget gimmicks in the defense budget as submitted by the Administration create a shortfall of at least $8.3 billion in budget authority. Under Senate rules, we cannot pass a defense appropriations bill which buys the programs advertised by the Department of Defense as being budgeted. We would require at least $10 billion in outlays to even fund the Administration's defense request. While the budget resolution adds $8.3 billion in budget authority, it cuts outlays by $8.7 billion relative to the CBO scoring of the defense budget request. Even under OMB scoring, the budget resolution provides only $500 million in outlays to spend with the $8.3 billion in budget authority. This mix of money will not work, and clearly does not even let us erase all of the administration's budget gimmicks.

The Defense Appropriations Subcommittee has also held hearings to review the readiness requirements of our military forces. If the current outlay problem is not resolved satisfactorily, Congress will be responsible for failure to provide adequate resources for our military's needs as readiness problems become more apparent. With military operations currently being conducted in Kosovo, this would be the wrong signal to be sending at this time.

Mr. DOMENICI. Mr. President, I agree with both of my distinguished colleagues, the Chairmen of the Appropriations and Armed Services Committees, that the Administration's defense budget request is inadequate to meet our national security requirements. My intent is that this Budget Resolution would fully fund the $17.5 billion requested by the Joint Chiefs of Staff for the next five years. This additional spending would be devoted to restoring military readiness to acceptable levels. it is also my intention that the funding in this resolution would also provide money, at least in part, to begin the modernization of the currently aging inventory of U.S. weapons, and to fund priority quality of life initiatives for the servicemen and women in our Armed Forces.

Mr. WARNER. Mr. President, I would ask the distinguished Chairman of the Budget Committee to provide some type of funding relief in the form of increased outlay funding.

Mr. STEVENS. Mr. President, I would join my colleague in seeking clarification on what steps the distinguished Chairman of the Senate Budget Committee is prepared to take to make it possible to pass a defense spending bill that preserves our military's readiness and limit the erosion of modernization.

Mr. DOMENICI. Mr. President, I say to my two good friends, I agree that there is an outlay mismatch in this resolution for the National Defense function and I will work to resolve this problem. Sufficient outlays are necessary to execute the level of budget authority for National Defense in the Budget Resolution to address the serious readiness, recruitment, and retention problems in our military services. I intend to review scorekeeping differences between the OMB and CBO on outlays prior, outlay rates, and policy to resolve this issue. I will consult with the two distinguished Chairmen and keep them informed during this process. I assure the Chairmen of the Appropriations and Armed Services Committees that this problem will receive my full attention until it is resolved to our satisfaction.

In addition, I know both Chairmen share my concerns about atomic energy defense capabilities in an increasingly unstable world.

Mr. SHELBY. Mr. President, in my capacity as Chairman of the Transportation Appropriations Subcommittee, I want to raise an issue of critical importance with my friend, the Chairman of the Budget Committee, Senator DOMENICI. Mr. Chairman, it has come to my attention that there is a substantial difference between the Office of Management and Budget (OMB) and the Congressional Budget Office (CBO) in terms of the estimated outlay costs of the highway and transit firewalls, as contained in the Transportation Equity Act for the 21st Century (TEA–21).

As the Chairman is aware, TEA–21 effectively established the aggregate obligation limitations pertaining to our major federal highway and transit programs for the six years covered by TEA–21. Despite the fact that the CBO and OMB are required to strive each year to minimize differences in their outlay estimates for each program in the federal government, we find that there is a dramatic difference between the outlay estimates that CBO and OMB attribute to the cost of fully funding the firewalls for highways and transit in FY 2000. Specifically, the Congressional Budget Office's estimate of the outlays associated with the highway firewall is a full $772 million higher than the amount estimated by OMB. Similarly, the CBO estimates that the outlays associated with the transit firewall is a full $569 million higher than the level assumed by OMB. Taken together, there is more than a $1.3 billion difference between the two agencies' estimates.

It is my understanding that, for purposes of developing this budget resolution, the Chairman assumed the lower of these outlay figures for the highway and transit firewalls. I want to inquire whether the Chairman of the Budget Committee intends to score the Transportation Appropriations Bill for FY 2000 in an identical fashion when the bill is reported by the Appropriations Committee later this year. If the Transportation Appropriations bill is scored with the much higher outlay estimates associated with the CBO estimate, it is possible that the Transportation Appropriations Subcommittee's entire outlay allocation could be needed solely to honor the highway and transit firewalls leaving little or no other resources for the needs for the Federal Aviation Administration, the Coast Guard, and the National Railroad Passenger Corporation.

This illustrates the danger of firewalls within budget functions. They create a perverse incentive for the Administration to underestimate the outlay impacts in order to shift budgetary resources to other priorities—but when the request comes to Congress it must be scored by CBO. Accordingly, the budget resolution and the appropriations bill run the risk of substantially higher outlay scoring on firewall accounts than the Administration assumed and accordingly must cut the firewalled functions or other discretionary programs to accommodate the increased outlays.

Mr. DOMENICI. The Chairman of the Transportation Appropriations subcommittee is quite correct in his observations and I appreciate his raising this issue at this time. Indeed, there are dramatic differences in the outlay estimates associated with the highway and transit firewalls, as scored by CBO and OMB.

The Budget Act provides that the budget resolution cannot set outlay levels in excess of the amounts set forth in TEA–21 as adjusted by OMB. The difference between OMB and CBO outlay estimates presents a problem for meeting the highway and transit outlay limits under CBO's estimates.

I thank the Senator for raising this issue. We need to find some way to address this issue prior to the Senate taking up the Transportation Appropriations bill.

Mr. LEVIN. Mr. President, I cannot support the budget resolution which the majority has presented to the Senate. In my judgement, this budget represents the wrong priorities. It places

too great an emphasis on tax breaks which largely benefit the wealthiest among us and too little on the protection of Medicare.

Just six years ago, the nation was faced with annual deficits of more than $300 billion as far as the eye could see. In 1993, President Clinton presented and Congress approved by one vote in each House a deficit reduction plan that continues to pay dividends. Instead of billions of dollars of federal deficits, surpluses are forecast for the next fifteen years. This is a remarkable accomplishment. It presents us with the opportunity to make critical investments in the nation's future and to reduce the national debt. However, we must act wisely.

We have seen many federal budget estimates, and we know well that as quickly as these surpluses appeared, they could disappear. The estimates of both the Congressional Budget Office and the Office of Management and Budget have frequently been far off the mark in recent years. That is not their fault. We have some of the brightest economists in the country working at CBO and at OMB and they do a very good job, but they have a difficult task to do. Forecasting the performance of the economy, particularly over the course of several years is more art than science. For instance, last August CBO estimated that the unified budget surplus for fiscal year 2000 was $79 billion. Just four months later in a January 1999 CBO document, the surplus for fiscal year 2000 is estimated at $130 billion. This is a change of over 60% in just four months and early indications are that in August the surplus amounts will rise even higher. I believe that if most Americans were confronted with such uncertainty over their own budget situation, they would recommend a cautious course. I agree.

The President has established the framework for this new budget debate by his determination to strengthen Social Security. There is no more important or effective program. Two-thirds of those who collect Social Security rely on it for more than 50% of their income. The President's plan to save Social Security through debt retirement is largely intact in this resolution. This is a significant victory for the President and the American people, and it has broad support in the Senate. I look forward to supporting the legislation to implement this policy of debt reduction .

Unfortunately, the majority party has not included the President's policy of debt reduction to shore up Medicare in this resolution. The President set aside fifteen percent of the surplus for Medicare, but this resolution does not. This omission is crucial when one considers that although Social Security is already solvent through 2033, Medicare is solvent only until 2008. We all know how important the Medicare program is. Today the Medicare program provides health care to 39 million Americans. By 2032, the number of Medicare beneficiaries will double to 78 million as the baby boomers retire. Considering these demographics, it is unwise not to use part of our current budget surplus to help shore up the Medicare program, which will also need structural reforms. Unfortunately, the budget resolution before us does not shore up existing commitments to Medicare and our seniors. Instead this resolution takes us back to the bad old days of backloaded tax breaks whose real costs explode several years after enactment. For example, the GOP tax plan uses $177 billion of the surplus in the first five years after enactment and actually has no cost in the first year. But, in the second five years, the cost of the tax cut more than triples to $664 billion. This budgetary time bomb is set go off at the same time as the Medicare trust fund is expected to be bankrupt. Senator KENNEDY's amendment, which I supported, would have set aside part of the surplus for the Medicare trust fund and avoided this outcome. The KENNEDY amendment was defeated. The Republican majority, unfortunately, seems headed yet again this year for a showdown with the President and Democrats in the Congress over the budget.

AMENDMENT NO. 145

Mr. SMITH of New Hampshire. Mr. President, yesterday, I joined Senator ASHCROFT and others in offering an amendment to the budget resolution for Fiscal Year 2000. Our amendment addresses a troubling aspect of the President's Social Security proposal, about which I would like to say a few words.

President Clinton's plan calls for government-controlled investment of a sizeable portion of the Social Security trust funds. Our amendment expresses the sense of the Senate that the Federal government should not be directly investing the Social Security trust funds in private financial markets.

Enabling the Federal government to own millions of dollars worth of private shares in corporations is a recipe for disaster. No matter how much care is taken to avoid bias in government-controlled investment decisions, the potential for abuse would always be present. Even if an independent board is charged with making the investment decisions on behalf of the government, there is always the risk that the board would be overwhelmed by political pressure from lobbyists, lawmakers and others.

Inevitably, special interest groups or politicians would seek to influence the investment decisions. Questions such as whether or not a particular investment would benefit a corporation that hires union workers or is located in a certain state might become important considerations. The result would be that the rate of return on an investment would become secondary to numerous political or other concerns.

Also, under the President's plan, the government would eventually own private stocks worth $600 billion or more. That could have perverse effects on the free market.

Government-controlled investment of the Social Security trust funds would make possible what some have called ''crony capitalism.'' In a recent paper on this subject, Daniel Mitchell of the Heritage Foundation warned that government-controlled investment would give lawmakers power to control the economy indirectly by attempting to pick winners and losers.

The Federal Reserve Chairman, Alan Greenspan, is one of the more noteworthy critics of President Clinton's idea for government-controlled investment. Chairman Greenspan has said that it ''would arguably put at risk the efficiency of our capital markets and thus, our economy.'' Mr. President, the Senate should heed his words and reject any plan to have the government directly involved in the investment of Social Security trust funds.

Mr. MOYNIHAN. Mr. President, Senator SCHUMER and I have offered this amendment to strike Sec. 314 of S. Con. Res. 20, the Fiscal Year 2000 budget resolution. Sec. 314 expresses the Sense of the Senate that Governors Island will be sold during Fiscal Year 2000. The underlying assumption is that it will be sold for $500 million. Another assumption—not stated in Sec. 314—is that the $500 million will be used as an off-set to help pay for Federal crop insurance reform.

At the outset, I must say that I support crop insurance reform. Our farmers are the most productive in the world. I wonder, from time to time, if we appreciate just how affordable—and plentiful—food is in this country. If crop insurance reform will help our farmers to weather natural disasters and low commodity prices, I'm for it. But I have a serious problem with using the sale of Governors Island to pay for it for two reasons. The first is based on principle; the second, on practicality.

There is a question of fairness here. Governors Island was part of New York before the United States existed. In 1800, New York State rather magnanimously gave jurisdiction—but not title—over Governors Island to the Federal government. Then, New York spent its own monies to construct Fort Jay and other harbor fortifications and batteries, such as Castle Clinton and Castle William. These fortifications successfully deterred the British from attempting to enter New York Harbor during the War of 1812. Governors Island has served our nation well. It is the site, after all, where Operation Overlord was planned fifty-five years ago.

On June 18, 1958, a Federal district court determined that the Federal government needed to take title to the Island and awarded New York one dollar as ''just compensation''. Since then, the Army moved out, and the Island's most recent tenant, the Coast Guard, left in 1997. Now, the 173-acre island sits vacant in New York Harbor.

On October 22, 1995, President Clinton invited me to join him at the 50th anniversary of the United Nations' General Assembly. On the helicopter flight from Kennedy Airport we flew over the Lower Harbor; I pointed out Castle William, Fort Jay, and some other fortifications and buildings, starting with Cornbury's Queen Anne mansion built in 1708. I noted that the Coast Guard was about to leave and that, presumedly, all would agree that the Island should revert to New York. President Clinton said that was fine with him, providing it would be used for public purposes. I demurred somewhat—that would involve a whole lot of public purpose—but accepted the offer. We left it there with sufficient accord.

Governors Island belonged to New York. New York lent it to the Federal government. Now that the Federal government is no longer using it, New York should get it back, for no more than a nominal sum.

Unfortunately, and rather to my surprise, when President Clinton submitted his Fiscal Year 1998 budget request, he proposed selling Governors Island in Fiscal Year 2002 for $500 million. Congress seized on the idea—so much so, in fact, that we have ''sold'' Governors Island a couple of times already!

Now Members propose that we sell Governors Island, in Fiscal Year 2000, to pay for crop insurance reform. Even if we put principle and fairness aside, there are real practical problems with this proposal. I guess the first is that there are no buyers. None. Certainly not at the asking price. We don't know how the Island will be zoned. There is no regular ferry service. It costs about $12 million to $15 million each year just to maintain the buildings, many of which are historic.

Back in 1997, the Congressional Budget Office (CBO) estimated fair market value to be between $250 million and $1.0 billion. That's a pretty big range. There was no appraisal. Any appraisal would be highly speculative since the impact of zoning decisions and ultimate disposal of the Island remain unknown. Moreover, I do not believe that any CBO officials ever contacted anyone at the General Services Administration (GSA) who would be, perhaps, more knowledgeable about what sort of price the Island might fetch. I can tell you this: New York State, or New York City, won't pay a dime more than a dollar. So, in this instance, the CBO estimate is highly suspect. The site is magnificent, but it will be a considerable achievement to combine some public and private uses that preserve the historic portion of the Island. The combination eludes us still. In the meantime, we could lose it all if it should go unused for a few more New York winters.

So I repeat what I said at the outset: I am for crop insurance reform. But Governors Island won't pay for it, because the Island will not be sold for $500 million next year. It won't be sold for any price because there are no buyers. We haven't figured out what to do with it yet.

Governors Island belonged to New York, and New York ought to have it back. It is, at the same time, a national treasure for the historic value of its fortifications, buildings, and what has taken place there. I hope that Congress, and the Administration, will stop this tiresome tendency of ''selling'' it whenever some other program or initiative—laudable, I'm sure—needs an off-set. I thank the Senator from New Mexico (Senator DOMENICI) and the Senator from New Jersey (Senator LAUTENBERG) for their willingness to accept the amendment Senator SCHUMER and I have offered to strike Sec. 314 from S. Con. Res. 20.

GOVERNORS ISLAND AND THE FEDERAL BUDGET

Mr. SCHUMER. Mr. President, I am proud to join with Senator MOYNIHAN to offer an amendment to strike Section 314 of S. Con. Res. 20, the Fiscal Year 2000 Budget Resolution. Section 314 expresses the Sense of the Senate that Governors Island will be sold during Fiscal Year 2000.

While the intention of the sale, to provide an offset for crop insurance reform, is a worthy one, it is an illusory offset and will seriously undermine New York's efforts to turn this historic gem into an economically viable site. It is also a matter of fundamental fairness—President Clinton made the offer to Senator MOYNIHAN to give the Island back to New York for one dollar—the very sum the Federal Government paid to the State for the Island back in 1958. Now that the Island's last tenant, the U.S. Coast Guard has gone, Governors Island should be returned to New York, not sold to provide offsets for other programs across the country, however well-intentioned those programs might be.

I thank Senator DOMENICI and Senator LAUTENBERG for their willingness to accept the amendment Senator MOYNIHAN and I have offered. We will continue to strongly resist all attempts to thwart New York's efforts to develop Governors island for use by our own citizens, who are understandably anxious to reclaim this unique treasure.

MEDICARE

Mr. GRAMS. Mr. President, as we begin debating the budget which takes us into the twenty first century, I am disappointed that my colleagues on the other side of the aisle continue to practice the Medicare politics of the past.

Over the course of the last week, I've heard member after member come to the Senate floor to decry the Republican budget for allegedly throwing our nation's seniors into destitution by sacrificing Medicare in order to pay for tax cuts.

Mr. President, as we listen to this discussion about the budget and the Medicare provisions contained within it, I keep coming back to one simple question. If the President's budget plan was so good for the country and saved Medicare, why did every member of his party on the Budget Committee vote against it? There is only one answer: President Clinton's so-called Medicare set-aside of 15 percent of the budget would do absolutely nothing to address the very real problems facing Medicare and we all know that.

Indeed, the General Accounting Office (GAO), which we depend upon to provide impartial testimony, investigations and research, has concluded President Clinton's Medicare plan is meaningless in terms of either the budget or the Medicare program. This corroborates the conclusions reached by the Congressional Budget Office.

Mr. President, Medicare has always used the 2.9 percent payroll tax on a worker's wages to pay for current benefits. It has been so since the program was enacted in 1965 and its crafters intended it to stay that way.

The president, by promising to use projected surpluses and general funds to shore up the Medicare program, is in fact promising to use ''IOU's'' to shore up ''IOU's'' and altering the premise under which Medicare was enacted.

I was and is supposed to be a self-sustaining program paid for by payroll taxes. It is not funded by general revenues, therefore Democrat charges that our tax relief out of the non-Social Security surplus comes at the expense of Medicare is just not true. Our tax relief returns overpaid income taxes. It does not cut the Social Security or Medicare payroll tax that funds Social Security or Medicare. The use of general funds to prop-up the program reverts it to a general welfare-type program which was soundly rejected in the early 1960's.

So adding more IOU's, as the President would like us to do, does nothing but add more meaningless pieces of paper which don't represent any new cash within the program to pay for health care services. In short, it is a hoax played upon the American people by its government which doesn't save Medicare.

The budget resolution before us today provides for $10 billion more for the Medicare program than the President requested. It locks away Social Security surpluses to protect them from being spent on non-Social Security programs. It also prepares us for the real task at hand—reforming Social Security and Medicare to ensure they will be self-sustaining for future beneficiaries.

Under our plan, all of the projected Social Security surpluses are saved solely for Social Security. Of the non-Social Security surplus, over $100 billion is set-aside in the event it is needed during the important process of reforming the Medicare program we will soon address. The $100 billion set-aside is real money, not paper promises. It represents real assets which can put us on the road to modernizing a crucially important health care program that has been struck in the 1960's.

The practice of medicine has changed dramatically since the Medicare program was enacted. It's time we reformed Medicare to more accurately reflect our health care system, which still provide the most efficient and sought-after care in the world.

Mr. President, I look forward to working with Senator BREAUX, who ably co-chaired the Bipartisan Commission on the Future of Medicare, to address the long term solvency crisis in Medicare. I whole-heartedly agree with my colleague from Louisiana when he said that ''Medicare cannot, should not, and must not be a 'wedge' issue. That is old politics and the old way of looking at this problem. Looking at it in that fashion has led us to never solve it with any serious reform since it was passed in 1965. The issue for the 1990's and the 21st century cannot be a tax cut versus saving Medicare. That is an improper statement of the problem facing this Congress. . . . It is not an either/or situation and should not be made to be so.''

Clearly, Senator BREAUX and my colleagues have the best interest of the Medicare program in mind as we consider this budget. He understands tax relief does not conflict with our goal to reform Medicare. By setting aside over $100 billion for the express purpose of funding the reformation of the Medicare program, we do more to ensure the viability of the health care program for our nation's seniors than the President's budget full of empty promises.

Mr. President, I am pleased to support this responsible, truthful and meaningful budget resolution. It protects Social Security and Medicare, provides major tax relief and debt reduction and it continues important spending priorities. It represents a tremendous step in the right direction for the United States and its people.

Mr. LIEBERMAN. Mr. President, I rise to express my dissapointment with S. Con. Res. 20, the FY 2000 Budget Resolution. After our economy has enjoyed seven years of strong growth, I had hoped that this year's Budget Resolution, the first in the new millenium, would set policy priorities that would strengthen our economy. After seven years of phenomenal economic growth, it is a shame that we cannot convert our gains into ensuring a more secure economic future.

This Budget Resolution fails to take positive steps by trying to do too much. The Resolution calls for using surplus funds for tax cuts, while maintaining the statutory spending caps.

The Budget Resolution fails to protect Medicare or Social Security, fails to increase national savings, and cuts important spending priorities. It is neither financially prudent nor economically sound.

It could endanger our sound economy and squander an historic opportunity to raise the living standards of all Americans and to ensure a dignified retirement for our seniors.

S. Con. Res. 20 favors massive tax cuts over paying down the massive national debt, over protecting Medicare and Social Security, and over key important domestic initiatives. By keeping the statutory caps and using the surplus for tax cuts, the Budget Resolution makes deep cuts in science technology, in research and development, in important environmental protection initiatives, while failing to protect Medicare and the retirement security of our workers and families.

THE BUDGET RESOLUTION UNDERMINES CURRENT AND FUTURE ECONOMIC GROWTH.

The fiscal policies outlined in the Budget Resolution threaten the health of our growing economy. The Budget Resolution calls for using all surplus funds for tax cuts and nothing for reducing our federal debt. For the past several years, a declining federal debt has contributed to a decline in interest rates. Less government debt has translated into lower interest rates and lower interest rates have promoted greater investment and growth in our economy. It is no coincidence that of the G–7 countries, we are the only country with a balanced federal budget and strong economic growth. Using surplus funds for debt reduction sustains the virtuous cycle of lower interests rates, higher investment in our economy, and job creation. By choosing tax cuts over any debt reduction, this Budget Resolution has put us back to the era of the same trickle down economics that led to inflation and stagnation.

Achieving a budget surplus has required some very strong measures and has come at some cost. It was not long ago that Congress adopted the Budget Enforcement Act to curb our appetite for spending. Since then we have better managed our spending and tax cutting through a number of important rules and statutes. Unfortunately, this Budget Resolution repeals the pay-as-you-go rule, the very rule that has been most responsible for bringing fiscal discipline to this body.

THE BUDGET RESOLUTION FAILS TO PROTECT MEDICARE AND SOCIAL SECURITY

The budget proposal for FY2000 does nothing to restore the Social Security and Medicare trust funds back to solvency. It is unfortunate that at this time of robust economic growth and projected surpluses, the Republican budget does nothing to solve the looming Medicare and Social Security problems. The Budget Resolution calls for saving the Social Security surplus for Social Security. This is far from an adequate solution to the Social Security problem.

The resolution also fails to address the more immediate problem of Medicare. Projected to go into deficit in 2008, the Medicare trust fund is in desperate need of funds. While the President has dedicated $350 billion dollars for Medicare, the Budget proposal dedicates nothing. Here again, I cannot understand why we do not take advantage of budget surpluses to help extend the solvency of Medicare.

THE BUDGET RESOLUTION FORCES DEEP CUTS IN NON-DEFENSE DISCRETIONARY SPENDING

I would support a decision to adhere to the overall levels of discretionary spending established in the Budget Enforcement Act.

The Budget maintains the current statutory spending caps and then chooses tax cuts over spending increases in several key areas. The Budget makes a major cut—7.5%—in all non-defense spending. Combined with using surplus funds for tax cuts, this means that many important domestic priorities such as environment and technology research have to be cut.

REDUCTION IN RESEARCH AND DEVELOPMENT FUNDING

In the proposed budget before us, the small and declining accounts in R&D are a direct prescription for long term economic decline. There have been at least a dozen major economic studies, including those of Nobel Prize winner Robert Solow, which conclude that technological progress accounts for 50 percent or more of total growth and has twice the impact on economic growth as labor or capital. Ironically, we have spent far more time in Congress debating the economic impact of labor and capital, in the form of jobs and tax bills, than we have ever devoted to R&D. This Budget follows in that trend. Mr. President, by cutting R&D funding this budget provides us with another chance to fall behind. It does a disservice to both our well-being as a society, and our well-being as an economy. I hope my colleagues will reconsider the measure.

ENVIRONMENT

I am also concerned that funding for natural resources and environmental protection is being cut too steeply to make way for tax cuts. The proposed budget resolution reduces funding for priority domestic environmental programs to roughly 11% below current levels. This cut hurts programs that are critical for building clean, livable communities and protecting natural resources and wildlife. Ongoing efforts to enforce existing public health protections in drinking water would be curtailed. Energy efficiency and clean energy technology initiatives that save consumers money, reduce dependence on foreign oil and curb air pollution would be slashed. Funds for states to preserve open space, coast land, and urban parks would be cut. And the list goes on and on. The direction of these cuts runs directly counter to the needs of our neighborhoods and our nation, and ignores the reality that a clean environment is integral to building a sustainable and strong economy. We should not allow important public health and environmental protections to be sacrificed. Future generations and the public trust will ultimately pay the price.

DEFENSE SPENDING

The President recently took action to add money to the defense budget, halting a 14-year slide. That slide seriously stressed the ability of our armed

forces—which are almost 40 percent smaller now than they were during the cold war—to meet present day commitments. The President's increase is enough to stop the decline in the readiness of our forces, but it is not enough to modernize the aging military equipment that is so important to ensuring that our forces are ready in the future. The additional money this budget adds to the defense budget is an essential investment for the future.

CONCLUSION

This budget. While there are some bright spots in, ultimately there are just too many weaknesses for me to support it.

Mr. ASHCROFT. Senator DOMENICI, first let me reiterate my admiration for the remarkable budget you have produced. You have produced a budget that, in the first decade of the new millennium, balances the entire federal budget, protects Social Security, increases funding for education by 40%, seeks to protect the Social Security surplus from paying for other government operations, reduces federal debt, provides funds requested by the Joint Chiefs of Staff to strengthen our national defense, and provides an $800 billion tax cut. This is a strong budget that I will support.

As you know, I intended to offer an amendment that would eliminate a $2.9 billion deficit currently projected for FY 2000. It appears likely, however, that when the final budget resolution is written and we have the latest budget and economic forecasts, that this deficit will be eliminated and, in fact, the budget will be in surplus. As I understand, the budget resolution, as reported by the committee, provides that any FY 2000 surplus should be devoted to tax cuts.

Mr. DOMENICI. I appreciate your support for this budget. Given current estimates the budget resolution will show a $2.9 billion deficit. That $2.9 billion represents only 1.7% of the entire $1.7 trillion budget, and even that small deficit will probably be eliminated when we get CBO's updated estimates this summer. With the numbers available at the time of the production of this resolution, specifically CBO's February baseline, it was impossible to declare that the budget we produced would be fully in balance according to those numbers.

I want to salute the Senator from Missouri's efforts to make absolutely certain that we balance the budget excluding the Social Security surplus and I look forward to working with him to bring about that result.

Mr. ROCKEFELLER. Mr. President, as the Ranking Member of the Committee on Veterans' Affairs, I would like to comment on S. Con. Res. 20, the Concurrent Resolution on the FY 2000 Budget. Specifically, I will address the funding allowances for Function 700—Veterans Benefits and Services.

At the outset, let me note that this budget resolution is a departure from past budget resolutions which have cut veterans' spending. The resolution emanating from the Senate Budget Committee includes total spending for an additional $0.9 billion in new budget authority and $1.1 billion in outlays for FY 2000. I am grateful for this increase. It is a valid attempt to infuse the VA with badly needed resources. However, the spending needs of the Veterans Health Administration exceed this recommended level. I believe we can and should do better.

The VA health care system is being squeezed by lack of funding. It's high time that we realized that if this track continues, we will see the closure of VA hospitals. Many VA hospitals are already on the brink; another year of no-growth budgets will close hospitals. Small rural hospitals in New York State and Arizona will be closed. Large urban hospitals, like the ones in Illinois and California, will not be immune and will be shut down.

Various estimates exist about what amount VA would need to simply maintain the level of current services. Conservatively, we are talking about an increase of $850 million to cover payroll inflation, increases in the costs of goods, and other increases beyond the control of VA. So despite VA's efforts to mitigate the increasing cost of pharmaceuticals, for example—efforts which have been lauded by others as the model for Medicare to follow—VA must budget for $850 million just to maintain current services. The concurrent budget resolution before us today fully addresses these uncontrollable costs. It does not, however, make allowances for increased growth of any kind.

In our Committee Views and Estimates, Chairman SPECTER and I outlined the costs associated with unanticipated VA spending requirements, as well as those costs linked to unmet needs. I refer my colleagues to Committee on Veterans' Affairs Views and Estimates for a more complete listing of these substantial costs. However, I do want to highlight some of these areas.

Caring for veterans with the Hepatitis C virus is certainly one of those unanticipated spending requirements. VA studies now indicate that at least 20 percent of hospitalized veteran-patients test positive for the virus. This is twice the rate reported in the general population. VA anticipates that to fully screen and treat these patients, $625 million will be necessary in FY 2000.

A second priority is to provide veterans with access to the same health care services as other Americans. VA cannot now provide emergency care services to all veterans. Many veterans have gone to community emergency rooms believing that VA would reimburse them. Of course, in most cases, VA would not and they were left with substantial medical bills. Providing emergency care and the subsequent hospital admission to veterans would cost the VA $548 million in FY 2000.

Third, a funding need which should not be overlooked is long-term care. We know that the percent of veterans over the age of 65 years will grow from 35 percent of the total veteran population to approximately 42 percent of the total population over the next ten years. Does VA have the necessary resources to care for this influx of aging veterans? Under the current financial construct, the answer is a resounding ''no.'' A funding increase of at least $1 billion is required to meet this unmet need.

It should come as no surprise to my colleagues that the financial constraints that have been placed upon the VA are also having a negative effect on the health care provided to our veterans.

Through our oversight efforts on the Committee on Veterans' Affairs, we have documented serious problems with quality which are the result of staffing shortages. The increase of dangerous pressure ulcer sores in VA nursing homes is only one example of deteriorating inpatient care. A recent report issued by the VA Medical Inspector's office clearly states that at the DC Medical Center, ''bedside patient care, such as turning patients at frequent intervals to prevent pressure ulcers, was affected by the shortage of staff.'' These staffing shortages exist at medical centers all across the country.

With regard to outpatient treatment, the trend points to a disturbing lack of access. VA is rightly moving more patients into ambulatory care settings; however, the system as it is currently funded cannot handle the increased workload.

In some cases, waiting times for routine clinic appointments—like cardiology and gastroenterology—reach 100 days or longer. Mental health services are simply unavailable at 60 percent of VA's outpatient clinics. Finally, while other health care providers and payers are seeing increased per patient costs, the VA must live within forecasts which assume a drop in per patient expenditures. This cannot continue without drastically impacting quality.

I think many of my colleagues would also be disturbed to learn that VA's specialized health care services—blind rehabilitation, traumatic brain injury care, post traumatic stress disorder services, spinal cord injury care, and mental health services—have buckled under the strain. We have spent a tremendous amount of time visiting hospitals and looking deeply into these mandated programs. We have seen budgets for VA PTSD services in Ohio and New York cut at the expense of services. We have found VA substance abuse programs in Delaware, Alabama, New Jersey, and Ohio virtually decimated.

In my home State of West Virginia, we have four small, rural VA medical centers. And I can tell you that simply covering the cost of current services won't help much. In fact, the continued financial stress of the VA budget will

have devastating effects on services and veterans at each of these VA hospitals in my State.

In one hospital alone we could be faced with the elimination of audiology and speech pathology, the reduction of dental services, the complete closures of the inpatient surgery, outpatient surgery, and the outpatient mental health programs.

I believe that West Virginia veterans, and veterans across the country, deserve quality health care—and I, for one, will not allow these reductions and program closures.

And I can assure you, my friends, that if these situations exist in the small VA hospitals in my state of West Virginia, then they exist in other VA hospitals—whether they are small rural VA hospitals or large urban VA hospitals.

Mr. President, I would like to take this opportunity to comment on another aspect of the VA budget. On the benefits side, I was very pleased to see the President request and the Budget Committee accept the increase of $49 million in the General Operating Expenses account to provide for an increase of 164 FTE in FY 2000. These new 164 FTE will join FTE shifted over from other duties to provide an additional 440 adjudication FTE.

The Veterans Benefits Administration (VBA) has experienced an increase in pending compensation and pension workload of close to 50,000 cases per year, over the last two years. This is a reversal of the downward trend from FY 92–96. The age of those cases is also growing, with an average in FY 98 of 168 days to process original compensation claims, resulting in 33 percent of cases pending over six months, up from 26 percent in FY 97. This increase in the backlog is in spite of a small decrease in the number of claims being filed. VBA also has real problems with the quality of their decision making. Their own review (STAR) revealed an error rate of 36 percent.

VBA is taking measures to address its quality and workload problems, but they need more resources to deal with some of their biggest challenges, such as: the loss of their most experienced decision makers as they become retirement eligible; the lack of training and the lack of uniformity of that training; the struggle to improve customer service through case management and the reduction of blocked call rates.

It is critical that VBA not only improve their quality and timeliness, but also ensure the integrity of the measures of those factors. They must require accountability in the effort or failure to achieve those goals. These are things that VBA has not been particularly motivated or driven to do in the past. I look to VBA to strive for data integrity and accountability and hope that additional staffing resources will aid in these efforts.

In conclusion, Mr. President, we must do more to restore quality and access to health care for America's veterans today and those service members who will be veterans tomorrow.

FEDERAL R&D INVESTMENT

Mr. FRIST. Mr. President, I would like to focus for a minutes on an important, yet often ignored aspect of the federal budget—our investment in R&D. While I strongly support the Chairman's contention that we must strive to stay within the budget caps, I also firmly believe that funding for research and development should be allowed to grow in fiscal year 2000 and beyond. Many economists argue that such an investment, through its impact on economic growth, will not drain our resources, but will actually improve our country's fiscal standing.

A dozen economic studies, including those of Nobel Prize winner Robert Solow, have demonstrated that technological progress has historically been the single most important factor in economic growth, having more than twice the impact of labor and capital. In today's booming economy, this fact is particularly evident. Our high tech companies provide one third of our economic output and generate one half of our economic growth. More amazing is the realization that communications and technology stocks now comprise 80% of the value of the stock market.

But it is crucial for everyone to understand that our prosperous high tech companies and revolutionary applications of today were created by scientific advances that occurred in the 1960's, when the U.S. government was prioritizing its resources on R&D. In 1965, the federal government spent 2.2% on civilian and defense R&D, as a fraction of GDP. Now in 1999, we spend approximately 0.8 percent—almost one third of its value. If Congress were to follow the President's current budget, the number would dramatically decrease in the next five years.

We simply cannot afford not to invest in R&D. Our future prosperity depends on maintaining an innovative environment—with a solid research base and robust talent pool. If we allow our investment in our innovative capacity to continue to slip, current policy commitments and rates of reinvestment may not be high enough to sustain future improvements in our standard of living.

I urge each of you to join me in cosponsoring this Sense of the Senate that outlines budgetary goals for increasing the federal investment in R&D in a fiscally responsible manner over time.

Thank you.

IDEA AMENDMENT TO BUDGET RESOLUTION

Mr. HARKIN. Mr. President, in the early seventies, two landmark federal district court cases—PARC versus Commonwealth of Pennsylvania and Mills versus Board of Education of the District Court of Columbia—established that children with disabilities have a constitutional right to a free appropriate public education.

In 1975, in response to these cases, the Congress enacted PL 94–142, the precursor to IDEA, to help states meet their constitutional obligations.

When we enacted PL 94–142, the Congress authorized the maximum state award as the number of children served under the special education law times 40% of the national average per pupil expenditure.

Congress has fallen far short of this goal. Indeed, in fiscal year 1999, Congress appropriated only 11.7 percent of the national average per pupil expenditure for Part B of IDEA.

Congress needs to do much more to help school districts meet their constitutional obligations. Indeed, whenever I go home to Iowa, I am besieged by requests for additional federal funding for special education.

These requests increased in intensity following the Supreme Court decision in Cedar Rapids Community School District versus Garrett F. That decision reaffirmed the court's long-standing interpretation that schools must provide those health-related services necessary to allow a child with a disability to remain in school.

This is a terribly important decision, which reaffirms that all children with disabilities have the right to a meaningful education. As Justice Stevens wrote, ''Under the statute, [Supreme Court] precedent, and the purpose of the IDEA, the District must fund such 'related services' in order to help guarantee that students like Garret are integrated into the public schools.''

The child in this case, Garret Frey, happens to come from Iowa. He is a friendly, bright, articulate young man, who is also quadriplegic and ventilator-dependent. Twenty years ago, he probably would have been shunted off to an institution, at a terrible cost to taxpayers. Instead, he is thriving as a high school student, and will most likely go off to college and become a hard-working, tax paying citizen.

An editorial in USA Today summed up the situation well.

We've learned a lot about the costs of special education over the past 24 years. In addition to the savings realized when children can live at home with their families, we also know there are astronomical costs associated with not educating students with disabilities. Research shows that individuals who did not benefit from IDEA are almost twice as likely to not complete high school, not attend college and not get a job. The bottom line: Providing appropriate special education and related services to children saves government hundreds of thousands of dollars in dependency costs.

The Garrett Frey decision, however, also underscores the need for Congress to help school districts with the financial costs of educating children with disabilities. While the excess costs of educating some children with disabilities is minimal, the excess of educating other children with disabilities, like Garrett, is great.

The pending amendment, of which I am pleased to be a cosponsor, would

take two important steps. First, it would fully fund IDEA at the 40 percent goal. Secondly, the amendment would provide a mandatory stream of funding for this important program. Finally, the amendment is paid for by taking a portion of the funds set-aside for tax breaks and instead invest those funds in IDEA.

Mr. President, my amendment would provide real money to help school districts meet their constitutional obligations. Local school districts should not have to bear the full costs of educating children with disabilities.

Again, the USA Today editorial said it well.

Let's be clear: The job of educating all children is no small feat. But kids in special education and kids in ''gifted and talented'' programs are not to blame for tight resources. We, as a nation, must increase our commitment to a system of public education that has the capacity to meet the needs of all children, including children with disabilities.

Of course, in providing increased funding for IDEA, we must make sure we do not do so at the expense of other equally important education programs. We need to fully fund Head Start so that all children start school ready to learn. We need to fully fund Title I so that all children get the extra help they need in reading and math. We need to fully fund Pell Grants so that all students have a chance to go to college. There are many other important education initiatives, such as reducing class size, improving teacher training, and modernizing our crumbling schools, that will also help children with disabilities.

Finally, I'd like to point out that when we reauthorized IDEA in 1977, we made clear that the cost of serving students with disabilities should fall not just on school districts, but should be shared by all responsible states agencies, including state Medicaid agencies and state health departments. While Garrett does not qualify for any state programs, many children in his situation do, and the school districts can and should avail themselves of that money.

Mr. President, this amendment is about setting rational national priorities. We must make education our nation's top priority since the real threat to our national security is an inability to compete in the global marketplace. We must have the best-educated, most-skilled, healthiest workers in the world to secure our nation's future. Investments in education are essential if we are to reach that goal.

The amendment targets one important area—special education—and fully funds this important program. As an editorial in the March 15 edition of the New York Times explained, ''Educating disabled youngsters is a national responsibility. The expense should be borne on the nation as a whole, not imposed haphazardly on states or financially strapped districts that happen to serve a large number of disabled students.''

By providing these additional resources for special education, we would free up funds both here and in local school districts for other important education priorities. I urge my colleagues to support this important amendment to fully fund IDEA by reducing the tax breaks in the budget.

ELIMINATION OF MARRIAGE TAX PENALTY AND UNIFORM ACROSS THE BOARD TAX CUTS

Mr. LEWIS. Mr. President, this amendment states that it is the sense of the Senate that the marriage penalty should be eliminated and that Congress should provide equal, across the board reductions in the individual income tax rates as soon as we have a non-Social Security surplus.

Mr. President, this amendment will put the Senate on record as favoring or opposing the elimination of the marriage penalty. Every year, married couples pay a total of $29 billion per-year in extra taxes for getting married with an average penalty of $1,400 per couple for those married couples affected. Any tax system that discourages the time-honored institution of marriage is unjust and counterproductive. After all, the society of tomorrow is only as good as the families of today.

This amendment calls on Congress to eliminate the marriage penalty in a manner that respects all married couples: couples with two-wage earners and those in which only one spouse works outside the home.

The second part of this sense of the Senate calls for an across the board and equal reduction in each income tax rates as soon as we get a real budget surplus. This proposal is fair, feasible, and responsible. First, it compliments the lock box proposal which saves all of the social security surplus for future social security beneficiaries.

Second, it is fair since it calls for a uniform tax rate reduction for all taxpayers. This proposal would actually provide a greater percentage cut for lower income taxpayers. For example, if we cut each of the income tax rates by 1 percentage point, taxpayers in the highest bracket would receive a 2.6 percent reduction in their marginal tax rate, while those taxpayers in the lowest bracket would receive a 6.5 percent reduction in their tax rate. Over 5 years, the 15 percent rate would become 10 percent the 39.6 percent rate would become 34.6—each rate dropping by 5 percentage points, but the 15 percentage rate getting a 33 percent reduction—really a full ⅓ reduction.

If each of the rates was cut 1 percent per year over a five year period, the final result would be a 33.3 percent reduction in the income tax burden of those in the lowest rate and a 12.7 percent reduction in the top tax rate. But each bracket, each rate, gets the same reduction. Such a plan provides substantial tax relief for all taxpayers and would keep congress on track for fiscal discipline and responsible budgeting.

I want to emphasize the wording that says, as soon as we have a non-social security surplus. I ask my colleagues to join me in supporting this sense of the senate that honors marriage and families and calls for uniform tax rate cuts for all Americans.

I thank the chair and yield the floor.

AMENDMENT NO. 168

Mrs. FEINSTEIN. Mr. President, I have introduced in the Senate a sense of the Senate amendment to the budget resolution to provide funds for a grant program to build new schools.

The goal of this amendment is to first, reduce the size of schools; and second, reduce the size of classes. The amendment would give the Senate's support for grant funding to enable states to build new schools.

THE PROBLEM

Why do we need this amendment?

First, many of our schools are too big. In particular, schools in urban areas are huge. The ''shopping mall'' high school is all too common. ''It's not unusual to find high schools of 2,000, 3,000, or even 4,000 students and junior high schools of 1,500 or more, especially in urban school systems,'' writes Thomas Toch in the Washington Post. In these monstrous schools, the principal is just a disembodied voice over the public address system.

Second, another serious problem is that our classes are too big for effective learning and as public school enrollment soars, the problem will only worsen. Even though we have begun to reduce class sizes in my state, California still has highest pupil-teacher ratios in the nation, says the National Center for Education Statistics.

THE SOLUTION

This amendment supports legislation providing flexibility in grant funding so that school districts can build new schools and reduce both school size and class size.

The U.S. Department of Education estimates that we need to build 6,000 new schools just to meet enrollment growth projections. This estimate does not take into account the need to cut class and school sizes. The needs are no doubt huge.

CALIFORNIA'S SCHOOLS ARE TOO BIG

My state that has some of the largest schools in the country. Here are some examples: Roosevelt High School, Fresno, 3,692 students; Clark Intermediate School, Clovis, 2,744 students; Berkeley High School, Berkeley, 3,025 students; Rosa Parks Elementary School, San Diego, 1,423 students; Zamorano Elementary School, San Diego, 1,424 students.

California also has some of the largest classes sizes in the nation. In 1996–1997, California had the second highest teacher-pupil ratio in the nation, at 22.8 students per teacher. Fortunately since 1996, the state has significantly cut class sizes in grades K–3, but 15 percent or 300,000 of our K–3 students have not benefitted from this reform. And students have grade 3 have not been touched.

EXAMPLES OF LARGE CLASSES

Here are some of the classes in my state: Fourth grade, statewide, 29 students; sixth grade, statewide, 29.5 students. National City Middle School San Diego, English and math, 34 to 36 students. Berryessa school District in San Jose—fourth grade, 32 students; eighth grade, 31 students. Long Beach and El Cajon School Districts, tenth grade English, 35 students. Santa Rose School District—fourth grade 32, students. San Diego City Schools, tenth grade biology, 38 students. Hoover Elementary and Knox Elementary in E. San Diego Elementary, grades 5 and 6, 31, to 33 students. Hoover High School 10th grade Algebra, 39 students.

To add the problem, California will have a school enrollment rate between 1997 and 2007 of 15.7 percent, triple the national rate of 4.1 percent. We will have the largest enrollment increase of all states during the next ten years. By 2007, our enrollment will have increased by 3.3. percent. To put it another way, California needs to build seven new classrooms a day at 25 students per class just to keep up with the surge in student enrollment. The California Department of Education says that we need to add about 327 schools over the next three years, just to keep pace with the projected growth.

SMALLER SCHOOLS, SMALLER CLASSES, BETTER LEARNING

Studies show that student achievement improves when school and class sizes are reduce.

The American Education Research Association says that the ideal high school size is between 600 and 900 students. Study after study shows that small schools have more learning, fewer discipline problems, lower dropout rates, higher levels of student participating, higher graduation rates (The School Administrator, October 1997). The nation's school administrators are calling for more personalized schools.

California's education reforms relied on a Tennessee study called Project STAR in which 6,500 kindergartners were put in 330 classes of different sizes. The students stayed in small classes for years and then returned to larger ones in the fourth grade. the test scores and behavior of students in the small classes were better than those of children in the larger classes. A similar 1997 study by Rand found that smaller classes benefit students from low-income families the most.

Take the example of Sandy Sutton, a teacher in Los Angeles's Hancock Park Elementary School. She used to have 32 students in her second grade class. In the fall of 1997, she had 20. She says she can spend more time on individualized reading instruction with each student. She can now more readily draw out shy children and more easily identify slow readers early in the school year.

The November 25, 1997, Sacramento Bee reported that when teachers in the San Juan Unified School Districts started spending more time with students, test scores rose and discipline problems and suspensions dropped. A San Juan teacher, Ralphene Lee, said, ''This is the most wonderful thing that has happened in education in my lifetime.''

A San Diego initiative to bring down class sizes found that smaller classes mean better classroom management; more individual instruction; more contact with parents; more time for team teaching; more diverse instructional methods; and a higher morale.

Teachers say that students in smaller classes pay better attention, ask more questions and have fewer discipline problems. Smaller schools and smaller classes make a difference, it is clear.

MANY OLD SCHOOLS

Other amendments and other bills that I am supporting provide mechanisms to modernize old schools and we have many old schools. One third of the nation's 110,000 schools were built before World War II and only about one of 10 schools was built since 1980. More than one-third of the nation's existing schools are currently over 50 or more years old and need to be repaired or replaced. The General Accounting Office has said that nationally we need over $112 billion for construction and repairs to bring schools up to date.

CALIFORNIA'S SCHOOL BUILDING NEEDS CRITICAL

My state needs $26 billion from 1998 to 2008 to modernize and repair existing schools and $8 billion to build schools to meet enrollment growth. In November 1998, California voters approved state bonds providing $6.5 billion for school construction.

In addition to the need to reduce school and class sizes, there are several key factors driving our need for school construction:

1. High Enrollment: California today has a K–12 public school enrollment at 5.6 million students which represents more students than 36 states have in total population, all ages. We have a lot of students.

Between 1998 and 2008, when the national enrollment will grow by 4 percent, in California, it will escalate by 15 percent, the largest increase in the nation. California's high school enrollment is projected to increase by 35.3 percent by 2007. Each year between 160,000 and 190,000 new students enter California classrooms. Approximately 920,000 students are expected to be admitted to schools in the state during that period, boosting total enrollment from 5.6 million to 6.8 million.

California needs to build 7 new classrooms a day at 25 students per class between now and 2001 just to keep up with the growth in student population. By 2007, California will need 22,000 new classrooms. California needs to add about 327 schools over the next three years just to keep pace with the projected growth.

2. Crowding: Our students are crammed into every available space and in temporary buildings. Today, 20 percent of our students are in portable classrooms. There are 63,000 relocatable classrooms in use in 1998.

3. Old Schools: Sixty percent of California's schools are over 40 years old. 87 percent of the public schools need to upgrade and repair buildings, according to the General Accounting Office. Ron Ottinger, president of the San Diego Board of Education has said; ''Roofs are leaking, pipes are bursting and many classrooms cannot accommodate today's computer technology.''

4. High Costs: The cost of building a high school in California is almost twice the national cost. The U.S. average is $15 million; in California, it is $27 million. In California, our costs are higher than other states in part because our schools must be built to withstand earthquakes, floods, El Nino and a myriad of other natural disasters. California's state earthquake building standards add 3 to 4 percent to construction costs. Here's what it costs to build a schools in California: an elementary school (K–6), $5.2 million; a middle school (7–8), $12.0 million; a high school (9–12), $27.0 million.

5. Class Size Reduction: Our state, commendably, is reducing class sizes in grades K through 3, but this means we need more classrooms.

And so to exacerbate the need to build smaller schools and to reduce class sizes, our school districts are saddled with overwhelming construction demands.

CONCLUSION

Big schools and big classes place a heavy burden on teachers and students. They create an impersonal learning environment.

The American public supports increased federal funding for school construction. The Rebuild American Coalition this month announced that 82 percent of Americans favor federal spending for school construction, up from 74 percent in a 1998 National education Association poll.

Every parents knows the importance of a small class where the teacher can give individualized attention to a student. Every parents knows the importance of the sense of a school community that can come with school.

I hope my colleagues will join me today in supporting this important education reform.

FEDERAL ANTI-DRUG STRATEGIES

Mr. GRAMS. Mr. President, I rise today in support of sending a strong anti-drug message during consideration of the Fiscal Year 2000 Budget Resolution.

As we approach the new millennium, one of the most difficult challenges facing our country is the sale, manufacture and distribution of illegal drugs. Drug abuse is a daily threat to the lives of young people and the health and safety of our families. We must strengthen our resolve to developing and innovative and effective drug strategy.

The National Institute on Drug Abuse recently reported that 54 percent

of high school seniors reported illegal use of a drug at least once in their lives, 42 percent reported use of an illegal drug in the past year and 26 percent reported use of an illegal drug in the past month. Clearly the American people need Congress to recommit this nation to ridding our schools and streets of drugs.

I believe that our nation can reverse these troubling trends in drug abuse and decrease the number of Americans who use drugs. First and foremost, we must enforce our existing drug laws. Second, we must make a commitment to public education and community-based prevention programs, as well as effective treatment for those drug abusers who are motivated enough to accept treatment. We must ensure that local communities and law enforcement agencies have the tools to develop effective drug prevention and education programs. In my view, adequate funding for programs such as the Byrne grant program, the federal ''Weed and Seed'' initiative and the ''Drug Free Communities Act'' program is critical to providing resources and guidance to local communities in my home state of Minnesota to help develop solutions to this problem and expand their anti-drug education and prevention programs.

And finally, we must actively support the eradication and interdiction of drugs before they reach our borders. Illegal drugs are easy to find and cheap to buy. And there is no doubt that contributes to the high rate of drug use among our nation's children. We've got to invest this nation's resources in making sure more of these drugs never reach our shores. If we can reduce the supply of drugs, the price will go up. If we can reduce the supply of drugs, they'll be harder to find, and fewer American children will fall into drug use. That is why the Western Hemisphere Drug Elimination Act and the Drug Free Century Act is so important. A counter-drug strategy which does not give sufficient weight to international interdiction and eradication efforts cannot succeed.

The federal government must continue to work closely with local officials to combat the threat of illegal drug use, trafficking, and manufacturing to our children's future. A united commitment by Congress, parents, schools, city councils, faith-based organizations and medical institutions will help to create a drug-free America. Failure to act will only increase the likelihood that we will lose control of our neighborhoods to drug-related crime and violence.

SENSE OF THE SENATE ON FEDERAL RESEARCH AND DEVELOPMENT

Mr. LIEBERMAN. Mr. President, I rise to support the Sense of the Senate regarding Federal Research and Development, Section 310 of the Concurrent Budget Resolution.

The past few years of economic growth have led us to a remarkable stage in this country's history. For the first time, we have both low inflation and low unemployment, a stock market which seems boundless and, more germane to the discussion at hand, a historic budget surplus. However, the budget we have prepared for the turn of the new millenium is not one which promotes growth. Specifically, the small and declining accounts in research and development (R&D) are a direct prescription for long term economic decline. Let me explain.

There have been at least a dozen major economic studies in recent years, including those of Nobel Prize winner Robert Solow, which conclude that technological progress is the primary ingredient in economic growth, accounting for 50% or more of total growth. These studies further show that technological progress has twice the impact on economic growth of labor or capital. Ironically, we have spent far more time in Congress debating the economic impact of labor and capital, in the form of jobs and tax bills, than we have ever devoted to R&D, which is the true workhorse of economic growth. Today, the relationship between technological progress and economic growth is apparent even to the lay person. The Internet, cancer drugs, cellular phones, and computer-related services are ubiquitous. Communications and technology stocks now account for 80% of the value of today's booming $1.4 trillion stock market. Furthermore, the productivity improvements generated by leap-ahead advances in communications and computers have translated into an economic strength that makes us the envy of the world.

Because it takes 20–30 years for fundamental discoveries to evolve into market products, we happen to be benefitting handsomely from the government's large investment in R&D in the mid-1960's. However, we have historically been poor guardians of that investment. This year is no exception. The Budget Committee's proposed cuts in research in R&D, totaling as much as 40% in some areas, sit atop a long historical decline which has already more than halved our total R&D investment (as a percent of GDP) over the past 34 years. In 1965, we spent an amount equivalent to 2.2% of our GDP on R&D; in 1998, that amount was 0.8%. Commenting on our nation's 34 year decline in R&D investments, the investment guru Peter Lynch has said, ''If I saw a business with an R&D trend like this, I wouldn't buy the stock.''

Almost every other country understands the rationale for R&D, and is especially conscious of the government's unique role in supporting basic research. As a result, thirteen countries now spend more on basic R&D as a percent of GDP than do we. What is the result of that investment? One result is that these countries maintain their base of excellence in science. If one looks at the set of nations with ''significantly higher'' high school science achievement scores than the US, eight of the top eleven nations which comprise that list are the same eight nations which are in the top ten of basic science funding as a fraction of GDP. Exactly why there is such a strong correlation between research investment and high school science scores is not clear, but the correlation there, it is strong, and it bears investigation.

Last year, the Senate began to recognize the value of R&D to the economy and to our innovation base. We passed, without opposition, S. 2217, which sought to double R&D spending over the next decade. The bill was bipartisan, had 36 cosponsors, and passed without dissent. A Sense of the Senate amendment was also unanimously passed during this year's budget committee mark-up, calling for greater R&D investment. In contrast to these mandates for more R&D spending, the budget we see here today cuts R&D substantially.

Although much of the discussion regarding R&D investment has focused on civilian R&D, I would like to point out the special and troubling case of military R&D. Historically, DoD has funded the lion's share of research in mathematics, engineering, and the physical sciences, both in our military laboratories and in our university system. The output of this innovation enterprise is unmatched. If one looks at the U.S. cadre of Nobel Prize winners, 58% of the physics laureates and 43% of the chemistry laureates were funded by DoD prior to winning their Nobel prizes. What I find disturbing is the fact that we are dismantling this engine of innovation through dramatic cuts in DoD R&D, even as we are in the process of transforming from the Cold War Era to the much more technologically demanding era of—if I may use the term—''techno-warfare.'' Every scenario of future military dominance by the U.S. assumes that we will inevitably have superior technology. However, if we are dramatically cutting military R&D, and we are simultaneously not supporting civilian R&D, exactly where is that technological superiority going to come from? Each of our services currently spends 60–80% of its funds on readiness issues (i.e., operations and maintenance) and 20–40% of their funds on modernization tasks for incremental improvements (i.e., procurement, testing and evaluation). The obligation authority for science and technology—the military of the future—is currently less than 2% of the military budget. Even this minute fraction is destined to decline further under the budget we see before us today. Though we face daunting readiness problems in the present, we are far less ready for the future.

The president's budget for military R&D proposed significant cuts, on the order of 6%, that the budget committee's budget will probably worsen. The budget committee's 19 billion increase for DoD is unlikely to accommodate all of DoD's readiness, modernization, retention, recruitment, and ballistic missile defense needs. The Armed Services'

Committee's probable response will be to squeeze the already small R&D budget enormously. DoD itself has requested extensive cuts in S&T (science and technology) which contrast sharply with its request for $112 billion in increases for readiness and modernization over the next 5–6 years. The DoD budget requests, in conjunction with the budget committee's actions, make it clear that the problems the military is experiencing at present—though undoubtedly pressing—are actively preventing adequate long-term strategic planning.

A recent Council on Competitiveness report shows that, as a nation, we are currently unmatched in our potential to innovate, due to our past investments in R&D through our military, industry, and university systems, and due to our vibrant venture capital sector. Let us not make the mistake of starving the system that gives us our greatest strength, just as we embark on the ''Innovation Economy'' of the new millenium.

The budget resolution before us dramatically fails in its commitment to nourish R&D, which is the key to our future economy, our future security, and our future well being. The major cuts it makes in both civilian and military R&D—in our innovation system—are not supportable.

Ms. SNOWE. Mr. President, today marks a dramatic turning point for the Senate. Because, although Senators THURMOND, HOLLINGS, BYRD, and a handful of others were members of this body the last time the Federal Government ran a unified budget surplus in 1969, no member of the Senate has even been involved in the crafting of a budget resolution under these all too unique fiscal circumstances.

Furthermore, the consideration of this budget resolution is not only a significant moment for the Senate, but for more than a generation of Americans who never lived in a time without federal budget deficits.

Mr. President, in light of the unified surpluses we are now enjoying—and the on-budget surpluses we are projected to soon enjoy—I would like to thank the Chairman of the Senate Budget Committee, PETE DOMENICI, for his unwavering commitment to a balanced budget and fiscally responsible decision-making over the years. Thanks, in part, to his leadership and efforts, the turbulent waves of annual deficits and mounting debts have been temporarily calmed. And, if we are willing to adhere to these principles in this year's budget resolution and others yet to come, we may be able to maintain the current budgetary calm for many years in the future.

Mr. President, the budget resolution reported by the Senate Budget Committee—and that we are now considering on the floor—not only maintains fiscal discipline, but it also ensures that critical priorities are protected and addressed in fiscal year 2000 and beyond.

Specifically, the Senate budget resolution contains the following key provisions:

First, it protects every penny of the Social Security surplus in upcoming years by devoting it solely to reducing publicly-held debt.

Second, through an amendment I offered in the Budget Committee markup, it provides monies from the on-budget surplus for a new Medicare prescription drug benefit—something that President Clinton failed to include in his own budget proposal after touting the need for this benefit in his State of the Union address.

Third, it adheres to the spending levels established just two years ago in the Balanced Budget Act of 1997, while increasing funding for critically needed priroties including education and defense.

Fourth, it provides tax relief for Americans at a time when the typical family's tax burden exceeds the cost of food, clothing, and shelter combined. And as a result of another amendment I offered during markup, it places marriage penalty relief as a top priority in any tax cut package that is ultimately crafted. When considering that 42 percent of all married couples incurred a marriage tax penalty averaging $1,400 in 1996, I think of no tax cut that would be more appropriate in any upcoming tax package.

Collectively, I believe these principles and priorities reflect those of most Americans—especially the protection of Social Security's monies. Accordingly, I believe this resolution deserves broad bipartisan support in the Senate and, ultimately, by the entire Congress.

Mr. President, to truly appreciate what is contained in this budget resolution, I believe it is appropriate to compare it with the only other major proposal on the table: the budget proposal put forth by President Clinton on February 1.

As mentioned, the first priority that is protected in the Senate budget resolution is Social Security and the annual surpluses it is currently accruing.

As my colleagues are aware, the Social Security surplus was responsible for the unified budget surplus of $70 billion we accrued in FY98. In fact, without the Social Security surplus, the federal government actually ran an on-budget deficit of $29 billion last year.

By the same token, Social Security's surpluses will account for the bulk of our unified budget surpluses in coming years as well. Specifically, over the coming 5 years, Social Security surpluses will total $769 billion and account for 82 percent of CBO's projected unified surpluses—and over 10 years, they will total $1.7 trillion and account for 69 percent of unified surpluses.

To protect Social Security's surpluses, the Senate budget resolution sets the stage for ''lock-box'' legislation that will accomplish what many of us have desired for years: a bonafide means of taking Social Security off-budget. Put simply, this resolution ensures that Social Security surpluses will no longer be raided and used to fund other government programs in any upcoming year. Instead, every dollar of Social Security's current and projected surpluses will be set aside and used to bury-down publicly held debt.

In contrast, President Clinton's budget offers no protection for the Social Security surplus and, in fact, would spend it on other federal programs in upcoming years.

Specifically, as the chart behind me indicates over the coming five years, the President proposes we take a $158 billion ''bite'' out of Social Security surpluses and spend these monies on other federal programs. That means that, under the President's budget, fully 21 percent of Social Security's upcoming surpluses would be spent on other programs over the next five years.

Although the President has proposed that we spend a portion of the Social Security surplus on other programs, I was pleased that an overwhelming majority of my Democratic colleagues on the Senate Budget Committee voted for an amendment I offered during markup that rejected the President's proposed use of Social Security's surpluses.

Specifically, my amendment outlined that fact that the President's budget would spend $40 billion of the Social Security surplus in FY2000; $41 billion in FY01; $24 billion in FY02; $34 billion in FY03; and $20 billion in FY04. Furthermore, the amendment called on Congress to reject any budget proposal that spent Social Security surplus monies on other federal programs. Appropriately, after my amendment was adopted by a vote of 21 to 1, the President's budget proposal—which spends Social Security's surplus monies—was unanimously rejected by the Committee when offered as an amendment later in the markup.

Mr. President, not only does the President's budget propose that we spend Social Security's money at the same time as he expresses a desire to save the program, but he also fails to achieve the goals he laid out in the State of the Union address regarding the utilization of the unified surplus.

First, it's worth nothing that—based on that goals he laid out in the State of the Union address—the President apparently double-counts the surplus and proposes that we spend 151 percent of the surplus over the coming 15 years! That's 51 percent than you or I could spend, Mr. President, and 51 percent more than would ever exist.

The next chart—taken from the February 1 article in Newsweek—shows how this ''double counting'' would occur. As you can see, the President proposed that we spend $500 billion for the new Universal Savings Accounts, $500 billion for other federal spending, $700 billion for Medicare, and $2.8 trillion for Social Security. In total, these

five items would run $4.5 trillion—the total projected surplus over the 15 year period.

However, what the President forgot to mention is that $2.3 trillion of this amount is already Social Security's money because it is the total of the annual Social Security surpluses that will accrue over the coming 15 years. As a result, the true total of the Clinton proposals would be $6.8 trillion—which is $2.3 trillion more than the surpluses we would accrue over the same period of time!

Setting aside the questionable math of the President's proposals, it's also worth noting that there is a significant difference between how the President portrays his proposals, and what they actually accomplish.

Specifically, as my next chart indicates, there is a gap between the ''rhetoric'' and the ''reality'' of the President's plan. In fact, in light of this gap, I believe the President's budget should have earned an Oscar for ''Best Actor'' during Sunday's Academy Award presentation!

As we can see on this chart, the President claimed that his budget would give 62 percent of the unified surplus to Social Security, 15 percent to Medicare, 12 percent to new Universal Savings Accounts (USAs), and 11 percent to new spending.

However, in reviewing CBO's analysis of the President's budget—and by removing the rhetoric from the various proposals and identifying them for what they truly are—it's clear that the ''reality'' of the President's budget is far different from how it has been presented.

Specifically, instead of devoting a combined 77 percent of the unified surplus to Medicare and Social Security—65 percent to Social Security and 12 percent to Medicare respectively—the truth of the matter is that the President is simply proposing that we artificially increase the number of IOUs held by the Social Security and Medicare Trust Funds.

Furthermore, we find that the President's goal to set-aside 77 percent of the unified surplus will not even be met. Specifically, over the coming five years, only 65 percent of the unified surplus would be set aside—and that is only achieved if we assume that the President's proposal to have Social Security monies invested in the stock market is ultimately used for the same purpose.

Also, the new Universal Savings Accounts (USAs) proposed by the President are just another name for a tax cut—and would utilize 11 percent of the surplus accordingly. As I mentioned earlier, I believe reducing the marriage penalty should be the top priority of any tax cut package, and already had an amendment included in the budget resolution accordingly.

Finally, over the coming five years, the President would actually spend 24 percent of the surplus on other federal programs—far above the 11 percent target that he laid out to the American people.

Mr. President, as mentioned, for all the talk about devoting 62 percent of the surplus to Social Security and 15 percent to Medicare, the President really is proposing that we simply increase the number of IOUs held by the Social Security and Medicare Trust Funds to make them more solvent on paper.

Not only does this accounting scheme give the false impression that saving these critically needed programs can occur without lifting a ''fiscal finger,'' but it could also lead to a false sense of complacency that will lead to true reforms being put off until it's too late. If that happens, the changes that will need to be made to these programs will need to be draconian—and all because we chose to give the public the false belief that nothing needed to be done to legitimately strengthen these programs today.

Of note, the President's own budget highlights the futility of simply increasing trust fund balances without true reforms, and discredits his accounting scheme accordingly. On page 337 of the President's ''Analytical Perspectives'' book for the FY 2000 budget, we read

> (Trust Fund) balances are available to finance future benefit payments and other trust fund expenditures—but only in a bookkeeping sense . . . They do not consist of real economic assets that can be drawn down in the future to fund benefits. Instead, they are claims on the Treasury that, when redeemed, will have to be financed by raising taxes, borrowing from the public, or reducing benefits or other expenditures. The existence of large trust fund balances, therefore, does not, by itself, have any impact on the Government's ability to pay benefits.

So, what does this mean? In a nutshell, the President isn't putting a penny of real money into these programs—he's simply increasing the number of IOUs held by the Trust Funds and hoping that someone figures out how to pay them back with real money in the future. There's absolutely no commitment of a single dollar from the surplus to these programs today.

As I said during the Budget Committee markup this past week, the President should win a Pulitzer prize for fiction by claiming that this plan somehow ''saves'' Medicare!

In contrast, the Senate budget resolution contains a mechanism and money to truly strengthen and improve Medicare. Specifically, an amendment I offered during the Committee markup—that was subsequently adopted by a bipartisan vote of 21 to 1—would allow a portion of remaining on-budget surpluses to be used for the creation of a new Medicare prescription drug benefit. As my colleagues are aware, the need for such a benefit was one of the key sticking points in the discussions of the Bipartisan Medicare Commission—so my provision ensures that this critically needed benefit can be funded.

Yet even as it allows for the creation of a new prescription drug benefit, it also will encourage the development of a comprehensive plan to truly save Medicare without accounting gimmicks. Specifically, to access the on-budget surplus to pay for this new benefit, my provision requires that the Senate consider legislation that will ''significantly increase the solvency'' of the Medicare Trust Fund without artificially extending it in the manner prescribed by the President. While this provision in no way endorses one type of reform over another, it provides tantalizing ''carrot'' for Congress and the President if they are willing to sit down and legitimately work to strengthen Medicare.

Mr. President, now that we've separated the rhetoric from the reality of the President's budget, it's possible to do an honest comparison of the President's budget proposal and the Senate budget resolution we are now considering.

As my next chart indicates, the Senate budget resolution handily beats the President's budget at reducing publicly-held debt over the coming five years. In fact, by walling-off the Social Security surplus, the Republican plan would ensure that 82 percent of the unified surplus is used for debt reduction, versus 65 percent in the President's plan.

Why is the President's debt reduction so much lower? In a nutshell, because of the magnitude of his new spending proposals. While the Senate budget resolution exercises fiscal austerity by only using 18 percent of the surplus over the next five years for purposes other than debt reduction, the President uses 35 percent of the surplus for other purposes—the vast majority of which is increased spending.

Mr. President, the bottom line is that whether you compare these budgets based on reality or on rhetoric, the Senate budget resolution is superior to the Clinton plan, especially in terms of protecting Social Security's money.

As a result, I hope that the partisan attacks against the Senate budget resolution will end.

Mr. President, by maintaining fiscal discipline, protecting Social Security surpluses, buying down debt, providing funds for a Medicare prescription drug benefit, and enhancing funding for shared priorities such as education, I believe the Senate budget resolution deserves strong support by the full Senate.

Ultimately, while members from either side of the aisle may disagree with specific provisions in the resolution that has been crafted, the simple fact is that this is a budget framework—or ''blueprint''—that establishes parameters and priorities, but is not the final word on these individual decisions. Rather, specific spending and tax decisions will initially be made in the Appropriations and Finance Committees, and ultimately by members on the floor.

Therefore, I am hopeful that amendments offered to this framework do not

harm the broad and reasoned parameters that have been set, and that keep in mind that—unlike the President's proposal—the budget resolution should not be about rhetoric, but about fiscal reality.

AMENDMENT NO. 169

Mrs. FEINSTEIN. Mr. President, this is a sense of the Senate amendment to make room in the FY 2000 budget for remedial education funds for schools to end social promotion.

My amendment would assume enactment of legislation or competitive grants to school districts to help provide remedial education, after school and summer school courses for needy and low-performing students who are not making passing grades.

The purpose is to provide federal incentives and federal help to school districts that abolish and do not allow social promotion and provide interventions to help students meet state achievement standards in the core curriculum.

This amendment seeks the endorsement of the Senate for providing remedial education that help students meet achievement standards and help school systems end social promotion.

THE PROBLEM

Why do we need this amendment? In short, our students are failing.

I truly believe that the linchpin to education reform is the elimination of the path of least resistance whereby students who are failing are simply promoted to the next grade in hopes that somehow they will learn, by virtue of sitting in the classroom.

To promote youngsters when they are failing to learn has produced a generation of young people who cannot read or write, count change in their pockets or fill out an employment application. It has been called ''educational malpractice.'' It is inexcusable for our education system to hand out a high school diploma to a youngster who does not have the skills to get a job.

It is that bad. And California is just about the worst.

On March 5, we received the bad news that California ranked second to last among 39 states in fourth-grade reading skills.

This report by the National Assessment of Educational Progress, also showed that in California:

Eighty percent of fourth-graders are ''not proficient readers,'' meaning they do not have a solid command of challenging reading materials.

Fifty-two percent of the fourth-graders scored below the basic level, meaning they had failed to even partially master basic skills.

The news was not must better for California eighth-graders who ranked 33rd out of 36 states and only 22 percent were proficient readers.

In a December 1998 study by the Education Trust, California ranked: last in the percent of young adults with a high school diploma; 37th in SAT scores; and 31st (of 41 states) in 8th grade math.

And nearly half of all students entering the California State University system require remedial classes in math or English or both.

U.S. STUDENTS LAGGING AS WELL

The news is grim throughout the United States, where students are falling behind their international peers:

The lowest 25 percent of Japanese and South Korean 8th graders outperform the average American student (source: Organization for Economic Cooperation and Development study, November 1998).

In math and science, U.S. 12th grade students fell far behind their counterparts, which is especially troubling when we consider the skills that will be required to stay ahead in the 21st Century. (Source: Third International Mathematics and Science Study, 1998).

Specifically, U.S. 12th graders:

Were significantly outperformed by 14 countries and only performed better than students in Cyprus and South Africa.

Scored last in physics and next to last in math.

WHAT IS SOCIAL PROMOTION?

Social promotion is the practice of schools' advancing a student from one grade to the next regardless of the student's academic achievement.

It is time to end social promotion, a practice which misleads our students, their parents and the public.

And apparently, the American Federation of Teachers agrees. Let me quote from their September 1997 study:

> Social promotion is an insidious practice that hides school failure and creates problems for everybody—for kids, who are deluded into thinking they have learned the skills to be successful or get the message that achievement doesn't count; for teachers who must face students who know that teachers wield no credible authority to demand hard work; for the business community and colleges that must spend millions of dollars on remediation, and for society that must deal with a growing proportion of uneducated citizens, unprepared to contribute productively to the economic and civic life of the nation.

That is well said, from those faced with the problem everyday.

REMEDIAL EDUCATION NEEDED FOR STUDENT ACHIEVEMENT

Merely ending social promotion and holding students in grade will not solve the problem. We cannot just let them languish without direction and without help in a failing system.

Instead, ongoing remedial work, specialized tutoring, after-school programs and summer school all must be used—intensively and consistently.

That is why I am proposing a new federal infusion of funds for remedial education, as embodied in this amendment.

HOW WIDESPREAD IS SOCIAL PROMOTION?

Social promotion is widespread. Although there is no hard data on the extent of social promotion, most authorities, in the schools and out, know it is happening—and in some districts it is standard operating procedure.

In fact, 4 in 10 teachers reported that their schools automatically promote students when they reach the maximum age for their grade level (Source: Los Angeles Times, January 14, 1998).

And the September 1998 American Federation of Teachers study says social promotion is ''rampant.''

This study involved 85 of the nation's 820 largest school districts in 32 states—representing one-third of the nation's public school enrollment. It found most school districts:

Use vague criteria for passing and retaining students.

Lack explicit policies of social promotion, but have an implicit practice of social promotion, including a loose and vague criteria for advancing students to the next grade.

View holding students back as a policy of last resort and often put explicit limits on retaining students.

Also, the study found that only 17 states have standards in the four core disciplines (English, math, social studies and science) which are well grounded in content and that are clear enough to be used.

SOCIAL PROMOTION IN CALIFORNIA

In July 1998, I wrote 500 California school districts and asked about their policy on social promotion.

Their responses, which are vague and often misleading, include the following:

Some school districts say they do not have a specific policy.

Some say they simply figure what is ''in the best interest of the student.''

Some say teachers provide recommendations, but final decisions on retention can be overridden by parents.

And some simply promote regardless of failing grades, non-attendance, or virtually anything else.

In short, the policies are all over the place.

SOCIAL PROMOTION IS ENDING IN CALIFORNIA

Last year, in California, the Legislature passed and the Governor signed into law a bill to end social promotion in public education.

This new law requires school districts to identify students who are failing based on their grades or scores on statewide performance tests.

The schools have to hold back the student unless their teachers submit a written finding that the student should be allowed to advance to the next grade.

In such a case, the teacher is required to recommend remediation to get the student to the next level, which could include summer school or after-school instruction.

In one example, the Los Angeles Unified School District is currently working to develop a plan to end social promotion.

The LAUSD Board plans to identify those students who are at risk of flunking and require them to participate in remedial classes.

The alternative curriculum will stress the basics in reading, language arts and math through special after-

school tutoring. The district's plan would take effect in the 1999–2000 school year and target students moving in the third through sixth grades and into the ninth grade.

THE COST OF SOCIAL PROMOTION

Here are some of the painful results of social promotion:

Half of California's students—3 million children—perform below levels considered proficient for their grade level.

One third of college freshmen nationwide take remedial courses in college and three-quarters of all campuses, public and private, offer remediation.

More than two-thirds of students entering California State University campuses in Los Angeles lack the math or English they should have mastered in high school. At some high schools, not one graduate going on to one of Cal State's campuses passed a basic skills test.

And these numbers represent an increase. In the fall of 1998, almost 50 percent of freshmen needed remedial help. In 1997, it was 47 percent, compared to 43 percent in each of the previous three years.

THE PUBLIC RECOGNIZES THE FLAW IN SOCIAL PROMOTION

President Clinton called for ending social promotion in his last two State of the Union speeches. Last year, he said, ''We must also demand greater accountability. When we promote a child from grade to grade who hasn't mastered the work, we don't do that child any favors. It is time to end social promotion in America's schools.''

Seven states have a policy in place that ties promotion to state level standards. They are California, Delaware, Florida, Louisiana, North Carolina, Ohio, and Virginia.

The Chicago Public Schools have ditched social promotion. After their new policy was put in place, in the spring of 1997, over 40,000 students failed tests in the third, sixth and eight and ninth grades and then went to mandatory summer school.

In my own state, the San Diego School Board in February adopted requirements that all students in certain grades must demonstrate grade-level performance.

And they will require all students to earn a C overall grade average and a C grade in core subjects for high school graduation, effectively ending social promotion for certain grades and for high school graduation. For example, San Diego's schools are requiring that eighth graders who do not pass core courses be retained or pass core courses in summer school.

CONCLUSION

A January 1998 poll by Public Agenda asked employers and college professors whether they believe a high school diploma guarantees that a student has mastered basic skills. In this poll, 63 percent of employers and 76 percent of professors said that the diploma is not a guarantee that a graduate can read, write or do basic math.

California employers tell me that many applicants are unprepared for work and they have to provide very basic training to make them employable.

High tech companies say they have to recruit abroad. For example, last year, MCI spent $7.5 million to provide basic skills training.

On December 17, 1998, the California Business for Education Excellence announced that they were organizing a major effort to reform public education.

This group includes the State's major corporations and organizations like the California Business Roundtable, the California Manufacturers Association, and the American Electronics Association, and companies like Hewlett-Packard, IBM, Boeing and Pacific Bell. They had to organize because they see firsthand the results of a lagging school system.

I offer this amendment today to get the Senate, officially, on record, to support the notion that we have to provide our students and teachers the resources they need to help students achieve.

The amendment is not meant as an indictment of our schools and the many able educators who work hard everyday.

This amendment is being offered because we must face up to these deficiencies and do the hard work that reform requires.

We can no longer tolerate doing what is ''politically correct'' or the latest teaching fad. It takes hard, proven, concentrated work by students, teachers, and families. And we have to have the ability to know the difference.

I urge my colleagues to accept this amendment, to give educators the resources they need to help students achieve and to tie federal resources to real results.

Mr. BURNS. I stand in support of the Senate's Concurrent Budget Resolution for Fiscal Year 2000 since I believe it establishes the right priorities and balance for the Federal Government going into the next millennium. It preserves the future retirement and health care for our aging population by ensuring the financial integrity of the Social Security and Medicare Programs. It reduces the financial burden of the Federal Government on American taxpayers by reducing the national debt and returning excess taxes to them. And finally it limits the growth of the Federal Government by adhering to the statutory spending caps agreed to between Congress and the President in 1997.

Saving Social Security is not a partisan issue. Principles, not politics should guide us when it comes to providing for our senior citizens who have been our guide through life thus far. We need to fix this program not only for our parents but also our grandchildren. We need to trust the American people that they can make their own choices on how their retirement will be financed. I believe all Americans should be given the opportunity to invest in a personalized savings account to control their own future. I do not agree that we should mandate the creation of a politically constituted Federal commission to control the investments of Social Security trust funds in the stock markets.

The President's plan doesn't add up. His FY 2000 budget projects a $4.5 trillion surplus over the next 15 years. One half of that $2.3 trillion, is the surplus for the Social Security trust fund. That leaves us with a working surplus of $2.2 trillion. I just don't understand where we come up with the $2.8 trillion for the Social Security trust fund out of this non-Social Security surplus of $2.2 trillion especially after the President proposes to spend $1.7 trillion of the remaining $2.2 working surplus. His plan just doesn't add up. As we say in Montana—looks like it, smells like it, taste like it, glad we didn't step in it.

Medicare is another tricky issue that we need to fix. I want the record to show that Republicans have never proposed cutting Medicare. Rather Republicans have allowed Medicare to grow at twice the rate of inflation. Our FY 2000 Budget Resolution assures that Medicare is fully funded—every dollar that is projected to go to beneficiaries will do so instead of what the President proposes with $9 billion in cuts to Medicare. This means that the Republican plan will continue to preserve Medicare for our seniors in this FY 2000 Budget Resolution.

In the State of the Union, the President proposed that $1 out of every $6 of the surplus will be used to guarantee the soundness of Medicare until the year 2020. What he claims actually is to set aside $700 billion—15 percent of the $4.5 trillion total budget surplus of the next fifteen years—and then credit this with another $300 billion in interest payments.

While this sounds attractive, the President doesn't have the money to implement this plan plus his claims are based on IOUs and phony numbers. However, the worst part is that his plan still wouldn't help Medicare.

Since the total Federal budget deficit was eliminated in FY 1998, the FY 2000 Budget Resolution will focus now on eliminating the on-budget deficit in FY 2001—the first time this has occurred since the 1960s. Furthermore, the FY 2000 Budget Resolution will cut the public debt over the next 10 years by 50 percent versus the 20 percent reduction proposed in the President's budget. Correspondingly, Federal interest payments on the national debt will be cut in half—from $229 billion this year to $115 billion in 2009—releasing capital previously set aside to pay for interest on the national debt to more productive private economic activities, such as helping our struggling farmers and ranchers. Also we will not have to make the American public go further into debt. The statutory debt limit for the total government (currently at

$5.95 trillion) will not have to be increased until 2004 as opposed to the President's budget which would have to raise the statutory debt limit as early as 2001.

The FY 2000 Concurrent Budget Resolution further accommodates a tax cut of $15 billion in the first year and $142 billion over the first five years from the non-Social Security surplus. Congress is not only receptive to paying down the national debt, but also to refund excess taxes to the American people.

Let me assure you that the Republican tax cut will have no effect on Social Security or Medicare because they are not funded by general revenues but by dedicated payroll taxes. Also, tax cuts from a surplus discretionary budget have no impact on Social Security or Medicare.

With a budget surplus well over $100 billion, I believe it is arrogant for the Administration to believe it has the best perspective on how to spend the American taxpayers money. Furthermore it is even harder to believe tax increases are justified as the President proposes. Our nonpartisan Congressional Budget Office estimates, under current law, American taxpayers will overpay their taxes by $787 billion over the next 10 years which is the equivalent of $7,000 for every American taxpayer.

However, two areas of importance to me in the Budget Resolution are increased spending for education and agriculture. I support the increase of $47.4 billion over the Senate Budget Committee baseline and by $21.2 billion over the President's request for the next ten years. The FY 2000 Budget Resolution also provides for a $28 billion over five years and an $82 billion over ten years net increase in discretionary spending for elementary and secondary education. Overall discretionary spending for education increases by $2.4 billion in 2000—double the President's request—and $31 billion over the next five years—five times the President's request.

The President's budget for the coming fiscal year contains 66 new programs and $45 billion in tax increases. His budget plans for the next 15 years call for over $500 billion in new spending and not one dollar in non-credit tax cuts.

I am pleased that the FY 2000 Budget Resolution contains a mandatory spending allocation of $6 billion for the next 5 years (FY 2000–2004) based upon legislation proposed by the Committee on Agriculture, Nutrition and Forestry. I am also pleased that the Committee-reported Resolution provides a total of over $4 billion more in budget authority for mandatory programs. Farmers need protection against the weather related and economic losses they have sustained this past year. It is critical that Congress provide adequate Federal funding in the FY 2000 Budget Resolution so the Agriculture Committee can address the severe problems faced by our nation's farmers and ranchers.

Unfortunately, every credible economic forecast indicates the farm economy will recover slowly at best. The Agriculture Committee needs adequate budget authority to develop and strengthen programs which provide production credit, risk management, and economic assistance to farmers and ranchers.

Beyond these concerns, I call upon my colleagues to support the Budget Resolution for FY 2000 to continue the progress Congress has made to strengthen our financial future into the 21st Century.

Thank you Mr. President. I yield the floor.

Mr. FEINGOLD. Mr. President, I rise to offer a few observations on the budget resolution, and on some recent developments that relate closely to our budget position.

In particular, I want to sound a note of caution to my colleagues, and urge that we refrain from basing our budget on the assumption that we will have significant budget surpluses in the near future.

Mr. President, the last six years or so have seen some dramatic improvements in our Federal budget position.

In part, this has been due to some tough budget discipline on the part of the White House and Congress.

In part, it has come as a result of a strong economy, itself the beneficiary of our budget discipline.

In January of 1993, I don't think anyone would have seriously predicted that we would be on the brink not only of balancing the unified budget, but also of eliminating the on-budget deficit, producing a balanced budget without having to rely on the Social Security Trust Fund balances to make up the difference.

Now that we are so close to actually balancing the government's books without using Social Security, some recent developments are all the more troubling to me.

I'll just note a few of them.

Let me begin with last year's half trillion dollar omnibus appropriations bill.

That measure was not only loaded up with special interest provisions, it ended up spending $20 billion over budget by using the emergency spending exceptions to our budget caps.

There were a number of reasons the bill ended up the way it did, and let me say that I hope the biennial budget measure offered by the distinguished Chairman of the Budget Committee (Mr. DOMENICI) can help prevent such situations from arising again.

I served in the Wisconsin State Legislature for 10 years using a biennial approach to budgeting, and I think such a structure at the Federal level might help prevent the kind of last minute omnibus appropriations bill we had last year where abuse of the budget process is almost inevitable.

Mr. President, I had hoped the new Congress would start off on a more fiscally responsible foot after having produced the omnibus appropriations bill last fall.

But I was disappointed that the first major piece of legislation we took up was just more of the same.

The bill that passed the Senate recently, S. 4, was another giant budget buster, providing spending increases of more than $50 billion over the next 10 years without a penny of offsetting savings elsewhere.

And it did so before Congress has had a chance to pass a budget resolution, even before this committee has produced a budget resolution for floor debate.

Mr. President, there was no reason to rush that bill through.

A pay hike for our armed forces would have received solid support as part of an overall budget plan. S. 4 was a politically popular bill, and rightly so.

There are good arguments for providing members of our armed forces and the national guard and reserve a pay hike.

Indeed, I very much want to support a pay hike for them.

But not outside of an overall budget plan, and not in a measure that busts the budget.

Mr. President, this brings me to the President's budget, the budget resolution reported out of the Budget Committee, and the alternative budgets various interests have proposed.

Each of these budget proposals is centered around the use of projected budget surpluses.

Indeed, it is the use of those very surpluses that in a sense defines the goals of these budget proposals, and distinguishes one from another.

Mr. President, as I noted before, we have come a long way in the last 6 years.

We now have the opportunity to achieve a truly balanced budget, one that does not rely on Social Security Trust Fund balances.

We are within striking distance of producing genuine surpluses.

But let me emphasize, we may be within striking distance, but we aren't there yet.

Mr. President, we do not have a budget surplus now, and I am concerned that for several reasons we may not achieve one.

While subsequent estimates may change, the most recent CBO estimates show we do not have a budget surplus this year, and CBO does not project a genuine on-budget surplus of any significant size until FY2002, when a $55 billion on-budget surplus is projected.

Mr. President, even those modest surpluses are based on assumptions that may prove to be overly optimistic.

CBO currently projects non-Social Security surpluses of slightly over $800 billion over the next ten years.

But in making those projections, CBO assumes that total discretionary spending will remain under the caps we agreed to in 1997, and that after 2002,

total discretionary spending will be held to inflationary increases only.

Mr. President, according to the Center for Budget and Policy Priorities, these assumptions mean that discretionary spending over the next 10 years will be $580 billion below current levels in real terms.

Put another way, if we simply held discretionary spending at a level which reflects current services, and adjusted only for inflation, nearly three-quarters of the projected surpluses over the next 10 years will vanish.

Mr. President, some will argue Congress and the White House will hold to the spending caps, and will cut the amount of spending necessary to produce the projected surpluses.

Let me suggest that given the omnibus appropriations bill of last fall, the military pay increase bill of last month, and the desire of so many to focus on the surpluses we hope for, those assumptions about limiting our spending appear to be extremely fragile.

Beyond our ability to live up to the spending and tax assumptions that produce the projected surpluses, we know that projections can change quickly.

Just since last August, the CBO projections for unified budget surpluses over the next 10 years have increased by about $1 trillion—a change that is itself larger than the non-Social Security surplus over that same period.

Estimates that can grow by $1 trillion in a few months can shrink by the same amount just as quickly.

Altogether, Mr. President, the projected surpluses are far from a sure thing, and we should not be writing budgets that commit us to spending and taxing policies that are so utterly dependent on them.

AMENDMENT NO. 211

Mr. HUTCHINSON. Mr. President, I rise today to inform my colleagues about some of my thoughts about Amendment 211 that was authored by my good friend from Pennsylvania, Senator SANTORUM. This Amendment to S. Con. Res. 20, was accepted by the Senate by unanimous consent.

Mr. President, I know that I am not alone in stating that many of us in the Senate believe that, first and foremost, we believe that the Davis-Bacon Act should be repealed. If full repeal is not possible at this time, there are meaningful steps we should take in the meantime to get us to that end.

Mr. President, we must allow widespread use of ''helpers'' on federal construction projects. Considering our nation's changing welfare-to-work environment and with the importance of revitalizing disadvantaged communities, it is particularly critical that the government not limit opportunities for entry-level jobs.

Congress should exempt schools from the outdated rules and restrictions and give local school districts the flexibility to spend resources where they will most effectively meet students' educational needs.

The Davis-Bacon wage process has been shown to be inaccurate, subject to bias, and used as a tool to defraud taxpayers. In March 1997, a DOL Inspector General's report confirmed that 2/3 of the wage surveys were inaccurate. In January 1999, a General Accounting Office report found errors in 70% of the wage forms, and confirmed frequent errors go undetected and the high proportion of erroneous data ''poses a threat to the reliability'' of prevailing wage determinations.

Mr. President, again, I know that I am not the only Senator who would prefer repealing Davis-Bacon, but in light of the spirit of Senator SANTORUM'S Amendment to the FY2000 budget measure, I ask that we at least consider the reform points I outlined above.

VETERANS HEALTH CARE

Mr. JOHNSON. Mr. President, I was pleased that I was able to join with my colleague Mr. WELLSTONE from Minnesota in passing an amendment to the Fiscal Year 2000 budget resolution to increase funding for veterans health care. This amendment will help correct a serious injustice to our nation's veterans that I believe demands urgent attention by Congress and the Clinton Administration.

This will be the fourth consecutive year, that the Clinton Administration has proposed a flat-line appropriation for veterans' health care in its FY 2000 budget request. The VA's budget includes a $17.3 billion appropriation request for the Veterans Health Administration (VHA). Although, the Clinton Administration's request includes allowing the VA to collect approximately $749 million from third-party insurers—$124 million more than in FY 1999, this cap on medical spending places a greater strain on the quality of patient care currently provided in our nation's VA facility, especially when meeting the needs and high health costs of our rapidly aging World War II population.

In a memo to VA Secretary Togo West, Under Secretary for Health Dr. Kenneth Kizer expressed concern that the Administration's FY 2000 requested budget ''poses very serious financial challenges which can only be met if decisive and timely actions are taken.'' He indicates that cuts must be made now to preclude even deeper cuts such as ''mandatory employee furloughs, severe curtailment of services or elimination of programs, and possible unnecessary facility closures.'' Dr. Kizer also states that ''. . . changes are absolutely essential if we are to prepare ourselves for the limitations inherent in the proposed FY 2000 budget.''

I have met with several representatives of South Dakota's veterans' organizations who have expressed their justifiable fears and frustrations that the VA's flat-lined health care budget is causing mandatory reductions in outpatient and inpatient care and VA staff levels. Since 1992, over 150 full-time employees at the Ft. Meade VA facility have been cut do to insufficient budgets. There are legitimate fears in South Dakota that inpatient care will be eliminated from one of our VA facilities if an immediate solution is not found to augment the VA's budget.

Peter Henry, Director of the Ft. Meade/Hot Springs VA facilities has been raiding from other budgets and has been forced to close other services in order to provide health care for veterans in western South Dakota. If the FY 2000 VA budget is not increased, Dr. Henry will soon be forced to reduce inpatient care and could result in possible denial of certain category veterans.

South Dakota's veterans are tired of hearing what the VA cannot do for them. It is time for Congress and the VA to tell veterans ''Yes, we can and will help you.''

Many of South Dakota's 70,000 veterans contend that four years of flat-lined budgets for VA health care has left the system in danger of losing as many as 8,000 employees nationwide, eliminating health care programs and possibly closing VA facilities like the one in Sioux Falls. I have heard from people like Harry VandeMore, a Korean war veteran, who said, ''There was plenty of money to send me to Korea. There was plenty of money for hand grenades, plenty of money for rifle shells. I guess the government would like to throw me out in the weeds. I don't know where I would go for health care [without the VA]. The days of the hospital here in Sioux Falls are numbered if this keeps up.''

Gene Murphy, a former national commander of the Disabled American Veterans and now state adjutant for the South Dakota DAV, feels that ''. . . our government is always happy to send us off to war, but apparently they're not so happy to take care of us when we come back.''

Since I began my service in Congress over twelve years ago, I have held countless meetings, marched in small town Memorial Day parades, and participated in Veterans Day tributes with South Dakota's veterans. As the years go on their concerns remain the same. To ensure that Congress provides the VA with adequate funding to meet the health care needs for all veterans. Without additional funding South Dakota VA facilities will continue to face staff reductions, cutbacks in programs, and possible closing of facilities.

Too often, I have received letters from veterans who must wait up to three months to see a doctor. For many veterans who do not have any other form of health insurance, the VA is the only place they can go to receive medical attention. They were promised medical care when they completed their service and now many veterans are having to jump through hoops just to see a doctor.

Our nation's veterans groups have worked extensively on crafting a sensible budget that will allow the VA to

provide the necessary care to all veterans. They have offered an Independent Budget that calls for an immediate $3 billion increase for VA health care to rectify two current deficiencies in the VA budget. First, the VA has had to reduce expenditures by $1.3 billion due to their flatlined budget at $17.3 billion. These were mandatory reductions in outpatient and inpatient care and VA staff levels that the VA had to make due to their flatlined budget.

The remaining $1.7 billion is needed to keep up with medical inflation, COLAs for VA employees, new medical initiatives that the VA wants to begin (Hepatitis C screenings, emergency care services), long term health care costs, funding for homeless veterans, and treating 54,000 new patients in 89 outpatient clinics.

Mr. President, as a member of the Budget Committee I was encouraged that an additional $1 billion was added for veterans health care. Although this will help relieve some of the VA's budgetary constraints, I believe that more needs to be done. The veterans community has requested that VA health care needs to be augmented by $3 billion to ensure the provision of accessible and high quality services to veterans. That is why I offered an amendment during the Budget Committee mark up of the budget resolution that would have raised VA health care by an additional $2 billion. The nation's top veterans groups (AMVETS, Blinded Veterans Association, Disabled American Veterans, Paralyzed Veterans of America, Veterans of Foreign Wars and Vietnam Veterans of America) voiced their strong support for my amendment in a letter that I shared with members of the Committee. Unfortunately, my amendment failed 11–11.

Therefore, I along with Senator WELLSTONE offered an amendment that once again increased veterans health care by $2 billion. I was pleased that the Senate accepted my amendment by a vote of 99–0. The future of health care for veterans at the Sioux Falls, Hot Springs, and Ft. Meade VA facilities and in VA hospitals across the country will be sustained by this $3 billion total increase for veterans health care. The VA must be provided with every resource to provide quality care for all eligible veterans who walk into a VA facility.

Mr. President, I feel that our VA facilities are on the verge of a catastrophic collapse if we continue to remain idle on this issue. In 1972, the Sioux Falls VA medical facility contained 269 beds for inpatient care. Today, they are down to 44 beds. This is a facility that saw 75,000 people walk through their doors last year. Some veterans have told me that when they go to the VA they see more janitors than nurses. This is unacceptable. If we want to provide care for all eligible veterans who walk into a VA facility Congress needs to act now.

The funding required for this amendment represents a minute fraction of the total federal budget that we are debating here today. However, the funding we set aside to improve accessibility and quality of care within our veterans health care system will provide a tremendous boost for an already stretched and fractured VA medical system.

As we enter the twilight of the Twentieth Century, we can look back at the immense multitude of achievements that led to the ascension of the United States of America as the preeminent nation in modern history. We owe this title as world's greatest superpower in large part to the twenty-five million men and women who served in our armed services and who defended the principles and ideals of our nation.

From the battlefields of Lexington and Concord, to the beaches of Normandy, and to the deserts of the Persian Gulf, our nation's history is replete with men and women who, during the savagery of battle, were willing to forego their own survival not only to protect the lives of their comrades, but because they believed that peace and freedom was too invaluable a right to be vanquished. Americans should never forget our veterans who served our nation with such dedication and patriotism.

Mr. President, I want to thank Senator WELLSTONE and my Senate colleagues for supporting my amendment. Acceptance of my amendment was just one victory in the war to provide decent, affordable health care for South Dakota's veterans. By passing this amendment we live up to our obligation to our nation's veterans and ensure that they are treated with the respect and honor that they so richly deserve.

MEDIA COVERAGE OF FEDERAL COURT PROCEEDINGS

Mr. SCHUMER. Mr. President, I am pleased to join Senator GRASSLEY in introducing this legislation to permit federal trials and appellate proceedings to be televised, at the discretion of the presiding judge.

Former Chief Justice Warren Burger once said of the U.S. Supreme Court, ''A court which is final and unreviewable needs more careful scrutiny than any other. Unreviewable power is the most likely to indulge itself and the least likely to engage in dispassionate self-analysis . . . In a country like ours, no public institution, or the people who operate it, can be above public debate.''

I believe that these words are applicable to the entire federal judiciary. As such, I strongly support giving federal judges discretion to televise the proceedings over which they preside. When the people of this nation watch their government in action, they come to understand how our governing institutions work and equip themselves to hold those institutions accountable for their deeds. If there are flaws in our governing institutions—including our courts—we hide them only at our peril.

The federal courts are lagging behind the state courts on the issue of televising court proceedings. Indeed, 48 out of the 50 states allow cameras in their courtrooms in at least some cases. Moreover, a two-and-a-half year pilot program in which cameras were routinely permitted in six federal district courts and two courts of appeals revealed near universal support for cameras in the courtroom.

Our bill would simply afford federal trial and appellate judges discretion to permit cameras in their courtrooms. It would not require them to do so. Furthermore, to protect the privacy of non-party witnesses, the legislation would give such witnesses the right to have their voices and images obscured during their testimony.

A version of this legislation passed the House in the previous Congress. I eagerly anticipate Senate passage and the day when openness is the norm in our federal courtrooms, not the exception.

Mr. JOHNSON. Mr. President, I oppose the Republican Budget Resolution because it supports the wrong priorities.

1998 was an exceptional year in this country's modern economic history. We enjoyed the first budget surplus in 29 years and the economy exceeded expectations and continued to expand in the face of international instability—unemployment remained low; wages continued to increase; welfare recipients declined; home ownership increased; and interest rates remained low. All of is good news has allowed the White House, the Congress, and the American people to begin debating how to use future surpluses which are projected for the foreseeable future.

As a Member of Congress who arrived in Washington when the annual federal budget deficit was over $220 billion and still growing, I am extremely pleased and a little amazed that we have gotten to where we are today. That said, I think it is extremely important that Congress proceed carefully in the coming years to ensure we make wise choices that will keep this country's budget running in the black for years to come.

Writing the FY 2000 budget is our first test of how we will handle existing and future surpluses to ensure long-term economic growth and stability, and it is a test too important to coming generations for us to fail. I believe that this year's budget resolution should follow four principles: first, we must save Social Security and Medicare; second, we should pay down the national debt; third, we should support targeted tax relief to low and middle-income Americans; and finally, we should identify and support critically needed discretionary priorities.

Unfortunately, the Republican Budget Resolution doesn't follow these principles, which I believe are critical to balancing the many pressing needs of this nation. First, the Republican Budget Resolution does nothing to preserve Medicare. Second, while I support targeted tax cuts, I cannot support the

use of essentially all future on-budget surpluses for tax cuts at the expense of Medicare solvency and other critical discretionary investments such as veterans health care. Third, the Republican budget resolution reduces non-defense discretionary spending by $20 billion in FY 2000. Finally, while the resolution increases funding for some programs and protects others from cuts, the bottom line is that discretional programs such as agriculture, head start, law enforcement, and many other critically important programs could be cut by more than 12% under the Republican Budget Resolution. I support preserving the discretionary caps and acknowledge that the caps force many tough decisions on decisions on discretionary spending priorities. However, I firmly believe that we can do a better job of balancing discretionary priorities than what is included in the Republican Budget Resolution.

AMENDMENT NO. 197

Mr. LIEBERMAN. Mr. President, I rise today to offer a Sense of the Senate resolution as an amendment to the Budget Resolution. I am pleased to be joined in this endeavor by Senators SANTORUM, BINGAMAN, and ABRAHAM. As my colleagues know, saving is empowering. It allow families to weather the bad times, to live without aid, and to deal with emergencies. But more than just being a safety net, savings offer families a ladder up. That is because saving is the first step towards developing assets. And assets beget assets. Having them can actually change a family's economic station and set a better course for generations to come.

Yet, despite our booming economy we know that fully a third of all American households have no financial assets to speak of. For those with children the outlook is even worse. Almost half of all American children live in households that have no financial assets. This, in my view, is an untenable situation that should be changed.

Mr. President, we in the Senate have produced some innovative legislation in recent years that are designed to encourage Americans to build assets for retirement. That is due in no small part to the leadership of Senator ROTH and Senator MOYNIHAN; Senate leaders who understand the importance of savings. However, I believe that we have been remiss in neglecting the American that assets can benefit the most: the working poor. They need to build assets not just for retirement, but also for the betterment of their lives and those of their children.

So Mr. President I, along with my distinguished colleagues offer this Sense of the Senate. It simply says that the tax laws should encourage low-income workers and their families to build assets. Similar language was offered by Representative THOMPSON, and passed unanimously in the House Budget Committee mark-up. I hope that this resolution will also be accepted here unanimously. Thank you and I cede the remainder of my time.

AMENDMENT NO. 224

Mr. ASHCROFT. Mr. President, I rise today to pose a question to my colleague, Mr. BAUCUS. I would like to thank my colleague, Mr. BAUCUS for working with me on our amendment concerning Korea's compliance with their trade agreements. For our beef and pork producers, this couldn't come at more pressing time. Particularly since the South Korean Government reportedly has been subsidizing its pork exports to Japan and these subsidies are hindering U.S. pork producers from capturing their full potential in the Japanese market.

However, I would like to take a moment to pose a question to Mr. BAUCUS in order to clarify paragraph (4). My question is what kind of report do we intend to request? And how shall we define what ''resources'' shall be reported upon?

Mr. BAUCUS. I thank you for working with me on this measure and agree with you that it is critical that South Korea live up to its trade agreements concerning beef and pork. For that reason, I agree that we should clarify the implications of paragraph (4). In answer to your questions, I would respond that reporting to Congress is meant to say that any reporting will: be in verbal form. And, second, that reports on resources used to stabilize the South Korean market will be provided by the Department of Treasury and the Department of Agriculture as appropriate.

Mr. ASHCROFT. I concur with your suggestions and urge all of my colleagues to support the measure as defined.

Mr. ABRAHAM. Mr. President, I am joined today by Senator CRAPO in offering a Sense of the Senate amendment rejecting a new tax proposed by the Clinton Administration. I am very pleased that this amendment has been cleared on both sides of the aisle and will be accepted by the full United States Senate. This unanimous voice vote for the Abraham-Crapo amendment demonstrates beyond shadow of a doubt that this association tax increase proposal is dead on arrival here in the United States Senate.

As part of the Administration's fiscal year 2000 budget proposal, this tax would be levied on the investment income earned by non-profit trade associations and professional societies. This proposal, which would tax any income earned through interest, dividends, capital gains, rents and royalties in excess of $10,000, imposes a tremendous burden on thousands of small and mid-sized trade associations and professional societies currently exempt under 501(c)(6) of the Internal Revenue Code.

The Administration would like us to believe that this tax is targeted to a few large associations, affecting only those ''lobbying organizations'' which exist as tax shelters for members and to further the goals of special interests. Mr. President, nothing could be further from the truth.

This new tax would affect an estimated 70,000 registered trade associations and professional societies. The bulk of these associations operate at a state and local level, many of whom perform little, if any, lobbying function. In fact, associations rely on investment income to perform such vital services as education, training, standard setting, industry safety, research and statistical data, and community outreach. Through association organized volunteer programs, Americans contribute more than 173 million volunteer hours per year, at a value estimated at over $2 billion annually.

These organizations already contribute millions in taxes for any activities which place them in competition with for-profit businesses. Yet the Administration would like to impose a new tax on income earned outside of the competitive business environment, income which is used to fund functions serving the public welfare. Unlike for-profit corporations, investment income does not go to shareholders, individuals, or other companies. Associations do not have the liberty of simply raising prices, as do ordinary corporations, to cover increased costs.

Mr. President, faced with an additional increase in taxes of $1.44 billion over the next five years, many trade associations will be forced to cut back on important services, and some may not survive an economic downturn without the small cushion their investments provide. Without such services provided by associations, the government will be forced to step in, increasing expenditures and creating additional government programs and departments.

During a time when the government is projecting on-budget tax surpluses of more than $800 billion over the next 10 years, it is unconscionable that we allow the Administration to levy a new tax on these non-profit organizations.

Mr. President, in summary, the unanimous vote puts the entire Senate on record as rejecting this misguided tax increase on trade associations. Should this association tax proposal surface as a part of—or as an amendment to—tax reduction legislation reported by the Senate Finance Committee later this year, I will fight to ensure that the Senate adheres to the vote that we have taken today expressing the Sense of the Senate that it ought to be rejected outright.

Mr. ROBB. Mr. President, this is the third time this year that I've come to the floor to express my strong support to help states and localities build and repair our children's schools. I am concerned that this budget resolution, which often serves as our roadmap throughout the appropriations process, does not adequately take into account the urgent need that school districts are facing throughout the country. Not only do we have old schools in desperate need of repair, we also have a growing student population. States and localities simply cannot keep up with

their school construction and repair needs. They cannot pay for major infrastructure projects without our help.

Mr. President, this is what we know. We know that the average school building in the country is 50 years old. We know that GAO estimates that we need $112 billion just to repair old buildings to make them safe. And Mr. President, we know that over the last ten years, public school enrollment has increased 16.4% and that GAO estimates that it will cost an additional $73 billion to build the new schools we need to accommodate this surge in enrollment.

Mr. President, in Virginia, there are over 3,000 trailers in use. These trailers are not wired to the Internet; they're not even wired to their own schools network. Over the last two years, 38% of our school districts have been forced to close at least one building in each district due to facility-related problems. The most commonly reported problem was the insufficiency of air-conditioning and ventilation. In fact, our students have lost 38 days of instructional time—that's seven weeks—because of problems with the air conditioning.

But these problems are not unique to Virginia. School infrastructure problems exist everywhere. In Alabama, it is reported that the roof of an elementary school collapsed just after the children had left for the day. In Chicago, teachers place cheesecloth over air vents to filter out lead-based paint flecks from getting into their classrooms. In Ohio, there are even some children who use outhouses instead of modern-day restrooms. Roughly forty percent of New Mexico schools have inadequate electrical wiring, and fifty percent of Delaware schools report inadequate plumbing systems.

The list goes on and on.

Developing a budget is about setting priorities. I have long believed that we have three basic priorities which should come before all others: we should provide for our citizens a strong national defense, we should provide quality education for our children, and we should not pass on debt to the next generation.

When we consider the federal role in education, we should focus on helping states and localities to meet their pressing needs. And Mr. President we have pressing needs when it comes to the condition of our schools. It is a pressing need when we see children fainting in school because the building has no air conditioning. It is a pressing need when we see a child attending class in a trailer. It is a pressing need when we see leaky, unsafe roofs. I don't believe that any parent would deny that their children's needs come first.

We should not procrastinate in finding a solution to this problem. This amendment is broadly worded. It doesn't target the money to any particular population. It doesn't impede stats' efforts to begin their construction projects. Where there are disagreements on how to allocate federal funds to the states, or whether or not to target a certain portion of those funds, or whether to have more private sector involvement, or what amount of federal dollars we can afford, let's talk about those issues. But let's at least agree that we in Congress do have an important role to play. This amendment is merely an attempt to determine whether this Congress is going to recognize our national school construction crisis. Our states and localities have recognized the crisis and are reaching out for our help.

Mr. President, last session Congress recognized another infrastructure need—our national transportation need—and appropriated $216 billion for roads and transit projects. If we can recognize this national need, come together on a bipartisan basis, and pass legislation to build roads, surely we can come together to build schools. Schools are more than just classrooms, they're community centers. Schools provide more than just classroom instruction, they provide the keys to the future.

Mr. President, this amendment is a starting point. Let's at least send the right message to this Nation: that we see the leaking roofs, that we see the cracked walls, that we see all the trailers—and that we are willing to help.

I thank my friends, Senator LAUTENBERG and Senator HARKIN, and all those who have co-sponsored this amendment and I urge its adoption. With that, Mr. President, I yield the floor.

Ms. COLLINS. Mr. President, I rise on behalf of Senator GREGG and myself to offer a Sense of the Senate Amendment to reaffirm the commitment of the United States government to make good on the promise it made in 1975 to fund special education and to reject the President's efforts to undermine this commitment.

When Congress passed the Individuals with Disabilities Education Act in 1975, the federal government promised states and local school districts that Washington would help them meet the cost of educating students with special needs. The federal government pledged to pay 40 percent of the average cost of providing elementary and secondary education for each student receiving special education. Unfortunately, the federal government has failed to meet this obligation, creating an unfunded mandate that must be borne by every state and community in America.

Due to the efforts of Senator GREGG and others, we are making progress. The appropriation for Fiscal Year 1999 contained a 13 percent increase in special education funding. As the Table behind me shows, the Budget Resolution before the Senate increases funding for K–12 education by $27.5 billion more than the President's budget over the next five years. This includes an increase of $2.5 billion dollars for special education over the next five years.

We must not retreat from our commitment to fund special education, as the President's budget proposes to do. This Sense of the Senate resolution will make clear that we reject the President's flat funding of special education grants to the states. Instead, it expresses the Senate's intention to fulfill the pledge made years ago.

What would this mean for our states and local school districts? Let's take my home State of Maine as an example. In the 1997–1998 school year, the total cost of special education was $189 million dollars. The Individuals with Disabilities Act promised Maine $2,318 per student receiving special education services, but the federal government only sent the states slightly more than $535 per student—which means that Maine received $57 million dollars less than what had been promised.

For the current school year, the increased appropriation for special education brings the federal payment to $638 per student but still leaves a shortfall that exceeds $55 million. The President's budget proposal for fiscal year 2000, however, reverses this progress and allows the federal shortfall in Maine alone to grow to almost $59 million. According the U.S. Department of Education, the unmet mandate will reach over $11 billion nationally. We can not continue to shift this burden to our local communities. We must meet the federal commitment to help pay for special education and end this unfunded mandate.

I want to quote briefly from a letter I received last week from the Governor of Maine. In the letter, Governor Angus King describes the consequence of this mandate on Maine's communities.

> The costs of special education (in Maine) . . . continue to grow dramatically, at nearly twice the rate of increase in overall education spending. The federal mandate to provide all children with a free and appropriate education is being met, but the rising costs of special education are borne by local property taxpayers. The fiscal pain of meeting this mandate is dividing our communities around an issue on which we should be united—helping every child meet this or her full potential, without regard to disability.

In Maine, meeting this mandate accounts for millions of dollars annually, dollars that otherwise could be used for school construction, teacher salaries, new computers, or any other state effort to improve the performance of our students.

We need to increase federal spending on education, but we do not need new federal categorical programs with more federal regulations and dollars wasted on administrative costs. Rather we need to meet our commitment to bear our fair share of special education costs. As Governor King told President Clinton several weeks ago, ''If you want to do something for schools in Maine, then fund special education and we can hire our own teachers and build our own schools.'' This is true for every state. The best thing this Congress can do for education is to move toward fully funding, the federal government's share of special education—not standing in place as the President's budget would have us do.

I urge my colleagues to support this commitment to give our states and local communities the financial help they have been promised and so desperately need. Let's finally keep the promise made more than 20 years ago.

Mr. SNOWE. I support the Chafee amendment that assumes funding of $200 million specifically for the stateside program of the Land and Water Conservation Fund to come out of Function 370. It is my understanding that no specific program in Function 370 has been designated as an offset for the Chafee amendment. The ultimate funding decision of course rests with the appropriators, but I wanted to take this opportunity to cast my support for funds for the LWCF stateside program, which has not received any funding since 1995.

Up until 1995, LWCF stateside program funds were used in my state to assist communities for planning, acquiring and developing outdoor recreation facilities that would not otherwise have been affordable, especially in the smaller communities in Maine.

The LWCF stateside program has funded such local projects in Maine as the community playground in Durham, the Mt. Apatite trails in Auburn, the Dionne Park Playground in Madawaska, the East-West Aroostook Valley trail in Caribou, the Williams Wading Pool in Augusta, multi-purpose fields in St. George, Hampden, Buxton, Calais, and Bradford, the skating rink in Bucksport, and wharf rehabilitation in Greenville.

By leveraging state dollars with critical LWCF stateside funds, Maine's communities have been able to enjoy recreational facilities such as neighborhood parks, swimming pools, and ball fields, and also have had the opportunity to conserve certain highly valued lands that the citizens of the state wish to save for outdoor recreational activities for themselves and for generations to come.

I thank the Chair.

Mr. JEFFORDS. Mr. President, I am proud to stand with my colleague from Maine in offering this important amendment to the Budget Resolution. Senator COLLINS has been a leader in the area of higher education and she has contributed a great deal as a member of the Health, Education and Labor and Pensions Committee.

Last year, the Health, Education, Labor, and Pensions Committee reported and Congress passed the Higher Education Amendments of 1998. We adopted the conference report to accompany that bill by overwhelming, bipartisan vote of 96–0. Throughout the process, we were determined to craft legislation that offered students more opportunities. We kept our sights clearly focused on the goal of increasing educational opportunities for all our nation's students.

We achieved our goal and as a result, students will receive significant benefits from the passage of that legislation. They will benefit from the lowest interest rate in 17 years on their new student loans. They will benefit from strengthened and improved student grant programs and campus based programs. They will benefit from the creation of a performance based organization housed in the Department of Education which will vastly improve the delivery of student financial aid. More of our nation's aspiring students will be prepared for and able to pursue higher education because of programs like TRIO and GEAR UP. Clearly, that bill went far in opening the door to all who dream of pursuing higher education.

We have an opportunity today to take another step forward in meeting the goals that we set out in the Higher Education Amendments of 1998.

The Sense of Senate offered by Senator COLLINS, myself and others follows the blueprint that we laid out during reauthorization and encourages the Appropriations Committee to increase funding for some of the most critical programs designed to help our neediest students succeed at the undergraduate level.

Earlier this year I called for a $400 increase in the maximum Pell grant. The importance of this program cannot be overstated—it is the cornerstone of our federal investment in need-based grant aid. It has helped millions of young people obtain a degree. The Pell grant has made a positive difference in the lives of individual students who received it and it is has made a positive difference in the well being of our nation. Thanks to the Pell grant, more Americans have received a post secondary degree, the knowledge base of our nation has been expanded and the earnings base of our nation has increased.

This Sense of the Senate also calls on Congress to increase funds for other programs that have as their goal increasing access to post secondary study for our nation's neediest students. The SEOG program, Perkins Loans, LEAP, Federal Work Study and TRIO all are targeted to provide additional assistance, both financial and educational, to students who really need it the most. These funds often times make the difference for a student between making it through school or dropping out. Therefore, our efforts today in support of these programs are critical.

We are pleased to have the support of nearly all the major higher education groups on this amendment. These organizations represent the students and institutions and they have a deep, first-hand understanding of how important this federal investment is to today's undergraduate students.

I applaud my colleague from Maine, Ms. COLLINS for her contributions to the Higher Education Amendments of 1998 and for the effort she is making today.

I urge all of my colleagues to support this amendment.

Mr. DEWINE. Mr. President, I am pleased to join with my distinguished colleague from New Mexico, Senator BINGAMAN, to introduce this amendment, which would once again put this Senate on record in support of restoring our nation's military science and technology base. Specifically, our amendment expresses the Sense of the Senate that the budgetary levels for the Defense Science and Technology program should be consistent with the 2% real increases in the budget request called for by Congress in last year's Defense Authorization Act.

Without question, our nation has built the most technologically superior military force in the history of mankind. During our recent demonstration of resolve against Saddam Hussein, the men and women who participated in Operation Desert Fox were virtually untouchable. The results of their efforts were amazing: we attacked over 100 separate targets in an effort to degrade Saddam Hussein's military infrastructure. We totally destroyed 85 percent of these targets, and partially damaged the remainder, all without so much as a scratched airplane.

Why are our aircraft so overwhelmingly dominant and untouchable on the battlefield? The answer: the Air Force made an investment many years ago in science and technology research and we are now reaping the returns of that investment.

Unfortunately, in recent years, the Air Force, as well as our other service branches, have made significant reductions in its investment in scientific research which may cast a long, dark shadow on the success of tomorrow's military. Over the last 10 years, the Air Force, for example, has reduced the S&T workforce by 2,375 people. A large number of these talented individuals came from Wright-Patterson Air Force Base in Dayton, Ohio. And unless we in Congress take action, Wright-Patterson and other similar bases across our country will continue to lose this unrivaled expertise.

Mr. President, this should be of great concern to all of us. Continued investment in Defense S&T research is crucial if we are to meet the challenges ahead. Yes, our nation's central security concern of the past half century—the threat of communist expansion—is gone. However, the world is far from being a safe place. Every day, our nation faces more and more diverse and complex challenges—as highlighted by recent events in the Middle East, Kosovo, international terrorism, proliferation of weapons of mass destruction and the means to deliver them, and the flooding of illegal drugs into our country. These threats to stability and security require an enduring commitment to diplomatic engagement and military readiness. In both instances, science and technology research plays a critical role.

Today we lead the world in virtually every measure of technological development, but we can't rest on our recent successes. To remain the best we have to continue to offer the best technology and employ the best scientists,

engineers, technicians, and innovators. The brave men and women of tomorrow's military will have to fight with the technology we invest in today—what we do today will have a direct impact on our success tomorrow.

Since the founding of our great nation, scientific discovery and technological innovation have advanced our military capabilities and economic prosperity, ensuring the United States' position as a world leader. I must confess a great deal of personal pride in the dedicated men and women at Wright-Patterson Air Force Base—the Defense Department's largest research site—who play no small part in this endeavor.

Wright-Patterson, founded in 1917 and formerly known as McCook Field, has given the nation technological advancements too numerous to count. These include advanced lightweight aerodynamic designs, advanced jet engines, hypersonic lifting bodies, development of the first ''smart weapons,'' and many, many others.

It is doubtful we will see that kind of achievement in the near future. My colleagues and I are here offering this amendment because we are very concerned that the proposed level of funding for Defense S&T programs for next year is nearly $400 million below the level Congress provided this year.

I am very troubled about the Air Force's proposal to use Air Force S&T resources to fund the Space Based Laser and Discoverer II (space-based radar) program beginning in FY 2000. It is our understanding that these previously non-S&T programs were inserted into the FY 2000 Air Force late in the budget process, while providing no additional funding to cover the costs of current S&T programs. This represents a significant reduction in our Air Force S&T investment in FY 2000 and the outyears, and unless Congress acts, will result in drastic cuts in critical Air Force research programs, severe reductions in force, and weaken our overall Air Force technology base. In fact, earlier this month, the Air Force Research Laboratory at Wright-Patterson Air Force Base (WPAFB) announced it would lose 163 civilian positions as a result of the Air Force's proposed FY 2000 S&T budget.

Now that Congress has agreed to address emerging readiness issues and increase our investment in our national defense, our long term readiness requires Congress to reverse the dangerous decline in S&T funding. Last year, Congress recognized this downward trend in our S&T investments and passed legislation that called for an increase in the budget for Defense S&T programs in all the Services by at least two percent above the rate of inflation for each year for the next nine years.

Rebuilding Defense S&T is more than in investment in programs, but in people as well. Simply restoring funding for S&T will not automatically bring that lost expertise back. It has to be built up over time. In order to take advantage of next generation technology, we need to begin recruiting the next generation of innovators.

For these reasons, it's important that we pass a long-term budget plan that is consistent with the goal we set last year to rebuild our Defense S&T programs and personnel. We can start that effort by passing the amendment offered by the Senator from New Mexico. If we abide by the commitment embodied in this amendment, we will give tomorrow's military the tools it needs to ensure our national security needs are met. In addition, by investing in highly qualified personnel, we are making it possible to devote the best minds toward developing the best technology. We must invest now so our children can enjoy the peace and prosperity that comes with being second to none in military technological superiority.

I thank the Chair.

Mr. FITZGERALD. Mr. President, I rise today to introduce a sense of the Senate amendment to the budget resolution, S. Con. Res. 20.

As we prepare to work on this year's federal budget, everyone seems to be talking about what we should and should not do with the Social Security trust funds. There is a growing understanding that the federal government mixes the revenues of the Social Security trust fund in with the revenues of the general fund in order to cover-up continuing annual deficits. What many people may not know is that the government does the same thing with over 150 other trust funds, mixing them all in with the general fund.

The ''surpluses'' now being talked about are entirely fictitious, the result of misleading and deceptive accounting practices. The ''surpluses'' disappear once borrowing from the Social Security trust funds ($121.9 billion in the current fiscal year) and borrowing from all other trust funds ($67.9 billion in the current fiscal year) are subtracted. That's why the national debt will rise by $395.6 billion between FY 1998 and FY 2004.

I believe it is wrong for our government to use deceptive accounting practices. I believe it is wrong to encourage the perception that we are running annual surpluses, when in fact we are continuing to run annual deficits and continuing to add to the national debt. Anyone in the private sector who engaged in similar practices would, by our own laws, be subjected to prosecution and imprisonment. Why do we allow the government to use accounting shell games that would be illegal anywhere else?

To provide a more accurate picture of our country's financial situation to the American people, I have this amendment to the Budget Resolution. This Sense of the Senate amendment states that the Office of Management and Budget and the Congressional Budget Office should separate the revenues of all government trust funds from the general fund and report the budget deficit or surplus when all trust funds are excluded.

This is an incremental first step toward changing the way Congress and the President budget and spend taxpayer money.

I ask for your support in this effort to provide truthful budget numbers to the American people. This amendment is, in my judgment, completely nonpartisan. It makes no pre-judgments about tax cuts or spending increases. Instead, it simply seeks to expose a deceptive accounting practice long used by our federal government.

Thank you, Mr. President.

Mr. President, I rise to urge the passage of my Sense of the Senate amendment to the budget resolution, S. Con. Res. 20. This amendment will require truth-in-budgeting with respect to the on-budget trust funds.

There is a growing understanding that the federal government mixes the revenues of the Social Security trust fund in with the revenues of the general fund in order to cover-up continuing annual deficits. What many people may not know is that the government does the same thing with over 150 other trust funds, mixing them all in with the general fund.

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Mr. LIEBERMAN. Mr. President, this new era of budget surpluses presents us with a tremendous opportunity to expand our investment in education, particularly our efforts to improve our public schools and raise academic achievement. This opportunity could not come at a better time, given the growing importance of knowledge in this Information Age economy, the

growing concerns parents have about the ability of our schools to adequately prepare America's children for the challenges ahead of them, and the growing interest here in Congress in retooling our Federal education policy this year through the reauthorization of the Elementary and Secondary Education Act.

The budget resolution before us makes an attempt to seize that opportunity providing for a $32 billion increase in elementary and secondary education programs over the next five years. But I am disappointed that the architects of this plan did not go further, that rather than making a dramatic statement about the priority we place on education quality, this resolution instead opts to devote far more resources to broad-based tax cuts. In particular, I am disappointed that, because of this preference for tax cuts, we have failed to fund the President's plan to help local school districts reduce elementary school class sizes by hiring 100,000 new teachers, a plan I am proud to have cosponsored. And I am disappointed that we have failed to fully fund our share of IDEA, to finally meet the pledge Congress made to cover 40 percent of the cost of providing a free and appropriate education to children with special needs. Eliminating this shortfall is by far the top priority of the teachers and principals and administrators in my state of Connecticut, whose budgets are being busted by the spiraling costs of meeting the requirements of IDEA, and who tell us that all children are suffering as a result.

It is my hope that we could rectify this imbalance, which is why I am joining many of my colleagues in cosponsoring an amendment that would significantly strengthen our investment in education. Specifically, it would shift one-fifth of the funding reserved for tax cuts, $156 billion over the next 10 years, into education accounts. This shift would enable us to fully fund the class-size initiative and meet our IDEA obligations, as well as provide additional resources to several important K–12 programs. This amendment is broadly supported by a wide array of education groups, and I believe that it truly reflects the will of the American, people who have repeatedly expressed their preference for using the surplus to lift up our schools over broad-based tax cuts.

I would strongly urge my colleagues on both sides of the aisle to support this amendment and send a clear signal to the American people about the priorities of this Congress, about our willingness to seize the unique opportunity this new budget environment affords to invest in our children's future.

Mr. KOHL. Mr. President, I rise today to express my strong support for the Kennedy-Dodd amendment. This amendment helps right a wrong that was committed during the Senate Ed-Flex debate several weeks ago. During that debate, the Senate adopted an amendment that effectively forces our school districts to choose between hiring teachers and providing services for students with special needs. This was unfair and unnecessary, and I am still hopeful that the amendment will be dropped in conference. However, I believe we need to do more than that—we need to send a strong signal to our school districts that we are committed to fulfilling our obligations to fully fund both IDEA and hiring teachers. The Kennedy-Dodd amendment does just that.

School districts in Wisconsin and across the nation are working hard to improve public education for all children. However, we in Congress must also live up to our obligation to assist them. Although the Federal government has the responsibility to fund 40% of the costs of special education, we are currently only funding about 10%. In addition, school districts will need to hire 2 million new teachers over the next decade, and we should continue to provide funding for them to do that.

The Kennedy-Dodd amendment provides full funding for the next six years for both IDEA and the hiring of teachers. This amendment sends a strong message—backed up by real dollars—that we will continue to be partners with local communities in improving education. It tells them we will not tie their hands and force them to choose between hiring teachers and serving students with special needs. It is our duty to live up to our obligations and fully fund both. I strongly urge my colleagues to support the Kennedy-Dodd amendment, and I yield the floor.

Mr. DEWINE. Mr. President, I am pleased to offer an amendment along with Senators, ABRAHAM, COVERDELL, BURNS, SANTORUM, SMITH of Oregon, GRAMS, BAUCUS, and ASHCROFT to the budget resolution on the importance of counter-narcotic funding. I offer this amendment because I want to make it crystal clear that this budget, and this Congress, should make a serious investment in anti-drug activities.

This amendment expresses a Sense of Senate that funding for federal drug control activities should be at a level higher than that proposed in the President's Budget Request for Fiscal Year 2000 and that funding for federal drug control activities should allow for investments in programs authorized in the Western Hemisphere Drug Elimination Act and in S.5, the proposed Drug Free Century Act, which I introduced earlier this year.

Mr. President, history has proven that a successful anti-drug strategy is balanced and comprehensive in three key areas: demand reduction—such as education and treatment; domestic law enforcement; and international supply reduction.

This is why last year, I introduced the Western Hemisphere Drug Elimination Act, a $2.6 billion authorization initiative over three years for enhanced international eradication, interdiction and crop alternative programs.

Two factors motivated me to launch this bi-partisan effort: a significant rise in teen drug use and a significant decline in our investment to seize drugs outside our borders. This dramatic decrease in our international efforts is one of the reasons why drugs have become more available and more affordable.

This wasn't always the case. The budget numbers tell an alarming and undeniable story. In 1987, the federal government's drug control budget of $4.79 billion was divided as follows: 29% for demand reduction programs; 38% for domestic law enforcement; and 33% for international supply reduction. This funding breakdown was the norm during the Reagan and Bush Administrations' efforts against illegal drugs, from 1985–92.

And during that time, our investment paid off. From 1988–1991, total drug use was down 13%. Cocaine use dropped by 35%. Marijuana use was reduced by 16%.

After President Clinton took office in 1993, this Administration pursued an anti-drug strategy that upset this careful funding balance. And by 1995, the federal drug control budget of $13.3 billion was divided as follows: 35% for demand reduction programs; 53% for domestic law enforcement, and only 12% for international supply reduction. The share of our anti-drug investment dedicated to stopping drugs outside our country dropped from 33% in 1987 to 12% in 1995.

Mr. President, our country is paying the price for this unfortunate change in strategy. Since 1992, overall drug use among teens aged 12 to 17 rose by 70 percent. Drug-abuse related arrests more than doubled for minors between 1992 and 1996. And the price of drugs also decreased during this time period.

Last year we passed the Western Hemisphere Drug Elimination Act and also provided a down payment of $829 million to get this initiative started.

Today, however, it is clear that the Administration is not yet ready to exercise the leadership Congress demanded on this Act. First, the Administration's Fiscal Year 2000 budget would invest less in our anti-drug efforts than what Congress provided this year. Second, regardless of repeated efforts to work with the Administration to get serious about eradication and interdiction, not one of the top priorities outlined in our bi-partisan Act were funded in the Administration's proposed budget.

So, once again, it is up to us in Congress to set the example and provide the leadership to ensure we implement a serious and balanced drug control policy.

Let me conclude by thanking the Chairman of the Budget Committee, Senator DOMENICI, and his staff, for their efforts to make sure this budget resolution represents the commitment we must make if we are truly serious about reducing drugs. It will take that kind of commitment to help us achieve

once again a comprehensive and balanced drug control strategy. Most important, it will put us back on a course toward ridding our schools and communities of illegal and destructive drugs.

Mr. President, I urge my colleagues to support this important and timely amendment.

Mr. KENNEDY. Mr. President, earlier this month, under the impressive bipartisan leadership of Senator ROTH and Senator MOYNIHAN, the Finance Committee approved the Work Incentives Improvement Act of 1999 by a 16–2 vote. This important legislation sends a strong message that all Americans with disabilities have access to the affordable health care they need in order to work and live independently.

The Jeffords amendment endorses that legislation as part of the budget resolution, and will put the Senate on record that now is the time for barriers that prevent disabled people from obtaining employment to come down.

Despite the extraordinary growth and prosperity the country is now enjoying, people with disabilities continue to struggle to live independently and become fully contributing members of their communities. We need to do more to see that the benefits of our prosperous economy are truly available to all Americans, including those with disabilities. Children and adults with disabilities deserve access to the benefits and support they need to achieve their full potential.

Large numbers of the 54 million Americans with disabilities have the capacity to work and become productive citizens but they are unable to do so because of the unnecessary barriers they face. For too long people with disabilities have suffered from unfair penalties if they go to work. They are in danger of losing their cash benefits if they accept a paying job. They are in danger of losing their medical coverage, which may well mean the difference between life and death. Too often, they face a harsh choice between eating a decent meal and buying their needed medication.

The goal of the Work Incentives Improvement Act is to reform and improve existing disability programs so that they do more to encourage and support every disabled person's dream to work and live independently, and be productive and contributing members of their society. That goal should be the birthright of all Americans—and when we say all, we mean all.

It is a privilege to be part of this bipartisan effort with Senator JEFFORDS, Senator ROTH, Senator MOYNIHAN, and sixty-six other Senate colleagues. Work is a central part of the American dream, and it is time for Congress to give greater support to disabled citizens in achieving that dream. This legislation is the right thing to do, it is the cost effective thing to do, and now is the time to do it. I urge the Senate to make this commitment a part of the budget resolution.

Mr. LEAHY. Mr. President, I have worked for many years to try to keep the costs of prescription drugs down. Too many Americans are unable to afford the costly medications they need to stay healthy. Seniors in Vermont living on fixed incomes should not be forced to choose between buying food or fuel for heat, and paying for prescription drugs.

As part of this continuing effort, I am pleased to cosponsor the Prescription Drug Fairness for Seniors Act of 1999, which is being introduced today. This bill is an important step toward increasing the access of older Americans to the prescription drugs they need for their health and well-being. The Prescription Drug Fairness for Seniors Act will allow pharmacies to purchase prescription drugs for Medicare beneficiaries at the same discounted rates available to the federal government and large insurance companies. Seniors should no longer foot the bill for generous discounts to the favored customers of pharmaceutical companies. Under this legislation, seniors could see their medication costs decrease by more than 40 percent.

This is only the first step. We must begin to address the greater problem that the costs of most prescription drugs are not covered by Medicare. As drug costs skyrocketed 17 percent in the last year alone, paying for prescription drugs has become a tremendous out-of-pocket burden for seniors, who fill 18 prescriptions a year on average. I am encouraged by the debate on the Senate floor on the Budget Resolution which has focused on addressing the lack of a drug benefit. I will support efforts to include coverage of prescription drugs in the Medicare program. This is the right thing to do for seniors, and this is the right time to do it.

Mr. FEINGOLD. Mr. President, I rise to join my colleagues, Senators KENNEDY, JOHNSON, LEAHY, WELLSTONE, INOUYE, KERRY, and others in introducing the Prescription Drug Fairness for Seniors Act.

Mr. President, the sky-rocketing cost of prescription drugs has long been among the top 2 or 3 issues my constituents in Wisconsin call and write to me about. The problem of expensive prescription drugs is particularly acute among Wisconsin senior citizens who live on fixed incomes. Nationally, prescription drugs are Senior Citizens' largest single out-of-pocket health care expenditure: the average Senior spends $100–$200 month on prescription drugs.

As you may know, Mr. President, last fall, a study by the House Government Reform and Oversight Committee found that the average price seniors pay for prescription drugs is twice as high as that enjoyed by favored customers—big purchasers such as HMOs and the federal government. The Committee's report found a price differential in one case was 1400%, meaning that the retail price a typical senior citizen paid was $27.05, while the favored customer was charged only $1.75.

To be sure, Mr. President, the Committee's report did find that Wisconsin had lower price differentials compared to other parts of the country, an 85% differential compared to a high of 123% in California. But I think my constituents would find that a pretty hollow distinction. There's not doubt in my mind that paying 85% more than others are charged for the same product is unfair, plain and simple.

Mr. President, as we all know, traditional Medicare does not cover prescription drugs. While some Medicare managed care plans offer a prescription drug benefit, few of those managed care plans operate in Wisconsin or in other largely rural states. So, while pharmaceutical companies give lower prices to favored customers who buy in bulk, small community pharmacies such as we have throughout Wisconsin lack this purchasing power, meaning that Seniors who purchase their prescriptions drugs at those small pharmacies get the high prices passed on to them.

Mr. President, I regularly get calls from Seniors on tight, fixed incomes who tell me that they have to choose between buying groceries and buying groceries and buying their prescription drugs. I would guess that many of my colleagues receive similar calls from their constituents. Calls like these, and the fact that prices are only getting higher as scientific advances develop new medications, tell me that we must take action to make prescription drugs more affordable to Seniors.

The legislation my colleagues and I are introducing today will require that pharmaceutical companies offer senior citizens the same discounts that they offer to their most favored customers. Through this legislation, we take an important step in making costly but vitally important prescription drugs more affordable to the Seniors who need them. I thank the chair.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS CONSENT AGREEMENT

Mr. LOTT. Mr. President, with a little assistance, I believe we can finish this bill within the next 45 minutes.

I commend Senators on both sides of the aisle who have worked hard to work out these amendments and accept them by voice vote. The managers have been doing an excellent job, and Senator REID, and Senator DORGAN, so that we can do this.

But I want to try to explain where we are. The votes are still taking close to 10 minutes. But there is a physical problem with just how long it takes to call the roll. We will continue to try to do those as quickly as possible.

I believe we have no more than five amendments left. We have two that we already had ready to go, and we have possibly three more, and two more on that side. We could be down to, I think, no more than five. I don't want to say fewer than that until we are sure what we have done. But let me ask unanimous consent and see if we can identify this properly.

I ask unanimous consent that the following amendments be the only amendments remaining in order, other than those previously in order by Senator DOMENICI, and except those agreed to by the two managers, and, following the disposition of the amendments, the Senate proceed to the consideration of H. Con. Res. 68, the House companion bill.

I further ask that all after the enacting clause be stricken in the House resolution, the text of the Senate resolution be inserted, passage occur immediately, and the Senate resolution be placed back on the Calendar.

The amendments are as follows. I believe we have two that are still pending.

Robb, No. 181. I believe we are going to be able to do that one by voice vote.

Lautenberg, No. 183, which I believe will very likely take a recorded vote. Voice vote? All right. We will do those two by voice vote.

Then Kerry No. 190;

Kennedy, No. 196;

And Chafee, No. 238.

I further ask that the votes occur in sequence, as provided in the previous consent, with all provisions of the previous consent still in order.

I want to emphasize, we may still work out one or two of those that are on the list. But we are locking it down to the two that we are going to do by voice vote and the three that may require a recorded vote.

I yield to the manager.

Mr. LAUTENBERG. We have a question. Mr. President, I understand a vote will be asked for on the amendment of the Senator from Illinois.

Mr. DOMENICI. We have another list of ones we will accept, that the leader hasn't mentioned, that we agreed on.

Mr. LAUTENBERG. All right.

Mr. REID. There is also No. 182, the Robb amendment. Whatever the body decides on that by voice vote will do.

Mr. LOTT. Right.

I renew my unanimous consent request.

Mr. BYRD. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. My question is, does the leader's request preclude a vote up or down on the resolution itself?

Mr. LOTT. Mr. President, my understanding is it does not. It would not be my intent to do that.

Mr. BYRD. I have no objection.

The PRESIDING OFFICER. Is there objection?

The Senator from Rhode Island.

Mr. CHAFEE. I believe that I have 236. I believe that has been cleared.

Mr. LOTT. Yes. I believe it has. No. 236 is on the list.

Mr. President?

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. I yield the floor.

Let's proceed.

Mr. ROBB addressed the Chair.

The PRESIDING OFFICER. The Senate will now proceed to the question on the Robb amendment No. 182.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator in New Mexico.

Mr. DOMENICI. Mr. President, could I do the house cleaning? That will get us to the unanimous consent agreement.

AMENDMENT NO. 164, AS MODIFIED

Mr. DOMENICI. Mr. President, Graham No. 164, as modified. We ask that it be accepted. We send the modification to the desk.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 164), as modified, is as follows:

AMENDMENT NO. 164, AS MODIFIED

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE CONCERNING RECOVERY OF FUNDS BY THE FEDERAL GOVERNMENT IN TOBACCO-RELATED LITIGATION.

(a) SHORT TITLE.—This section may be cited as the ''Federal Tobacco Recovery and Medicare Prescription Drug Benefit Resolution of 1999''.

(b) FINDINGS.—The Senate makes the following findings:

(1) The President, in his January 19, 1999 State of the Union address—

(A) announced that the Department of Justice would develop a litigation plan for the Federal Government against the tobacco industry;

(B) indicated that any funds recovered through such litigation would be used to strengthen the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.); and

(C) urged Congress to pass legislation to include a prescription drug benefit in the medicare program.

(2) The traditional medicare program does not include most outpatient prescription drugs as part of its benefit package.

(3) Prescription drugs are a central element in improving quality of life and in routine health maintenance.

(4) Prescription drugs are a key component to early health care intervention strategies for the elderly.

(5) Eighty percent of retired individuals take at least 1 prescription drug every day.

(6) Individuals 65 years of age or older represent 12 percent of the population of the United States but consume more than ⅓ of all prescription drugs consumed in the United States.

(7) Exclusive of health care-related premiums, prescription drugs account for almost ⅓ of the health care costs and expenditures of elderly individuals.

(8) Approximately 10 percent of all medicare beneficiaries account for nearly 50 percent of all prescription drug spending by the elderly.

(9) Research and development on new generations of pharmaceuticals represent new opportunities for healthier, longer lives for our Nation's elderly.

(10) Prescription drugs are among the key tools in every health care professional's medical arsenal to help combat and prevent the onset, recurrence, or debilitating effects of illness and disease.

(11) While possible Federal litigation against tobacco companies will take time to develop, Congress should continue to work to address the immediate need among the elderly for access to affordable prescription drugs.

(12) Treatment of tobacco-related illness is estimated to cost the medicare program approximately $10,000,000,000 every year.

(13) In 1998, 50 States reached a settlement with the tobacco industry for tobacco-related illness in the amount of $206,000,000,000.

(14) Recoveries from possible Federal tobacco-related litigation, if successful, will likely be comparable to or exceed the dollar amount recovered by the States under the 1998 settlement.

(15) In the event Federal tobacco-related litigation is valid, undertaken and is successful, funds recovered under such litigation should first be used for the purpose of strengthening the Federal Hospital Insurance Trust Fund and second to finance a medicare prescription drug benefit.

(16) The scope of any medicare prescription drug benefit should be as comprehensive as possible, with drugs used in fighting tobacco-related illnesses given a first priority.

(17) Most Americans want the medicare program to cover the costs of prescription drugs.

(c) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying the functional totals in this resolution assume that funds recovered under any tobacco-related litigation commenced by the Federal Government should be used first for the purpose of strengthening the Federal Hospital Insurance Trust Fund and second to fund a medicare prescription drug benefit.

The PRESIDING OFFICER. Without objection, the amendment, as modified, is agreed to.

The amendment (No. 164), as modified, was agreed to.

AMENDMENT NO. 165, AS MODIFIED

Mr. DOMENICI. GRAHAM of Florida, No. 165, with a modification.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 165), as modified, is as follows:

At the end of title III, insert the following:

SEC. ___. SENSE OF THE SENATE ON OFFSETTING INAPPROPRIATE EMERGENCY SPENDING.

It is the sense of the Senate that the levels in this resolution assume that—

(1) some emergency expenditures made at the end of the 105th Congress for fiscal year 1999 were inappropriately deemed as emergencies;

(2) Congress and the President should identify these inappropriate expenditures and fully pay for these expenditures during the fiscal year in which they will be incurred; and

(3) Congress should only apply the emergency designation for occurrences that meet the criteria set forth in the Congressional Budget Act.

The PRESIDING OFFICER. Without objection, the amendment, as modified, is agreed to.

The amendment (No. 165), as modified, was agreed to.

Amendments Nos. 227, 230, 185, 214, As Modified, And 236.

Mr. DOMENICI. Senator ABRAHAM, 227; 230, Senator STEVENS; 185, Senator DURBIN; 214, Senator DEWINE, modification. I send the modification to the desk.

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

Mr. DOMENICI. Senator CHAFEE, 236.

The PRESIDING OFFICER. Without objection, the amendment, as modified, is agreed to.

The amendments (Nos. 227, 230, 185, and 236) were agreed to.

The amendment (No. 214), as modified, was agreed to, as follows:

At the end of title III, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING FUNDING FOR COUNTER-NARCOTICS INITIATIVES.

(a) FINDINGS.—The Senate finds that—

(1) from 1985–1992, the Federal Government's drug control budget was balanced among education, treatment, law enforcement, and international supply reduction activities and this resulted in a 13-percent reduction in total drug use from 1988 to 1991;

(2) since 1992, overall drug use among teens aged 12 to 17 rose by 70 percent, cocaine and marijuana use by high school seniors rose 80 percent, and heroin use by high school seniors rose 100 percent;

(3) during this same period, the Federal investment in reducing the flow of drugs outside our borders declined both in real dollars and as a proportion of the Federal drug control budget;

(4) while the Federal Government works with State and local governments and numerous private organizations to reduce the demand for illegal drugs, seize drugs, and break down drug trafficking organizations within our borders, only the Federal Government can seize and destroy drugs outside of our borders;

(5) in an effort to restore Federal international eradication and interdiction efforts, in 1998, Congress passed the Western Hemisphere Drug Elimination Act which authorized an additional $2,600,000,000 over 3 years for international interdiction, eradication, and alternative development activities;

(6) Congress appropriated over $800,000,000 in fiscal year 1999 for anti-drug activities authorized in the Western Hemisphere Drug Elimination Act;

(9) the proposed Drug Free Century Act would build upon many of the initiatives authorized in the Western Hemisphere Drug Elimination Act, including additional funding for the Department of Defense for counter-drug intelligence and related activities.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions of this resolution assume that—

(1) funding for Federal drug control activities should be at a level higher than that proposed in the President's budget request for fiscal year 2000; and

(2) funding for Federal drug control activities should allow for investments in programs authorized in the Western Hemisphere Drug Elimination Act and in the proposed Drug Free Century Act.

AMENDMENTS NOS. 226, 223, AND 167, WITHDRAWN

Mr. DOMENICI. The following amendments are withdrawn: 226, 223, and 167.

The PRESIDING OFFICER. Without objection, the amendments are withdrawn.

The amendments (Nos. 226, 223, and 167) were withdrawn.

AMENDMENT NO. 183

Mr. DOMENICI. Senator LAUTENBERG, do you have your amendment?

Mr. LAUTENBERG. I have my amendment.

Mr. DOMENICI. Can we accept it right now?

Mr. LAUTENBERG. We can accept it. This is on school modernization. It has my list of cosponsors.

Mr. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. There will be order in the Senate.

Mr. DOMENICI. We accept the Lautenberg amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 183) was agreed to.

Mr. LAUTENBERG. Mr. President, this amendment expresses the sense of the Senate that we should enact legislation to help local school districts modernize their schools. This is a critical need for our school districts.

This school modernization proposal is supported by the National School Boards Association, the National PTA, the National Association of Elementary School Principals, and the entire range of education advocates.

Mr. President, help with school modernization is what the education community wants from the Federal Government. They don't want lip service, they want action. Here is our chance. I ask for my colleagues' support.

I thank my principal cosponsor Senator ROBB for his support for this important amendment.

Mr. DOMENICI. That is it so far.

AMENDMENT NO. 182

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

Mr. ROBB. Mr. President, I hope I may have the 60 seconds, even though I am going to have a voice vote, and I know the result of that vote.

Mr. President, may I simply say pay-as-you-go has served this institution and this country well. It has helped reduce deficits, and it has helped us not to spend money we did not have. Senator GRAHAM and I thought it would be appropriate to continue that discipline. Regrettably, in an effort to spend money that we do not have, it is being withdrawn in this amendment.

I yield to my distinguished friend from Florida to use up any time that I have not used.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, the threat to the surplus is not the threat that it will or will not be placed in a lockbox. It is a threat whether the surplus will be dissipated by expenditures that are not offset by either other spending or by sources of revenue to support those additional expenditures.

I believe if you are seriously committed to preserving the surplus so it can be used to strengthen our Social Security system, you should give strong support to the amendment offered by the Senator from Virginia.

Mr. ROBB. Mr. President, the fiscally responsible vote is yea. With that, Mr. President, I yield.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. DOMENICI. Mr. President, I don't believe we should vote yea. We should not be required to follow a pay-as-you-go that was there when we had big deficits and require we have 60 votes when you have a surplus or to spend any money when you have a surplus. We should not do that. We will not support the amendment.

The PRESIDING OFFICER. The question is now on agreeing to the amendment.

The amendment (No. 182) was rejected.

Mr. LAUTENBERG. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 196

The PRESIDING OFFICER. The next amendment up is the Kennedy amendment No. 196.

Mr. DOMENICI. We understand that amendment should be called a Rockefeller amendment. Is that correct?

Mr. ROCKEFELLER. Mr. President, that is correct.

The PRESIDING OFFICER. The amendment is the Rockefeller amendment. The Senator from West Virginia.

Mr. ROCKEFELLER. If I may have the attention of my colleagues.

The PRESIDING OFFICER. There will be order in the Senate.

The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, our senior citizens in the United States deserve a Medicare prescription drug benefit. The amendment that I am offering, together with Senator KENNEDY, creates a credible reserve fund to accommodate such if a bill which reforms Medicare, in fact, passes. This will not add to the debt. There are no unacceptable conditions. There is no uncertainty about whether the funds will be there. The idea is clear and simple, and I urge my colleagues to vote for the amendment.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

There will be order in the Senate.

Mr. DOMENICI. Fellow Senators, this amendment sets up a reserve fund for any taxes that might be forthcoming from cigarettes without requiring any reform or any changes in the Medicare program. It just says that is out there to be used for Medicare. And whatever you want to call it, prescription drugs or what, it just doesn't seem to this Senator we ought to be doing that when we have a bipartisan Commission and many others saying let's reform Medicare and then let's see where we are.

So I don't believe we should be doing this, and I move to table the amendment and 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 Arizona (Mr. MCCAIN) is necessarily absent.

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

The result was announced—yeas 54, nays 45, as follows:

[Rollcall Vote No. 79 Leg.]

YEAS—54

Abraham	Fitzgerald	McConnell
Allard	Frist	Murkowski
Ashcroft	Gorton	Nickles
Bennett	Gramm	Roberts
Bond	Grams	Roth
Brownback	Grassley	Santorum
Bunning	Gregg	Sessions
Burns	Hagel	Shelby
Campbell	Hatch	Smith (NH)
Chafee	Helms	Smith (OR)
Cochran	Hutchinson	Snowe
Collins	Hutchison	Specter
Coverdell	Inhofe	Stevens
Craig	Jeffords	Thomas
Crapo	Kyl	Thompson
DeWine	Lott	Thurmond
Domenici	Lugar	Voinovich
Enzi	Mack	Warner

NAYS—45

Akaka	Edwards	Levin
Baucus	Feingold	Lieberman
Bayh	Feinstein	Lincoln
Biden	Graham	Mikulski
Bingaman	Harkin	Moynihan
Boxer	Hollings	Murray
Breaux	Inouye	Reed
Bryan	Johnson	Reid
Byrd	Kennedy	Robb
Cleland	Kerrey	Rockefeller
Conrad	Kerry	Sarbanes
Daschle	Kohl	Schumer
Dodd	Landrieu	Torricelli
Dorgan	Lautenberg	Wellstone
Durbin	Leahy	Wyden

NOT VOTING—1

McCain

The motion to lay on the table the amendment (No. 196) was agreed to.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. BREAUX. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 190

Mr. KERRY. Mr. President, we spent a lot of effort in the last years trying to assert discipline on the budget process. This amendment is an opportunity to continue that discipline and to vote against deficit spending. As my colleagues know, I think the vast majority of the Senate is in favor of a tax cut. But this tax cut is loaded in a way that of $780 billion, $630 billion is not until the last years. In fact, it will not even take effect until about 2005.

What we say is we do not take away the tax cut. We simply say if CBO says that will result in deficit spending, we delay for the 1 year until we know we are in surplus rather than having to deficit spend in order to fund a tax cut.

The vast majority of the American people want to get out of debt. They do not want a tax cut if it means deficit spending to provide it. The danger is that the economic statistics, or realities, could turn downwards, but the law will require a tax cut we cannot afford.

So, this is a way of saying there is an automatic delay. We do not take it away. It affects nothing on Social Security and guarantees no deficit spending.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, the simplest way I can explain this is this is the kind of tax cut we give, but we take it way. It is kind of a reverse trigger. Instead of putting a tax on, we put tax on and then we stop it in the event we get an estimate from the Congressional Budget Office that the surpluses are not quite what we figured out.

We do not do that for spending. Spending can go on up. We have no triggers on or off. But when it comes to tax cuts, we kind of give them, but we do not quite give them. I do not think that is the way we ought to treat the taxpayer.

Having said that, the amendment violates the Budget Act. It is not germane and I make the point of order it does not comply with the Budget Act.

The PRESIDING OFFICER. The Senator from Massachusetts.

MOTION TO WAIVE THE BUDGET ACT

Mr. KERRY. Mr. President, pursuant to section 904 of the Budget Act of 1974, I move to waive the provisions for consideration of this amendment.

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 were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Budget Act with respect to the amendment (No. 190). The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) is necessarily absent.

The yeas and nays resulted—yeas 45, nays 54, as follows:

[Rollcall Vote No. 81 Leg.]

YEAS—55

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

NAYS—44

Akaka	Feingold	Lieberman
Baucus	Feinstein	Lincoln
Bayh	Graham	Mikulski
Biden	Harkin	Moynihan
Bingaman	Hollings	Murray
Boxer	Inouye	Reed
Bryan	Johnson	Reid
Byrd	Kennedy	Robb
Cleland	Kerrey	Rockefeller
Conrad	Kerry	Sarbanes
Daschle	Kohl	Schumer
Dodd	Landrieu	Torricelli
Dorgan	Lautenberg	Wellstone
Durbin	Leahy	Wyden
Edwards	Levin	

NOT VOTING—1

McCain

The PRESIDING OFFICER. On this vote, the yeas are 45, the nays are 54. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

The question is now on the Chafee amendment.

CHANGE OF VOTE

Mr. REID. On vote No. 64, I voted ''nay,'' but I meant to vote ''aye.'' I ask unanimous consent that I be recorded as an ''aye.'' It will not affect the outcome of the vote.

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

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. With just a few amendments we have to clear up, we will be ready to vote on final passage.

I ask unanimous consent that Senator CRAPO be added as a cosponsor to amendment No. 227.

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

AMENDMENTS NOS. 233, 203, 201, 200, 198, 194, 184, 172, AND 168, WITHDRAWN

Mr. DOMENICI. I ask unanimous consent to withdraw amendment No. 233, Coverdell. And I ask unanimous consent to withdraw the following amendments. I will not name the Senator, just the number. These are what we know are around but nobody wants them called up: 203, 201, 200, 198, 194, 184, 172, and 168. I send that to the desk in case the scrivener did not get my vocabulary.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendments are withdrawn.

The amendments (Nos. 233, 203, 201, 200, 198, 194, 184, 172, and 168) were withdrawn.

AMENDMENT NO. 206, AS MODIFIED

Mr. DOMENICI. I ask unanimous consent that amendment No. 206 be modified with the modification I send to the desk.

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

The amendment, as modified, is as follows:

At the appropriate place, insert the following:

''SEC. . SENSE OF THE SENATE REGARDING SUPPORT FOR FEDERAL, STATE AND LOCAL LAW ENFORCEMENT AND FOR THE VIOLENT CRIME REDUCTION TRUST FUND

''(a) FINDINGS.—The Senate finds that—

''(1) Our Federal, State and local law enforcement officers provide essential services that preserve and protect our freedom and safety, and with the support of federal assistance such as the Local Law Enforcement Block Grant Program, the Juvenile Accountability Incentive Block Grant Program, the COPS Program, and the Byrne Grant program, state and local law enforcement officers have succeeded in reducing the national scourge of violent crime, illustrated by a violent crime rate that has dropped in each of the past four years;

''(2) Assistance, such as the Violent Offender Incarceration/Truth in Sentencing Incentive Grants, provided to State corrections systems to encourage truth in sentencing laws for violent offenders has resulted in longer time served by violent criminals and safer streets for law abiding people across the Nation;

''(3) Through a comprehensive effort by state and local law enforcement to attack violence against women, in concert with the efforts of dedicated volunteers and professionals who provide victim services, shelter, counseling and advocacy to battered women and their children, important strides have been made against the national scourge of violence against women;

''(4) Despite recent gains, the violent crime rate remains high by historical standards;

''(5) Federal efforts to investigate and prosecute international terrorism and complex interstate and international crime are vital aspects of a National anticrime strategy, and should be maintained;

''(6) The recent gains by Federal, State and local law enforcement in the fight against violent crime and violence against women are fragile, and continued financial commitment from the Federal Government for funding and financial assistance is required to sustain and build upon these gains; and

''(7) The Violent Crime Reduction Trust Fund, enacted as a part of the Violent Crime Control and Law Enforcement Act of 1994, funds the Violent Crime Control and Law Enforcement Act of 1994, the Violence Against Women Act of 1994, and the Antiterrorism and Effective Death Penalty Act of 1996, without adding to the federal budget deficit.

''(b) SENSE OF THE SENATE.—It is the Sense of the Senate that the provisions and the functional totals underlying this resolution assume that the Federal Government's commitment to fund Federal law enforcement programs and programs to assist State and local efforts to combat violent crime shall be maintained, and the funding for the Violent Crime Reduction Trust Fund shall continue to at least year 2005.''

Mr. DOMENICI. I ask unanimous consent that amendment No. 206, as modified, the Hatch-Biden amendment, be adopted.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment, as modified, is agreed to.

The amendment (No. 206), as modified, was agreed to.

AMENDMENT NO. 247

(Purpose: To express the sense of the Senate on need-based student financial aid programs)

Mr. DOMENICI. We have an amendment that by mistake did not get called up and was misplaced somewhere. It is Senator COLLINS' amendment. I ask unanimous consent that it be in order to offer the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI] for Ms. COLLINS, for herself, Mr. JEFFORDS, Mr. REED, Mr. DODD, Mr. KENNEDY and Mr. LIEBERMAN proposes an amendment numbered 247.

The amendment reads as follows:

Amend section 315 to read as follows:

SEC. 315. SENSE OF THE SENATE ON NEED-BASED STUDENT FINANCIAL AID PROGRAMS.

(a) FINDINGS.—The Senate finds that—

(1) public investment in higher education yields a return of several dollars for each dollar invested;

(2) higher education promotes economic opportunity for individuals, as recipients of bachelor's degrees earn an average of 75 percent per year more than those with high school diplomas and experience half as much unemployment as high school graduates;

(3) higher education promotes social opportunity, as increased education is correlated with reduced criminal activity, lessened reliance on public assistance, and increased civic participation;

(4) a more educated workforce will be essential for continued economic competitiveness in an age where the amount of information available to society will double in a matter of days rather than months or years;

(5) access to a college education has become a hallmark of American society, and is vital to upholding our belief in equality of opportunity;

(6) for a generation, the Federal Pell Grant has served as an established and effective means of providing access to higher education for students with financial need;

(7) over the past decade, Pell Grant awards have failed to keep pace with inflation, eroding their value and threatening access to higher education for the nation's neediest students;

(8) grant aid as a portion of all students financial aid has fallen significantly over the past 5 years;

(9) the nation's neediest students are now borrowing approximately as much as its wealthiest students to finance higher education; and

(10) the percentage of freshmen attending public and private 4-year institutions from families below national median income has fallen since 1981.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that within the discretionary allocation provided to the Committee on Appropriations of the Senate for function 500—

(1) the maximum amount of Federal Pell Grants should be increased by $400;

(2) funding for the Federal Supplemental Educational Opportunity Grants Program should be increased by $65,000,000;

(3) funding for the Federal capital contributions under the Federal Perkins Loan Program should be increased by $35,000,000;

(4) funding for the Leveraging Educational Assistance Partnership Program should be increased by $50,000,000;

(5) funding for the Federal Work-Study Program should be increased by $64,000,000;

(6) funding for the Federal TRIO Programs should be increased by $100,000,000.

Ms. COLLINS. Mr President, I rise to offer a Sense of the Senate amendment to express the commitment of the Senate to expand needs-based Federal student aid programs. I am joined in this effort by Senators JEFFORDS, REED, DODD, KENNEDY, and LIEBERMAN.

I am pleased by the large increase in funding for education included in the Budget Resolution and thank Senator DOMENICI and the other members of the Budget Committee for taking a forward-looking stance in favor of our children. I am offering this amendment to help ensure that as these increased funds for education are appropriated—and as the ''hard decisions'' are made about appropriations for specific programs—need-based student financial aid programs are given priority.

Although the federal government cannot guarantee that every American will complete a postsecondary education program, we can ensure that every qualified American has an equal opportunity to do so. This is the primary purpose of the student financial aid programs authorized by the Higher Education Act.

The evidence is overwhelming that individuals from low-income families pursue higher education at a significantly lower rate than individuals from middle- and upper-income families. This educational gap, which is rooted in economic disparity, threatens to divide our nation into two self-perpetuating classes: an educated class that participates fully in the tremendous economic opportunities that demand a postsecondary education and a class of ''have nots'' lacking the skills and education needed to be successful members of the modern work force.

Congress created need-based student financial aid programs to ensure that individuals from low-income families are not denied postsecondary education because they cannot afford it. These are the programs that assist the most disadvantaged Americans. They are the programs that help the students who come from families with no history of pursuing postsecondary education. They are the programs that will close the gap between educational ''haves'' and the ''have nots''

Federal Pell Grants are the cornerstone of our country's need-based financial aid. These grants provide essential financial assistance to almost 4 million students a year. Eighty percent of the dependent students receiving Pell Grants come from families with annual family incomes of less than $30,000. Yet, over the last 20 years, while the cost of postsecondary education has grown at an unprecedented rate, the maximum Pell Grant has declined in constant dollars by 14 percent. This Sense of the Senate amendment states that we should increase the maximum Pell Grant by $400 dollars to $3525. We still will not be back to the 1980 level in terms of purchasing power, but we will be getting closer.

This amendment also urges an increase in two other important grant programs. The Federal Supplementary Educational Opportunity Grant and the Leveraged Educational Assistance Program (formerly SSIG) are grant programs managed by schools and states respectively. These programs leverage federal dollars through matching funds from schools and states and provide additional assistance for those students most in need of financial aid.

In addition to these important educational grants, my amendment calls

for increased funding for two other need-based programs that assist students from low income families: the Federal Work Study Program and the Perkins Loan Program. These are campus-based programs in which the federal contribution is leveraged by matching funds from participating schools. Work Study is a self-help student aid program under which needy students pay some of the cost of their education through jobs that contribute to their education and often involve important community service. The Perkins Loan program allows schools to make low-interest loans to needy students. Both of these programs, along with the Supplementary Educational Opportunity Grants, give financial aid offices flexibility in creating individualized student aid packages that will minimize the student's debt burden upon graduation.

Unfortunately, during the last 20 years, funding for the work study program had declined by 25 percent in constant dollars and the capital contribution to Perkins Loans has declined by 78 percent. This Sense of the Senate Amendment expresses our support for these important programs, which aid our neediest students.

Providing financial aid is only one aspect of the challenge to equalize education opportunity. Before financial aid can help, a potential student must aspire to higher education. This is one of the goals of the TRIO programs. There is no question that thousands of individuals who would never have considered a college education have been identified by Talent Search and Upward Bound and gone on to college and successful careers. Thousands of other individuals have been assisted while in college by the Academic Support Services Program, while many non-traditional students have entered college because of the Educational Opportunity Centers.

Despite this strong record of success, the existing TRIO programs reach only a very small percentage of the individuals who are eligible for their services. The additional funds that this Sense of the Senate Amendments urges will extend the reach of these programs to more disadvantaged youth and adults who could so benefit from the support the TRIO programs provide.

I urge my colleagues to support this amendment so that more of our citizens can pursue the American dream of college education.

Mr. DOMENICI. I ask unanimous consent that the amendment be agreed to.

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

The amendment (No. 247) was agreed to.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

AMENDMENT NO. 170

Mr. REID. Amendment No. 170 was acceptable with a modification. It was cleared by both sides.

Mr. DOMENICI. Would you accept that as if I said it, please, so I do not have to say it. It has been accepted.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Without objection, the amendment is agreed to.

The amendment (No. 170) was agreed to.

Mr. DOMENICI. Mr. President, I thank all Senators for participating and for permitting us to get this bill done today. It has been a big struggle for many of us. And while we had a lot of fun with many of the amendments and many of the concepts, it is a serious budget resolution. It has been a pleasure serving you as chairman of the Budget Committee. And I thank all of those who vote for it. For those who do not vote for it, I think you are missing the boat, missing a great path. It is the best budget we have produced in an awful long time.

I thank Senator LAUTENBERG for all his cooperation and certainly all the good he has done in bringing this budget to the floor.

I yield the floor.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I say to Senator DOMENICI, I too had fun, not as much fun as the Senator had, but it was good working together. We put our most difficult disagreements to the side at times. Senator DOMENICI invented a new index for debate. And the index that Senator DOMENICI has is a ''red'' neck. When it gets above your collar, that is when you have to sit back.

So we have no ''red'' necks in the Budget Committee. We have had a good time in getting it done. I thank all of my colleagues, particularly the members on my side, who worked so arduously.

I do want to say a word about the staff while the Senators are here. I thank Bill Hogan and his team; but I also want to make particular mention of the fact that Bruce King, our chief of staff, Sue Nelson, Lisa Konwinski, Amy Abraham, Claudia Arko, Jim Esquea, Dan Katz, Marty Morris, Paul Saltman, Jeff Siegel, Mitch Warren, Ted Zegers, and Jon Rosenwasser—I thank all the staff. They worked very hard, on both sides, and they deserve our deep thanks and our appreciation.

With that, I surrender the floor.

The PRESIDING OFFICER. The Senate will be in order. The Senate will be in order.

The Senator from New Mexico.

AMENDMENT NO. 238

Mr. DOMENICI. Mr. President, I made a mistake. We have been working very hard to get Senator CHAFEE's amendment No. 238 accepted on the other side. It was. And we would like to offer it at this time. I think it is at the desk, amendment No. 238.

The PRESIDING OFFICER. The clerk will report.

Mr. DOMENICI. I do not believe there are any objections to it.

The legislative clerk read as follows:

Amendment No. 238 previously offered by the Senator from New Mexico [Mr. DOMENICI] for Mr. CHAFEE.

Mr. SMITH of New Hampshire. Mr. President, I am pleased to sponsor, along with the gentleman from Rhode Island and others, an amendment to increase funding for the Land and Water Conservation Fund (LWCF). Our amendment would accomplish two important goals.

First, the amendment authorizes $200 million in matching grants to states for their conservation and recreation programs. The amendment therefore would help fulfill a thirty-five year-old Federal commitment that has been largely ignored in recent years.

Second, our amendment maintains Congress' commitment to living within the budget agreement by offsetting the increased LWCF funding with an equivalent reduction in programs within the Department of Commerce.

Let me speak first about the LWCF. As most of my colleagues know, the Land and Water Conservation Fund was established in 1964, and it has been the main source of Federal funding for Federal and state recreational lands. The LWCF accumulates revenues from outdoor recreation user fees, the federal motorboat fuel tax, surplus property sales, and, most significantly, revenue from oil and gas leases on the Outer Continental Shelf. Due to early successes and strong support, authorized funding levels increased steadily from the initial authorization of $60 million to the program's current $900 million level—although appropriations have consistently fallen far short of authorized levels.

Until Fiscal Year 1995, about one third of the total $10 billion appropriated under this program went directly to the states. The rest of the revenue was split between four Federal agencies: the Park Service, the Forest Service, the Fish and Wildlife Service, and the Bureau of Land Management.

Matching grants to states have funded some 37,000 projects and helped conserve 2.3 million acres of land. While the law requires at least a 50% match from states receiving funds, in some cases the Federal grants enabled states to leverage up to seven times the grant amount.

The LWCF has enjoyed widespread support, both in my home State of New Hampshire and across the nation. The LWCF has truly been, up until recent years, a Federal-state partnership that works.

In the early years of the program, the bulk of the funding for LWCF went directly to the states. However, the state share of LWCF funding has declined dramatically since Fiscal Year 1978, when annual LWCF appropriations stabilized at between $200 and $300 million after fiscal year 1978, but the state portion of LWCF appropriations steadily declined until Fiscal

Year 1996, when grants to states were completely eliminated. Since Fiscal Year 1996, overall funding for LWCF has begun to increase again, but all of the money has been appropriated for the Federal-side of the program, and none for the states.

Mr. President, to put it simply: that is wrong. These revenues were originally intended to be shared between the Federal Government and the states. We should not penalize states like New Hampshire that can effectively manage these funds and that have critical needs which must be addressed. The idea that only the Federal government can be trusted to conserve resources is again, Mr. President, simply wrong.

Last month, more than 100 elected officials, community representatives and other New Hampshire citizens sent a letter to the Chairman of the Budget Committee, expressing their strong support for the LWCF and other conservation partnership programs. I ask unanimous consent that their letter be inserted into the RECORD, along with a letter that I and thirty-five of my colleagues sent to the Chairman on this topic as well.

Today's amendment will help bring back some balance to this program by providing $200 million for states from the LWCF. Our amendment will not reduce LWCF appropriations to Federal agencies, but will, as I stated earlier, offset this increased funding with a corresponding reduction in appropriations for certain Commerce Department activities within Budget Function 370.

Mr. LIEBERMAN. Mr. President, while I support the underlying Chafee amendment providing $200 million in increased funding for the state-side portion of the Land and Water Conservation Program, I object to the use of funds from Function 370 as an offset. The Land and Water Fund monies are of critical importance to communities in my state and around the nation, and I have pledged to work hard to ensure that the state-side portion of the Fund is revived. I believe that revival of the State-side Fund represents the commitment of all Americans to conserving natural treasures and preserving open space.

Nevertheless, Function 370 is not the place to target offsets. Important programs under this budget function in the Commerce Department are vital to small businesses around the country and to our economic growth and our global competitiveness. Function 370 contains cost-effective initiatives that directly contribute to our economic well-being. Clearly, it makes little sense to take funds from some of the numerous cost effective programs in this Function when other areas in other Functions could better serve as offsets. I will support the amendment because I trust that the conference and the appropriations process will locate preferable offsets to fund this important Land and Water Conservation initiative.

Mr. LEAHY. Mr. President, I am pleased to join Senators CHAFEE, BOB SMITH, and FEINGOLD in offering this amendment to restart the Land and Water Conservation Fund (LWCF) state assistance program. Our amendment will recognize the outpouring of support for open space conservation and urban revitalization demonstrated by the passage of 124 ballot measures dedicating tax revenues to these goals.

Our amendment will allocate $200 million to the state grants program of LWCF. More than thirty years ago Congress made a promise to future generations that we would use the revenues from offshore oil and gas leases to protect the ''irreplaceable lands of natural beauty and unique recreational value.'' The revenues would be placed into the Land and Water Conservation Fund and used by the federal government, states and local communities to build a network of parks, refuges, hiking trails, bike paths, river accesses and greenways.

Unfortunately, only half of that promise has been kept. For the past three years, Congress has not funded the state grants program of the Fund. Instead, we have been diverting these revenues for other purposes at a time when these investments are needed more than ever. We have all seen the impact of urban sprawl in our home states, whether it be large, multi-tract housing or mega-malls that bring national superstores and nation-sized parking lots. We are losing farm and forest land across the country at an alarming rate. If we are going to reverse this trend, Congress has to step in to the debate and start funding federal land conservation programs that help states address their land conservation priorities. The LWCF state grants program is one of the few federal programs available to do this—Congress now needs to make a commitment to fund it.

By funding the state grants program we will be investing in a proven success. The program has proved itself by helping to fund more than 37,000 projects across the country. As the National Park Service has testified, these projects are in ''every nook and cranny of the country and serve every segment of the public.'' I am sure every one of us have visited one of these places without even knowing that federal funds—which leveraged state and local funds—made it happen.

But it is not happening any more. By not funding the state grants program we are leaving state and local governments to fill the gap. In Vermont, we are fortunate. Most Vermonters are within a few hours of the Green Mountain National Forest or the Appalachian Trail. Most Americans, however, are much further away from a national park, national forest or wildlife refuge. They depend on their local parks and bike paths for weekend getaways or evening excursions.

I have seen the success of the state-side program in Vermont, where more than $27 million from the Fund has helped conserve more than 66,000 acres of land that was set aside as open space, parks and recreation places. I have a list of more than 500 projects that touch every corner of Vermont. However, there are still many special places in Vermont that remain unprotected. I constantly hear from Vermonters what are trying to protect their town green, a local wetland or access to their favorite fishing hole.

By restarting the state grant program we will be able to protect some of these special places in each of our states. In Vermont, I would like to see the Long Trail, which follows the spine of the Green Mountains through my state and attracts more than 200,000 hikers a year, completed. I would like to see better access to the banks of one of the premier fly-fishing rivers, the Battenkill. Although these will not become part of our federal network of conservation areas, we still have a federal responsibility to ensure they remain open and accessible for future generations to enjoy.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Without objection, the amendment is agreed to.

The amendment (No. 238) was agreed to.

Mr. DOMENICI. I yield to the majority leader.

The PRESIDING OFFICER. The Senate majority leader.

Mr. LOTT. Mr. President, we are ready now for the last vote of the night and the last vote on the budget resolution. I commend the chairman of the committee and the ranking member, the Senator from New Jersey.

This is a record handling of a budget resolution. I think, in at least the 5 years that I have been watching it closely, this is the shortest time—2 days—and a limited number of votes in the ''vote-arama.'' I think it makes more sense when you have a more limited number. We understand a little bit better about what we are voting on.

So you have done an exceptional job. But it would not have happened without the leadership and cooperation of Senator DASCHLE, his team, Senator REID and Senator DORGAN; on our side, Senator NICKLES, Senator CRAIG, and a lot of other people who cooperated and were willing to forgo votes on their amendments. So I think, sincerely, a lot of congratulations should be passed out for the cooperation on this concurrent resolution.

It has been a very good legislative period. Senator DASCHLE and I——

The PRESIDING OFFICER. The Senate will be in order. The majority leader has the floor. The Senate will be in order. Would the Senators suspend to my right. Thank you.

Mr. LOTT. This is actually so much fun, we might want to stay on and take up another bill. But I want to give a little more credit here because it has been a very productive legislative period. With this budget resolution, we

have also passed the national missile defense bill; we passed the Ed-Flex bill; the Soldiers', Sailors', Airmen's, and Marines' Bill of Rights Act; the supplemental appropriations bill, on a voice vote; the Y2K small business bill; and the resolution supporting our men and women overseas in Kosovo.

Particularly this week, we took up the vote on Kosovo, the supplemental, and the budget resolution. It is one of the most productive weeks I have seen in a long time.

When we adjourn shortly, the Easter recess will, of course, begin tonight. There will be no recorded votes until Tuesday, April 13.

We will not be in session this Friday. We will be in session on Monday, April 12, but there will be no recorded votes. At that time, we expect to take up the supplemental appropriations conference report, if available, and a budget conference report, if available, and other legislation that may be cleared at that time.

Thank you all very much. Have a good Easter recess.

The PRESIDING OFFICER (Mr. SESSIONS). Pursuant to the previous order, the Senate will now proceed to the consideration of H. Con. Res. 68. All after the enacting clause is stricken and the text of S. Con. Res. 20, as amended, is inserted in lieu thereof.

The question is on agreeing to H. Con. Res. 68, as amended.

Mr. COVERDELL. 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 concurrent resolution. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) is necessarily absent.

The result was announced—yeas 55, nays 44, as follows:

[Rollcall Vote No. 81 Leg.]

YEAS—55

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

NAYS—44

Akaka	Boxer	Daschle
Baucus	Bryan	Dodd
Bayh	Byrd	Dorgan
Biden	Cleland	Durbin
Bingaman	Conrad	Edwards
Feingold	Kohl	Reed
Feinstein	Landrieu	Reid
Graham	Lautenberg	Robb
Harkin	Leahy	Rockefeller
Hollings	Levin	Sarbanes
Inouye	Lieberman	Schumer
Johnson	Lincoln	Torricelli
Kennedy	Mikulski	Wellstone
Kerrey	Moynihan	Wyden
Kerry	Murray	

NOT VOTING—1

McCain

The concurrent resolution (H. Con. Res. 68), as amended, was agreed to.

The text of H. Con. Res. 68 will be printed in a future edition of the RECORD.

Mr. ENZI. Mr. President, I ask unanimous consent that the Senate insist on its amendments and request a conference with the House.

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

Pursuant to the previous order, S. Con. Res. 20 is returned to the calendar.

MORNING BUSINESS

Mr. ENZI. Mr. President, I ask unanimous consent that the Senate now proceed to a period for morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

NATIONAL TARTAN DAY

Mr. LOTT. Mr. President, today I rise to commemorate the first anniversary of National Tartan Day. While it is observed on April 6 of each year, I make this recognition today because Congress will be in recess on that day. I want to remind my colleagues that the resolution which establishes National Tartan Day was Senate Resolution 155. It passed by unanimous consent on March 20th of last year.

As an American of Scottish descent, I appreciate the efforts of individuals, clan organizations, and other groups such as the Scottish Coalition, who were instrumental in generating support for the resolution. These groups worked diligently to foster national awareness of the important role that Americans of Scottish descent have played in the progress of our country.

Mr. President, the purpose of National Tartan Day is to recognize the contributions that Americans of Scottish ancestry have made to our national heritage. It also recognizes the contributions that Scottish Americans continue to make to our country. I look forward to National Tartan Day as another opportunity to pause and reflect on the role Scottish Americans have played in advancing democracy and freedom. It is my hope that this annual event will grow in prominence. Scottish Americans have helped shape this nation. Their contributions are innumerable. In fact, three fourths of all American Presidents can trace their roots to Scotland.

Mr. President, in addition to recognizing Americans of Scottish ancestry, National Tartan Day reminds us of the importance of liberty. It honors those who strived for freedom from an oppressive government on April 6th, 1320. It was on that day that the Declaration of Arbroath was signed. It is the Scottish Declaration of Independence. This important document served as the model for America's Declaration of Independence.

In demanding their independence from England, the men of Arbroath wrote, ''We fight for liberty alone, which no good man loses but with his live.'' These words are applicable today to the heroism of our American veterans and active duty forces who know the precious cost of fighting for liberty.

Mr. President, Senate Resolution 155 has served as a catalyst for the many states, cities, and counties that have passed similar resolutions recognizing the important contributions of Scottish Americans.

I would like to thank all of my colleagues who supported this resolution last year and who helped to remind the world of the stand for liberty taken on April 6—almost seven hundred years ago—in Arbroath, Scotland. A call for liberty which still echoes through our history and the history of many nations across the globe.

I believe April 6th can also serve as a day to recognize those nations that have not achieved the principles of freedom which we hold dear. The example of the Scotsmen at Arbroath—their courage—their desire for freedom—serves as a beacon to countries still striving for liberty today.

ADMIRAL ROY L. JOHNSON

Mr. LOTT. Mr. President, the nation lost one of its most distinguished military leaders when Admiral Roy L. Johnson passed away on March 20. He was 93. His Naval career spanned 38 years, at the end of which he was Commander in Chief of the U.S. Naval Forces in the Pacific at the height of the Vietnam conflict in 1965–1967. Prior to that, as Commander of the U.S. Seventh Fleet, he had given the orders to the U.S.S. *Maddox* and U.S.S. *Turner Joy* to fire back at Viet Cong gunboats in the Tonkin Gulf incident.

The Admiral was a pioneer of Naval aviation. He received his wings in 1932 and served as a flight instructor at the U.S. Navy flight school at Pensacola, both in the era of the biplane in the early 1930s and at the dawn of the space age in the 1950s.

This remarkable man was born March 18, 1906 in Big Bend, Louisiana, the eldest of twelve children of John Edward Johnson and Hettie May Long. He graduated from the U.S. Naval Academy in the class of 1929 and devoted his life thereafter to the security of his country. During World War II, serving on the U.S.S *Hornet*, he was awarded the Bronze Star, the Air Medal and the Legion of Merit with gold star. He saw action in the places

whose names have become a litany of courage: the Philippines, Wake Island, Truk, Iwo Jima, Okinawa. A few year later, as Commanding Officer of the escort carrier U.S.S. *Badoeng Strait*, he again saw action in the Korean War.

In 1955, he became the first commanding officer of the U.S.S. *Forrestal*, the first of the ''super-carriers,'' was promoted to the rank of Rear Admiral, and later assumed command of Carrier Division Four, with the *Forrestal* as his flagship. In 1960, he was named Assistant Chief of Naval Operations for Plans and Policy, was later promoted to Vice Admiral, and in 1963 became Deputy Commander in Chief of the U.S. Pacific Fleet. A year later, he was appointed Commander of the Seventh Fleet, and in that capacity was awarded his second Distinguished Service Medal. In 1965, he was promoted to full Admiral and became Commander in Chief of the U.S. Pacific Fleet and the last Military Governor of the Bonin Islands, which include Iwo Jima.

After his retirement in 1967, Admiral Johnson remained active in civic affairs. He was Chairman of the Board of Virginia Beach General Hospital, a founding trustee of the U.S.S. *Forrestal* Memorial Education Foundation, president of the Early and Pioneer Naval Aviators Association (The Golden Eagles), President of the Naval Academy Alumni Association, and other organizations. He was an active contributor to the U.S. Naval Institute's Oral History Program, which published his military memoirs, served as an advisor on national security matters, and was on the national board of Senator Bob Dole's veterans' group in his presidential campaign.

The Admiral's wife of 69 years, the former Margaret Louise Gross, died last year. Anyone who has been close to a military life theirs knows that it has to be a joint enterprise, in which both husband and wife share the sacrifices, the uncertainties, and the satisfaction of a job heroically done.

On behalf of the U.S. Senate, I would like to offer one last salute to Roy Johnson, a patriot from the beginning, a patriot to the last. As we extend our condolences to all his family—especial his daughter, Jo-Anne Lee Coe, our former Secretary of the Senate—we know they share our pride and our appreciation for all that Admiral Johnson did, and gave, to the country he loved.

THE SENATE SAYS GOODBYE

HELEN C. SCOTT (4/1/85–4/1/99)

Mr. LOTT. Mr. President, Helen Scott has worked for the United States Senate for 14 years in the Environmental Services Department at the U.S. Capitol. During her tenure at the Senate, Helen has proven to be an outstanding employee. She possesses qualities of unremarkable character—dedication and loyalty. Helen is married to Joseph C. Scott and together they have six children and nine grandchildren. We wish Helen the best in her retirement.

JAMES DAVIS (4/2/85–3/1/99)

Mr. LOTT. Mr. President, James Davis has worked for the United States Senate for 14 years in the Environmental Services Department at the U.S. Capitol. During his years of service, we have known Jim to be a fine employee who always performed his duties with spirit and dedication. Jim is married to Nae Davis and they have a son, James Jr. We wish Jim the best of luck in his retirement.

WASHINGTON CENTER FOR INTERNSHIPS AND ACADEMIC SEMINARS

Mr. DASCHLE. Mr. President, I would like to take this opportunity to commend the Washington Center for Internships and Academic Seminars for its excellent work over the last 25 years. The Center, which was founded by William and Sheila Burke in 1975, is an independent, non-profit educational organization that has placed more than 24,000 students from over 750 colleges and universities in internships across the Washington, D.C. area.

The Center plays a critical and formative role in teaching students the value of public service. The organization fosters an enduring civic awareness by placing students in internships and by holding academic seminars that introduce students to the exciting culture and history of our nation's capital. In addition to helping students experience the extraordinary educational opportunities that exist in the District of Columbia, The Center has made an invaluable contribution to public service by helping those of us in Congress to identify talented and energetic young men and women to assist in our work on behalf of the American public.

I know that many of my colleagues share my deep appreciation for this extraordinary achievement, and join me in commending The Center for its pioneering efforts over the last quarter century to promote participatory learning in the nation's capitol. On this, The Center's 25th anniversary, it deserves the recognition and thanks of all of us who work in our nation's capitol and who have benefitted from The Center's important work.

In conclusion, Mr. President, I wish the Washington Center continued success in fulfilling its vital mission to enhance the lives and learning of our nation's college students. This Center's work has immeasurably enriched the lives of students and the lives of those who have been fortunate enough to work with them, and I know it will continue to do so for many years to come.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, March 24, 1999, the federal debt stood at $5,645,338,661,953.64 (Five trillion, six hundred forty-five billion, three hundred thirty-eight million, six hundred sixty-one thousand, nine hundred fifty-three dollars and sixty-four cents).

One year ago, March 24, 1998, the federal debt stood at $5,542,617,000,000 (Five trillion, five hundred forty-two billion, six hundred seventeen million).

Five years ago, March 24, 1994, the federal debt stood at $4,556,299,000,000 (Four trillion, five hundred fifty-six billion, two hundred ninety-nine million).

Ten years ago, March 24, 1989, the federal debt stood at $2,737,627,000,000 (Two trillion, seven hundred thirty-seven billion, six hundred twenty-seven million) which reflects a debt increase of almost $3 trillion—$2,907,711,661,953.64 (Two trillion, nine hundred seven billion, seven hundred eleven million, six hundred sixty-one thousand, nine hundred fifty-three dollars and sixty-four cents) during the past 10 years.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 11:29 a.m., a message from the House of Representatives, delivered by Mr. Hays, 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. 1141. An act making emergency supplemental appropriations for the fiscal year ending September 30, 1999, and for other purposes.

The message also announced that the House has passed the following bill, without amendment:

S. 643. An act to authorize the Airport Improvement Program for 2 months, and for other purposes.

The message further announced that pursuant to the provisions of Executive Order No. 12131, the Speaker appoints the following Members of the House to the President's Export Council: Mr. EWING of Illinois, Mr. ENGLISH of Pennsylvania, and Mr. PICKERING of Mississippi.

ENROLLED BILLS SIGNED

At 12:06 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 68. An act to amend section 20 the Small Business Act and make technical corrections in title III of the Small Business Investment Act.

H.R. 92. An act to designate the Federal building and United States courthouse located at 251 North Main Street in Winston-Salem, North Carolina, as the ''Hiram H. Ward Federal Building and United States Courthouse.''

H.R. 158. An act to designate the United States courthouse located at 316 North 26th Street in Billings, Montana, as the ''James F. Battin United States Courthouse''.

H.R. 233. An act to designate the Federal building located at 700 East San Antonio Street in El Paso, Texas, as the ''Richard C. White Federal Building.''

H.R. 396. An act to designate the Federal building located at 1301 Clay Street in Oakland, California, as the ''Ronald V. Dellums Federal Building.''

S. 314. An act to provide for a loan guarantee program to address the Year 2000 computer problems of small business concerns, and for other purposes.

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

At 7:58 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 68. Concurrent resolution establishing the congressional budget for the United States Government for fiscal year 2000 and setting forth appropriate budgetary levels for each of fiscal years 2001 through 2009.

The message also announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 23. Concurrent Resolution providing for a conditional adjournment or recess of the Senate and the House of Representatives.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

At 9:12 p.m., a message from the House of Representatives delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bills and joint resolutions:

H.R. 774. An act to amend the Small Business Act to change the condition of participation and provide an authorization of appropriations for the women's business center program.

H.R. 808. An act to extend for 6 additional months the period for which chapter 12 of title 11, United States Code, is reenacted.

H.J. Res. 26. Joint resolution providing for the reappointment of Barber B. Conable, Jr. as a citizen regent of the Board of Regents of the Smithsonian Institution.

H.J. Res. 27. Joint resolution providing for the reappointment of Dr. Hanna H. Gray as citizen regent of the Board of Regents of the Smithsonian Institution.

H.J. Res. 28. Joint resolution providing for the reappointment of Wesley S. Williams, Jr. as a citizen of the Board of Regents of the Smithsonian Institution.

S. 643. An act to authorize the Airport Improvement Program for 2 months, and for other purposes.

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

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on March 25, 1999, he had presented to the President of the United States, the following enrolled bill:

S. 314. An act to provide for a loan guarantee program to address the Year 2000 computer problems of small business concerns, and for other purposes.

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–2340. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation to protect producers of agricultural commodities who have purchased a CRCPLUS supplemental endorsement; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2341. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Cinnamaldehyde; Exemption from the Requirement of a Tolerance; Correction'' (RIN2070–AB78) received on March 17, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2342. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Clopyralid; Extension of Tolerance for Emergency Exemptions'' (FRL6066–2) received on March 17, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2343. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Norflurazon; Extension of Tolerance for Emergency Exemptions'' (FRL6063–2) received on March 17, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2344. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Imidacloprid; Extension of Tolerance for Emergency Exemptions'' (FRL6066–9) received on March 17, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2345. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department's report entitled ''Automotive Fuel Economy Program'' for calendar year 1998; to the Committee on Commerce, Science, and Transportation.

EC–2346. A communication from the Secretary of Transportation, transmitting, a draft of proposed legislation to increase consumer protections for airline passengers; to the Committee on Commerce, Science, and Transportation.

EC–2347. A communication from the Secretary of Transportation, transmitting, a draft of proposed legislation entitled ''The Maritime Administration Authorization Act for Fiscal Years 2000 and 2001''; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2348. A communication from the Secretary of the Interior, transmitting, pursuant to law, the Department's report on the administration of the Marine Mammal Protection Act; to the Committee on Commerce, Science, and Transportation.

EC–2349. A communication from the Secretary of Commerce, transmitting, a draft of proposed legislation entitled ''The Coastal Management Enhancement Act''; to the Committee on Commerce, Science, and Transportation.

EC–2350. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Closure of Specified Groundfish Fisheries in the Bering Sea and Aleutian Islands'' (I.D. 030899B) received on March 17, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2351. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Closure of Specified Groundfish Fisheries in the Gulf of Alaska'' (I.D. 030899C) received on March 17, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2352. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Tuna Fisheries; Atlantic Bluefin Tuna'' (I.D. 021299E) received on March 17, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2353. A communication from the Acting Director of the Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in the Eastern Regulatory Area of the Gulf of Alaska'' (I.D. 030599C) received on March 17, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2354. A communication from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands; Final 1999 Harvest Specifications for Groundfish'' (I.D. 121098D) received on March 17, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2355. A communication from the Associate Administrator, National Telecommunications and Information Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Public Telecommunications Facilities Program: Closing Date'' (RIN0660–ZA07) received on March 17, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2356. A communication from the Assistant Administrator of the National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Sea Grant Technology Program: Request for Proposals for FY 1999'' (RIN0648–ZA58) received on March 18, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2357. A communication from the Assistant Administrator, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Sea Grant Industry Fellows Program: Request for Proposals for FY 1999'' (RIN0648–ZA57) received on March 18, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2358. A communication from the Assistant Administrator, National Oceanic and Atmospheric Administration, Department of

Commerce, transmitting, pursuant to law, the report of a rule entitled ''National Oyster Disease Research Program and Gulf Oyster Industry Initiative: Request for Proposals for FY 1999'' (RIN0648–ZA56) received on March 18, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2359. A communication from the Assistant Administrator, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Dean John A. Knauss Marine Policy Fellowship National Sea Grant College Federal Fellows Program'' (RIN0648–ZA55) received on March 18, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2360. A communication from the Assistant Administrator of the National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Aquatic Nuisance Species Research and Outreach and Improved Methods for Ballast Water Treatment and Management; Request for Proposals for FY 1999'' (RIN0648–ZA54) received on March 18, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2361. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Table of Allotments, FM Broadcast Stations: Clinton and Okarche, Oklahoma'' (Docket 98–70) received on March 15, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2362. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Table of Allotments, FM Broadcast Stations: Brewster, Massachusetts'' (Docket 98-58) received on March 15, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2363. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Table of Allotments, FM Broadcast Stations: Spencer and Webster, Massachusetts'' (Docket 98-174) received on March 15, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2364. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Table of Allotments, FM Broadcast Stations: Kansas City, Missouri'' (Docket 96-134) received on March 15, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2365. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations for Marine Events; 1D48 Chesapeake Grand Prix Round-the-Buoys Races'' (Docket 05-99-012) received on March 18, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2366. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone: Chesapeake Bay, Patapsco River, Inner Harbor, Baltimore, Maryland'' (Docket 05-99-009) received on March 18, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2367. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations for Marine Events; 1D48 Chesapeake Grand Prix Distance Race'' (Docket 05-99-013) received on March 18, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2368. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations for Marine Events; Western Branch, Elizabeth River, Portsmouth, Virginia'' (Docket 05-99-010) received on March 18, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2369. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Disclosure of Change-of-Gauge Services'' (RIN2105-AC17) received on March 18, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2370. A communication from the Attorney-Advisor, Bureau of Transportation Statistics, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision to Reporting Requirements for Motor Carriers of Property and Household Goods'' (RIN2139-AA05) received on March 18, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2371. A communication from the Attorney Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Federal Motor Vehicle Safety Standards; Child Restraint Systems; Child Restraint Anchorage Systems'' (RIN2127-AG50) received on March 18, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2372. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Pilateus Aircraft Ltd. Models PC-12 and PC-12/45 Airplanes'' (Docket 98-CE-73-AD) received on March 15, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2373. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 757–200 Series Airplanes'' (Docket 98–NM–238–AD) received on March 15, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2374. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Commission, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; McDonnell Douglass Model DC–10 and MD–11 Series Airplanes, and KC–10 [Military) Series Airplanes'' (Docket 98–NM–55–AD) received on March 15, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2375. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Commission, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Short Brothers Model SD3–60 and SD3–60 SHERPA Series Airplanes'' (Docket 97–NM–106–AD) received on March 15, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2376. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Commission, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class D Airspace and Class E Airspace and Establishment of Class E Airspace; Kenosha, WI'' (Docket 98–AGL–62) received on March 15, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2377. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Commission, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revocation of Restricted Areas R–2531A and R–2531B, Establishment of Restricted Area R–2531, and Change of Using Agency, Tracy; CA'' (Docket 98–AWP–30) received on March 15, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2378. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Commission, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A300 and A300–600 Series Airplanes'' (Docket 98–NM–106–AD) received on March 15, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2379. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Commission, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A320 Series Airplanes'' (Docket 98–NM–105–AD) received on March 15, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2380. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Commission, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class D Airspace and Class E Airspace and Establishment of Class E Airspace; Rapid City, SD'' (Docket 98–AGL–64) received on March 15, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2381. A communication from the Deputy Assistant Administrator, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Request for Proposals for the Global Ocean Ecosystems Dynamics Project'' (RIN0648–ZA53) received on March 10, 1999; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–22. A resolution adopted by the Commission of the City of Margate, Florida, relative to the rights of freedom of speech and association of candidates for office; to the Committee on the Judiciary.

POM–23. A resolution adopted by the Legislature of the State of Nebraska; to the Committee on the Judiciary.

LEGISLATIVE RESOLUTION 10

Whereas, the delegates to the 1788 Constitutional Convention discussed whether the term of office for a representative should be one year or three years and compromised on a two-year term; and

Whereas, communications systems and travel accommodations have improved over the last two hundred years which allows quicker and easier communication with constituents and more direct contact; and

Whereas, the American people would be better served by having the members of the

House of Representatives focus on issues and matters before the Congress rather than constantly running a campaign; and

Whereas, a biennial election of one-half of the Members of the House of Representatives would still allow the American people to express their will every two years. Now therefore, be it

Resolved by the Members of the Ninety-Sixth Legislature of Nebraska, First Session:

1. That the Legislature hereby petitions the Congress of the United States to propose to the states an amendment to Article I, section 2, of the United States Constitution that would increase the length of the terms of office for members of the House of Representatives from two years to four years with one-half of the Member's terms expiring every two years.

2. That official copies of this resolution be prepared and forwarded to the Speaker of the House of Representatives and President of the Senate of the Congress of the United States and to all Members of the Nebraska delegation to the Congress of the United States, with the request that it be officially entered in the CONGRESSIONAL RECORD as a memorial to the Congress of the United States.

3. That a copy of the resolution be prepared and forwarded to President William J. Clinton.

POM–24. A resolution adopted by the Legislature of the State of Wyoming; to the Committee on Governmental Affairs.

Whereas, the U.S. Constitution requires an actual enumeration of the population every ten years, and entrusts Congress with overseeing all aspects of each decennial enumeration;

Whereas, the sole constitutional purpose of the decennial census is to apportion the seats in Congress among the several states;

Whereas, an accurate and legal decennial census is necessary to properly apportion U.S. House of Representatives seats among the 50 states and to create legislative districts within the states;

Whereas, an accurate and legal decennial census is necessary to enable states to comply with the constitutional mandate of drawing state legislative districts within the states;

Whereas, Article 1, Section 2 of the U.S. Constitution, in order to ensure an accurate count, and to minimize the potential for political manipulation, mandates an ''actual enumeration'' of the population, which requires a physical headcount of the population and prohibits statistical guessing or estimates of the population;

Whereas, Title 13, Section 195 of the U.S. Code, consistent with this constitutional mandate, expressly prohibits the use of statistical sampling to enumerate the U.S. population for the purpose of reapportioning the U.S. House of Representatives;

Whereas, legislative redistricting conducted by the states is a critical subfunction of the constitutional requirement to apportion representatives among the states;

Whereas, the United States Supreme Court, in No. 98–404, *Department of Commerce, et al. v. United States House of Representatives, et al.*, together with No. 98–564, *Clinton, President of the United States, et al. v. Glavin, et al.* ruled on January 25, 1999 that the Census Act prohibits the Census Bureau's proposed uses of statistical sampling in calculating the population for purposes of apportionment;

Whereas, in reaching its findings, the United States Supreme Court found that the use of statistical procedures to adjust census numbers would create a dilution of voting rights for citizens in legislative redistricting, thus violating legal guarantees of 'one-person, one-vote;'

Whereas, consistent with this ruling and the constitutional and legal relationship of legislative redistricting by the states to the apportionment of the U.S. House of Representatives, the use of adjusted census data would raise serious questions of vote dilution and violate 'one-person, one-vote' legal protections, thus exposing the State of Wyoming to protracted litigation over legislative redistricting plans at great cost to the taxpayers of the State of Wyoming, and likely result in a court ruling invalidating any legislative redistricting plan using census numbers that have been determined in whole or in part by the use of random sampling techniques or other statistical methodologies that add or subtract persons to the census counts based solely on statistical inference;

Whereas, consistent with this ruling, no person enumerated in the census should ever be deleted from the census enumeration;

Whereas, consistent with this ruling, every reasonable and practical effort should be made to obtain the fullest and most accurate count of the population as possible, including appropriate funding for state and local census outreach and education programs; as well as a provision for post census local review; Therefore be it

Resolved, That the Wyoming State Legislature calls on the Bureau of the Census to conduct the 2000 decennial census consistent with the aforementioned United States Supreme Court ruling and constitutional mandate, which require a physical headcount of the population and bars the use of statistical sampling to create, or in any way adjust the count; be it further

Resolved, That the Wyoming State Legislature opposes the use of P.L. 94–171 data for state legislative redistricting based on census numbers that have been determined in whole or in part by the use of statistical inferences derived by means of random sampling techniques or other statistical methodologies that add or subtract persons to the census counts; be it further

Resolved, That the Wyoming State Legislature demands that it receive P.L. 94–171 data for legislative redistricting identical to the census tabulation data used to apportion seats in the U.S. House of Representatives consistent to the aforementioned United States Supreme Court ruling and constitutional mandates, which requires a physical headcount of the population and bars the use of statistical sampling to create, or in any way adjust the count; be it further

Resolved, That the Wyoming State Legislature urges Congress, as the branch of government assigned the responsibility of overseeing the decennial enumeration, to take whatever steps are necessary to ensure that the 2000 decennial census is conducted fairly and legally; and be it further.

Resolved, That a copy of this Resolution be transmitted to the Speaker of the U.S. House of Representatives, Majority Leader of the U.S. Senate, Vice President and the President of the United States.

POM–25. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Governmental Affairs.

SENATE JOINT RESOLUTION NO. 4

Whereas, Few environmental challenges have proven more daunting than the problems posed by high-level nuclear waste; and

Whereas, The proposed Nuclear Waste Policy Act of 1999 is a disastrous response to these problems and if enacted would attack state authority, create massive taxpayer liabilities and unwisely require an ''interim'' storage facility for high-level nuclear waste which would directly threaten the environment; and

Whereas, By requiring construction of an ''interim'' storage facility at the Nevada Test Site, the proposed Nuclear Waste Policy Act of 1999 would require the unprecedented shipment of high-level nuclear waste through 43 states endangering the lives of fifty million American citizens who live within one-half mile of the proposed transportation routes; and

Whereas, Although there is the expectation that high-level waste at reactors will eventually have to be moved, the provisions of the Nuclear Waste Policy Act of 1999 exacerbate the risk of this dangerous activity; and

Whereas, Despite the serious flaws with the proposed Yucca Mountain site, studies are being conducted to determine whether the site is capable of hosting a permanent repository for high-level nuclear waste, but if enacted, the Nuclear Waste Policy Act of 1999 would prejudice those studies by explicitly revoking federal regulations that establish guidelines for determining the suitability of the site; and

Whereas, Upon the revocation of such regulations, requirements for establishing the characteristics of the site, such as the time it takes for water to travel and climactic stability, would be eliminated, thereby undermining the integrity of any determination regarding the suitability of the site for the storage of high-level nuclear waste; and

Whereas, A major cause for concern in designating the Nevada Test Site as the ''interim'' storage facility is the high seismic activity that has been taking place in the area, including seven earthquakes just last month at 3.0 or greater with three jolts recorded at a magnitude of between 4.3 and 4.7 that struck at the eastern edge of the site; and

Whereas, Geologists have expressed concern over this seismic activity stating that these recent earthquakes are part of a swarm of tremors that have occurred along the Rock Valley Fault zone, including a 5.8 magnitude quake on June 29, 1992, at Little Skull Mountain, which knocked out windows, cracked walls and brought down ceiling panels at a fields operations center approximately 12 miles from the site of the proposed repository; and

Whereas, Federal law directs the Environmental Protection Agency to enact regulations to protect the environment from repository radiation releases, but the Nuclear Waste Policy Act of 1999 prohibits all efforts of the Environmental Protection Agency to carry out this responsibility; and

Whereas, The reality is that the Nuclear Waste Policy Act of 1999 would create a single performance standard that would allow annual radiation exposures of up to 100 millirems to an average member of the surrounding population, a level four times the amount allowed by regulation for storage facilities; and

Whereas, The Nuclear Waste Policy Act of 1999 contains broad preemptions for environmental legislation including a provision stating that any state or local law that is ''inconsistent'' with the requirements of the proposed Act is preempted; and

Whereas, This proposed Act does not allow the Environmental Impact Statement to question the size, need or timing of any ''interim'' storage facility nor does it allow any questions relating to alternative locations or design criteria; and

Whereas, The proposed ''interim'' storage facility site will have a capacity of 40,000 MTUs which is sufficient space to store all of today's commercial nuclear waste and the license is to be a 100-year renewable license which suggests that this proposed ''interim'' storage facility is expected to become permanent; now, therefore, be it

Resolved by the Senate and Assembly of the State of Nevada, (jointly), That the members of the 70th session of the Nevada Legislature

do hereby urge the Congress of the United States not to enact the Nuclear Waste Policy Act of 1999, H.R. 45; and be it further

Resolved, that the Nevada Legislature is opposed to any further consideration of the use of the Nevada Test Site as a national site for the disposal of high-level nuclear waste; and be it further

Resolved, that the Secretary of the Senate prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

Resolved, that the Secretary of the Senate prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

Resolved, that this resolution becomes effective upon passage and approval.

POM–26. A resolution adopted by the House of the Legislature of the Commonwealth of the Northern Marianas Islands; to the Committee on Energy and Natural Resources.

HOUSE RESOLUTION NO. 11–126

Whereas, the Covenant to establish the Commonwealth of the Northern Mariana Islands (Commonwealth) in political union with the United States of America was entered into for two reasons: first, to secure and maintain the national security and defense of the United States in the Pacific rim and far east Asia; and second, to secure among the people of the Commonwealth the right to self-government with respect to their own internal affairs; and

Whereas, the people of the Commonwealth gave up their precious political sovereignty and some control over their lands, sea and air in order to secure and maintain the national security and defense of the United States; and

Whereas, in exchange for what the people of the Commonwealth gave up for the benefit of the United States under the Covenant, the United States agreed to extend to the Commonwealth financial assistance; agreed to assist the Commonwealth in developing its economic resources; agreed to protect the small population of the Commonwealth from being overwhelmed by permanent immigrants from the nearby Asian countries; and extended third class US citizenship to the people of the Commonwealth; and

Whereas, first class US citizens are those who have representatives and senators in Congress and vote for the President; second class citizens are those who have only nonvoting delegates to Congress: and third class citizens are those who have no representative, no senator, no vote for the president and have no voice at all in their democratic government, the United States of America; and

Whereas, the economic goal of the Commonwealth as envisioned in the Covenant was to reduce its requirement for financial assistance from the United States and to become self-reliant; and

Whereas, in order to facilitate economic development in the Commonwealth, and at the same time maintain political control among the Commonwealth people, the United States left to the Commonwealth complete control over immigration and minimum age, and exempted the Commonwealth from the U.S. import duties; and

Whereas, as a direct result of these economic incentives, the local control of immigration and minimum wage, and the waiver of import duties, the Commonwealth's annual gross product ballooned from a mere few million dollars in 1978 when the Commonwealth Government came into being to over one billion dollars in 1997, making her the envy of other colonies and independent states in the region; and

Whereas, the Commonwealth imports U.S. products to the tune of one billion dollars per year; and

Whereas, the success story of the Commonwealth's economy, concentrated in the industries of tourism and garment manufacturing, is the result of innovative provisions in the Covenant, the effectiveness of which the United States and the Commonwealth should be proud of; and

Whereas, the economic boom in the Commonwealth resulted in the importation of a large number of temporary non-immigrant workers, as envisioned in the Covenant, to supplement its small pool of local manpower; and

Whereas, it has been the experience of developed and developing countries, including the United States, that any rapid social and demographic changes which naturally breed social and political problems; and

Whereas, in the case of the Commonwealth, the success of the garment industry is claimed by the Office of Insular Affairs to have adversely affected the textile industry in the United States, causing some first class U.S. citizens to lose their jobs, and the United States Government to lose about $200,000,000,00 in waived import duties; and

Whereas, the Office of Insular Affairs, insinuating arrogantly that the third class US citizens of the Commonwealth should not and cannot improve their economic status at the expense of secured jobs for the first class US citizens in the United States, has embarked on a vicious campaign to destroy the garment industry in the Commonwealth by persuading the US Congress to take away control of immigration and minimum wage and end the waiver of import duties with respect to garment; and

Whereas, as part of this campaign, the Office of Insular Affairs has submitted annual reports to Congress and in these reports attempts to paint a deceptive picture of these paradise islands as being evil, governed by abusive people, controlled by alien tycoons, and has exaggerated the social problems associated with the recent economic boom; and

Whereas, this legislature denounces the most recent report to Congress which purposely ignores major reform programs, legislative actions, improved enforcement,and the immense progress made in solving the consequential social problems associated with the recent economic boom, and instead, repeated old and inaccurate facts; and

Whereas, some members of the US Congress have complimented the Commonwealth for its economic miracle and for showcasing what free-enterprise and democracy, working hand in hand, could accomplish; and others have stated that the social problems resulting from the economic boom are local problems deserving local solutions; now, therefore

Be it resolved, by the House of Representatives, Eleventh Northern Marianas Commonwealth Legislature, that the Office of Insular Affairs is urged to be honest and sincere in its presentation of the facts about the Commonwealth to Congress and the news media; and

Be it further resolved That the Office of Insular Affairs acknowledge the tremendous benefit that the United States has received from the people of the Commonwealth through the Covenant and to show some appreciation for such gain; and

Be it further resolved That the US Congress is hereby requested to continue allowing the Commonwealth to work on its internal problems and to not take away control of immigration, but to uphold the intent and integrity of the Covenant; and

Be it further resolved, That the Speaker of the House shall certify and the House Clerk shall attest to the adoption of this resolution and thereafter transmit copies to Office of Insular Affairs, President of the United States, Speaker of the House of the US Congress, President of the US Senate, the president and governor's representatives to the 902 talks, the Honorable Pedro P. Tenorio, Governor, Commonwealth of the Northern Mariana Islands, and the Mayors of each senatorial district.

POM–27. A resolution adopted by the Senate of the Legislature of the State of New Hampshire; to the Committee on Appropriations.

RESOLUTION

Whereas, since its enactment in 1975, the Individuals with Disabilities Education Act (IDEA) has helped millions of children with special needs to receive a quality education and to develop to their full capacities; and

Whereas, the IDEA has moved children with disabilities out of institutions and into public school classrooms with their peers; and

Whereas, the IDEA has helped break down stereotypes and ignorance about people with disabilities, improving the quality of life and economic opportunity for millions of Americans; and

Whereas, when the federal government enacted the Individuals with Disabilities Education Act, it promised to fund 40 percent of the average per pupil expenditure in public elementary and secondary schools in the United States; and

Whereas, the federal government currently funds, on average, less than 9 percent of the actual cost of special education services; and

Whereas, local school districts and state government end up bearing the largest share of the cost of special education services; and

Whereas, the federal government's failure to adequately fulfill its responsibility to special needs children undermines public support for special education and creates hardship for disabled children and their families; now, therefore, be it

Resolved by the Senate:

That the New Hampshire senate urges the President and the Congress to fund 40 percent of the average per pupil expenditure in public elementary and secondary schools in the United States as promised under the IDEA to ensure that all children, regardless of disability, receive a quality education and are treated with the dignity and respect they deserve; and

That copies of this resolution be forwarded by the senate clerk to the President of the United States, the speaker of the United States House of Representatives, the President of the United States Senate, and the members of the New Hampshire congressional delegation.

POM–28. A resolution adopted by the Senate of the Legislature of the Commonwealth of Massachusetts; to the Committee on Commerce, Science, and Transportation.

RESOLUTION

Whereas, the decision to close the Boston Regional Office of the Federal Trade Commission will have a substantial adverse effect on both consumers and small businesses in the Commonwealth of Massachusetts and New England; and

Whereas, for over 40 years the Boston Regional Office has provided a Federal Trade Commission presence in New England, enforcing consumer protection and anti-trust laws; and

Whereas, the Boston Federal Trade Commission Office receives in excess of 5,000 consumer complaints and inquiries annually which are mediated and adjusted to the satisfaction of consumers and small businesses; and

Whereas, the Boston Federal Trade Commission Office acts as a liaison for state and local consumer and regulatory agencies in the areas of credit, consumer protection and anti-trust as well as various other laws and regulations; and

Whereas, the Massachusetts consumers' coalition, whose members include representatives of the Massachusetts attorney general's office, the AARP, the National Consumer Law Center and local consumer protection offices, is charged with safeguarding the interests of consumers throughout the Commonwealth of Massachusetts and believes that closing the Boston Regional office will significantly diminish the level of consumer protection throughout the commonwealth; now therefore be it

Resolved, that the Massachusetts Senate hereby respectfully requests the president of the United States to direct the chairman of the Federal Trade Commission to rescind his decision closing the Boston Regional Office as it is contrary to the public's interest; and be it further

Resolved, that a copy of these resolutions be transmitted forthwith by the Clerk of the Senate to the President of the United States, the chairman of the Federal Trade Commission, the presiding officer of each branch of Congress and to the members thereof from this commonwealth.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources:

Robert Wayne Gee, of Texas, to be an Assistant Secretary of Energy (Fossil Energy), vice Patricia Fry Godley, resigned.

Carolyn L. Huntoon, of Virginia, to be an Assistant Secretary of Energy (Environmental Management).

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. HATCH, from the Committee on the Judiciary:

William J. Hibbler, of Illinois, to be United States District Judge for the Northern District of Illinois, vice James H. Alesia, retired.

Matthew F. Kennelly, of Illinois, to be United States District Judge for the Northern District of Illinois, vice Paul E. Plunkett, retired.

Thomas Lee Strickland, of Colorado, to be United States Attorney for the District of Colorado for the term of four years, vice Henry Lawrence Solano, resigned.

Carl Schnee, of Delaware, to be United States Attorney for the District of Delaware for the term of four years vice Gregory M. Sleet, resigned.

(The above nominations were reported with the recommendation that they be confirmed.)

By Mr. WARNER, from the Committee on Armed Services:

Rose Eilene Gottemoeller, of Virginia, to be an Assistant Secretary of Energy (Non-Proliferation and National Security).

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Eugene L. Tattini, 0000

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Harold L. Timboe, 0000

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. William C. Jones, Jr., 0000

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Michael V. Hayden, 0000

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Reginald A. Centracchio, 0000

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Edward J. Fahy, Jr., 0000

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Daniel R. Bowler, 0000
Rear Adm. (lh) John E. Boyington, Jr., 0000
Rear Adm. (lh) John V. Chenevey, 0000
Rear Adm. (lh) Albert T. Church, III, 0000
Rear Adm. (lh) John P. Davis, 0000
Rear Adm. (lh) John B. Foley, III, 0000
Rear Adm. (lh) Veronica A. Froman, 0000
Rear Adm. (lh) Alfred G. Harms, Jr., 0000
Rear Adm. (lh) John M. Johnson, 0000
Rear Adm. (lh) Timothy J. Keating, 0000
Rear Adm. (lh) Roland B. Knapp, 0000
Rear Adm. (lh) Timothy W. LaFleur, 0000
Rear Adm. (lh) James W. Metzger, 0000
Rear Adm. (lh) Richard J. Naughton, 0000
Rear Adm. (lh) John B. Padgett, 0000
Rear Adm. (lh) Kathleen K. Paige, 0000
Rear Adm. (lh) David P. Polatty, III, 0000
Rear Adm. (lh) Ronald A. Route, 0000
Rear Adm. (lh) Steven G. Smith, 0000
Rear Adm. (lh) Ralph E. Suggs, 0000
Rear Adm. (lh) Paul F. Sullivan, 0000

Mr. WARNER. Madam President, for the Committee on Armed Services, I also report favorably the lists which were printed in full in the RECORD of March 8, 1999, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

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

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD of March 8, 1999, at the end of the Senate proceedings.)

In the Army nomination of Patrick Finnegan, which was received by the Senate and appeared in the Congressional Record of March 8, 1999.

In the Army nominations beginning Christopher D. Latchford, and ending James E. Braman, which nominations were received by the Senate and appeared in the Congressional Record of March 8, 1999.

In the Army nominations beginning Lee G. Kennard, and ending Michael E. Thompson, which nominations were received by the Senate and appeared in the Congressional Record of March 8, 1999.

In the Army nominations beginning Wesley D. Collier, and ending Thomas L. Musselman, which nominations were received by the Senate and appeared in the Congressional Record of March 8, 1999.

In the Army nominations beginning David E. Bell, and ending Howard Lockwood, which nominations were received by the Senate and appeared in the Congressional Record of March 8, 1999.

In the Army nominations beginning *Jan E. Aldykiewicz, and ending *Louis P. Yob, which nominations were received by the Senate and appeared in the Congressional Record of March 8, 1999.

In the Army nominations beginning Timothy K. Adams, and ending Derick B. Ziegler, which nominations were received by the Senate and appeared in the Congressional Record of March 8, 1999.

In the Marine Corps nomination of Stanley A. Packard, which was received by the Senate and appeared in the Congressional Record of March 8, 1999.

In the Marine Corps nomination of Todd D. Bjorklund, which was received by the Senate and appeared in the Congressional Record of March 8, 1999.

In the Navy nomination of Tarek A. Elbeshbeshy, which was received by the Senate and appeared in the Congressional Record of March 8, 1999.

In the Navy nominations beginning Glen C. Crawford, and ending Leonard G. Ross, Jr., which nominations were received by the Senate and appeared in the Congressional Record of March 8, 1999.

In the Navy nominations beginning Steven W. Allen, and ending Daniel C. Wyatt, which nominations were received by the Senate and appeared in the Congressional Record of March 8, 1999.

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. MURKOWSKI (for himself and Mr. STEVENS):

S. 713. A bill to amend the Internal Revenue Code of 1986 to provide a charitable deduction for certain expenses incurred in support of Native Alaskan subsistence whaling; to the Committee on Finance.

S. 714. A bill to amend the Internal Revenue Code of 1986 to maintain exemption of Alaska from dyeing requirements for exempt diesel fuel and kerosene; to the Committee on Finance.

By Mrs. MURRAY (for herself, Mr. WYDEN, and Mr. BAUCUS):

S. 715. A bill to amend the Wild and Scenic Rivers Act to designate a portion of the Columbia River as a recreational river, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KOHL:

S. 716. A bill to provide for the prevention of juvenile crime, and for other purposes; to the Committee on the Judiciary.

By Ms. MIKULSKI (for herself, Mr. SARBANES, Ms. SNOWE, Mr. DODD, Mr.

HARKIN, Mr. HOLLINGS, Mr. INOUYE, Ms. LANDRIEU, and Mr. REID):

S. 717. A bill to amend title II of the Social Security Act to provide that the reductions in social security benefits which are required in the case of spouses and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds $1,2000, adjusted for inflation; to the Committee on Finance.

By Ms. MIKULSKI (for herself and Mr. INOUYE):

S. 718. A bill to amend chapters 83 and 84 of title 5, United States Code, to extend the civil service retirement provisions of such chapter which are applicable to law enforcement officers, to inspectors of the Immigration and Naturalization Service, inspectors and canine enforcement officers of the United States Customs Service, and revenue officers of the Internal Revenue Service; to the Committee on Governmental Affairs.

By Mr. REID:

S. 719. A bill to provide for the orderly disposal of certain Federal land in the State of Nevada and for the acquisition of environmentally sensitive land in the State, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HELMS (for himself, Mr. EDWARDS, and Mr. HAGEL):

S. 720. A bill to promote the development of a government in the Federal Republic of Yugoslavia (Serbia and Montenegro) based on democratic principles and the rule of law, and that respects internationally recognized human rights, to assist the victims of Serbian oppression, to apply measures against the Federal Republic of Yugoslavia, and for other purposes; to the Committee on Foreign Relations.

By Mr. GRASSLEY (for himself, Mr. SCHUMER, Mr. LEAHY, Mr. FEINGOLD, and Mr. MOYNIHAN):

S. 721. A bill to allow media coverage of court proceedings.

By Mr. INHOFE (for himself, Mr. MURKOWSKI, Mr. BURNS, Mr. GRASSLEY, Mr. BREAUX, Mr. CRAPO, Mr. STEVENS, and Mr. FRIST):

S. 722. A bill to provide for the immediate application of certain orders relating to the amendment, modification, suspension, or revocation of certificates under chapter 447 of title 49, United States Code; to the Committee on Commerce, Science, and Transportation.

By Mr. INHOFE:

S. 723. A bill to provide regulatory amnesty for defendents who are unable to comply with federal enforceable requirements because of factors related to a Y2K system failure; to the Committee on Governmental Affairs.

By Mr. INHOFE (for himself and Mr. SESSIONS):

S. 724. A bill to amend the Safe Drinking Water Act to clarify that underground injection does not include certain activities, and for other purposes; to the Committee on Environment and Public Works.

By Ms. SNOWE (for herself and Mr. MCCAIN):

S. 725. A bill to preserve and protect coral reefs, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CAMPBELL (for himself and Mr. TORRICELLI):

S. 726. A bill to establish a matching grant program to help State and local jurisdictions purchase bullet resistant equipment for use by law enforcement departments; to the Committee on the Judiciary.

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

S. 727. A bill to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed firearms and to allow States to enter into compacts to recognize other States' concealed weapons permits; to the Committee on the Judiciary.

By Mr. CAMPBELL:

S. 728. A bill to amend chapter 44 of title 18, United States Code, to increase the maximum term of imprisonment for offenses involving stolen firearms; to the Committee on the Judiciary.

By Mr. CRAIG (for himself, Mr. MURKOWSKI, Mr. LOTT, Mr. STEVENS, Mr. BURNS, Mr. SMITH of Oregon, Mr. CRAPO, Mr. SHELBY, Mr. HAGEL, and Mr. BENNETT):

S. 729. A bill to ensure that Congress and the public have the right to participate in the declaration of national monuments on federal land; to the Committee on Energy and Natural Resources.

By Mr. DURBIN:

S. 730. A bill to direct the Consumer Product Safety Commission to promulgate fire safety standards for cigarettes, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. KENNEDY (for himself, Mr. JOHNSON, Mr. LEAHY, Mr. WELLSTONE, Mr. FEINGOLD, Mr. INOUYE, Mr. KERRY, and Mr. DODD):

S. 731. A bill to provide for substantial reductions in the price of prescription drugs for medicare beneficiaries; to the Committee on Finance.

By Mr. TORRICELLI:

S. 732. A bill to require the Inspector General of the Department of Defense to conduct an audit of purchases of military clothing and related items made during fiscal year 1998 by certain military installations of the Army, Navy, Air Force, and Marine Corps; to the Committee on Armed Services.

By Mr. TORRICELLI (for himself and Mr. LAUTENBERG):

S. 733. A bill to enact the Passaic River Basin Flood Management Program; to the Committee on Environment and Public Works.

By Mr. MURKOWSKI (for himself and Mr. REID):

S. 734. A bill entitled the ''National Discovery Trails Act of 1999''; to the Committee on Energy and Natural Resources.

By Mr. KENNEDY (for himself, Mrs. BOXER, Mr. DURBIN, and Mr. SCHUMER):

S. 735. A bill to protect children from firearms violence; to the Committee on the Judiciary.

By Mr. LIEBERMAN (for himself and Mr. DODD):

S. 736. A bill to amend titles XVIII and XIX of the Social Security Act to ensure that individuals enjoy the right to be free from restraint, and for other purposes; to the Committee on Finance.

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

S. 737. A bill to amend title XIX of the Social Security Act to provide States with options for providing family planning services and supplies to women eligible for medical assistance under the medicaid program; to the Committee on Finance.

By Mr. DODD:

S. 738. A bill to assure that innocent users and businesses gain access to solutions to the year 2000 problem-related failures through fostering an incentive to settle year 2000 lawsuits that may disrupt significant sectors of the American economy; to the Committee on the Judiciary.

By Mr. MURKOWSKI (for himself and Mr. CAMPBELL):

S. 739. A bill to amend the American Indian Trust Fund Management Reform Act to direct the Secretary of the Interior to contract with qualified financial institutions for the investment of certain trust funds, and for other purposes; to the Committee on Indian Affairs.

By Mr. CRAIG (for himself, Mr. CRAPO, Mr. BURNS, and Mr. GRAMS):

S. 740. A bill to amend the Federal Power Act to improve the hydroelectric licensing process by granting the Federal Energy Regulatory Commission statutory authority to better coordinate participation by other agencies and entities, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. GRAHAM (for himself, Mr. GRASSLEY, Mr. BAUCUS, Mr. HATCH, Mr. BREAUX, Mr. JEFFORDS, Mr. KERREY, Mr. ROBB, Mr. MACK, Mr. BOND, Mr. CHAFEE, Mr. THOMPSON, Mr. BINGAMAN, and Mr. MURKOWSKI):

S. 741. A bill to provide for pension reform, and for other purposes; to the Committee on Finance.

By Mr. GRASSLEY (for himself and Mr. CONRAD):

S. 742. A bill to clarify the requirements for the accession to the World Trade Organization of the People's Republic of China; to the Committee on Finance.

By Mr. HOLLINGS (for himself and Mr. HELMS):

S. 743. A bill to require prior congressional approval before the United States supports the admission of the People's Republic of China into the World Trade Organization, and to provide for the withdrawal of the United States from the World Trade Organization if China is accepted into the WTO without the support of the United States; to the Committee on Finance.

By Mr. MURKOWSKI:

S. 744. A bill to provide for the continuation of higher education through the conveyance of certain public lands in the State of Alaska to the University of Alaska, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ABRAHAM (for himself, Mr. KENNEDY, Mr. GRAMS, Mr. LEAHY, Mr. GRAHAM, Mr. BURNS, Mr. MCCAIN, Ms. SNOWE, Mr. DEWINE, Mr. JEFFORDS, Mr. GORTON, Mr. CRAIG, Mr. LEVIN, Mr. SCHUMER, Mrs. MURRAY, Mr. MURKOWSKI, Mr. MOYNIHAN, Mr. MACK, Mr. SMITH of Oregon, Mr. DORGAN, Mr. SANTORUM, Mr. COCHRAN, Mr. INOUYE, and Ms. COLLINS):

S. 745. A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to modify the requirements for implementation of an entry-exit control system; to the Committee on the Judiciary.

By Mr. LEVIN (for himself, Mr. THOMPSON, Mr. VOINOVICH, Mr. ROBB, Mr. ABRAHAM, Mr. ROCKEFELLER, Mr. ROTH, Mr. DASCHLE, Mr. STEVENS, Mr. MOYNIHAN, Mr. COCHRAN, Mr. BREAUX, Mr. FRIST, Mr. ENZI, Mr. GRAMS, Mr. GRASSLEY, and Mrs. LINCOLN):

S. 746. A bill to provide for analysis of major rules, to promote the public's right to know the costs and benefits of major rules, and to increase the accountability of quality of Government; to the Committee on Governmental Affairs.

By Mrs. HUTCHISON:

S. 747. A bill to amend title 49, United States Code, to promote rail competition, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. MURKOWSKI:

S. 748. A bill to improve Native hiring and contracting by the Federal Government within the State of Alaska, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KENNEDY (for himself, Mr. STEVENS, Mr. DODD, Mr. JEFFORDS, and Mr. KERRY):

S. 749. A bill to establish a program to provide financial assistance to States and local entities to support early learning programs for prekindergarten children, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DODD (for himself and Mr. LIEBERMAN):

S. 750. A bill to protect the rights of residents of certain federally funded hospitals; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEAHY (for himself, Mr. DASCHLE, Mr. KENNEDY, and Mr. TORRICELLI):

S. 751. A bill to combat nursing home fraud and abuse, increase protections for victims of telemarketing fraud, enhance safeguards for pension plans and health care benefit programs, and enhance penalties for crimes against seniors, and for other purposes; to the Committee on the Judiciary.

By Mr. MOYNIHAN (for himself and Mr. BINGAMAN):

S. 752. A bill to facilitate the recruitment of temporary employees to assist in the conduct of the 2000 decennial census of population, and for other purposes; to the Committee on Governmental Affairs.

By Mr. DASCHLE (for himself, Mr. SARBANES, Mr. DODD, Mr. KERRY, Mr. BRYAN, Mr. JOHNSON, Mr. REED, Mr. SCHUMER, Mr. BAYH, and Mr. EDWARDS):

S. 753. A bill to enhance competition in the financial services industry by providing a prudential framework for the affiliation of banks, securities firms, and other financial service providers; and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. EDWARDS (for himself and Mr. HELMS):

S. 754. A bill to designate the Federal building located at 310 New Bern Avenue in Raleigh, North Carolina, as the ''Terry Sanford Federal Building''; read the first time.

By Mr. HATCH (for himself, Mr. NICKLES, Mr. THURMOND, Mr. BIDEN, Mr. KENNEDY, Mr. SESSIONS, Mr. ABRAHAM, Mr. KOHL, Mr. LIEBERMAN, Mr. HELMS, Mr. SCHUMER, and Mr. DEWINE):

S. 755. A bill to extend the period for compliance with certain ethical standards for Federal prosecutors; read the first time.

By Mrs. LINCOLN (for herself, Mr. BREAUX, Ms. LANDRIEU, Mr. COCHRAN, Mr. LOTT, Mrs. HUTCHISON, Mr. BOND, Mr. GRAMM, Mr. HUTCHINSON, and Mr. ASHCROFT):

S. 756. To provide adversely affected crop producers with additional time to make fully informed risk management decisions for the 1999 crop year; considered and passed.

By Mr. LUGAR (for himself, Mr. KERREY, Mr. HAGEL, Mr. THOMAS, Mr. SMITH of Oregon, Mr. GRAMS, Mr. ROBB, Mrs. FEINSTEIN, Mr. BINGAMAN, Mr. MURKOWSKI, Mr. COCHRAN, Mr. DOMENICI, Mr. LOTT, Mr. SANTORUM, Mr. BURNS, Mr. ALLARD, Mr. JOHNSON, Mrs. HUTCHISON, Mr. CHAFEE, Mr. GORTON, Mr. BREAUX, Mrs. MURRAY, Mr. DORGAN, Mr. CRAPO, Mr. BAUCUS, Mrs. LINCOLN, Mr. CONRAD, Mr. BOND, and Mr. ROBERTS):

S. 757. A bill to provide a framework for consideration by the legislative and executive branches of unilateral economic sanctions in order to ensure coordination of United States policy with respect to trade, security, and human rights; to the Committee on Foreign Relations.

By Mr. ASHCROFT (for himself, Mr. HATCH, Mr. DODD, Mr. SESSIONS, Mr. LIEBERMAN, Mr. GRASSLEY, Mr. TORRICELLI, Mr. SMITH of New Hampshire, and Mr. SCHUMER):

S. 758. A bill to establish legal standards and procedures for the fair, prompt, inexpensive, and efficient resolution of personal injury claims arising out of asbestos exposure, and for other purposes; to the Committee on the Judiciary.

By Mr. MURKOWSKI (for himself, Mr. TORRICELLI, Mr. BURNS, and Mr. REID):

S. 759. A bill to regulate the transmission of unsolicited commercial electronic mail on the Internet, and for other purposes.

By Mr. MURKOWSKI (for himself and Mr. BINGAMAN):

S. 760. A bill to include the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands in the 50 States Commemorative Coin Program; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ABRAHAM (for himself, Mr. MCCAIN, Mr. WYDEN, and Mr. BURNS):

S. 761. A bill 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; to the Committee on Commerce, Science, and Transportation.

By Mr. GRAHAM:

S. 762. A bill to direct the Secretary of the Interior to conduct a feasibility study on the inclusion of the Miami Circle in Biscayne National Park; to the Committee on Energy and Natural Resources.

By Mr. SMITH of New Hampshire (for himself, Mr. SHELBY, and Mr. HELMS):

S.J. Res. 16. A joint resolution proposing a constitutional amendment to establish limited judicial terms of office; to the Committee on the Judiciary.

By Mr. SHELBY:

S.J. Res. 17. A joint resolution proposing an amendment to the Constitution of the United States which requires (except during time of war and subject to suspension by the Congress) that the total amount of money expended by the United States during any fiscal year not exceed the amount of certain revenue received by the United States during such fiscal year and not exceed 20 per centum of the gross national product of the United States during the previous calendar year; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. LOTT:

S. Res. 75. A resolution reconstituting the Senate Arms Control Observer Group as the Senate National Security Working Group and revising the the authority of the Group; considered and agreed to.

S. Con. Res. 23. A concurrent resolution providing for a conditional adjournment or recess of the Senate and the House of Representatives; considered and agreed to.

By Mr. LUGAR:

S. Con. Res. 24. A bill to express the sense of the Congress on the need for United States to defend the American agricultural and food supply system from industrial sabotage and terrorist threats; to the Committee on Agriculture, Nutrition, and Forestry.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 713. A bill to amend the Internal Revenue Code of 1986 to provide a charitable deduction for certain expenses incurred in support of Native Alaskan subsistence whaling; to the Committee on Finance.

NATIVE ALASKAN SUBSISTENCE WHALING ACT OF 1999

Mr. MURKOWSKI. Mr. President, I rise on behalf of myself and Senator STEVENS to introduce legislation that would resolve a dispute that has existed for several years between the IRS and native whaling captains in my state. Our legislation would amend the Internal Revenue Code to ensure that a charitable donation tax deduction would be allowed for native whaling captains who organize and support subsistence whaling activities in their communities.

Substence whaling is a necessity to the Alaska Native community. In many of our remote village communities, the whale hunt is a tradition that has been carried on for generations over many millennia. It is the custom that the captain of the hunt make all provisions for the meals, wages and equipment costs associated with this important activity.

In most instances, the Captain is repaid in whale meat and muktuck, which is blubber and skin. However, as part of the tradition, the Captain is required to donate a substantial portion of the whale to his village in order to help the community survive.

The proposed deduction would allow the Captain to deduct up to $7,500 to help defray the costs associated with providing this community service.

Mr. President, I want to point out that if the Captain incurred all of these expenses and then donated the whale meat to a local charitable organization, the Captain would almost certainly be able to deduct the costs he incurred in outfitting the boat for the charitable purpose. However, the cultural significance of the Captain's sharing the whale with the community would be lost.

This is a very modest effort to allow the Congress to recognize the importance of this part of our Native Alaskan tradition. When this measure passed the senate two years ago, the Joint Committee on Taxation estimated that this provision would cost a mere three million dollars over a 10 year period. I think that is a very small price for preserving this vital link with our natives' heritage.

I ask unanimous consent that the text of the legislation be included in the RECORD.

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

S. 713

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 ''Native Alaskan Subsistence Whaling Act of 1999''.

SEC. 2. CHARITABLE CONTRIBUTION DEDUCTION FOR CERTAIN EXPENSES INCURRED IN SUPPORT OF NATIVE ALASKAN SUBSISTENCE WHALING.

(a) IN GENERAL.—Section 170 of the Internal Revenue Code of 1986 (relating to charitable, etc., contributions and gifts) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

''(m) EXPENSES PAID BY CERTAIN WHALING CAPTAINS IN SUPPORT OF NATIVE ALASKAN SUBSISTENCE WHALING.—

''(1) IN GENERAL.—In the case of an individual who is recognized by the Alaska Eskimo Whaling Commission as a whaling captain charged with the responsibility of maintaining and carrying out sanctioned whaling activities and who engages in such activities during the taxable year, the amount described in paragraph (2) (to the extent such amount does not exceed $7,500 for the taxable year) shall be treated for purposes of this section as a charitable contribution.

''(2) AMOUNT DESCRIBED.—

''(A) IN GENERAL.—The amount described in this paragraph is the aggregate of the reasonable and necessary whaling expenses paid by the taxpayer during the taxable year in carrying out sanctioned whaling activities.

''(B) WHALING EXPENSES.—For purposes of subparagraph (A), the term 'whaling expenses' includes expenses for—

''(i) the acquisition and maintenance of whaling boats, weapons, and gear used in sanctioned whaling activities,

''(ii) the supplying of food for the crew and other provisions for carrying out such activities, and

''(iii) storage and distribution of the catch from such activities.

''(3) SANCTIONED WHALING ACTIVITIES.—For purposes of this subsection, the term 'sanctioned whaling activities' means subsistence bowhead whale hunting activities conducted pursuant to the management plan of the Alaska Eskimo Whaling Commission.''

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to taxable years beginning after December 31, 1998.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 714. A bill to amend the Internal Revenue Code of 1986 to maintain exemption of Alaska from dyeing requirements for exempt diesel fuel and kerosene; to the Committee on Finance.

DIESEL DYEING EXEMPTION FOR ALASKA

Mr. MURKOWSKI. Mr. President, today I am joined by Senator TED STEVENS in introducing legislation that would clarify a provision in the tax code that exempts the State of Alaska from the IRS diesel dyeing rules.

The Small Business Job Protection Act of 1996 included a provision that exempted Alaska from the diesel dyeing requirements during the period the state was exempted from the Clean Air Act low sulfur diesel dyeing rules. For various reasons, it was believed at the time that Alaska would ultimately be permanently exempted from the Clean Air Act rules. However, technological changes suggest that Alaska may in the next few years lose its exemption from the low sulfur rules.

However, in our view, whether Alaska is exempted from the low sulfur rules, it is imperative that Alaska be permanently exempted from the IRS diesel dyeing rules. That is what our bill does.

Today, more than 95 percent of all diesel fuel used in Alaska is exempt from tax because it is used for heating, power generation, or in commercial fishing boats. Under the diesel dyeing rules in place in 49 states, exempt diesel must be dyed. If these diesel dyeing rules were applied to Alaska, refiners would have to buy huge quantities of dye, along with expensive injection systems, to dye all of this non-taxable diesel fuel.

Although the Joint Tax Committee originally estimated in 1996 that repealing the dyeing rules for Alaska could cost the Treasury $500,000 a year, some refiners were spending as much as $750,000 on dye alone. Add on another $100,000 for injection systems and you begin to wonder what happened to common sense regulation. Congress saw it that way and decided to exempt Alaska. Now that exemption should be made permanent.

Approximately 65 percent of the state's communities are served solely by barges. For many of these communities, the fuel oil barge comes in only once a year when the waterways are not frozen. It is absurd to require these communities to build a second storage facility for undyed taxable fuel simply for the few vehicles in town that are subject to tax.

It is currently projected that the state will have to spend from $200 million to $400 million just to repair fuel storage tanks in hundreds of rural communities because of leaking fuel problems. If IRS dyeing rules were in place, millions more would have to be spent simply to maintain a small supply of taxable diesel in each of these communities.

Mr. President, in 1996, Congress acted sensibly in exempting Alaska from the IRS diesel dyeing rules. It is my hope that we will again see the wisdom of exempting Alaska, this time making it a permanent exemption.

I ask unanimous consent that the text of the bill be included in the RECORD.

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

S. 714

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

(a) EXCEPTION TO DYEING REQUIREMENTS FOR EXEMPT DIESEL FUEL AND KEROSENE.—Paragraph (1) of section 4082(c) of the Internal Revenue Code of 1986 (relating to exception to dyeing requirements is amended to read as follows:

''(1) removed, entered, or sold in the State of Alaska for ultimate sale or use in such State, and''.

(b) EFFECTIVE DATE.—The amendment made by this section applies with respect to fuel removed, entered, or sold on or after the date of the enactment of this Act.

By Mrs. MURRAY (for herself, Mr. WYDEN and Mr. BAUCUS):

S. 715. A bill to amend the Wild and Scenic Rivers Act to designate a portion of the Columbia River as a recreational river, and for other purposes; to the Committee on Energy and Natural Resources.

HANFORD REACH WILD AND SCENIC RIVER LEGISLATION

Mrs. MURRAY. Mr. President, today I am introducing legislation to establish the Hanford Reach of the Columbia River as a Wild and Scenic River. Simply stated, this is the best, most cost-effective, and smartest way to protect the Northwest's dwindling wild salmon runs.

The Hanford Reach is an extraordinary and unique place.

While most of the Columbia River Basin was being developed during the middle of this century, the Hanford Reach and other buffer areas within the Hanford Nuclear Reservation were kept pristine, ironically, by the same veil of secrecy and security that lead to the notorious nuclear and chemical contamination of the central Hanford Site. Today, these relatively undisturbed areas are the last wild remnants of a great river and vast ecological community that have been tamed by dams, farms, and other development elsewhere.

As the last free-flowing stretch of the Columbia River, the significance of the Hanford Reach cannot be overstated. Mile for mile, it contains some of the most productive and important fish spawning habitat in the lower 48 states. The volume and velocity of the cool, clear waters of the Columbia River produce ideal conditions for spawning and migrating salmon. The Reach produces eighty percent of the Columbia Basin's fall chinook salmon, as well as thriving runs of steelhead trout and sturgeon. It is the only truly healthy segment of the mainstem of the Columbia River.

The Reach is also rich in other natural and cultural resources. Bald eagles, wintering and migrating waterfowl, deer, elk, and a diversity of other wildlife depend on the Reach. It is home to dozens of rare, threatened, and endangered plants and animals, some found only in the Reach. Native American culture thrived on the shores and islands of the Reach for millennia, and there are over 150 archeological sites in the proposed designation, some dating back more than 10,000 years. The Reach's naturally spawning salmon and cultural sites remain a vital part of the culture and religion of Native American groups in the area.

It is remarkable that the Reach offers so much in such close proximity to the cities of Kennewick, Pasco, and Richland, Washington. The Reach offers residents and visitors recreation of many types—from hunting, fishing, and hiking to kayaking, waterskiing, and birdwatching—and adds greatly to the quality of life and economy of the area.

Back in 1994, only the locals in and around the Tri-Cities had heard about the last-free flowing stretch of the mighty Columbia River. Several residents had been working more than

thirty years to save the Reach and they got me involved to do the same. They showed me what a precious resource the Hanford Reach is, and I promised to do everything in my power to protect it.

I convened a Hanford Reach Advisory Panel to develop a consensus plan to protect the river corridor. Their work has been the basis of the bills I have introduced in the past and that I am introducing today, and builds on the foundation begun by Senators Dan Evans and Brock Adams, and Congressman Sid Morrison who enacted legislation imposing a moratorium on development within the river corridor in 1987.

I am confident this is the year we will finally achieve our goals and create a new Wild and Scenic River. We cannot wait any longer to save the Reach. Since the recent listing of the Puget Sound chinook, everyone across the Northwest is focused on what we all must do to save our wild salmon.

Designating the Hanford Reach as a Wild and Scenic River is the simplest and most effective way to provide real, permanent protection for our wild salmon stocks. Only under the Wild and Scenic Rivers Act will we get the expertise, resources and permanency that federal management agencies, like the U.S. Fish and Wildlife Service, provide. The Wild and Scenic Rivers Act is recognized as the best way to protect endangered rivers across the nation. The Reach deserves no less than the best.

And this designation will not cost a penny. The land surrounding the river is already publicly held. The Department of Energy owns land on both sides of the river, so no private lands will be acquired or taken out of production to save this special place.

In addition to public ownership, this section of the river is in superb ecological condition. It offers the best salmon spawning grounds on the mainstem of the Columbia. It will not require the millions of dollars for remediation that we've spent on other rivers and streams across the country. All the Hanford Reach requires is our protection, and it will continue to produce salmon runs unsurpassed anyplace in the region.

Creating a Wild and Scenic River will help us avoid drastic measures like breaching the dams along the Columbia and Snake River systems to restore salmon. The recent Endangered Species Act listing of nine more northwest salmon runs as threatened, is another indication that we must take immediate action. Protecting the Reach is an insurance policy against the future possibility of expensive clean-up efforts and lawsuits. We must make this investment now to demonstrate we're serious about protecting not only wild salmon, but also the economic and social structure in the inland West.

This bill differs from my previous legislation in some important ways. Not only does it create a federally-designated recreational Wild and Scenic River, it also establishes an innovative management approach through the creation of a multi-party commission. The management commission will develop a plan to guide the US Fish and Wildlife Service and will be comprised of three federal representatives from the Departments of Energy, Interior, and Commerce (National Marine Fisheries Service); three Washington state representatives from the Departments of Fish and Wildlife, Ecology, and Community, Trade and Economic Development; three representatives of local government from the counties of Benton, Grant, and Franklin; three tribal representatives from the Yakama, Umatilla, and Nez Perce peoples; and three local citizen representatives from conservation, recreation, and business interests.

This bill also takes us a step closer to consolidating lands on the Hanford reservation itself in order to facilitate economic development, preservation of sacred tribal sites, and protection of important biological resources. It requires the Bureau of Land Management (BLM) and the Department of Energy to examine the best ways to consolidate BLM lands on the south side of the river on the Hanford site. It establishes the objectives of the study to clear title to lands along the railroad and in the 200 Area for industrial development; to protect wildlife and native plants; and to preserve cultural sites important to Native Americans.

This bill does not address the critical and sensitive lands of the North Slope (also known as the Wahluke Slope) because the land is still needed by the Department of Energy for safety reasons. However, I hope to work through the administrative process to ensure these lands are not disturbed in any way that could possibly impact the healthy salmon spawning grounds below the White Bluffs. I remain committed to enlarging the existing Saddle Mountain National Wildlife Refuge because, again, I am convinced we must provide the strongest, surest protection for the North Slope to offer our wild salmon their best hope for survival.

At a time when the Pacific Northwest is spending hundreds of millions of dollars annually on restoration and enhancement efforts, and struggling to restore declining salmon runs, protecting the Hanford Reach is the most cost-effective measure we can take. That is why the Northwest Power Planning Council, Trout Unlimited, conservation groups, tribes, and many other regional interests involved in the salmon controversy all support designation of the Reach under the National Wild and Scenic Rivers Act.

These are some of the many good reasons for this Congress to take up and pass this legislation to ensure the Hanford Reach becomes a part of the National Wild and Scenic Rivers System. I urge the other members of Congress to join us in demanding the permanent protection of this river. It has given us so very much. The least we can do for the Columbia River is to protect the last fifty-one miles of free-flowing waters and the wild salmon that call it home.

By Mr. KOHL:

S. 716. A bill to provide for the prevention of juvenile crime, and for other purposes; to the Committee on the Judiciary.

THE 21ST CENTURY SAFE AND SOUND COMMUNITIES ACT

Mr. KOHL. Mr. President, I rise to introduce a proposal for reducing juvenile crime — the ''21st Century Safe and Sound Communities Act.'' In the past few years, we have begun to make real advances in fighting youth violence; in fact, in cities across the country, juvenile crime has started to fall. For example, in three ''Weed & Seed'' neighborhoods in Milwaukee, violent felonies dropped 47 percent, gun crimes fell 46 percent, and crime overall was down 21 percent. And after Boston implemented a citywide anti-crime plan, the number of juveniles murdered declined 80 percent, and in more than two years not a single child was killed by a gun. Not one child. Through a program called ''Safe and Sound,'' I have already worked hard with other public officials and business leaders to expand Milwaukee's success citywide. Now we need to build on what works, in order to protect our children and to make as many of our communities across the nation ''safe and sound.'' This measure will be an important step in the right direction.

We do not have to reinvent the wheel to reduce juvenile crime. The lesson from Milwaukee, Boston and other cities is clear. There is no single magic solution, but a number of steps, taken together, can and will make a difference: put dangerous criminals behind bars; keep guns out of the hands of juveniles; and create after-school alternatives to gangs and drugs. That's what works, and that's what this proposal is all about. It builds on each of these three basic strategies and expands them to more cities and more rural communities across the nation. Let me explain.

First, we can't even begin to stop violent kids unless we have police officers on the street to catch them, and state and local prosecutors to try them. So this proposal makes it easier to lock up dangerous juveniles by extending the highly successful COPS program, which is due to expire after next year, through the year 2004. That will allow us to hire at least 50,000 new community police officers. And it provides $100 million per year for state and local prosecutors to go after juvenile criminals.

Of course, we can't keep criminals off the streets unless we have a place to send them. Unfortunately, although we provide states with hundreds of millions of dollars each year to build new prisons, most states use all of these

funds for adult prisons only. So this measure requires states to set aside 10 percent of federal prison funding to juvenile prisons or alternative placements of delinquent children. This commitment is consistent with dedicated funding for juvenile facilities in the Senate-passed 1994 crime bill, which set the stage for spending billions of dollars on prisons through the 1994 Crime Act.

This proposal also helps rural communities keep dangerous kids behind bars. Now, although the closest juvenile facility may be hundreds of miles away, federal law prohibits rural police from locking up violent juveniles in adult jails for more than 24 hours. This means that state law enforcement officials either have to waste the time and resources to criss-cross the state even for initial court appearances, or simply let dangerous teens go free. In my view, that's a no-win situation. This measure gives rural police the flexibility they need by letting them detain juveniles in adult jails for up to 72 hours, provided they are separated from adult criminals.

Moreover, this measure will help lock up gun-toting kids—and the people who illegally supply them with weapons. It builds on my 1994 Youth Handgun Safety Act by turning illegal possession of a handgun by a minor into a felony. And the same goes for anyone who illegally sells handguns to kids. Kids and handguns don't mix, and our Federal law needs to make clear that this is a serious crime.

And this measure makes it easier to identify the violent juveniles who need to be dealt with more severely—by strongly encouraging states to share the records of violent juvenile offenders and providing the funding necessary for improved record-keeping. The fact is that law enforcement officials need full disclosure in order to make informed judgments about who should be incarcerated, but current law allows too many records to be concealed or to vanish without a trace when a teen felon turns 18.

Second, this proposal will help keep firearms out of the hands of young people. It promotes gun safety by requiring the sale of child safety locks with every new handgun. Child safety locks can help save many of the 500 children and teenagers killed each year in firearms accidents, and the 1,500 kids each year who use guns to commit suicide. Just as importantly, they can help prevent some of the 7,000 violent juvenile crimes committed every year with guns children took from their own homes.

It also helps identify who is supplying kids with guns, so we can put them out of business and behind bars. The Bureau of Alcohol, Tobacco and Firearms has been working closely with cities like Milwaukee and Boston to trace guns used by young people back to the source. Using ATF's national database, police and prosecutors can target illegal suppliers of firearms and help stop the flow of firearms into our communities. This measure will expand the program to other cities and, with the increased penalties outlined above, help cut down illegal gun trafficking.

In addition, it closes an inexcusable loophole that allows violent young offenders to buy guns legally when they turn 18. Under current law, violent adult offenders can't buy firearms, but violent juveniles can—even the kids convicted of the schoolyard killings in Jonesboro, Arkansas—at least once they are released at age 18. This has to stop. So this measure declares that all violent felons are disqualified from buying firearms, regardless of whether they were 10, 12, 14 or just a day short of their 18th birthday at the time of their offense.

And not only will this proposal prohibit all violent criminals from owning firearms, no matter what their age, it also encourages aggressive enforcement of this federal law by dedicating federal prosecutors and investigators to this task. This builds on a successful program, supported by the NRA, that has helped reduce gun violence in Richmond through increased federal prosecution, public outreach and fewer plea bargains.

Third, a balanced approach also requires a significant investment in crime prevention, so we can stop crime before it's too late. In fact, no one is more adamant in support of this approach than our nation's law enforcement officials. For example, last year more than 400 police chiefs, sheriffs and prosecutors nationwide endorsed a call for after-school programs for all children. And in my home state of Wisconsin, 90 percent of police chiefs and sheriffs I surveyed agreed that we need to increase federal prevention spending.

This proposal promotes prevention by concentrating funding in programs that already have a record of success, like Weed & Seed, and those that rely on proven strategies, like the ones that give children a safe place to go in the after-school hours between 3 and 8 p.m., when juvenile crime peaks.

For example, it expands the Weed & Seed program, a Republican program which combines aggressive enforcement and safe havens for at-risk kids. The measure also gives more schools the resources necessary to stay open after school, through expansion of the 21st Century Learning Center program. It promotes innovative prevention initiatives by reauthorizing and expanding the Title V At-Risk Children Challenge Grant program, which I authored, which encourages investment, collaboration, and long-range prevention planning by local communities, who must establish locally tailored prevention programs and contribute at least 50 cents for every federal dollar. It builds on our support for the valuable work of Boys & Girls Clubs, by continuing to dedicate funding to the Clubs and expanding funding to other successful organizations like the YMCA. And it requires that at least 20 percent of the new juvenile crime funds—namely the recently-appropriated $500 million juvenile accountability block grant—be dedicated to prevention.

Of course, we shouldn't blindly invest in prevention programs, just because they sound good. Quality, not quantity, matters. And it would be foolish to throw good money after bad. That's why my measure cuts nearly $1 billion in prevention programs authorized by the Crime Act—so we don't waste money on redundant programs which don't have records of success or bipartisan support. And that's why my measure requires 5 to 10 percent of all prevention funds to be set aside for rigorous evaluations—so we can keep funding the programs that work, and eliminate the programs that don't. We also reward cities that adopt comprehensive anti-juvenile crime strategies, like Milwaukee's and Boston's—so prevention is part of a balanced, coordinated overall plan.

Mr. President, the question about how to reduce juvenile crime is no longer a mystery. We have a good idea about what works. The real question is this: Will we act to make our communities safer and sounder places to live and to prevent teen crime before it happens? I have faith that we will, and I believe this measure moves us forward. I ask unanimous consent that a summary of this proposal be printed for the RECORD. There being no objection, the summary was ordered printed in the RECORD, as follows:

SUMMARY OF THE 21ST CENTURY SAFE AND SOUND COMMUNITIES ACT

Title I: Increased Placement of Juveniles in Appropriate Correctional Facilities

States must dedicate 10 percent of all prison funding from the 1994 Crime Act to juvenile facilities or alternative placements for delinquent juveniles. Expands ability to detain juveniles temporarily in rural adult jails by permitting detention for up to 72 hours and ending requirement of separate staff to oversee juveniles and adults.

Title II: Reducing Youth Access to Firearms

Limits access of juveniles and juvenile offenders to firearms. Requires the sale of child safety locks with all handguns. Expands Department of the Treasury's youth crime gun tracing program to identify more illegal gun traffickers who are supplying guns to children. Increases jail time for individuals who transfer handguns to juveniles and for juveniles who illegally possess handguns. Prohibits the sale of firearms to violent juvenile offenders after they become 18 years old. Increases enforcement of federal laws to prohibit illegal possession of firearms by violent criminals, including violent juvenile offenders.

Title III: Consolidation of Prevention Programs

Repeals nearly $1 billion in authorized prevention programs from the 1994 Crime Act. Expands Weed & Seed to $200 million per year (from $33.5 million in 1999), the Title V At-Risk Children Challenge Grants to $200 million per year (from $55 million), and the 21st Century Learning Centers to $600 million per year (from $200 million), and extends Boys & Girls Club funding for five more

years, increasing funding to $100 million per year (from $40 million) and expanding the program to support other successful community organizations like the YMCA. Consolidates several gang prevention programs into one $25 million program. Rewards cities that adopt a comprehensive anti-juvenile crime strategy based on the Boston model. Sets aside 5 to 10 percent of prevention funding for evaluation, implementing the proposal of the DOJ-sponsored University of Maryland report.

Title IV: Juvenile Crime Control and Accountability Block Grant

Promotes funding for prosecutors, improved-record keeping, juvenile prisons, and prevention through $500 million block grant. Qualifying states must trace all firearms recovered from individuals under age 21 to identify illegal firearm traffickers, and must share criminal records of all juvenile violent offenders with other jurisdictions. $100 million of this grant program must be dedicated to both prevention and to hiring more prosecutors.

Title V: Extension of COPS and Juvenile Justice programs

Extends program to hire new community police officers. Reauthorizes Office of Juvenile Justice and Delinquency Prevention.

Title VI: Extension of Violent Crime Reduction Trust Fund

Extends trust fund established by 1994 Crime Act to pay for anti-crime programs with savings from reduction of federal workforce.

By Ms. MIKULSKI (for herself, Mr. SARBANES, Ms. SNOWE, Mr. DODD, Mr. HARKIN, Mr. HOLLINGS, Mr. INOUYE, Ms. LANDRIEU, and Mr. REID):

S. 717. A bill to amend title II of the Social Security Act to provide that the reductions in social security benefits which are required in the case of spouses and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds $1,200, adjusted for inflation; to the Committee on Finance.

GOVERNMENT PENSION OFFSET REFORM ACT

• Ms. MIKULSKI. Mr. President, today, I am introducing a bill to modify a harsh and heartless rule of government that is unfair and prevents current workers from enjoying the benefits of their hard work in their retirement. This legislation is very important to me, very important to my constituents in Maryland, and very important to government workers and retirees across the nation. I want the middle class of this Nation to know that if you worked hard to become middle class you should stay middle class when you retire.

Under current law, there is something called the Pension Offset law. This is a harsh and unfair policy. Let me tell you why.

If you are a retired government worker, and you qualify for a spousal Social Security benefit based on your spouse's employment record, you may not receive what you qualify for. Because the Pension Offset law reduces or entirely eliminates a Social Security spousal benefit when the surviving spouse is eligible for a pension from a local, state or federal government job that was not covered by Social Security.

This policy only applies to government workers, not private sector workers. Let me give you an example of two women, Helen and her sister Phyllis.

Helen is a retired Social Security benefits counselor who lives in Woodlawn, Maryland. Helen currently earns $600 a month from her federal government pension. She's also entitled to a $645 a month spousal benefit from Social Security based on her deceased husband's hard work as an auto mechanic. That's a combined monthly benefit of $1,245.

Phyllis is a retired bank teller also in Woodlawn, Maryland. She currently earns a pension of $600 a month from the bank. Like Helen, Phyllis is also entitled to a $645 a month spousal benefit from Social Security based on her husband's employment. He was an auto-mechanic, too. In fact, he worked at the same shop as Helen's husband.

So, Phyllis is entitled to a total of $1,245 a month, the same as Helen. But, because of the Pension Offset law, Helen's spousal benefit is reduced by ⅔ of her government pension, or $400. So instead of $1,245 per month, she will only receive $845 per month.

This reduction in benefits only happens to Helen because she worked for the government. Phyllis will receive her full benefits because her pension is a private sector pension. I don't think that's right, and that's why I'm introducing this legislation.

The crucial thing about the MIKULSKI Modification is that it guarantees a minimum benefit of $1,200. So, with the MIKULSKI Modification to the Pension Offset, Helen is guaranteed at least $1,200 per month.

Let me tell you how it works. Helen's spousal benefit will be reduced only by 2/3 of the amount her combined monthly benefit exceeds $1,200. In her case, the amount of the offset would be 2/3 of $45, or $30. That's a big difference from $400, and I think people like our federal workers, teachers and our firefighters deserve that big difference.

Why should earning a government pension penalize the surviving spouse? If a deceased spouse had a job covered by Social Security and paid into the Social Security system, that spouse expected his earned Social Security benefits would be there for his surviving spouse.

Most working men believe this and many working women are counting on their spousal benefits. But because of this harsh and heartless policy, the spousal benefits will not be there, your spouse will not benefit from your hard work, and, chances are, you won't find out about it until your loved one is gone and you really need the money.

The MIKULSKI modification guarantees that the spouse will at least receive $1,200 in combined benefits. That Helen will receive the same amount as Phyllis.

I'm introducing this legislation, because these survivors deserve better than the reduced monthly benefits that the Pension Offset currently allows. They deserve to be rewarded for their hard work, not penalized for it.

Many workers affected by this Offset policy are women, or clerical workers and bus drivers who are currently working and looking forward to a deserved retirement. These are people who worked hard as federal employees, school teachers, or firefighters.

Frankly, I would repeal this policy all together. But, I realize that budget considerations make that unlikely. As a compromise, I hope we can agree that retirees who work hard should not have this offset applied until their combined monthly benefit exceeds $1,200.

In the few cases where retirees might have their benefits reduced by this policy change, my legislation will calculate their pension offset by the current method. I also have a provision in this legislation to index the minimum amount of $1,200 to inflation so retirees will see their minimum benefits increase as the cost of living increases.

I believe that people who work hard and play by the rules should not be penalized by arcane, legislative technicalities. That's why I'm introducing this bill today.

Representative WILLIAM JEFFERSON of Louisiana has introduced similar legislation in the House. I look forward to working with him to modify the harsh Pension Offset rule.

If the federal government is going to force government workers and retirees in Maryland and across the country to give up a portion of their spousal benefits, the retirees should at least receive a fair portion of their benefits.

I want to urge my Senate colleagues to join me in this effort and support my legislation to modify the Government Pension Offset.•

By Ms. MIKULSKI (for herself and Mr. INOUYE):

S. 718. A bill to amend chapters 83 and 84 of title 5, United States Code, to extend the civil service retirement provisions of such chapter which are applicable to law enforcement officers, to inspectors of the Immigration and Naturalization Service, inspectors and canine enforcement officers of the United States Customs Service, and revenue officers of the Internal Revenue Service; to the Committee on Governmental Affairs.

HAZARDOUS OCCUPATIONS RETIREMENT BENEFITS ACT OF 1999

• Ms. MIKULSKI. Mr. President, today I introduce the Hazardous Occupations Retirement Benefits Act of 1999. This legislation will grant an early retirement package for revenue officers of the Internal Revenue Service, customs inspectors of the U.S. Customs Service, and immigration inspectors of the Immigration and Naturalization Service.

Under current law, most Federal law enforcement officers and firefighters are eligible to retire at age 50 with 20

years of Federal service. Most people would be surprised to learn that current law does not treat revenue officers, customs inspectors and immigration inspectors as federal law enforcement personnel.

This legislation will amend the current law and finally grant the same 20-year retirement to these members of the Internal Revenue Service, Customs Service, and Immigration and Naturalization Service. The employees under this bill have very hazardous, physically taxing occupations, and it is in the public's interest to have a young and competent work force in these jobs.

The need for a 20-year retirement benefit for inspectors of the Customs Service is very clear. These employees are the country's first line of defense against terrorism and the smuggling of illegal drugs at our borders. They have the authority to apprehend those engaged in these crimes. These officers carry a firearm on the job. They are responsible for the most arrests performed by Customs Service employees. The Customs Service interdicts more narcotics than any other law enforcement agency—over a million pounds a year. In 1996, they seized 180,946 pounds of cocaine, 2,895 pounds of heroin, and 775,225 pounds of marijuana. They are required to have the same law enforcement training as all other law enforcement personnel. These employees face so many challenges. They confront criminals in the drug war, organized crime figures, and increasingly sophisticated white-collar criminals.

Revenue officers struggle with heavy workloads and a high rate of job stress. Some IRS employees must even employ pseudonyms to hide their identity because of the great threat to their personal safety. The Internal Revenue Service currently provides it's employees with a manual entitled: 'Assaults and Threats: A Guide to Your Personal Safety' to help employees respond to hostile situations. The document advises IRS employees how to handle on-the-job assaults, abuse, threatening telephone calls, and other menacing situations.

Mr. President, this legislation is cost effective. Any cost that is created by this act is more than offset by savings in training costs and increased revenue collection. A 20-year retirement bill for these critical employees will reduce turnover, increase productivity, decrease employee recruitment and development costs, and enhance the retention of a well-trained and experienced work force.

I urge my colleagues to join me again in this Congress in expressing support for this bill and finally getting it enacted. This bill will improve the effectiveness of our inspector and revenue officer work force to ensure the integrity of our borders and proper collection of the taxes and duties owed to the Federal Government.●

By Mr. REID:

S. 719. A bill to provide for the orderly disposal of certain Federal land in the State of Nevada and for the acquisition of environmentally sensitive land in the State, and for other purposes; to the Committee on Energy and Natural Resources.

THE NEVADA PUBLIC LAND MANAGEMENT ACT OF 1999

Mr. REID. Mr. President, I am proud to introduce today, the Nevada Public Land Management Act of 1999. This Act provides a process for the sale of public lands to support the expansion and economic development of rural communities in Nevada.

Many of Nevada's rural counties are actively planning for economic growth and expansion. However, they are hampered, because more than 87 percent of Nevada is owned by the Federal Government and some Nevada counties are more than 90 percent owned by the federal government. As these counties seek to expand economic diversification, they find themselves land-locked by Federal lands.

But a lack of land is not the only problem these counties face. Many lack an adequate tax base, due to their lack of private lands. As the tax roles shrink and they experience some growth, officials are unable to adequately provide the basic public services expected of them. Adequate police and fire protection, education, road maintenance, and basic health care are suffering.

The legislation we introduce today will allow for the coordinated disposal of Federal lands that have already been identified by the Federal government and the Bureau of Land Management as suitable for disposal. Simply put, we are setting up a willing seller-willing buyer scenario. Sale of these lands will allow for economic diversification while implementing smart growth practices. Local governments will benefit from an infusion of revenue and a stable tax base to fund basic public services.

Senator BRYAN's and my bill requires that disposal of Nevada's lands be accomplished by competitive bidding, a process which will ensure that the sale of these public lands yield the highest return for the public. It is crucial to rural Nevada that we provide revenues for the basic services so many Americans take for granted, while also giving the Federal government the revenues they need to acquire truly special lands for future generations to enjoy.

Mr. President, this bill was drafted with conscious regard for the laws governing the management of public lands. In particular, the bill meets the intent of the Federal Land Policy and Management Act in three ways. First, it only involves lands determined to be suitable for disposal by the Bureau of Land Management's own land use planning process. Secondly, the bill assures that state and local governments are provided meaningful public involvement in land use decisions for public lands. And finally, the bill would allow for expansion of communities and economic development.

Two years ago I convened a Presidential Summit on the shores of Lake Tahoe to save the Lake. This Summit created a model of federal, state, local, public and private partnership. It is a model that the President said can apply across the nation and across the world. We learned there that we can call work together to preserve the nation's special places and promote economic growth. The legislation we introduce today is crafted with the Lake Tahoe Model in mind. It encourages cooperation between all levels of government and the private sector. It is supported by Nevada state and local officials on a bi-partisan basis and our Republican colleague Representative JIM GIBBONS has introduced similar legislation today in the House.

This kind of bill shows truly how government can work for the people in partnership. I urge its swift passage.

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. 719

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 ''Nevada Public Land Management Act of 1999''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) Federal holdings in the State of Nevada constitute over 87 percent of the area of the State, and in 10 of the 17 counties the Federal Government controls at least 80 percent of the land;

(2) the large amount of federally controlled land in Nevada and the lack of an adequate private land ownership base has had a negative impact on the overall economic development of rural counties and communities and severely degraded the ability of local governments to provide necessary services;

(3) under general land laws less than 3 percent of the Federal land in Nevada has moved from Federal control to private ownership in the last 130 years;

(4) in resource management plans, the Bureau of Land Management has identified for disposal land that is difficult and costly to manage and that would more appropriately be in non-Federal ownership;

(5) implementation of Federal land management plans has been impaired by the lack of necessary funding to provide the needed improvements and the lack of land management programs to accomplish the goals and standards set out in the plans; and

(6) the lack of a private land tax base prevents most local governments from providing the appropriate infrastructure to allow timely development of land that is disposed of by the Federal Government for community expansion and economic growth.

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

(1) the orderly disposal and use of certain Federal land in the State of Nevada that was not included in the Southern Nevada Public Land Management Act of 1998 (Public Law 105–263; 112 Stat. 2343);

(2) the acquisition of environmentally sensitive land in the State; and

(3) the implementation of projects and activities in the State to protect or restore important environmental and cultural resources.

SEC. 3. DEFINITIONS.

In this Act:

(1) CURRENT LAND USE PLAN.—The term ''current land use plan'', with respect to an administrative unit of the Bureau of Land Management, means the management framework plan or resource management plan applicable to the unit that was approved most recently before the date of enactment of this Act.

(2) ENVIRONMENTALLY SENSITIVE LAND.—The term ''environmentally sensitive land'' means land or an interest in land, the acquisition of which the United States would, in the judgment of the Secretary or the Secretary of Agriculture—

(A) promote the preservation of natural, scientific, aesthetic, historical, cultural, watershed, wildlife, or other values that contribute to public enjoyment or biological diversity;

(B) enhance recreational opportunities or public access;

(C) provide the opportunity to achieve better management of public land through consolidation of Federal ownership; or

(D) otherwise serve the public interest.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(4) SPECIAL ACCOUNT.—The term ''Special Account'' means the account established by section 6.

(5) STATE.—The term ''State'' means the State of Nevada.

(6) UNIT OF LOCAL GOVERNMENT.—The term ''unit of local government'' means the elected governing body of each city and county in the State except the cities of Las Vegas, Henderson, and North Las Vegas.

SEC. 4. DISPOSAL AND EXCHANGE.

(a) DISPOSAL.—In accordance with this Act, the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), and other applicable law and subject to valid existing rights, the Secretary may dispose of public land within the State identified for disposal under current land use plans maintained under section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713), other than land that is identified for disposal under the Southern Nevada Public Land Management Act of 1998 (Public Law 105–263; 112 Stat. 2343).

(b) RECREATION AND PUBLIC PURPOSE CONVEYANCES.—

(1) IN GENERAL.—Not less than 30 days before offering land for sale or exchange under subsection (a), the State or the unit of local government in the jurisdiction of which the land is located may elect to obtain the land for local public purposes under the Act entitled ''An Act to authorize acquisition or use of public lands by States, counties, or municipalities for recreational purposes'', approved June 14, 1926 (commonly known as the ''Recreation and Public Purposes Act'') (43 U.S.C. 869 et seq.).

(2) RETENTION BY SECRETARY.—If the State or unit of local government elects to obtain the land, the Secretary shall retain the land for conveyance to the State or unit of local government in accordance with that Act.

(c) WITHDRAWAL.—Subject to valid existing rights, all Federal land selected for disposal under subsection (d)(1) is withdrawn from location and entry under the mining laws and from operation under the mineral leasing and geothermal leasing laws until the Secretary terminates the withdrawal or the land is patented.

(d) SELECTION.—

(1) IN GENERAL.—The Secretary, the unit of local government that has jurisdiction over land identified for disposal under subsection (a), and the State shall jointly select land to be offered for sale or exchange under this section.

(2) COORDINATION.—The Secretary shall coordinate land disposal activities with the unit of local government under the jurisdiction of which the land is located.

(3) LOCAL LAND USE PLANNING AND ZONING REQUIREMENTS.—The Secretary shall dispose of land under this section in a manner that is consistent with local land use planning and zoning requirements and recommendations.

(e) SALES OFFERING, PRICE, PROCEDURES, AND PROHIBITIONS.—

(1) OFFERING.—The Secretary shall make the first offering of land as soon as practicable after land has been selected under subsection (d).

(2) SALE PRICE.—

(A) IN GENERAL.—The Secretary shall make all sales of land under this section at a price that is not less than the fair market value of the land, as determined by the Secretary.

(B) AFFORDABLE HOUSING.—Subparagraph (A) does not affect the authority of the Secretary to make land available at less than fair market value for affordable housing purposes under section 7(b) of the Southern Nevada Public Land Management Act of 1998 (Public Law 105–263; 112 Stat. 2349).

(3) COMPETITIVE BIDDING.—

(A) IN GENERAL.—The sale of public land selected under subsection (d) shall be conducted in accordance with sections 203 and 209 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713, 1719).

(B) EXCEPTIONS.—The exceptions to competitive bidding requirements under section 203(f) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713(f)) shall apply to sales under this Act in cases in which the Secretary determines that application of an exception is necessary and proper.

(C) NOTICE OF COMPETITIVE BIDDING PROCEDURES.—The Secretary shall also ensure adequate notice of competitive bidding procedures to—

(i) owners of land adjoining the land proposed for sale;

(ii) local governments in the vicinity of the land proposed for sale; and

(iii) the State.

(4) PROHIBITIONS.—A sale of a tract of land selected under subsection (d) shall not be undertaken if the Federal costs of sale preparation and processing are estimated to exceed the proceeds of the sale.

(f) DISPOSITION OF PROCEEDS.—

(1) LAND SALES.—Of the gross proceeds of sales of land under this section during a fiscal year—

(A) 5 percent shall be paid to the State for use in the general education program of the State;

(B) 45 percent shall be paid directly to the local unit of government in the jurisdiction of which the land is located for use as determined by the unit of local government, with consideration given to use for support of health care delivery, law enforcement, and schools; and

(C) 50 percent shall be deposited in the Special Account.

(2) LAND EXCHANGES.—

(A) IN GENERAL.—In a land exchange under this section, the non-Federal party shall provide direct payment to the unit of local government in the jurisdiction of which the land is located in an amount equal to 15 percent of the fair market value of the Federal land conveyed in the exchange.

(B) TREATMENT OF PAYMENTS AS COST INCURRED.—If any agreement to initiate the exchange so provides, a payment under subparagraph (A) shall be considered to be a cost incurred by the non-Federal party that shall be compensated by the Secretary.

(C) PENDING EXCHANGES.—This Act, other than subsections (a) and (b) and this subsection, shall not apply to any land exchange for which an initial agreement to initiate an exchange was signed by an authorized representative of the exchange proponent and an authorized officer of the Bureau of Land Management before the date of enactment of this Act.

(g) ADDITIONAL DISPOSAL LAND.—Public land identified for disposal in the State under a replacement of or amendment to a current land use plan shall be subject to this Act.

SEC. 5. ACQUISITION OF ENVIRONMENTALLY SENSITIVE LAND.

(a) IN GENERAL.—After consultation in accordance with subsection (c), the Secretary may use funds in the Special Account and any other funds that are made available by law to acquire environmentally sensitive land and interests in environmentally sensitive land.

(b) CONSENT.—The Secretary may acquire environmentally sensitive land under this section only from willing sellers.

(c) CONSULTATION.—

(1) IN GENERAL.—Before initiating efforts to acquire environmentally sensitive land under this section, the Secretary or the Secretary of Agriculture shall consult with the State and units of local government under the jurisdiction of which the environmentally sensitive land is located (including appropriate planning and regulatory agencies) and with other interested persons concerning—

(A) the necessity of making the acquisition;

(B) the potential impact of the acquisition on State and local government; and

(C) other appropriate aspects of the acquisition.

(2) ADDITIONAL CONSULTATION.—Consultation under this paragraph shall be in addition to any other consultation that is required by law.

(d) ADMINISTRATION.—On acceptance of title by the United States, any environmentally sensitive land or interest in environmentally sensitive land acquired under this section that is within the boundaries of a unit of the National Forest System, the National Park System, the National Wildlife Refuge System, the National Wild and Scenic Rivers System, the National Trails System, the National Wilderness Preservation System, any other system established by law, or any national conservation or recreation area established by law—

(1) shall become part of the unit or area without further action by the Secretary or Secretary of Agriculture; and

(2) shall be managed in accordance with all laws (including regulations) and land use plans applicable to the unit or area.

(e) FAIR MARKET VALUE.—The fair market value of environmentally sensitive land or an interest in environmentally sensitive land to be acquired by the Secretary or the Secretary of Agriculture under this section shall be determined—

(1) under section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1711) and other applicable requirements and standards; and

(2) without regard to the presence of a species listed as a threatened species or endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(f) PAYMENTS IN LIEU OF TAXES.—Section 6901(1) of title 31, United States Code, is amended—

(1) in subparagraph (G), by striking ''or'' at the end;

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

(3) by adding at the end the following:

''(I) acquired by the Secretary of the Interior or the Secretary of Agriculture under section 5 of the Nevada Public Land Management Act of 1999 that is not otherwise described in subparagraphs (A) through (G).''.

SEC. 6. SPECIAL ACCOUNT.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a separate account to be used in carrying out this Act.

(b) CONTENTS.—The Special Account shall consist of—

(1) amounts deposited in the Special Account under section 4(f)(1)(B);

(2) donations to the Special Account; and

(3) appropriations to the Special Account.

(c) USE.—

(1) IN GENERAL.—Amounts in the Special Account shall be available to the Secretary until expended, without further Act of appropriation, to pay—

(A) subject to paragraph (2), costs incurred by the Bureau of Land Management in arranging sales or exchanges under this Act, including the costs of land boundary surveys, compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), appraisals, environmental and cultural clearances, and public notice;

(B) the cost of acquisition of environmentally sensitive land or interest in such land in the State;

(C) the cost of carrying out any necessary revision or amendment of a current land use plan of the Bureau of Land Management that relates to land sold, exchanged, or acquired under this Act;

(D) the cost of projects or programs to restore or protect wetlands, riparian areas, or cultural, historic, prehistoric, or paleontological resources, including petroglyphs;

(E) the cost of projects, programs, or land acquisition to stabilize or restore water quality and lake levels in Walker Lake; and

(F) related costs determined by the Secretary.

(2) LIMITATIONS.—

(A) COSTS IN ARRANGING SALES OR EXCHANGES.—Costs charged against the Special Account for the purposes described in paragraph (1)(A) shall not exceed the minimum amount practicable in view of the fair market value of the Federal land to be sold or exchanged.

(B) ACQUISITION.—Not more than 50 percent of the amounts deposited in the Special Account in any fiscal year may be used in that fiscal year or any subsequent fiscal year for the purpose described in paragraph (1)(B).

(3) PLAN REVISIONS AND AMENDMENTS.—The process of revising or amending a land use plan shall not cause delay or postponement in the implementation of this Act.

(d) INTEREST.—All funds deposited in the Special Account shall earn interest in the amount determined by the Secretary of the Treasury on the basis of the current average market yield on outstanding marketable obligations of the United States of comparable maturities. Such interest shall be added to the principal of the account and expended in accordance with subsection 6(c).

(e) COORDINATION.—The Secretary shall coordinate the use of the Special Account with the Secretary of Agriculture, the State, and units of local government in which land or an interest in land may be acquired, to ensure accountability and demonstrated results.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 7. REPORT.

The Secretary, in cooperation with the Secretary of Agriculture, shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a biennial report that describes each transaction that is carried out under this Act.

By Mr. HELMS:

S. 720. A bill to promote the development of a government in the Federal Republic of Yugoslavia (Serbia and Montenegro) based on democratic principles and the rule of law, and that respects internationally recognized human rights, to assist the victims of Serbian oppression, to apply measures against the Federal Republic of Yugoslavia, and for other purposes; to the Committee on Foreign Relations.

SERBIA DEMOCRATIZATION ACT OF 1999

Mr. HELMS. Mr. President, this is a significant piece of legislation, I believe, the Serbia Democratization Act of 1999, on which I am honored by the cosponsorship of a number of distinguished colleagues—Senators GORDON SMITH, LUGAR, LIEBERMAN, LAUTENBERG, DEWINE, MCCAIN, and ORRIN HATCH.

More than a year ago, Yugoslav President Slobodan Milosevic sent Serbian troops into Kosovo to launch a brutal assault on the ethnic Albanian population there. This action was the beginning of a merciless and unjustified Serbian offensive against ethnic Albanians in Kosovo. Two thousand victims of Milosevic's cruelty lie dead—many of them innocent civilians. And hundreds of thousands of people have been driven from their homes.

Mr. President, this tragedy in Kosovo has emphasized the obvious: that if the United States continues to foolishly hope for good will on the part of Milosevic, the United States will be dragged into the crises this cruel man manufactures time and again. Instead of pursuing a strategy that leads to NATO airstrikes or the deployment of thousands of United States troops in peacekeeping operations, I believe it is the course of wisdom to examine the root cause of instability in that region—the bloody regime of Slobodan Milosevic.

President Milosevic has imposed rigid controls on, or launched outright attacks against, the media, universities, and the judicial system in Serbia to prevent the possibility that a democracy and an independent civil society can be developed. The massacres of innocent women and children in Kosovo demonstrate Milosevic's disregard for basic human rights. This man, in a word, forbids the very thought of a democratic system in Serbia.

For too long this Administration has claimed that no viable democratic opposition exists in Serbia or that the United States has no choice but to work with Milosevic. Mr. President, I refuse to accept this argument. There are individuals and organizations in Serbia that can be a force for democratic change in that country. Milosevic is not the only option. And in no case should the United States treat that dictator as a responsible leader or as someone with whom we can do business.

The Serbia Democratization Act, which I am introducing today, has but one purpose—to get rid of the murderous regime of Mr. Milosevic. Let me briefly summarize the key points of the legislation:

It authorizes $100 million over a two year period to support the development of a government in Yugoslavia based on democratic principles and the rule of law.

It calls for increased Voice of America and Radio Free Europe/Radio Liberty broadcasting to Serbia to undermine state control of the media and spread the message of democracy to the people of Serbia.

It calls for humanitarian and other assistance to the victims of oppression in Kosovo.

It adds new sanctions or strengthens those that exist against Serbia until the President certifies that the government is democratic. For example, it codifies the so-called ''outer wall'' of sanctions that the United States has informally in place. It blocks Yugoslav assets in the United States. It prevents senior Yugoslav and Serbian government officials, and their families, from receiving visas to travel to the U.S. And it requires a democratic government to be in place in Serbia before extending MFN status to Yugoslavia.

It states that the U.S. should send to the International Criminal Tribunal for the former Yugoslavia all information we have on the involvement of Milosevic in war crimes.

Now, as for Mr. Milosevic's future, I do not care one way or the other if he lives out his days in sunny Cyprus if he will agree to step aside and make way for democracy in Serbia. The important thing is that he be removed from power, whether voluntarily or not.

Once the Milosevic regime has been replaced by a democratic government in Yugoslavia, this legislation calls for immediate and substantial U.S. assistance to support the transition to democracy. When that day comes, I will lead the way in encouraging Yugoslavia to take its place among the democratic nations of the West. Until that time, I will work to implement a policy that will undermine the autocratic regime of Slobodan Milosevic in every way possible.

Mr. LAUTENBERG. Mr. President, I rise today as one of a bipartisan group of Senators introducing the Serbia Democratization Act of 1999.

We've been developing this legislation for some time, to address our long-term interest in fostering democracy and human rights in what remains of the former Yugoslavia. But this legislation sends an important message at a time when our Armed Forces are conducting air operations and missile strikes against the so-called Federal Republic of Yugoslavia, comprising Serbia and Montenegro.

The message this legislation sends to the people of Serbia and Montenegro is

this: We are determined to punish those leaders responsible for such horrific violence throughout the former Yugoslavia. But we are also ready to support the development of democracy and civil society to help the people of Serbia and Montenegro overcome the repression which they, too, have suffered under the Milosevic regime.

The measures outlined in this act will help free thought and free speech to survive in Serbia-Montenegro. This legislation will also give victims of Serbian attacks, particularly in Kosovo, a degree of comfort knowing the American people stand with them in their hour of need even as our aircraft fly overhead.

This legislation also puts Slobodan Milosevic on notice that the reign of terror he has unleashed against the people of the Balkans—including Serbs and others within Serbia—will soon be over. Along with democratization measures for Serbia-Montenegro, this act contains narrow sanctions to make it more difficult for Milosevic to sustain his corrupt regime and carry on his bloody war.

The years Milosevic has been in power have left the region devastated. Americans remember all too well his brutal handiwork in the war in Bosnia. The images of destroyed homes, ethnically cleansed villages, of decaying corpses in mass graves, are indelibly etched in all our minds.

Now, less than two years after the signing of the Dayton peace agreement which brought about the end of that war, Milosevic has unleashed a similarly brutal campaign against people within Serbia. Yugoslav tanks and soldiers are attempting to crush the Kosovar Albanians' resistance. Belgrade's brutal crackdown has left thousands dead, tens of thousands homeless, and hundreds of thousands displaced from their towns and villages.

The man known in the Balkans as the Butcher of Belgrade, does not reserve his repression for Croats, Bosniaks, or Albanians. In his quest to gain and hold power, he has not spared his capital of Belgrade.

For years now, Slobodan Milosevic has carried out a sustained campaign to destroy his country's democratic institutions and its people's freedoms. He is a communist thug, a relic of the bad old days of Central Europe. For years, he has run whole of the so-called Federal Republic of Yugoslavia from his position as head of the constituent Republic of Serbia, leaving the constitution of the former Yugoslavia in tatters.

The Milosevic regime has tried for years to prevent the development of independent media outlets to provide accurate news and other information to the people of Serbia and Montenegro. Journalists who have pursued stories unflattering to the regime have been threatened and beaten by police. Independent television stations and newspapers are being shut down through litigation under a draconian press law passed last fall. As the State Department's 1998 Human Rights Report notes, that law allows private citizens and organizations to bring suit against media outlets for publishing information not deemed patriotic enough or considered to be ''against the territorial integrity, sovereignty and independence of the country.''

The effects of this policy are chilling. The people of Serbia-Montenegro are getting a filtered message about the events in their country and around the world. They see and hear and read only the news their Government chooses to disseminate.

Since NATO announced the approval of air operations and missile strikes, Belgrade has cracked down further on the independent media. Radio B92, operated courageously by Veran Matic, was shut down at gunpoint. Instead of hearing what is really happening, instead of hearing our reasons for conducting air strikes, people in Belgrade hear the regime's propaganda on Government radio.

The university in Belgrade—one of the great institutes of higher learning in Central Europe—has been purged of professors who refuse to tow the party line. Students who have protested this action have been harassed. As a result, there are virtually no progressive professors or students left in several programs.

The economy, too, is in tatters. Unemployment and underemployment hovers at 60 percent, primarily because the government has been unwilling to carry out needed economic reforms. Privatization, the cornerstone of a market economy, remains at a standstill, allowing cronyism and corruption to flourish.

I would like to draw particular attention to a section of this law concerning the International Criminal Tribunal for the former Yugoslavia.

As many of you know, for the past two years I have introduced legislation that bans U.S. aid to communities in the former Yugoslavia harboring war criminals. I introduced that legislation because it is my firm belief that democracy cannot come to a country, that a nation cannot begin to face the sins of its past, and that people cannot feel secure in their own communities, until individuals who persecuted others are brought to justice.

Milosevic has a deplorable record in cooperating with the Tribunal. He has continually scorned his obligations to the United Nations to turn over war criminals to the Tribunal for prosecution, citing constitutional constraints. Consequently, indicted war criminals—including Ratko Mladic, who is responsible for the massacre of hundreds of people during the Bosnian war, and the so-called Vukovar three who were indicted for the murder of 260 unarmed men during the 1991 attack on that Croatian city—reportedly live freely in Serbia.

He denied officials from the Tribunal access to Kosovo to investigate alleged crimes in the village of Racak, after 40 people were found dead, their mutilated bodies dumped in a ravine. Milosevic tried to claim that the victims—children, women and old men—were combatants and shot in a confrontation with Serbian police. To lend his story credence, Milosevic instead allowed a so-called independent forensic team from Belarus—itself caught in the Stalinist past—and a group of Finns to analyze the corpses.

Milosevic's tactic backfired. The forensic team found that the victims were unarmed civilians, executed in an organized massacre. Some of these Kosovars ''were forced to kneel before being sprayed with bullets,'' as the Washington Post reported it.

Those who master-minded and perpetrated the massacres in Racak must face justice. Our Congress has already made very clear our view that Slobodan Milosevic is a war criminal and should be indicted and tried by the International Tribunal.

Mr. President, United States policy toward Belgrade is and must be much more than the use of air strikes. The legislation before us today will help Secretary Albright's efforts to bring lasting peace, democracy and prosperity to Serbia and Montenegro, as well as to Kosovo and the rest of the Balkans, by helping democracy and freedom prevail over a brutal dictator.

By Mr. GRASSLEY (for himself, Mr. SCHUMER, Mr. LEAHY, Mr. FEINGOLD, and Mr. MOYNIHAN):

S. 721. A bill to allow media coverage of court proceedings.

LEGISLATION TO ALLOW MEDIA COVERAGE OF COURT PROCEEDINGS

Mr. GRASSLEY. Mr. President, along with Senator SCHUMER and others, today I am introducing legislation that would make it easier for every American taxpayer to see what goes on in the federal courts that they fund. The bill, which would allow the photographing, electronic recording, broadcasting, and televising of Federal court proceedings, is needed to address the growing public cynicism over this branch of government.

Fostering a public that is well-informed about the law, including penalties and offenses, will, in turn, foster a healthy judiciary. As Thomas Jefferson said, ''[t]he execution of the laws is more important than the making of them.'' Because federal court decisions are far-reaching and often final, it is critical that judges operate in a manner that invites broad observation.

In addition, allowing cameras in the federal courtrooms is consistent with the founding fathers' intent that trials be held before as many people as choose to attend. Also, the First Amendment requires that court proceedings be open to the public, and by extension, the news media. The public's right to observe them first-hand is hardly less important. Put differently, the Supreme Court has said, ''what transpires in the courtroom is public property.''

In 1994 The Federal Judicial Center conducted a pilot program that studied the effect of cameras in a select number of federal courts. Their findings supported the use of electronic media coverage and found, ''small or no effects of camera presence on participants in the proceedings, courtroom decorum, or the administration of justice.'' In addition to this three year study in the federal courts, we are fortunate to be able to draw upon the experience of state courts. A committee in New York established to study the effect of cameras in courtrooms concluded, ''Audio-visual coverage of court proceedings serves an important educational function, and promotes public scrutiny of the judicial system. The program had minimal, if any, adverse effects.'' 15 states specifically studied the educational benefits deriving from camera access and all of them determined that camera coverage contributed to greater public understanding of the judicial system.

The use of state courts as a testing ground for this legislation as well as the Federal pilot program make this very well trod ground. We can be extremely confident that this is the next logical step and the well documented benefits far outweigh the ''minimal or no detrimental effects''. Yet, despite the strong evidence of the successful use of cameras in state courtrooms, we are going the extra mile to make sure this works in federal courtrooms by adding a 3 year sunset provision to our bill. This will give us a reasonable amount of time to determine how the process is working and whether it should be permanent.

The two leading arguments against cameras in federal courtrooms are easily countered. First, there is a fear that courtrooms will deteriorate into the carnival-like atmosphere of the O.J. Simpson trial. However, the O.J. Simpson case is obviously an exceptional and isolated instance. Not every court case is or need be like the Simpson case. It is this image of court proceedings that this bill is designed to dispel. Furthermore, even the minimal effects of a camera in a trial setting do not apply to an appellate hearing that has no jury and rarely requires witnesses.

The second argument against greater public access to court proceedings is the legitimate concern for the witnesses' safety when they are required to testify. This concern has merit and is therefore addressed in our bill. Technological advances make it possible to disguise the face and voice of witnesses upon request, thus not compromising their safety.

Allowing greater public access to federal court proceedings will help Americans fulfill their duty as citizens of a democratic nation to educate themselves on the workings of their government, and their right to observe and oversee the fundamental and critical role of the judiciary. The evidence compiled by 48 states and a federal study clearly supports this bill, the Constitution demands this bill, and the American people deserve this bill.

For all these reasons, I urge others to join me and my colleagues in supporting our attempt to provide greater public access and accountability of our federal courts.

Mr. LEAHY. Mr. President, I am pleased to join Senators GRASSLEY and SCHUMER in sponsoring the ''Sunshine in the Courtroom Act.''

Our democracy works best when our citizens are fully informed. That is why I have supported efforts during my time in the Senate to promote the goal of opening the proceedings of all three branches of our government. We continue to make progress in this area. Except for rare closed sessions, the proceedings of Congress and its Committees are open to the public, and carried live on cable networks. In addition, more Members and Committees are using the Internet and Web sites to make their work available to broader audiences.

The work of Executive Branch agencies is also open for public scrutiny through the Freedom of Information Act, among other mechanisms. The FOIA has served the country well in maintaining the right of Americans to know what their government is doing—or not doing. As President Johnson said in 1966, when he signed the Freedom of Information Act into law:

> This legislation springs from one of our most essential principles: A democracy works best when the people have all the information that the security of the Nation permits.

The work of the third, Judicial Branch, of government is also open to the public. Proceedings in federal courtrooms around this country are open to the public, and our distinguished jurists publish extensive opinions explaining the reasons for their judgments and decisions.

Forty-eight states, including Vermont, permit cameras in the courts. This legislation simply continues this tradition of openness on the federal level.

This bill permits presiding appellate and district court judges to allow cameras in the courtroom; they are not required to do so. At the same time, it protects non-party witnesses by giving them the right to have their voices and images obscured during their testimony. Finally, the bill authorizes the Judicial Conference of the United States to promulgate advisory guidelines for use by presiding judges in determining the management and administration of photographing, recording, broadcasting or televising the proceedings. The authority for cameras in federal district courts sunsets in three years.

In 1994, the Judicial Conference concluded that the time was not ripe to permit cameras in the federal courts, and rejected a recommendation of the Court Administration and Case Management Committee to authorize the photographing, recording, and broadcasting of civil proceedings in federal trial and appellate courts. A majority of the Conference were concerned about the intimidating effect of cameras on some witnesses and jurors.

The New York Times opined at that time, on September 22, 1994, that ''the court system needs to reconsider its total ban on cameras, and Congress should consider making its own rules for cameras in the Federal courts.''

I am sensitive to the concerns of the Conference, but believe this legislation grants to the presiding judge the authority to evaluate the effect of a camera on particular proceedings and witnesses, and decide accordingly on whether to permit the camera into the courtroom. A blanket prohibition on cameras is an unnecessary limitation on the discretion of the presiding judge.

Allowing a wider public than just those who are able to make time to visit a courtroom to see and hear judicial proceedings will allow Americans to evaluate for themselves the quality of justice in this country, and deepen their understanding of the work that goes on in our courtrooms. This legislation is a step in making our courtrooms and the justice meted out there more widely available for public scrutiny. The time is long overdue for federal courts to allow cameras on their proceedings.

By Mr. INHOFE (for himself, Mr. MURKOWSKI, Mr. BURNS, Mr. GRASSLEY, Mr. BREAUX, Mr. CRAPO, Mr. STEVENS and Mr. FRIST):

S. 722. A bill to provide for the immediate application of certain orders relating to the amendment, modification, suspension, or revocation of certificates under chapter 447 of title 49, United States Code; to the Committee on Commerce, Science, and Transportation.

EMERGENCY REVOCATION ACT

• Mr. INHOFE. Mr. President, I have been involved in the aviation industry for over forty years. In that time, I have logged roughly 8,000 flight hours and have had my share of flight challenges in all sorts of weather and conditions. For instance, in 1980 during a humanitarian mission to Dominica, I led ten airplanes through hurricane David to deliver medical supplies to the island. As recently as 1991 I piloted a Cessna 414 around the world reenacting the same flight of Wiley Post sixty years earlier. I mention this to establish my credentials as someone who is an experienced pilot. As such, I have a great respect for the important job that the Federal Aviation Administration (FAA) does to make our air system the safest and best in the world. Notwithstanding my admiration for the job that the FAA does, I believe there are some areas of FAA enforcement that need to be examined. One such area is the FAA's use of ''emergency revocation''.

After talking with certificate holders and based on my own observations, I believe the FAA unfairly uses this necessary power to prematurely revoke certificates when the circumstances do not support such drastic action. In a revocation action, brought on an emergency basis, the certificate holder loses use of his certificate immediately, without an intermediary review by an impartial third party. The result is that the certificate holder is grounded and in most cases out of work until the issue is adjudicated.

Simply put, I believe the FAA unfairly uses this necessary power to prematurely revoke certificates when the circumstances do not support such drastic action. A more reasonable approach when safety is not an issue, would be to adjudicate the revocation on a non-emergency basis allowing the certificate holder continued use of the certificate.

In no way do I want to suggest that the FAA should not have emergency revocation powers. I believe it is critical to safety that FAA have the ability to ground unsafe airmen or other certificate holders; however, I also believe that the FAA must be judicious in its use of this extraordinary power. A review of recent emergency cases clearly demonstrates a pattern by which the FAA uses their emergency powers as standard procedure rather than an extraordinary measure. Perhaps the most visible case has been Bob Hoover.

Bob is a highly regarded and accomplished aerobatic pilot. In 1992, his medical certificate was revoked based on alleged questions regarding his cognitive abilities. After getting a clean bill of health from four separate sets of doctors (just one of the many tests cost Bob $1,700) and over the continuing objections of the federal air surgeon (who never examined Bob personally) his medical certificate was reinstated only after then Administrator David Henson intervened. Unfortunately, Bob is not out of the woods yet. His medical certificate expires each year. Unlike most airmen who can renew their medical certificate with a routine application and exam, Bob has to furnish the FAA with a report of a neurological evaluation every twelve months.

Bob Hoover's experience is just one of many. I have visited with other pilots who have had their licenses revoked on an emergency basis. Pilots such as Ted Stewart who has been an American Airlines pilot for more than 12 years and is presently a Boeing 767 Captain. Until January 1995, Ted had no complaints registered against him or his flying. In January 1995 the FAA suspended his examining authority as part of a larger FAA effort to respond to a problem of falsified ratings. The full National Transportation Safety Board (NTSB) exonerated Ted in July 1995. In June 1996, he received a second revocation. One of the charges in this second revocation involved falsification of records for a Flight Instructor Certificate with Multiengined rating and his Air Transport Pilot (ATP) certificate dating back to 1979. Remember, an emergency revocation means you lose your certificate immediately, so in most cases this means the certificate holder loses his source of income. Fortunately in Ted's case, his employer put him on a desk job while the issue was adjudicated.

Like most, I have questioned how an alleged 17½ year old violation in the Stewart case could constitute an emergency; especially, since Ted had not been cited for any cause in the intervening years. Nonetheless, the FAA vigorously pursued this action. On August 30, 1996, the NTSB issued its decision in this second revocation and found for Ted. A couple of comments in the Stewart decision bear closer examination. First, the board notes that ''The administrator's loss in the earlier case appears to have prompted further investigation of respondent . . .'' I find this rather troubling that an impartial third party appears to be suggesting that the FAA has a vendetta against Ted Stewart. This is further emphasized with a footnote in which the Board notes:

> [We,] of course, [are] not authorized to review the Administrator's exercise of his power to take emergency certificate action . . . We are constrained to register in this matter, however, our opinion that where, as here, no legitimate reason is cited or appears for not consolidating all alleged violations into one proceeding, subjecting an airman in the space of a year to two emergency revocations, and thus to the financial and other burdens associated with an additional 60-day grounding without prior notice and hearing, constitutes an abusive and unprincipled discharge of an extraordinary power.

Another example is Raymond A. Williamson who was a pilot for Coca-Cola Bottling Company. Like Ted Stewart, he was accused of being part of a ''ring'' of pilots who falsified type records for ''vintage'' aircraft.

As in all of the cases I have reviewed, Mr. Williamson biggest concern is that the FAA investigation and subsequent revocation came out of the blue. In November 1994, he was notified by his employer (Coca-Cola) that FAA inspectors had accused him of giving ''illegal'' check rides in company owned aircraft. He was fired. In June 1995, he received an Emergency Order of Revocation. In over 30 years as an active pilot, he had never had an accident, incident, or violation. Nor had he ever been ''counseled'' by the FAA for any action or irregularities as a pilot, flight instructor, FAA designated pilot examiner.

In May 1996, FAA proposed to return all his certificates and ratings, except his flight instructor certificate. As in the Ted Stewart case, it would appear that FAA found no real reason to pursue an ''emergency'' revocation.

I obviously cannot read the collective minds of the NTSB, but I believe a reasonable person would conclude that in the Ted Stewart case the Board, believes as I do, that there is an abuse of emergency revocation powers by the FAA.

This is borne out further by the fact that since 1989, emergency cases as a total of all enforcement actions heard by the NTSB has more than doubled. In 1989 the NTSB heard 1,107 enforcement cases. Of those, 66 were emergency revocation cases or 5.96 percent. In 1995, the NTSB heard 509 total enforcement cases, of those 160 were emergency revocation cases or 31.43 percent. I believe it is clear that the FAA has begun to use an exceptional power as a standard practice.

At my request, the General Accounting Office (GAO) did a study of emergency revocation actions taken by the FAA between 1990 and 1997. The most troubling result of the GAO study is that during time frame studied, 50 percent of the emergency renovations were issued four months to two years after the violation occurred. In only 4% of the cases was the emergency revocation issued within ten days or less of the actual violation. In fact, the median time lapse between the violation and the emergency order was a little over four months (132 days).

Clearly, at issue is ''what constitutes an emergency?'' After working with industry representatives, I believe we have come up with a balanced and prudent approach to answer that question. Today I, along with Senators MURKOWSKI, BURNS, GRASSLEY, BREAUX, STEVENS, CRAPO and FRIST am introducing a bill which will provide a certificate holder the option of requesting a hearing before the NTSB within 48 hours of receiving an emergency revocation to determine whether or not a true emergency exists. The board will have to decide within five days of the request if an emergency exists. During the board's deliberation, the certificate will be suspended. Should the board decide an emergency does not exist, the certificate holder will be able to use his certificate while the issue is adjudicated. Should the board decide an emergency does exist, the certificate will continue to be suspended while the issue is adjudicated.

Not surprisingly, Mr. President the FAA opposes this language. They also opposed changes to the civil penalties program where they served as the judge and jury in civil penalty actions against airmen. Fortunately, we were able to change that so that airmen can now appeal a civil penalty case to the NTSB. This has worked very well because the NTSB has a clear understanding of the issues.

This bill is supported by the Air Line Pilots Association, International; the Air Transport Association; the Allied Pilots Association, Aircraft Owners and Pilots Association; the Experimental Aircraft Association; National Air Carrier Association; National Air Transportation Association; National Business Aircraft Association; the NTSB Bar Association; and the Regional Airline Association.

In closing, this bill will provide due process to certificate holders where

now none exists, without compromising aviation safety. This is a reasonable and prudent response to an increasing problem for certificate holders. I hope our colleagues will support our efforts in this regard.●

By Mr. INHOFE:

S. 723. A bill to provide regulatory amnesty for defendants who are unable to comply with federal enforceable requirements because of factors related to a Y2K system failure; to the Committee on Governmental Affairs.

Y2K REGULATORY AMNESTY ACT OF 1999

● Mr. INHOFE. Mr. President, I am pleased to rise today to introduce Y2K Regulatory Amnesty Act of 1999. I believe this is a timely piece of legislation considering the current debate over the Year 2000 issue. Senators BENNETT, DODD, HATCH, FEINSTEIN, and MCCAIN have been working diligently on Year 2000 issues for quite some time. I applaud them for their efforts in dealing with such a unique and complex issue.

However, as I have watched their progress and listened to their reports, I have noticed one significant omission in their discussions. Virtually nothing has been said about the potential regulatory nightmare that regulated entities could face as a result of a Y2K disruption. While the debate has been centered on getting government and businesses ready for the date change, very little has been said about how the government will actually deal with the private sector's problems associated with the year 2000. The last thing we need is for Regulatory Agencies to view a Y2K problem as an opportunity for a fine.

As a result, I began to ask several regulated communities about their concerns over regulatory penalties as a result of a Y2K disruption. Surprisingly, many had not yet begun to think about the potential for regulatory problems. Instead, they have been focusing on becoming Y2K complaint, which is what they should be doing. However, one question remains; how will the federal government react to regulatory noncompliance due to a Y2K systems disruption?

In response to that unanswered question, I am introducing the Y2K Regulatory Amnesty Act. My legislation will create a ''Y2K upset'', which is defined as an exception in which there is unintentional and temporary noncompliance beyond the reasonable control of the party. It will provide regulated communities with an affirmative defense from punitive actions from the federal government should they encounter a Y2K systems disruption.

My legislation does not create a ''free pass'' for entities to violate federal regulations. A ''Y2K upset'' is strictly defined and can only be invoked if the entity has made all possible efforts to become Y2K complaint and meets other stringent requirements. Additionally, if the noncompliance would result in an immediate or imminent threat to public health, the defense is not applicable. For those individuals who do attempt to use this defense frivolously or fraudulently, there will be severe criminal penalties.

Let me give you an example of how this provision will work. Assume that a small, local flower shop is run by a simple 3-computer network. The flower shop uses its computer network to manage payroll, accounts payable/receivable, and to track orders from customers. In an effort to become Y2K complaint, the flower shop hires an outside consultant to examine his network for signs of the Y2K bug and solve any problems that exist. This process costs the flower shop just over $1,000 but is well worth the investment considering the shop wants to be in business in January 2000.

On January 1, 2000, flower shop finds that its payroll software is failing to operate. The shop owner contacts the software manufacturer, the computer manufacturer, and his consultant in order to find a solution. From the outset, the shop owner knows this delay means that he will be unable to calculate how much he owes the IRS in payroll taxes—not to mention, they will be late. For that small business owner that means a hefty penalty on top of the hassle and lost business the failure caused in the first place.

Under my legislation, this small business owner would not be facing IRS penalties. The flower shop will still have to pay the taxes, but they won't be hit with a fine for a computer problem outside of their control.

This is just one example of how this legislation would assist businesses as they attempt to become compliant. However, this legislation would also help many others. I have heard from several schools in my state that fear that if they lose federally required reporting information, they may face losses in federal funding. I have also heard from small, rural telephone cooperatives who fear that even a short-term Y2K-related systems disruption could result in significant FCC fines and penalties. The list is exhaustive. Virtually, anyone regulated by the federal government faces the unanswered question as to how the federal government will handle a Y2K systems disruption.

There is also an added benefit to this legislation. Because this defense would only apply to those who have made good faith efforts to become compliant, it will serve as an added incentive for everyone to fix their Y2K problems upfront.

Some people will say this legislation is unnecessary. However, I believe it is prudent to define how the federal government will approach Y2K systems disruptions in a regulatory context. But, more importantly, I believe we need to establish the rules of the game in advance so that everyone is operating from the same page.

In closing, I would urge each of my colleagues to become a cosponsor of the Y2K Regulatory Amnesty Act and join with me in working to remediate the potential regulatory problems associated with the coming date change.

Mr. President, I ask that the full text of the bill be inserted in the RECORD.

The bill follows:

S. 723

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 ''Y2K Regulatory Amnesty Act of 1999''.

SEC. 2. DEFINITIONS.

In this Act:

(1) Y2K FAILURE.—The term ''Y2K failure'' means any failure by any device or system (including any computer system and any microchip or integrated circuit embedded in another device or product), or any software, firmware, or other set or collection of processing instructions, however constructed, in processing, calculating, comparing, sequencing, displaying, storing, transmitting, or receiving date-related data, including—

(A) the failure to accurately administer or account for transitions or comparisons from, into, and between the 20th and 21st centuries, and between 1999 and 2000; or

(B) the failure to recognize or accurately process any specific date, and the failure accurately to account for the status of the year 2000 as a leap year.

(2) Y2K UPSET.—The term ''Y2K upset''—

(A) means an exceptional incident involving temporary noncompliance with applicable federally enforceable requirements because of factors related to a Y2K failure that are beyond the reasonable control of the defendant charged with compliance; and

(B) does not include—

(i) noncompliance with applicable federally enforceable requirements that constitutes or would create an imminent threat to public health or safety;

(ii) noncompliance to the extent caused by operational error or negligence;

(iii) lack of reasonable preventative maintenance; or

(iv) lack of preparedness for Y2K.

SEC. 3. CONDITIONS NECESSARY FOR A DEMONSTRATION OF A Y2K UPSET.

A defendant who wishes to establish the affirmative defense of Y2K upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that—

(1) the defendant previously made a good faith effort to effectively remediate Y2K problems;

(2) a Y2K upset occurred as a result of a Y2K system failure or other Y2K emergency;

(3) noncompliance with the applicable federally enforceable requirement was unavoidable in the face of a Y2K emergency or was intended to prevent the disruption of critical functions or services that could result in the harm of life or property;

(4) upon identification of noncompliance the defendant invoking the defense began immediate actions to remediate any violation of federally enforceable requirements; and

(5) the defendant submitted notice to the appropriate Federal regulatory authority of a Y2K upset within 72 hours from the time that it became aware of the upset.

SEC. 4. GRANT OF A Y2K UPSET.

Subject to the other provisions of this Act, the Y2K upset defense shall be a complete defense to any action brought as a result of noncompliance with federally enforceable requirements for any defendant who establishes by a preponderance of the evidence

that the conditions set forth in section 3 are met.

SEC. 5. LENGTH OF Y2K UPSET.

The maximum allowable length of the Y2K upset shall be not more than 30 days beginning on the date of the upset unless granted specific relief by the appropriate regulatory authority.

SEC. 6. VIOLATION OF A Y2K UPSET.

Fraudulent use of the Y2K upset defense provided for in this Act shall be subject to penalties provided in section 1001 of title 18, United States Code.●

By Mr. INHOFE (for himself and Mr. SESSIONS):

S. 724. A bill to amend the Safe Drinking Water Act to clarify that underground injection does not include certain activities, and for other purposes; to the Committee on Environment and Public Works.

HYDRAULIC FRACTURING LEGISLATION

● Mr. INHOFE. Mr. President, I rise today to introduce a bill with my colleagues from Alabama, Senator Sessions, that will help our domestic oil and gas industry by reducing one of the many regulatory burdens that they must comply with.

Last year, I was informed of a case in Alabama in which the EPA was sued over their policy regarding underground injection and specifically, ''hydraulic fracturing''. This procedure is used in cases where product, such as gas is located in a tight geological formation such as a coalbed. A hole is drilled into that area and a fluid consisting of water, gel and sand is pumped down the wellbore into the formation creating a fracture zone. The gel and water are extracted during the initial production stage of the well while the sand is left to prop open the cracks in the formation.

When Congress originally passed the safe drinking water act (SDWA) in 1974, they intentionally left the underground protection control (UIC) program to the states. That act stated: ''the Administrator . . . may not prescribe requirements which interfere with or impede (injection activities associated with oil and gas production) unless such requirements are essential to assure that underground sources of drinking water will not be endangered by such injection.'' That concept was re-affirmed in 1980 when a provision was enacted specifically to recognize the adequacy of state programs, none of which required permitting for hydraulic fracturing in the construction or maintenance of oil and gas production wells.

So, when the lawsuit was filed in Alabama, and the court ruled in favor of the environmental organization that filed the suit, I was shocked. It seemed clear to me that the intent of the law was to leave the regulation of this procedure to the states. I have neither heard nor seen anything that would lead me to the conclusion that there is any contamination of drinking water because of hydraulic fracturing. In fact, I believe the EPA agrees with me. Let me read a letter from Carol Browner, the Administrator of the EPA, to Mr. David A. Ludder, General Council for the Legal Environmental Assistance Foundation, Inc (LEAF), the group that sued EPA over this procedure.

There is no evidence that the hydraulic fracturing at issue has resulted in any contamination or endangerment of underground sources of drinking water. Repeated testing, conducted between May of 1989 and March of 1993, of the drinking water well which was the subject of this petition failed to show any chemicals that would indicate the presence of fracturing fluids.

That statement seems pretty straight forward and implies to me that EPA would be willing to work with us to solve this problem. Unfortunately, that is not the case. Senator Sessions and I, with assistance from Senator Chafee, have received nothing but stalling tactics. In late January, we drafted this language and sent it over to EPA hoping that we could resolve this issue quickly to provide relief to our producers. Unfortunately, they were not willing to work with us.

So here we are introducing a bill that is simple and solves the problem. This bill is short and to the point. In less than two pages we clarify that hydraulic fracturing is not underground injection and re-affirm that the administrator has the ability to determine what is regulated as underground injection, which is simply a clarification of an ability the administrator already possesses.

It is my hope that EPA will work with us as this bill moves through committee and come up with a solution that will allow our oil and gas guys to get back to work and get EPA to focus on issues which may pose a more immediate threat.●

Mr. SESSIONS. Mr. President, I rise today to introduce a bill along with my colleague Senator INHOFE, which makes a technical correction to the Safe Drinking Water Act. This bill will end a frivolous lawsuit, clarify the intent of Congress and allow our State regulators and the Environmental Protection Agency to focus on protecting underground drinking water.

This bill clarifies the Safe Drinking Water Act by exempting hydraulic fracturing from the definition of underground injection. Hydraulic fracturing is a process used in the production of coalbed methane. This process uses high pressure water, carbon dioxide and sand to create microscopic fractures in coal seams to release and extract methane, oil and gas. Most states in which hydraulic fracturing is used, including my own state of Alabama, have in place regulations to ensure hydraulic fracturing continues to be a technique used in a safe manner. This technique has been used safely by coalbed methane, oil and gas producers for over fifteen years and has never been attributed to causing even a single case of contamination to an underground drinking water source.

On May 3rd of 1994, the Legal Environmental Assistance Foundation (LEAF) submitted a Petition for Promulgation of a Rule to withdraw the EPA's approval for the state of Alabama's Underground Injection Control (UIC) program. LEAF cited a case in Alabama of alleged drinking well contamination to justify its lawsuit. The EPA carefully reviewed this petition and on May 5th of 1995 the Administrator of the EPA, Carol Browner wrote to LEAF and stated ''based on that review, I have determined that Alabama's implementation of the UIC program is consistent with the requirements of the Safe Drinking Water Act''. Administrator Browner continued ''There is no evidence that the hydraulic fracturing at issue has resulted in any contamination or endangerment of underground sources of drinking water''. I ask unanimous consent that a complete copy of the text of that letter be inserted into the RECORD.

The PRESIDING OFFICER. Without objection, so ordered.

(See exhibit 1.)

Mr. SESSIONS: This single case in Alabama which initiated the LEAF lawsuit was investigated by three regulatory agencies; the State Oil and Gas Board of Alabama, the Alabama Department of Environmental Management and the U.S. Environmental Protection Agency. None of the three regulatory agencies could find any contamination attributable to hydraulic fracturing activities or levels of any contaminate exceeding Safe Drinking Water Act standards. In fact, a nationwide search for cases of contamination attributed to hydraulic fracturing was conducted by the Environmental Protection Agency and the Ground Water Protection Council. Not a single case of contamination was discovered.

As a result of the baseless lawsuit brought by the Legal Environmental Assistance Foundation, the EPA has begun the process of stripping away the authority of the State of Alabama to implement its Underground Injection Control program. Both the EPA and the state of Alabama must now spend precious resources, which could otherwise be used to address real drinking water problems, to establish federal regulations for a technique which poses no environmental threat. The impact of this action will undoubtably be felt by the people in Alabama and across the nation who are threatened by and in many cases, experiencing the effects of ground water contamination as regulating agencies waste their resources to address this non-problem.

I urge my colleagues to join us in passing this technical fix to the Safe Drinking Water Act.

EXHIBIT 1

ENVIRONMENTAL PROTECTION AGENCY,
Washington, DC, May 5, 1995.

David A. Ludder, Esq.,
General Counsel, Legal Environmental Assistance Foundation, Inc., Tallahassee, FL.

DEAR MR. LUDDER: The Environmental Protection Agency (EPA) has received and carefully reviewed your May 3, 1994, Petition for Promulgation of a Rule Withdrawing Approval of Alabama's Underground Injection

Control (UIC) Program. Based on that review, I have determined that Alabama's implementation of its UIC Program is consistent with the requirements of the Safe Drinking Water Act (42 U.S.C. §300h, *et seq.*) and EPA's UIC regulations (40 CFR Part 145). EPA does not regulate—and does not believe it is legally required to regulate—the hydraulic fracturing of methane gas production wells under its UIC Program.

There is no evidence that the hydraulic fracturing at issue has resulted in any contamination or endangerment of underground sources of drinking water (USDW). Repeated testing, conducted between May of 1989 and March of 1993, of the drinking water well which was the subject of this petition failed to show any chemicals that would indicate the presence of fracturing fluids. The well was also sampled for drinking water quality and no constituents exceeding drinking water standards were detected. Moreover, given the horizontal and vertical distance between the drinking water well and the closest methane gas production wells, the possibility of contamination or endangerment of USDWs in the area is extremely remote. Hydraulic fracturing is closely regulated by the Alabama State Oil and Gas Board, which requires that operators obtain authorization prior to all fracturing activities.

Accordingly, I have decided to deny your petition. Enclosed you will find a detailed response to each contention in your petition, which further explains the basis for this denial.

Sincerely,

CAROL M. BROWNER,
Administrator.

By Ms. SNOWE (for herself and Mr. MCCAIN):

S. 725. A bill to preserve and protect coral reefs, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE CORAL REEF CONSERVATION ACT OF 1999

Ms. SNOWE. Mr. President, I rise today to introduce the Coral Reef Conservation Act of 1999. I am pleased that Senator MCCAIN, Chairman of the Commerce, Science, and Transportation Committee, is joining me as a cosponsor in this effort to protect, sustain, and restore the health of coral reef ecosystems.

Coral reefs are among the world's most biologically diverse and productive ecosystems. Reefs serve as essential habitat for many marine organisms, enhancing commercial fisheries and stimulating tourism. They provide protection to coastal areas from storm surges and erosion, and offer many untold potential benefits such as new pharmaceuticals, some of which are presently being identified, developed, and tested. Unfortunately, coral reef ecosystems are in decline.

In 1998, coral reefs around the world appear to have suffered the most extensive and severe bleaching damage and subsequent mortality in modern times. Reefs in at least 60 countries were affected, and in some areas, more than 70 percent of the corals died off. These impacts have been attributed to the warmest ocean temperatures in 600 years. In addition to these impacts, however, it is estimated that 58 percent of the world's reefs are threatened by human activity such as inappropriate coastal development, destructive fishing practices, and other forms of overexploitation.

As a result of these stressors, coral reef habitat has been damaged and destroyed. Diseases of coral and reef-based organisms are expanding rapidly. Most of the diseases being tracked have only recently been discovered and are not widely understood. These serious problems highlight the need for more research to unravel the complex interactive effects between natural and human-induced stressors on coral reefs, and for more conservation and management activities.

The United States is not immune to these problems. Large coral reef systems exist in Florida, Hawaii, Texas, and various U.S. territories in the Caribbean and the Pacific. These reefs produce significant economic benefits for surrounding communities. In Florida, for example, the reefs contribute approximately 1.6 billion dollars annually to the state economy. But despite these clear benefits, U.S. reefs suffer from some of the same problems that affect reefs in other parts of the world.

Mr. President, this bill authorizes $3,800,000 in each of fiscal years 2000, 2001, and 2002 for a Coral Reef Conservation Program in the National Oceanic and Atmospheric Administration to provide conservation and research grants to states, U.S. territories, and qualified non-governmental institutions. Eligible conservation projects will focus on the promotion of sustainable development and work to ensure the effective, long-term conservation of coral reefs. Potential research projects will address use conflicts and develop sound scientific information on the condition of and threats to coral reef ecosystems.

The bill also authorizes NOAA to enter into an agreement with a qualified non-governmental organization to create a trust fund that will match private contributions to federal contributions and provide additional funding for worthy conservation and research projects. Through this mechanism, federal dollars can be used to leverage more dollars from the private sector for grants.

In addition, this bill authorizes $200,000 for each of fiscal years 2000, 2001, and 2002 for emergency assistance, which would be be provided through grants to address unforeseen or disaster-related problems pertaining to coral reefs.

Based on early reports, the repercussions of the 1998 mass bleaching and mortality events will be far-reaching in time and economic impact. This development, along with the continuing pressures from other sources, demonstrates the need for an increase in the effort to protect our coral reefs. The legislation I am introducing today provides a reasonable, cooperative vehicle to address these concerns.

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. 725

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 ''Coral Reef Conservation Act of 1999''.

SEC. 2. PURPOSES.

The purposes of this title are:

(1) to preserve, sustain, and restore the health of coral reef ecosystems;

(2) to assist in the conservation and protection of coral reefs by supporting conservation programs;

(3) to provide financial resources for those programs; and

(4) to establish a formal mechanism for collecting and allocating monetary donations from the private sector to be used for coral reef conservation projects.

SEC. 3. DEFINITIONS.

In this title:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the National Oceanic and Atmospheric Administration.

(2) CORAL.—The term ''coral'' means species of the phylum Cnidaria, including—

(A) all species of the orders Antipatharia (black corals), Scleractinia (stony corals), Gorgonacea (horny corals), Stolonifera (organpipe corals and others), Alcyanacea (soft corals), and Coenothecalia (blue coral), of the class Anthozoa; and

(B) all species of the order Hydrocorallina (fire corals and hydrocorals), of the class Hydrozoa.

(3) CORAL REEF.—The term ''coral reef'' means those species (including reef plants), habitats, and other natural resources associated with any reefs or shoals composed primarily of corals within all maritime areas and zones subject to the jurisdiction or control of the United States (e.g., Federal, State, territorial, or commonwealth waters), including in the south Atlantic, Caribbean, Gulf of Mexico, and Pacific Ocean.

(4) CORALS AND CORAL PRODUCTS.—The term ''corals and coral products'' means any living or dead specimens, parts, or derivatives, or any product containing specimens, parts, or derivatives, of any species referred to in paragraph (2).

(5) CONSERVATION.—The term ''conservation'' means the use of methods and procedures necessary to preserve or sustain corals and species associated with coral reefs as diverse, viable, and self-perpetuating coral reefs, including all activities associated with resource management, such as assessment, conservation, protection, restoration, sustainable use, and management of habitat; habitat monitoring; assistance in the development of management strategies for marine protected areas and marine resources consistent with the National Marine Sanctuaries Act (16 U.S.C. 1431 et seq.) and the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.); law enforcement; conflict resolution initiatives; and community outreach and education.

(6) ORGANIZATION.—The term ''organization'' means any qualified non-profit organization that promotes coral reef conservation.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce.

SEC. 4. CORAL REEF CONSERVATION PROGRAM.

(a) GRANTS.—The Secretary, through the Administrator and subject to the availability of funds, shall provide grants of financial assistance for projects for the conservation of coral reefs, hereafter called coral conservation projects, for proposals approved by the Administrator in accordance with this section.

(b) MATCHING REQUIREMENTS.—

(1) Except as provided in paragraph (2), Federal funds for any coral conservation project under this section may not exceed 50 percent of the total cost of such project. For purposes of this paragraph, the non-Federal share of project costs may be provided by in-kind contributions and other noncash support.

(2) The Administrator may waive all or part of the matching requirement under paragraph (1) if—

(A) the project costs are $25,000 or less; or

(B) the Administrator determines that no reasonable means are available through which applicant can meet the matching requirement and the probable benefit of such project outweighs the public interest in such matching requirement.

(c) ELIGIBILITY.—Any relevant natural resource management authority of a State or territory of the United States or other government authority with jurisdiction over coral reefs or whose activities directly or indirectly affect coral reefs, or educational or non-governmental institutions with demonstrated expertise in the conservation of coral reefs, may submit to the Administrator a coral conservation proposal submitted under subsection (e) of this section.

(d) GEOGRAPHIC AND BIOLOGICAL DIVERSITY.—The Administrator shall ensure that funding for grants awarded under subsection (b) of this section during a fiscal year are distributed in the following manner—

(1) no less than 40 percent of funds available shall be awarded for coral conservation projects in the Pacific Ocean;

(2) no less than 40 percent of the funds available shall be awarded for coral conservation projects in the Atlantic Ocean, Gulf of Mexico, and the Caribbean Sea; and

(3) remaining funds shall be awarded for projects that address emerging priorities or threats, including international priorities or threats, identified by the Administrator in consultation with the Coral Reef Task Force under subsection (i).

(e) PROJECT PROPOSALS.—Each proposal for a grant under this section shall include the following:

(1) The name of the individual or entity responsible for conducting the project.

(2) A succinct statement of the purposes of the project.

(3) A description of the qualifications of the individuals who will conduct the project.

(4) An estimate of the funds and time required to complete the project.

(5) Evidence of support of the project by appropriate representatives of States or territories of the United States or other government jurisdictions in which the project will be conducted.

(6) Information regarding the source and amount of matching funding available to the applicant, as appropriate.

(7) A description of how the project meets one or more of the criteria in subsection (g) of this section.

(8) Any other information the Administrator considers to be necessary for evaluating the eligibility of the project for funding under this title.

(f) PROJECT REVIEW AND APPROVAL.—

(1) IN GENERAL.—The Administrator shall review each final coral conservation project proposal to determine if it meets the criteria set forth in subsection (g).

(2) REVIEW; APPROVAL OR DISAPPROVAL.—Not later than 3 months after receiving a final project proposal under this section, the Administrator shall—

(A) request written comments on the proposal from each State or territorial agency of the United States or other government jurisdiction, including the relevant regional fishery management councils established under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), or any National Marine Sanctuary, with jurisdiction or management authority over coral reefs or coral reef ecosystems in the area where the project is to be conducted, including the extent to which the project is consistent with locally-established priorities;

(B) for projects costing more than $25,000, provide for the regional, merit-based peer review of the proposal and require standardized documentation of that peer review;

(C) after considering any written comments and recommendations based on the reviews under subparagraphs (A) and (B), approve or disapprove the proposal; and

(D) provide written notification of that approval or disapproval to the person who submitted the proposal, and each of those States, territories, and other government jurisdictions.

(g) CRITERIA FOR APPROVAL.—The Administrator may approve a final project proposal under this section based on the extent that the project will enhance the conservation of coral reefs by—

(1) implementing coral conservation programs which promote sustainable development and ensure effective, long-term conservation of coral reef;

(2) addressing the conflicts arising from the use of environments near coral reefs or from the use of corals, species associated with coral reefs, and coral products;

(3) enhancing compliance with laws that prohibit or regulate the taking of corals, species associated with coral reefs, and coral products or regulate the use and management of coral reef ecosystems;

(4) developing sound scientific information on the condition of coral reef ecosystems or the threats to such ecosystems;

(5) promoting cooperative projects on coral reef conservation that involve affected local communities, non-governmental organizations, or others in the private sector; or

(6) increasing public knowledge and awareness of coral reef ecosystems and issues regarding their long-term conservation.

(h) PROJECT REPORTING.—Each grantee under this section shall provide periodic reports, as specified by the Administrator. Each report shall include all information required by the Secretary for evaluating the progress and success of the project.

(i) CORAL REEF TASK FORCE.—The Administrator may consult with the Coral Reef Task Force established under Executive Order 13089 (June 11, 1998), to obtain guidance in establishing coral conservation project priorities under this section.

(j) IMPLEMENTATION GUIDELINES.—Within 90 days after the date of enactment of this Act, the Administrator shall promulgate necessary guidelines for implementing this section. In developing those guidelines, the Administrator shall consult with regional and local entities involved in setting priorities for conservation of coral reefs.

SEC. 5. CORAL REEF CONSERVATION FUND.

(a) FUND.—The Administrator may enter into an agreement with an organization authorizing such organization to receive, hold and administer funds received pursuant to this section. The organization shall invest, reinvest and otherwise administer the funds and maintain such funds and any interest or revenues earned in a separate interest bearing account, hereafter referred to as the Fund, established by such organization solely to support partnerships between the public and private sectors that further the purposes of this title.

(b) AUTHORIZATION TO SOLICIT DONATIONS.—Consistent with 16 U.S.C. 3703, and pursuant to the agreement entered into under subsection (a) of this section, an organization may accept, receive, solicit, hold administer and use any gift or donation to further the purposes of this title. Such funds shall be deposited and maintained in the Fund established by an organization under subsection (a) of this section.

(c) REVIEW OF PERFORMANCE.—The Administrator shall conduct a continuing review of the grant program administered by an organization under this section. Each review shall include a written assessment concerning the extent to which that organization has implemented the goals and requirements of this section.

(d) ADMINISTRATION.—Under the agreement entered into pursuant to subsection (a) of this section, the Administrator may transfer funds appropriated to carry out this Act to an organization. Amounts received by an organization under this subsection may be used for matching, in whole or in part, contributions (whether in currency, services, or property) made to the organization by private persons and State and local government agencies.

SEC. 6. EMERGENCY ASSISTANCE.

The Administrator may make grants to any State, local or territorial government agency with jurisdiction over coral reefs for emergencies to address unforeseen or disaster related circumstance pertaining to coral reefs or coral reef ecosystems.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) There are authorized to be appropriated to the Secretary $3,800,000 for each of fiscal years 2000, 2001, and 2002 for grants under section 4, which may remain available until expended.

(2) There are authorized to be appropriated to the Secretary $200,000 for each of fiscal years 2000, 2001, and 2002 for emergency assistance under section 6.

(b) USE OF AMOUNTS APPROPRIATED.—Not more than 5 percent of the amounts appropriated under subsection (a) may be used by the Secretary, through the Administrator, for administration of this title.

(c) LIMITATION.—Only amounts appropriated to implement this title are subject to its requirements.

• Mr. MCCAIN. Mr. President, I rise today in support of the Coral Reef Conservation Act of 1999. The bill that I have sponsored, along with Senator SNOWE, the Chair of the Commerce Committee's Subcommittee on Oceans and Fisheries, represents strong and balanced environmental policy. I wish to thank Senator SNOWE for her leadership in this area. This bill is a positive step forward to improve the conditions of our coral reefs and the many types of life that live in and among these reefs.

The bill is designed to build partnerships with local and State entities to facilitate coral reef conservation. It creates a competitive matching-grant program which would provide funding for local and State governments and qualified non-profit organizations which have experience in coral reef monitoring, research, conservation, and public education projects. The bill requires that federal funds provide no more than 50 percent of the cost of the project. However, it also helps local communities that do not have the ability to raise sufficient matching funds. Therefore, the matching requirement may be waived for qualified proposals under $25,000.

Under the bill that Senator SNOWE and I have introduced today, the matching-grant program will maximize funding for important coral reef conservation projects. Our coral reefs are certainly in need of this type of funding. Indeed, coral reefs are the foundation of one of the Earth's most productive and diverse ecosystems, providing food and shelter for at least one million different types of animals, plants and other sea life. Coastal communities realize the benefit of coral reefs through enhanced fisheries, coastal protection, tourism, and the development of medicines used to fight cancer and produce antibiotics and pain relievers. Unfortunately, in 1998, coral reefs suffered some of the most extensive damage ever recorded. What caused so much damage? There are no certain answers. Record-breaking ocean temperatures and a severe El Nino event are the most likely culprits. What we do know is that these global events triggered massive die-offs of coral reefs through a process known as coral ''bleaching''. In essence, bleaching occurs when coral reefs are exposed to environmental stress, including elevated sea temperatures. This results in the loss of an essential food source, so the coral—a living creature—may starve to death. This coral reef bleaching makes the identification of the most injured reefs fairly obvious. The difficult task then becomes what can be done to prevent such a loss in the future and what, if anything, can be done to revive already damaged reefs?

I think this bill is a very good starting point. With this legislation, Senator SNOWE and I will put in place a way to provide responsible and effective funding for coral reef conservation, monitoring, research, and public education. One half of our country's population lives and works in a coastal community. This bill is good for the environment and good for the many Americans who depend on the ocean for their livelihoods. I urge my colleagues to support this bill.●

By Mr. CAMPBELL (for himself and Mr. TORRICELLI):

S. 726. A bill to establish a matching grant program to help State and local jurisdictions purchase bullet resistant equipment for use by law enforcement departments; to the Committee on the Judiciary.

OFFICER DALE CLAXTON BULLET RESISTANT POLICE PROTECTIVE EQUIPMENT ACT OF 1999

Mr. CAMPBELL. Mr. President, today I am introducing legislation to help our nation's state and local law enforcement officers acquire the bullet resistant equipment they need to protect themselves from would-be killers.

I am joined today by my colleague, Senator TORRICELLI, as an original cosponsor of this legislation.

This bill, the ''Officer Dale Claxton Bullet Resistant Police Protective Equipment Act of 1999,'' is based on S. 2253, which I introduced in the 105th Congress. This bill is named in memory of Dale Claxton, a Cortez, Colorado, police officer who was fatally shot through the windshield of his patrol car last year. A bullet resistant windshield could have saved his life.

Unfortunately, incidents like this are far from isolated. All across our nation law enforcement officers, whether in hot pursuit, driving through dangerous neighborhoods, or pulled over on the side of the road behind an automobile, are at risk of being shot through their windshields. We must do what we can to prevent these kinds of tragedies as better, lighter and more affordable types of bullet resistant glass and other equipment become available. For the purposes of this bill I use the technically more accurate term ''bullet resistant'' instead of the more commonplace ''bullet proof'' since, even though we all wish they could be, few things are truly ''bullet proof.''

While I served as a deputy sheriff in Sacramento County, California, I became personally aware of the inherent dangers law enforcement officers encounter each day on the front lines. Now that I serve as a U.S. senator here in Washington, DC, I believe we should do what we can to help our law enforcement officers protect themselves as they risk their lives while protecting the American people from violent criminals.

One important way we can do this is to help them acquire bullet resistant glass and armored panels for patrol cars, hand held bullet resistant shields and other life saving bullet resistant equipment. This assistance is especially crucial for small local jurisdictions that often lack the funds needed to provide their officers with the life saving bullet resistant equipment they need.

The Officer Dale Claxton bill builds upon the successes of the Bulletproof Vest Partnership Grant Act, S. 1605, which I introduced in the 105th Congress and the president signed into law last June. This program provides matching grants to state and local law enforcement agencies to help them purchase body armor for their officers. This bill builds upon this worthy program by expanding it to help them acquire additional types of bullet resistant equipment.

The bill I introduce today has four main components. The first part authorizes continued funding for the current Bulletproof Vest Partnership Grant Act program at $25 million per year.

The second and central part of this legislation authorizes a new $40 million matching grant program to help state, local, tribal and other small law enforcement agencies acquire bullet resistant equipment such as bullet resistant glass and armored panels for patrol cars, hand held bullet resistant shields and other life saving equipment.

The third component of this bill, as promoted by Senator TORRICELLI, would authorize a $25 million matching grant program for the purchase of video cameras for use in law enforcement vehicles.

These three matching grants are authorized for fiscal years 2000 through 2002 and would be allocated by the Bureau of Justice Assistance according to a formula that ensures fair distribution for all states, local communities, tribes and U.S. territories. To help ensure that these matching grants get to the jurisdictions that need them the most the bureau is directed to make at least half of the funds available to those smaller jurisdictions whose budgets are the most financially constrained.

The final key part of this bill provides the Justice Department's National Institute of Justice (NIJ) with $3 million over 3 years to conduct an expedited research and development program to speed up the deployment of new bullet resistant technologies and equipment. The development of new bullet resistant materials in the next few years could be as revolutionary in the next few years as Kevlar was for body armor in the 1970s. Exciting new technologies such as bonded acrylic, polymers, polycarbons, aluminized material and transparent ceramics promise to provide for lighter, more versatile and hopefully less expensive bullet resistant equipment.

The Officer Dale Claxton bill also directs the NIJ to inventory existing technologies in the private sector, in surplus military property, and in use by other countries and to evaluate, develop standards, establish testing guidelines, and promote technology transfer.

Under the bill, the Institute would give priority in testing and feasibility studies to law enforcement partnerships developed in coordination with existing High Intensity Drug Trafficking Areas (HIDTAs).

Our nation's state, local and tribal law enforcement officers regularly put their lives in harm's way and deserve to have access to the bullet resistant equipment they need. The Officer Dale Claxton bill will both get life saving bullet resistant equipment deployed into the field where it is needed and accelerate the development of new life-saving bullet resistant technologies. I urge my colleagues to support passage of this bill.

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. 726

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 ''Officer Dale Claxton Bullet Resistant Police Protective Equipment Act of 1999''.

SEC. 2. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) Officer Dale Claxton of the Cortez, Colorado, Police Department was shot and killed by bullets that passed through the windshield of his police car after he stopped a stolen truck, and his life may have been saved

if his police car had been equipped with bullet resistant equipment;

(2) the number of law enforcement officers who are killed in the line of duty would significantly decrease if every law enforcement officer in the United States had access to additional bullet resistant equipment;

(3) according to studies, between 1985 and 1994, 709 law enforcement officers in the United States were feloniously killed in the line of duty;

(4) the Federal Bureau of Investigation estimates that the risk of fatality to law enforcement officers while not wearing bullet resistant equipment, such as an armor vest, is 14 times higher than for officers wearing an armor vest;

(5) according to studies, between 1985 and 1994, bullet-resistant materials helped save the lives of more than 2,000 law enforcement officers in the United States; and

(6) the Executive Committee for Indian Country Law Enforcement Improvements reports that violent crime in Indian country has risen sharply, despite a decrease in the national crime rate, and has concluded that there is a ''public safety crisis in Indian country''.

(b) PURPOSE.—The purpose of this Act is to save lives of law enforcement officers by helping State, local, and tribal law enforcement agencies provide officers with bullet resistant equipment and video cameras.

SEC. 3. MATCHING GRANT PROGRAM FOR LAW ENFORCEMENT BULLET RESISTANT EQUIPMENT.

(a) IN GENERAL.—Part Y of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) by striking the part designation and part heading and inserting the following:

"PART Y—MATCHING GRANT PROGRAMS FOR LAW ENFORCEMENT

"Subpart A—Grant Program For Armor Vests";

(2) by striking ''this part'' each place that term appears and inserting ''this subpart''; and

(3) by adding at the end the following:

"Subpart B—Grant Program For Bullet Resistant Equipment

"SEC. 2511. PROGRAM AUTHORIZED.

''(a) IN GENERAL.—the Director of the Bureau of Justice Assistance is authorized to make grants to States, units of local government, and Indian tribes to purchase bullet resistant equipment for use by State, local, and tribal law enforcement officers.

''(b) USES OF FUNDS.—Grants awarded under this section shall be—

''(1) distributed directly to the State, unit of local government, or Indian tribe, and

''(2) used for the purchase of bullet resistant equipment for law enforcement officers in the jurisdiction of the grantee.

''(c) PREFERENTIAL CONSIDERATION.—In awarding grants under this subpart, the Director of the Bureau of Justice Assistance may give preferential consideration, if feasible, to an application from a jurisdiction that—

''(1) has the greatest need for bullet resistant equipment based on the percentage of law enforcement officers in the department who do not have access to a vest;

''(2) has a violent crime rate at or above the national average as determined by the Federal Bureau of Investigation; or

''(3) has not received a block grant under the Local Law Enforcement Block Grant program described inder the heading 'Violent Crime Reduction Programs, State and Local Law Enforcement Assistance' of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119).

''(d) MINIMUM AMOUNT.—Unless all eligible applications submitted by any State or unit of local government within such State for a grant under this section have been funded, such State, together with grantees within the State (other than Indian tribes), shall be allocated in each fiscal year under this section not less than 0.50 percent of the total amount appropriated in the fiscal year for grants pursuant to this section, except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands shall each be allocated .25 percent.

''(e) MAXIMUM AMOUNT.—A qualifying State, unit of local government, or Indian tribe may not receive more than 5 percent of the total amount appropriated in each fiscal year for grants under this section, except that a State, together with the grantees within the State may not receive more than 20 percent of the total amount appropriated in each fiscal year for grants under this section.

''(f) MATCHING FUNDS.—The portion of the costs of a program provided by a grant under subsection (a) may not exceed 50 percent. Any funds appropriated by Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of a matching requirement funded under this subsection.

''(g) ALLOCATION OF FUNDS.—At least half of the funds available under this subpart shall be awarded to units of local government with fewer than 100,000 residents.

"SEC. 2512. APPLICATIONS.

''(a) IN GENERAL.—To request a grant under this subpart, the chief executive of a State, unit of local government, or Indian tribe shall submit an application to the Director of the Bureau of Justice Assitance in such form and containing such information as the Director may reasonably require.

''(b) REGULATIONS.—Not later than 90 days after the date of the enactment of this subpart, the Director of the Bureau of Justice Assistance shall promulgate regulations to implement this section (including the information that must be included and the requirements that the States, units of local government, and Indian tribes must meet) in submitting the applications required under this section.

''(c) ELIGIBILITY.—A unit of local government that receives funding under the Local Law Enforcement Block Grant program (described under the heading 'Violent Crime Reduction Programs, State and Local Law Enforcement Assistance' of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 104–119)) during a fiscal year in which it submits an application under this subpart shall not be eligible for a grant under this subpart unless the chief executive officer of such unit of local government certifies and provides an explanation to the Director that the unit of local government considered or will consider using funding received under the block grant program for any or all of the costs relating to the purchase of bullet resistant equipment, but did not, or does not expect to use such funds for such purpose.

"SEC. 2513. DEFINITIONS.

''In this subpart—

''(1) the term 'equipment' means windshield glass, car panels, shileds, and protective gear;

''(2) the term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands;

''(3) the term 'unit of local government' means a county, municipality, town, township, village, parish, borough, or other unit of general government below the State level;

''(4) the term 'Indian tribe' has the same meaning as in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)); and

''(5) the term 'law enforcement officer' means any officer, agent, or employee of a State, unit of local government, or Indian tribe authorized by law or by a government agency to engage in or supervise the prevention, detection, or investigation of any violation of criminal law, or authorized by law to supervise sentenced criminal offenders.

"Subpart C—Grant Program For Video Cameras

"SEC. 2521. PROGRAM AUTHORIZED.

''(a) IN GENERAL.—The Director of the Bureau of Justice Assistance is authorized to make grants to States, units of local government, and Indian tribes to purchase video cameras for use by State, local, and tribal law enforcement agencies in law enforcement vehicles.

''(b) USES OF FUNDS.—Grants awarded under this section shall be—

''(1) distributed directly to the State, unit of local government, or Indian tribe; and

''(2) used for the purchase of video cameras for law enforcement vehicles in the jurisdiction of the grantee.

''(c) PREFERENTIAL CONSIDERATION.—In awarding grants under this subpart, the Director of the Bureau of Justice Assistance may give preferential consideration, if feasible, to an application from a jurisdiction that—

''(1) has the greatest need for video cameras, based on the percentage of law enforcement officers in the department do not have access to a law enforcement vehicle equipped with a video camera;

''(2) has a violent crime rate at or above the national average as determined by the Federal Bureau of Investigation; or

''(3) has not received a block grant under the Local Law Enforcement Block Grant program described under the heading 'Violent Crime Reduction Programs, State and Local Law Enforcement Assistance' of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119).

(d) MINIMUM AMOUNT.—Unless all eligible applications submitted by any State or unit of local government within such State for a grant under this section have been funded, such State, together with grantees within the State (other than Indian tribes), shall be allocated in each fiscal year under this section not less than 0.50 percent of the total amount appropriated in the fiscal year for grants pursuant to this section, except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands shall each be allocated 0.25 percent.

''(e) MAXIMUM AMOUNT.—A qualifying State, unit of local government, or Indian tribe may not receive more than 5 percent of the total amount appropriated in each fiscal year for grants under this section, except that a State, together with the grantees within the State may not receive more than 20 percent of the total amount appropriated in each fiscal year for grants under this section.

''(f) MATCHING FUNDS.—The portion of the costs of a program provided by a grant under subsection (a) may not exceed 50 percent. Any funds appropriated by Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of a matching requirement funded under this subsection.

''(g) ALLOCATION OF FUNDS.—At least half of the funds available under this subpart shall be awarded to units of local government with fewer than 100,000 residents.

''SEC. 2522. APPLICATIONS.

''(a) IN GENERAL.—To request a grant under this subpart, the chief executive of a State, unit of local government, or Indian tribe shall submit an application to the Director of the Bureau of Justice Assistance in such form and containing such information as the Director may reasonably require.

''(b) REGULATIONS.—Not later than 90 days after the date of the enactment of this subpart, the Director of the Bureau of Justice Assistance shall promulgate regulations to implement this section (including the information that must be included and the requirements that the States, units of local government, and Indian tribes must meet) in submitting the applications required under this section.

''(c) ELIGIBILITY.—A unit of local government that receives funding under the Local Law Enforcement Block Grant program (described under the heading 'Violent Crime Reduction Programs, State and Local Law Enforcement Assistance' of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119)) during a fiscal year in which it submits an application under this subpart shall not be eligible for a grant under this subpart unless the chief executive officer of such unit of local government certifies and provides an explanation to the Director that the unit of local government considered or will consider using funding received under the block grant program for any or all of the costs relating to the purchase of video cameras, but did not, or does not expect to use such funds for such purpose.

''SEC. 2523. DEFINITIONS.

''In this subpart—

''(1) the term 'Indian tribe' has the same meaning as in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e));

''(2) the term 'law enforcement officer' means any officer, agent, or employee of a State, unit of local government, or Indian tribe authorized by law or by a government agency to engage in or supervise the prevention, detection, or investigation of any violation of criminal law, or authorized by law to supervise sentenced criminal offenders;

''(3) the term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands; and

''(4) the term 'unit of local government' means a county, municipality, town, township, village, parish, borough, or other unit of general government below the State level.''.

(b) AUTHORIATION OF APPROPRIATIONS.—Section 1001(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by striking paragraph (23) and inserting the following:

''(23) There are authorized to be appropriated to carry out part Y—

''(A) $25,000,000 for each of fiscal years 2000 through 2002 for grants under subpart A of that part;

''(B) $40,000,000 for each of fiscal years 2000 through 2002 for grants under subpart B of that part; and

''(C) $25,000,000 for each of fiscal years 2000 through 2002 for grants under subpart C of that part.''.

SEC. 4. SENSE OF THE CONGRESS.

In the case of any equipment or products that may be authorized to be purchased with financial assistance provided using funds appropriated or otherwise made available by this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

SEC. 5. TECHNOLOGY DEVELOPMENT.

Section 202 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3722) is amended by adding at the end the following:

''(e) BULLET RESISTANT TECHNOLOGY DEVELOPMENT.—

''(1) IN GENERAL.—The institute is authorized to—

''(A) conduct research and otherwise work to develop new bullet resistant technologies (i.e., acrylic, polymers, aluminized material, and transparent ceramics) for use in police equipment (including windshield glass, car panels, shields, and protective gear);

''(B) inventory bullet resistant technologies used in the private sector, in surplus military property, and by foreign countries;

''(C) promulgate relevant standards for, and conduct technical and operational testing and evaluation of, bullet resistant technology and equipment, and otherwise facilitate the use of that technology in police equipment.

''(2) PRIORITY.—In carrying out this subsection, the Institute shall give priority in testing and engineering surveys to law enforcement partnerships developed in coordination with High Intensity Drug Trafficking Areas.

''(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $3,000,000 for fiscal years 2000 through 2002.''.

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

S. 727. A bill to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed firearms and to allow States to enter into compacts to recognize other States' concealed weapons permits; to the Committee on the Judiciary.

LAW ENFORCEMENT PROTECTION ACT OF 1999

Mr. CAMPBELL. Mr. President, today I introduce a bill to authorize States to recognize each other's concealed weapons laws and exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed firearms. This legislation is designed to support the rights of States and to facilitate the right of law-abiding citizens as well as law enforcement officers to protect themselves, their families, and their property. I am pleased to be joined by the chairman of the Judiciary Committee, Senator HATCH as an original cosponsor of this legislation.

The language of this bill is based on my bill, S. 837, in the 105th Congress and is similar to a provision in S. 3, the Omnibus Crime Control Act of 1997, introduced by Senator HATCH. In light of the importance of this provision to law-abiding gunowners and law enforcement officers, I am introducing this freestanding bill today for the Senate's consideration and prompt action.

This bill allows States to enter into agreements, known as ''compacts,'' to recognize the concealed weapons laws of those States included in the compacts. This is not a Federal mandate; it is strictly voluntary for those States interested in this approach. States would also be allowed to include provisions which best meet their needs, such as special provisions for law enforcement personnel.

This legislation would allow anyone possessing a valid permit to carry a concealed firearm in their respective State to also carry it in another State, provided that the States have entered into a compact agreement which recognizes the host State's right-to-carry laws. This is needed if you want to protect the security individuals enjoy in their own State when they travel or simply cross State lines to avoid a crazy quilt of differing laws.

Currently, a Federal standard governs the conduct of nonresidents in those States that do not have a right-to-carry statute. Many of us in this body have always strived to protect the interests of States and communities by allowing them to make important decisions on how their affairs should be conducted. We are taking to the floor almost every day to talk about mandating certain things to the States. This bill would allow States to decide for themselves.

Specifically, the bill allows that the law of each State govern conduct within that State where the State has a right-to-carry statute, and States determine through a compact agreement which out-of-State right-to-carry statute will be recognized.

To date, 31 States have passed legislation making it legal to carry concealed weapons. These State laws enable citizens of those States to exercise their right to protect themselves, their families, and their property.

The second major provision of this bill would allow qualified current and former law enforcement officers who are carrying appropriate written identification of that status to be exempt from State laws that prohibit the carrying of concealed weapons. This provision sets forth a checklist of stringent criteria that law enforcement officers must meet in order to qualify for this exemption status. Exempting qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed weapons, I believe, would add additional forces to our law enforcement community in our unwavering fight against crime.

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

Mr. President, I urge my colleagues to support this bill.

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

S. 727

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 ''Law Enforcement Protection Act of 1999''.

SEC. 2. EXEMPTION OF QUALIFIED CURRENT AND FORMER LAW ENFORCEMENT OFFICERS FROM STATE LAWS PROHIBITING THE CARRYING OF CONCEALED FIREARMS.

(a) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by inserting after section 926A the following:

"§ 926B. Carrying of concealed firearms by qualified current and former law enforcement officers

''(a) IN GENERAL.—Notwithstanding any provision of the law of any State or any political subdivision of a State, an individual may carry a concealed firearm if that individual is—

''(1) a qualified law enforcement officer or a qualified former law enforcement officer; and

''(2) carrying appropriate written identification.

''(b) EFFECT ON OTHER LAWS.—

''(1) COMMON CARRIERS.—Nothing in this section shall be construed to exempt from section 46505(B)(1) of title 49—

''(A) a qualified law enforcement officer who does not meet the requirements of section 46505(D) of title 49; or

''(B) a qualified former law enforcement officer.

''(2) FEDERAL LAWS.—Nothing in this section shall be construed to supersede or limit any Federal law or regulation prohibiting or restricting the possession of a firearm on any Federal property, installation, building, base, or park.

''(3) STATE LAWS.—Nothing in this section shall be construed to supersede or limit the laws of any State that—

''(A) grant rights to carry a concealed firearm that are broader than the rights granted under this section;

''(B) permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property; or

''(C) prohibit or restrict the possession of firearms on any State or local government property, installation, building, base, or park.

''(4) DEFINITIONS.—In this section:

''(A) APPROPRIATE WRITTEN IDENTIFICATION.—The term 'appropriate written identification' means, with respect to an individual, a document that—

''(i) was issued to the individual by the public agency with which the individual serves or served as a qualified law enforcement officer; and

''(ii) identifies the holder of the document as a current or former officer, agent, or employee of the agency.

''(B) QUALIFIED LAW ENFORCEMENT OFFICER.—The term 'qualified law enforcement officer' means an individual who—

''(i) is presently authorized by law to engage in or supervise the prevention, detection, or investigation of any violation of criminal law;

''(ii) is authorized by the agency to carry a firearm in the course of duty;

''(iii) meets any requirements established by the agency with respect to firearms; and

''(iv) is not the subject of a disciplinary action by the agency that prevents the carrying of a firearm.

''(C) QUALIFIED FORMER LAW ENFORCEMENT OFFICER.—The term 'qualified former law enforcement officer' means, an individual who is—

''(i) retired from service with a public agency, other than for reasons of mental disability;

''(ii) immediately before such retirement, was a qualified law enforcement officer with that public agency;

''(iii) has a nonforfeitable right to benefits under the retirement plan of the agency;

''(iv) was not separated from service with a public agency due to a disciplinary action by the agency that prevented the carrying of a firearm;

''(v) meets the requirements established by the State in which the individual resides with respect to—

''(I) training in the use of firearms; and

''(II) carrying a concealed weapon; and

''(vi) is not prohibited by Federal law from receiving a firearm.

''(D) FIREARM.—The term 'firearm' means, any firearm that has, or of which any component has, traveled in interstate or foreign commerce.''.

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 44 of title 18, United States Code, is amended by inserting after the item relating to section 926A the following:

''926B. Carrying of concealed firearms by qualified current and former law enforcement officers.''.

SEC. 3. AUTHORIZATION TO ENTER INTO INTERSTATE COMPACTS.

(a) IN GENERAL.—The consent of Congress is given to any 2 or more States—

(1) to enter into compacts or agreements for cooperative effort in enabling individuals to carry concealed weapons as dictated by laws of the State within which the owner of the weapon resides and is authorized to carry a concealed weapon; and

(2) to establish agencies or guidelines as they may determine to be appropriate for making effective such agreements and compacts.

(b) RESERVATION OF RIGHTS.—The right to alter, amend, or repeal this section is hereby expressly reserved by Congress.

By Mr. CAMPBELL:

S. 728. A bill to amend chapter 44 of title 18, United States Code, to increase the maximum term of imprisonment for offenses involving stolen firearms; to the Committee on the Judiciary.

STOLEN GUN PENALTY ENHANCEMENT ACT OF 1999

Mr. CAMPBELL. Mr. President, many crimes in our country are being committed with stolen guns. The extent of this problem is reflected in a number of recent studies and news reports. Therefore, today I am introducing the Stolen Gun Penalty Enhancement Act of 1999 to increase the maximum prison sentences for violating existing stolen gun laws.

Reports indicate that almost half a million guns are stolen each year. As of March 1995 there were over 2 million reports in the stolen gun file of the FBI's National Crime Information Center including 7,700 reports of stolen machine guns and submachine guns. In a 9 year period between 1985 and 1994, the FBI received an annual average of over 274,000 reports of stolen guns.

Studies conducted by the Bureau of Alcohol, Tobacco, and Firearms note that felons steal firearms to avoid background checks. A 1991 Bureau of Justice Statistics survey of State prison inmates notes that almost 10 percent had stolen a handgun, and over 10 percent of all inmates had traded or sold a stolen firearm.

This problem is especially alarming among young people. A Justice Department study of juvenile inmates in four states shows that over 50 percent of those inmates had stolen a gun. In the same study, gang members and drug sellers were more likely to have stolen a gun.

In my home State of Colorado, the Colorado Bureau of Investigation receives over 500 reports of stolen guns each month. As of this month, the Bureau has a total of 36,000 firearms on its unrecovered firearms list. It is estimated that one-third of these firearms are categorized as handguns.

All these studies and statistics show the extent of the problem of stolen guns. Therefore, the bill I am introducing today will increase the maximum prison sentences for violation of existing stolen gun laws.

Specifically, my bill increases the maximum penalty for violating four provisions of the firearms laws. Under title 18 of the U.S. Code, it is illegal to knowingly transport or ship a stolen firearm or stolen ammunition. It is also illegal to knowingly receive, possess, conceal, store, sell, or otherwise dispose of a stolen firearm or stolen ammunition.

The penalty for violating either of these provisions is a fine, a maximum term of imprisonment of 10 years, or both. My bill increases the maximum prison sentence to 15 years.

The third statutory provision makes it illegal to steal a firearm from a licensed dealer, importer, or manufacturer. For violating this provision, the maximum term of imprisonment would be increased to a maximum 15 years under by bill.

And the fourth provision makes it illegal to steal a firearm from any person, including a licensed firearm collector, with a maximum penalty of 10 years imprisonment. As with the other three provisions, my bill increases this maximum penalty to 15 years.

In addition to these amendments to title 18 of the U.S. Code, the bill I introduce today directs the United States Sentencing Commission to revise the Federal sentencing guidelines with respect to these firearms offenses.

Mr. President, I am a strong supporter of the rights of law-abiding gun owners. However, I firmly believe we need tough penalties for the illegal use of firearms.

The Stolen Gun Penalty Enhancement Act of 1999 will send a strong signal to criminals who are even thinking about stealing a firearm. I urge my colleagues to join in support of this legislation.

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

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

S. 728

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

SECTION 1. STOLEN FIREARMS.

(a) IN GENERAL.—Section 924 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking ''(i), (j),''; and

(B) by adding at the end the following:

''(7) Whoever knowingly violates subsection (i) or (j) of section 922 shall be fined under this title, imprisoned not more than 15 years, or both.'';

(2) in subsection (i)(1), by striking ''10 years'' and inserting ''15 years''; and

(3) in subsection (*l*), by striking ''10 years'' and inserting ''15 years''.

(b) SENTENCING COMMISSION.—The United States Sentencing Commission shall amend the Federal sentencing guidelines to reflect the amendments made by subsection (a).

By Mr. CRAIG (for himself, Mr. MURKOWSKI, Mr. LOTT, Mr. STEVENS, Mr. BURNS, Mr. SMITH of Oregon, Mr. CRAPO, Mr. SHELBY, Mr. HAGEL and Mr. BENNETT):

S. 729. A bill to ensure that Congress and the public have the right to participate in the declaration of national monuments on federal land; to the Committee on Energy and Natural Resources.

THE NATIONAL MONUMENT PUBLIC PARTICIPATION ACT OF 1999

Mr. CRAIG. Mr. President, I rise today to introduce legislation that ensures the public will have a say in the management of our public lands. I am pleased that Senators MURKOWSKI, LOTT, STEVENS, BURNS, GORDON SMITH, CRAPO, SHELBY, HAGEL, and BENNETT are joining me as original cosponsors.

After President Clinton's proclamation of four years ago, declaring nearly two million acres of southern Utah a national monument, I introduced the Idaho Protection Act of 1999. That bill would have required that the public and the Congress be included before a national monument could be established in Idaho. When I introduced that bill, I was immediately approached by other Senators seeking the same protection for their state. This bill, The National Monument Public Participation Act, will provide that protection to all states.

The National Monument Public Participation Act amends the Antiquities Act to require the Secretaries of the Interior and Agriculture to provide an opportunity for public involvement prior to the designation of a national monument. It establishes procedures to give the public and local, State, and federal governments adequate notice and opportunity to comment on, and participate in, the formulation of plans for the declaration of national monuments on public lands.

Under the 1906 Antiquities Act, the President has the unilateral authority to create a national monument where none existed before. In fact, since 1906, the law has been used some 66 times to set lands aside. It is important to note that with very few exceptions, these declarations occurred before enactment of the National Environmental Policy Act of 1969, which recognized the need for public involvement in such issues and mandated public comment periods before such decisions are made.

The most recent use of the Antiquities Act came on September 18, 1996, with Presidential Proclamation 6920, Establishment of the Grand Staircase-Escalante National Monument. Without including Utah's Governor, Senators, congressional delegation, the State legislature, county commissioners, or the people of Utah—President Clinton set off-limits forever approximately 1.7 million acres of Utah. What the President did in Utah, without public input, could also be done in Idaho or any other States where the federal government has a presence. That must not be allowed to happen.

My state of Idaho is 63 percent federal lands. Within Idaho's boundaries, we have one National Historic Park, one National Reserve, two National Recreation Areas, and five Wilderness Areas, just to name the major federally designated natural resource areas. This amounts to approximately 4.8 million acres, or to put things in perspective, the size of the state of New Jersey. Each of these designations has had public involvement and consent of Congress before being designated. As you can tell, the public process has worked in the past, in my state, and I believe it will continue to work in the future.

In Idaho, each of these National designations generated concerns among those affected by the designation, but with the public process, we were able to work through most of the concerns before the designation was made. Individuals who would be affected by the National designation had time to prepare, but Utah was not as fortunate. With the overnight designation of the Grand Staircase-Escalante National Monument, the local communities, and the State and federal agencies were left to pick up the pieces and work out all the ''details.''

The President's action in Utah has been a wake-up call to people across America.We all want to preserve what is best in our States, and I understand and support the need to protect valuable resources. That is why this bill will not, in any way, affect the ability of the federal government to make emergency withdrawals under the Federal Land Policy and Management Act of 1976 (FLPMA). If an area is truly worthy of a National Monument designation, Congress will make that designation during the time frame provided in FLPMA.

Our public lands are a national asset that we all treasure and enjoy. Westerners are especially proud of their public lands and have a stake in the management of these lands, but people everywhere also understand that much of their economic future is tied up in what happens on their public lands.

In the West, where public lands dominate the landscape, issues such as grazing, timber harvesting, water use, and recreation access have all come under attack by this administration seemingly bent upon kowtowing to a segment of our population that wants these uses kicked off our public lands.

Everyone wants public lands decisions to be made in an open and inclusive process. No one wants the President, acting alone, to unilaterally lock up enormous parts of any State. We certainly don't work that way in the West. There is a recognition that with common sense, a balance can be struck that allows jobs to grow and families to put down roots while at the same time protecting America's great natural resources.

In my view, the President's actions in Utah were beyond the pale, and for that reason—to protect others from suffering a similar fate I am introducing this bill. I ask unanimous consent that the text of the bill appear in the RECORD.

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

S. 729

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 Monument Public Participation Act of 1999''.

SEC. 2. PURPOSE.

The purpose of this Act is to ensure that Congress and the public have the right and opportunity to participate in decisions to declare national monuments on Federal land.

SEC. 3. CLARIFICATION OF CONGRESSIONAL AND PUBLIC ROLES IN DECLARATION OF NATIONAL MONUMENTS.

The Act entitled ''An Act for the preservation of American antiquities'', approved June 8, 1906 (commonly known as the ''Antiquities Act of 1906'') (16 U.S.C. 431 et seq.), is amended by adding at the end the following:

''SEC. 5. CONGRESSIONAL AND PUBLIC ROLES IN NATIONAL MONUMENT DECLARATIONS.

''(a) IN GENERAL.—The Secretary of the Interior and the Secretary of Agriculture shall promulgate regulations that establish procedures to ensure that Federal, State, and local governments and the public have the right to participate in the formulation of plans relating to the declaration of a national monument on Federal land on or after the date of enactment of this section, including procedures—

''(1) to provide the public with adequate notice and opportunity to comment on and participate in the declaration of a national monument on Federal land; and

''(2) for public hearings, when appropriate, on the declaration of a national monument on Federal land.

''(b) OTHER DUTIES.—Prior to making any recommendations for declaration of a national monument in an area, the Secretary of the Interior and the Secretary of Agriculture shall—

''(1) ensure, to the maximum extent practicable, compliance with all applicable Federal land management and environmental laws, including the completion of a programmatic environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

''(2) cause mineral surveys to be conducted by the Geological Survey to determine the mineral values, if any, that may be present in the area;

''(3) cause an assessment of the surface resource values of the land to be completed and made available by the appropriate agencies;

''(4) identify all existing rights held on Federal land contained within the area by type and acreage; and

''(5) identify all State and private land contained within the area.

''(c) RECOMMENDATIONS.—On completion of the reviews and mineral surveys required under subsection (b), the Secretary of the Interior or the Secretary of Agriculture shall submit to the President recommendations as to whether any area on Federal land warrants declaration as a national monument.

''(d) FEDERAL ACTION.—Any study or recommendation under this section shall be considered a federal action for purposes of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

''(e) REPORTS.—Not later than 2 years after the receipt of a recommendation under subsection (c), the President shall—

''(1) advise the President of the Senate and the Speaker of the House of Representatives of the President's recommendation with respect to whether each area evaluated should be declared a national monument; and

''(2) provide a map and description of the boundaries of each area evaluated for declaration to the President of the Senate and the Speaker of the House of Representatives.

''(f) DECLARATION AFTER EFFECTIVE DATE.—A recommendation of the President for declaration of a national monument that is made after the effective date of this section shall become effective only if the declaration is approved by Act of Congress.''.

Mr. MURKOWSKI. Mr. President, I rise this afternoon in support of the National Monument Public Participation Act of 1999. This legislation puts the ''Public'' back into public land management and the ''Environment'' back into environmental protection.

Passage of this Act will insure that all the gains we have made over the past quarter century in creating an open participatory government which affords strong environmental protection for our public lands are protected.

For those of you who thought those battles were fought and ''won'' with the passage of National Environmental Protection Act in 1969, the Federal Land Policy Management Act in 1976, and the National Forest Management Act of 1976, I have bad news. There is one last battle to be fought.

Standing in this very Chamber on January 30, 1975, Senator Henry M. ''Scoop'' Jackson spoke to the passion Americans feel for their public lands. He said:

> The public lands of the United States have always provided the arena in which we American's have struggled to fulfill our dreams. Even today dreams of wealth, adventure, and escape are still being acted out on these far flung lands. These lands and the dreams—fulfilled and unfulfilled—which they foster are a part of our national destiny. They belong to all Americans.

Amazingly, there exists today ''legal'' authorities by which the President, without public process or Congressional approval and without any environmental review, can create vast special management units. Special management units which can affect how millions of acres of our public lands are managed, what people can do on these lands, and what the future will be for surrounding communities.

This is a powerful trust to bestow upon anyone—even a President.

On September 12, 1996, the good people of Utah woke up to find themselves the most recent recipient of a philosophy that says: ''Trust us we're from the federal government, and we know what's best for you''. On that day, standing in the State of Arizona, the President invoked the 1906 Antiquities Act to create a 1.7 million acre Nation Monument in Southern Utah. By using this antiquated law the President was able to avoid this nation's environmental laws and ignore public participation laws. With one swipe of the pen, every shred of public input and environmental law promulgated in this country over the past quarter of a century was shoved into the trash heap of political expediency.

What happened in Utah is but the latest example of a small cadre of Administration officials deciding for all Americans how our public lands should be used. It is a classic example of a backroom deal, catering to special interests at the expense of the public. It is by no means the only one.

As a Senator from Alaska, I have a great deal of personal experience in this area. In 1978, President Jimmy Carter used this law to create ''17'' National Monuments in Alaska covering more than 55 millions acres of land. This was followed in short order by this Secretary of the Interior Cecil Andrus who withdrew an additional 50 million acres. All this land was withdrawn from multiple uses without any input from the people of Alaska, the public, or the Congress of the United States. All this occurred while Congress was considering legislation affecting these lands, while Congress was conducting workshops throughout Alaska and holding hearings in Washington, DC to involve the public.

With over 100 million acres of withdrawn land held over Alaska's head like the sword of Damocles, we were forced to cut the best deal we could. Twenty years later the people of my state are still struggling to cope with the weight of these decisions. President Carter cut his deal for his special interests to avoid the public debate on legislation, just as President Clinton did with the Grand Staircase/Escalante.

I would not be here this afternoon if the public, and Congress were not systematically being denied a voice in the creation of National Monuments. I would not be here if environmental procedures were being followed. But the people of this nation are being denied the opportunity to speak, Congress is being denied its opportunity to participate, and environmental procedure are being ignored. The only voice we hear is that of the President. Without bothering to ask what we thought about it, he told the citizens of Utah and the rest of the country that he knew better than they what was best for them.

It has been a long time since anyone has had the right to make those kinds of unilateral public land use decisions for the American public. Since passage of the Forest Service Organic Act and the Federal Land Policy and Management Act in 1976 we have had a rock hard system of law on how public land use decisions are to be made. Embodied within these laws are public participation. Agencies propose an action, they present that action to the public, the public debates the issue, bad decisions can be appealed, the courts resolve disputes, and finally the management unit is created. Where was this public participation in the special use designation of 1.7 million acres of federal land in southern Utah?

Since the passage of the National Environmental Policy Act in 1969 activities which effect the environment are subject to strict environmental reviews. Does anyone believe there is no environmental threat posed by the creation of a national monument?

The economic and social consequences of this decision will have enormous and irrevocable impacts not only on the land immediately affected, but on surrounding lands and communities. All these effects on the human environment would have been evaluated under the land management statutes and the environmental procedural review. Where is the NEPA compliance documentation associated with this action?

The Constitutions explicitly provides that ''The Congress shall have the power to dispose of, and make all needful rules and regulations respecting the territory or other property belonging to the United States.'' The creation of specialized public use designations such as National Parks and Wilderness Areas are debated within the Halls of Congress. These Debates provide for the financial and legal responsibilities which come with the creation of special management units. Where are the proceedings from those debates?

They simply do not exist because, in the heat of political expediency, the Administration determined that public process, environmental analyses, and Congressional deliberations were a waste of time.

Mr. President, either you believe in public process or you do not, you can't have it both ways. We can no longer trust the Administration to involve the public in major land use decisions and we can no longer tolerate the blanket evasion of the laws designed to protect our natural resources. The time has come for Congress to reassert its Constitutional responsibility under Article IV.

The legislation which Senator CRAIG and I offer today will require that any future designations of National Monuments to follow the public participation principals laid down in law over the past 25 years.

No poetic images, no flowery words, no smoke and mirrors, no special coverage on Good Morning America, just good old fashion public land management process.

Before these special land management units can be created, our legislation will require that agencies gather and analyze resource data affected by these land use decisions; that full public participation in the designation of

the units takes place (with all appeal rights protected); that there be compliance with the National Environmental Policy Act; and that Congress review and approve final designation. No longer will an administration be able to side-step public participation and environmental reviews to further its political agenda and cater to special interest.

Nobody—not even the President—should be above the law. The National Monument Participation Act will make all future land use decisions a joint responsibility of the public through the Congress, that they elect. This legislation reasserts the Constitutional role of the Congress in public land decisions.

I do not question the need for National Monuments. If the national benefit can be demonstrated, then by all means a national monument should be created. But, if they are to serve the common good, they must be created under the same system of land management law that has managed the use of the public domain for the past 25 years and pursuant to the document that has governed this Nation for the past 225 years.

There has always been a sacred bond between the American people and the lands they hold in common ownership. No one-regardless of high station or political influence—has the right to impose his will over the means by which the destiny of those land is decided.

This legislation re-establishes that bond.

Mr. BURNS. Mr. President, I rise today to join a number of my colleagues in introducing The National Monument Participation Act of 1999. This bill would amend the Antiquities Act of 1906 to clearly establish the roles for public participation and Congressional involvement in declaring national monuments on federal lands. This bill requires specific processes and requirements to ensure that the public, local, state, and Federal government are both informed and involved in the formulation of any plans to declare national monuments on federal lands.

It requires that the public be actively involved in the formulation of any plans to declare a national monument. Considering the recent controversy surrounding the designation of monuments with the stroke of a pen rather than through open debate and assessment, it only makes sense to include the public in any future designation decisions. I remind my colleagues and the administration that we are managing our land resources for the people. This bill suggests that perhaps we should listen to them before drastically changing the management of our land resources.

Additionally, the legislation requires that the Secretary of the Interior and the Secretary of Agriculture perform an assessment of current land uses on the land proposed for designation. This is necessary to provide information about the impact of declaring any national monument before recommendations are made by the President. It makes absolutely no sense to pursue designation changes without learning what is at stake. What mineral interests are affected? Does it change traditional grazing uses? These are questions that will have to be answered before new monuments are designated.

The legislation also requires that we look at the impact a monument would have on state or private land holdings. Once again, common sense is needed. If the federal designation change affects state an private lands, Congress must be informed of these impacts before a decision is finally reached. It is irresponsible to make decisions without the proper information.

Finally, this legislation would require the President to submit his decision on these recommendations to the Congress for final review and approval. If we are going to change our designations and impact local communities, Congress must weigh in on the decision.

Public involvement in federal decision making is critical today to ensure that local citizens are involved in the decision changing how federal lands near their homes are used. This bill will mandate broader involvement to ensure the public and the legislative branch have an opportunity to participate in any plans to establish new national monuments on federal lands. In addition, this ensures the information is available for the public and ourselves to understand the impacts of any proposed declaration and make an informed decision.

Overall, I believe this bill establishes a clear set of roles and responsibilities for all parties involved in the declaration of new national monuments on federal lands to ensure that such decisions are made in a manner that respects the rights of both local communities and the interests of the nation as a whole. I encourage my colleagues to carefully examine this legislation and lend their support to its ultimate passage.

• Mr. CRAPO. Mr. President, I rise today as an original co-sponsor of the National Monument Public Participation Act of 1999. I commend my colleague, Senator CRAIG, for bringing forward this important measure and am pleased to offer it my support.

The National Monument Public Participation Act of 1999 will establish guidelines for public and local, State, and federal government involvement in the designation and planning of national monuments. Currently, under the 1906 Antiquities Act, the President has the authority to proclaim a national monument and determine its composition and scope without any prior or subsequent public involvement. Although this authority has rarely been invoked since the implementation of the National Environmental Policy Act of 1969, which mandates public comment periods prior to federal land management actions, the recent exercise of this authority by the current Administration has called attention to the need to revise the Antiquities Act. These proposed amendments to the Antiquities Act reflect the contemporary recognition that public involvement in federal land management decisions is both proper and beneficial.

This measure, beyond requiring the Secretaries of the Interior and Agriculture to include the public and the different levels of government in the decision to designate and form national monuments, also directs the Secretaries to research and make available information about the land to be designated. Factors such as the mineral values present and identification of existing rights held on federal lands within the area to be designated have an obvious bearing on the decision of whether designation is appropriate and, if it is, how it should be structured. An understanding of these factors should be a part of an inclusive decision-making process and, hence, it is appropriate to require that they be explored and publicly shared prior to the designation of a national monument.

The strongest protection, however, that the National Monument Public Participation Act of 1999 provides for public oversight of national monument designation is the requirement that any recommendation of the President for declaration of land as a national monument shall become effective only if so provided by an Act of Congress. By subjecting proposals for monument designations to congressional approval, this Act ensures that when national monuments are established they are truly supported, both nationally and by local communities. This Act provides an important level of protection for public involvement in land use issues and I am pleased to offer it my support.

By Mr. DURBIN:

S. 730. A bill to direct the Consumer Product Safety Commission to promulgate fire safety standards for cigarettes, and for other purposes; to the Committee on Commerce, Science, and Transportation.

FIRE SAFE CIGARETTE ACT OF 1999

Mr. DURBIN. Mr. President, I rise today to talk about the First Safe Cigarette Act of 1999. This legislation would solve a serious fire safety problem, namely, fires that are caused by a carelessly discarded cigarette.

The statistics regarding cigarette-related fires are truly startling. In 1996 there were 169,500 cigarette-related first that resulted in 1,181 deaths, 2,931 injuries and $452 million in property damage. According to the National Fire Protection Association, one out of every four fire deaths in the United States in 1996 was attributed to tobacco products.

In my state of Illinois, cigarette-related fires have also caused too many senseless tragedies. In 1997, alone, there were more than 1,700 cigarette-related fires, of which more than 900

were in people's homes. These fires led to 109 injuries and 8 deaths. Also in 1997, smoking-related fires in Illinois led to property loss of more than $10.4 million. According to statistics from the U.S. Fire Administration, half of the known residential fire deaths in Illinois from 1993 to 1995 were from arson and careless smoking. During that three-year period, 69 deaths in Illinois were attributed to careless smoking.

A Technical Study Group (TSG) was created by the Federal Cigarette Safety Act in 1984 to investigate the technological and commercial feasibility of creating a self-extinguishing cigarette. This group was made up of representatives of government agencies, the cigarette industry, the furniture industry, public health organizations and fire safety organizations. The TSG produced two reports that concluded that it is technically feasible to reduce the ignition propensity of cigarettes.

The manufacture of less fire-prone cigarettes may require some advances in cigarette design and manufacturing technology, but the cigarette companies have demonstrated their capability to make cigarettes of reduced ignition propensity with no increase in tar, nicotine or carbon monoxide in the smoke. For example, six current commercial cigarettes have been tested which already have reduced ignition propensity. The technology is in place now to begin developing a performance standard for less fire prone cigarettes. Furthermore, the overall impact on other aspects of the United States society and economy will be minimal. Thus, it may be possible to solve this problem at costs that are much less than the potential benefits, which are saving lives and avoiding injuries and property damage.

The Fire Safe Cigarette Act would give the Consumer Product Safety Commission the authority to promulgate a fire safety standard for cigarettes. Eighteen months after the legislation is enacted, the Consumer Product Safety Commission would issue a rule creating a safety standard for cigarettes. Thirty months after the legislation is enacted, the standards would become effective for the manufacture and importation of cigarettes.

Here are some examples of changes that could be made to cigarettes that would reduce the likelihood of fire ignition: reduced circumference or thinner cigarettes, making the paper less porous, changing the density of the tobacco in cigarettes, and eliminating or reducing the citrate added to the cigarette paper. Also, there is limited evidence suggesting that the presence of a filter may reduce ignition propensity. Again, there are cigarettes on the market right now that show some of these characteristics and are less likely to smolder and cause fires.

While the number of people killed each year by fires is dropping because of safety improvements and other factors, too many Americans are dying because of a product that could be less likely to catch fire if simple changes were made. I strongly believe that this issue demands immediate and swift action in order to prevent further deaths and injuries.

An industry that can afford to spend more than $4 billion in advertising every year cannot claim it would be too expensive to make these changes. It is not unreasonable to ask these companies to make their products less likely to burn down a house.

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

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

S. 730

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

SECTION 1. SHORT TITLE, FINDINGS.

(a) SHORT TITLE.—This Act may be cited as the ''Fire Safe Cigarette Act of 1999''.

(b) FINDINGS.—Congress finds that—

(1) cigarette ignited fires are the leading cause of fire deaths in the United States,

(2) in 1996 cigarette ignited fires caused—

(A) 1,083 deaths;

(B) 2,809 civilian injuries; and

(C) $420,000,000 in property damage;

(3) each year, more than 100 children are killed from cigarette-related fires;

(4) the technical work necessary to achieve a cigarette fire safety standard has been accomplished under the Cigarette Safety Act of 1984 (15 U.S.C. 2054 note) and the Fire Safe Cigarette Act of 1990 (15 U.S.C. 2054 note);

(5) it is appropriate for Congress to require the establishment of a cigarette fire safety standard for the manufacture and importation of cigarettes;

(6) the most recent study by the Consumer Product Safety Commission found that the cost of the loss of human life and personal property from the absence of a cigarette fire safety standard is $6,000,000,000 a year; and

(7) it is appropriate that the regulatory expertise of the Consumer Product Safety Commission be used to implement a cigarette fire safety standard.

SEC. 2. DEFINITIONS.

In this Act:

(1) COMMISSION.—The term ''Commission'' means the Consumer Product Safety Commission.

(2) CIGARETTE.—The term ''cigarette'' has the meaning given that term in section 3 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1332).

(3) STOCKPILING.—The term ''stockpiling'' means the manufacturing or importing of a cigarette during the period beginning on the date of promulgation of a rule under section 3(a) and ending on the effective date of that rule, at a rate greater than the rate at which cigarettes were manufactured or imported during the 1-year period immediately preceding the date of promulgation of that rule.

SEC. 3. CIGARETTE FIRE SAFETY STANDARD.

(a) IN GENERAL.—

(1) PROMULGATION OF CIGARETTE FIRE SAFETY STANDARD.—Not later than 18 months after the date of enactment of this Act, the Commission shall promulgate a rule that establishes a cigarette fire safety standard for cigarettes to reduce the risk of ignition presented by cigarettes.

(2) REQUIREMENTS.—In establishing the cigarette fire safety standard under paragraph (1), the Commission shall—

(A) consult with the Director of the National Institute of Standards and Technology and make use of such capabilities of the as the Commission considers necessary;

(B) seek the advice and expertise of the heads of other Federal agencies and State agencies engaged in fire safety; and

(C) take into account the final report to Congress made by the Commission and the Technical Study Group on Cigarette and Little Cigar Fire Safety established under section 3 of the Fire Safe Cigarette Act of 1990 (15 U.S.C. 2054 note), that includes a finding that cigarettes with a low ignition propensity were already on the market at the time of the preparation of the report.

(b) STOCKPILING.—The Commission shall include in the rule promulgated under subsection (a) a prohibition on the stockpiling of cigarettes covered by the rule.

(c) EFFECTIVE DATE OF RULE.—The rule promulgated under subsection (a) shall take effect not later than 30 months after the date of the enactment of this Act.

(d) PROCEDURE.—

(1) IN GENERAL.—The rule under subsection (a) shall be promulgated in accordance with section 553 of title 5, United States Code.

(2) CONSTRUCTION.—Except as provided in paragraph (1), no other provision of Federal law shall be construed to apply with respect to the promulgation of a rule under subsection (a), including—

(A) the Consumer Product Safety Act (15 U.S.C. 2051 et seq.);

(B) chapter 6 of title 5, United States Code;

(C) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(D) the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104–121) and the amendments made by that Act.

(e) JUDICIAL REVIEW.—

(1) GENERAL RULE.—

(A) IN GENERAL.—Any person who is adversely affected by the rule promulgated under subsection (a) may, at any time before the 60th day after the Commission promulgates the rule, file a petition with the United States Court of Appeals for the District of Columbia Circuit or for any other circuit in which that person resides or has its principal place of business to obtain judicial review of the rule.

(B) PETITION.—Upon the filing of a petition under subparagraph (A), a copy of the petition shall be transmitted by the clerk of the court to the Secretary of Commerce. The Commission shall file in the court the record of the proceedings on which the Commission based the rule, in the same manner as is prescribed for the review of an order issued by an agency under section 2112 of title 28, United States Code.

(2) ADDITIONAL EVIDENCE.—

(A) IN GENERAL.—With respect to a petition filed under paragraph (1), the court may order additional evidence (and evidence in rebuttal thereof) to be taken before the Commission in a hearing or in such other manner, and upon such terms and conditions, as the court considers appropriate, if the petitioner—

(i) applies to the court for leave to adduce additional evidence; and

(ii) demonstrates, to the satisfaction of the court, that—

(I) such additional evidence is material; and

(II) there was no opportunity to adduce such evidence in the proceeding before the Commission.

(B) MODIFICATION.—With respect to the rule promulgated by the Commission under subsection (a), the Commission—

(i) may modify the findings of fact of the Commission, or make new findings, by reason of any additional evidence taken by a court under subparagraph (A); and

(ii) if the Commission makes a modification under clause (i), shall file with the court the modified or new findings, together with such recommendations as the Commission determines to be appropriate, for the modification of the rule, to be promulgated as a final rule under subsection (a).

(3) COURT JURISDICTION.—Upon the filing of a petition under paragraph (1), the court shall have jurisdiction to review the rule of the Commission, as modified under paragraph (2), in accordance with chapter 7 of title 5, United States Code.

(f) SMALL BUSINESS REVIEW.—Section 30 of the Small Business Act (15 U.S.C. 657) shall not apply with respect to—

(1) a cigarette fire safety standard promulgated by the Commission under subsection (a); or

(2) any agency action taken to enforce that standard.

SEC. 4. ENFORCEMENT.

(a) PROHIBITION.—No person may—

(1) manufacture or import a cigarette, unless the cigarette is in compliance with a cigarette fire safety standard promulgated under section 3(a); or

(2) fail to provide information as required under this Act.

(b) PENALTY.—A violation of subsection (a) shall be considered a violation of section 19 of the Consumer Product Safety Act (15 U.S.C. 2068).

SEC. 5. PREEMPTION.

(a) IN GENERAL.—This Act, including the cigarette fire safety standard promulgated under section 3(a), shall not be construed to preempt or otherwise affect in any manner any law of a State or political subdivision thereof that prescribes a fire safety standard for cigarettes that is more stringent than the standard promulgated under section 3(a).

(b) DEFENSES.—In any civil action for damages, compliance with the fire safety standard promulgated under section 3(a) may not be admitted as a defense.

By Mr. KENNEDY (for himself, Mr. JOHNSON, Mr. LEAHY, Mr. WELLSTONE, Mr. FEINGOLD, Mr. INOUYE, Mr. KERRY, and Mr. DODD):

S. 731. A bill to provide for substantial reductions in the price of prescription drugs for medicare beneficiaries; to the Committee on Finance.

THE PRESCRIPTION DRUG FAIRNESS FOR SENIORS ACT

Mr. KENNEDY. Mr. President, we are well on our way to doubling the budget of the National Institutes of Health. Scientists are discovering new cures and developing new therapies for previously incurable and untreatable illnesses on a regular basis. Breakthrough medications are modern medical miracles that allow people with previously crippling conditions to lead normal lives. Yet too many of our nation's elderly citizens are denied access to these life-saving and life-improving therapies because they lack basic coverage for prescription medications.

Today I am introducing the ''Prescription Drug Fairness for Seniors Act of 1999,'' the Senate companion bill to H.R. 664, introduced in the House last month by Representatives TOM ALLEN, JIM TURNER, MARION BERRY, HENRY WAXMAN, and sixty-one other House Members. This legislation responds to the need for affordable prescription drugs for senior citizens by requiring pharmaceutical companies to make the same discounts available to senior citizens that are offered to their most favored customers. Prescription drugs represent the largest single source of out-of-pocket costs for health services paid for by the elderly. The Prescription Drug Fairness Act will provide significant benefits to elderly citizens struggling to pay for the prescription drugs they need.

This Act represents one important way to improve senior citizens' access to affordable medications. Other steps are necessary as well to deal with the overall prescription drug crisis facing millions of elderly citizens. I plan to introduce legislation soon that will offer additional protections. Providing fair access to prescription drugs for senior citizens is a high priority, and I hope to see quick action by Congress on this critical issue this year.

Mr. President, I ask unanimous consent that the next 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. 731

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 ''Prescription Drug Fairness for Seniors Act of 1999''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) Manufacturers of prescription drugs engage in price discrimination practices that compel many older Americans to pay substantially more for prescription drugs than the drug manufacturers' most favored customers, such as health insurers, health maintenance organizations, and the Federal Government.

(2) On average, older Americans who buy their own prescription drugs pay twice as much for prescription drugs as the drug manufacturers' most favored customers. In some cases, older Americans pay over 15 times more for prescription drugs than the most favored customers.

(3) The discriminatory pricing by major drug manufacturers sustains their annual profits of $20,000,000,000, but causes financial hardship and impairs the health and well-being of millions of older Americans. More than 1 in 8 older Americans are forced to choose between buying their food and buying their medicines.

(4) Most federally funded health care programs, including medicaid, the Veterans Health Administration, the Public Health Service, and the Indian Health Service, obtain prescription drugs for their beneficiaries at low prices. Medicare beneficiaries are denied this benefit and cannot obtain their prescription drugs at the favorable prices available to other federally funded health care programs.

(5) Implementation of the policy set forth in this Act is estimated to reduce prescription drug prices for medicare beneficiaries by more than 40 percent.

(6) In addition to substantially lowering the costs of prescription drugs for older Americans, implementation of the policy set forth in this Act will significantly improve the health and well-being of older Americans and lower the costs to the Federal taxpayer of the medicare program.

(7) Older Americans who are terminally ill and receiving hospice care services represent some of the most vulnerable individuals in our Nation. Making prescription drugs available to medicare beneficiaries under the care of medicare-certified hospices will assist in extending the benefits of lower prescription drug prices to those most vulnerable and in need.

(b) PURPOSE.—The purpose of this Act is to protect medicare beneficiaries from discriminatory pricing by drug manufacturers and to make prescription drugs available to medicare beneficiaries at substantially reduced prices.

SEC. 3. PARTICIPATING MANUFACTURERS.

(a) IN GENERAL.—Each participating manufacturer of a covered outpatient drug shall make available for purchase by each pharmacy such covered outpatient drug in the amount described in subsection (b) at the price described in subsection (c).

(b) DESCRIPTION OF AMOUNT OF DRUGS.—The amount of a covered outpatient drug that a participating manufacturer shall make available for purchase by a pharmacy is an amount equal to the aggregate amount of the covered outpatient drug sold or distributed by the pharmacy to medicare beneficiaries.

(c) DESCRIPTION OF PRICE.—The price at which a participating manufacturer shall make a covered outpatient drug available for purchase by a pharmacy is the price equal to the lower of the following:

(1) The lowest price paid for the covered outpatient drug by any agency or department of the United States.

(2) The manufacturer's best price for the covered outpatient drug, as defined in section 1927(c)(1)(C) of the Social Security Act (42 U.S.C. 1396r–8(c)(1)(C)).

SEC. 4. SPECIAL PROVISION WITH RESPECT TO HOSPICE PROGRAMS.

For purposes of determining the amount of a covered outpatient drug that a participating manufacturer shall make available for purchase by a pharmacy under section 3, there shall be included in the calculation of such amount the amount of the covered outpatient drug sold or distributed by a pharmacy to a hospice program. In calculating such amount, only amounts of the covered outpatient drug furnished to a medicare beneficiary enrolled in the hospice program shall be included.

SEC. 5. ADMINISTRATION.

The Secretary shall issue such regulations as may be necessary to implement this Act.

SEC. 6. REPORTS TO CONGRESS REGARDING EFFECTIVENESS OF ACT.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, and annually thereafter, the Secretary shall report to Congress regarding the effectiveness of this Act in—

(1) protecting medicare beneficiaries from discriminatory pricing by drug manufacturers; and

(2) making prescription drugs available to medicare beneficiaries at substantially reduced prices.

(b) CONSULTATION.—In preparing such reports, the Secretary shall consult with public health experts, affected industries, organizations representing consumers and older Americans, and other interested persons.

(c) RECOMMENDATIONS.—The Secretary shall include in such reports any recommendations that the Secretary considers appropriate for changes in this Act to further reduce the cost of covered outpatient drugs to medicare beneficiaries.

SEC. 7. DEFINITIONS.

In this Act:

(1) PARTICIPATING MANUFACTURER.—The term ''participating manufacturer'' means

any manufacturer of drugs or biologicals that, on or after the date of enactment of this Act, enters into or renews a contract or agreement with the United States for the sale or distribution of covered outpatient drugs to the United States.

(2) COVERED OUTPATIENT DRUG.—The term ''covered outpatient drug'' has the meaning given that term in section 1927(k)(2) of the Social Security Act (42 U.S.C. 1396r–8(k)(2)).

(3) MEDICARE BENEFICIARY.—The term ''medicare beneficiary'' means an individual entitled to benefits under part A of title XVIII of the Social Security Act or enrolled under part B of such title, or both.

(4) HOSPICE PROGRAM.—The term ''hospice program'' has the meaning given that term under section 1861(dd)(2) of the Social Security Act (42 U.S.C. 1395x(dd)(2)).

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

SEC. 8. EFFECTIVE DATE.

The Secretary shall implement this Act as expeditiously as practicable and in a manner consistent with the obligations of the United States.

• Mr. JOHNSON. Mr. President, I am pleased to join my colleague, Senator EDWARD M. KENNEDY, today by introducing the ''Prescription Drug Fairness for Seniors Act of 1999''. Earlier this year, Representatives TOM ALLEN, JIM TURNER, MARION BARRY, AND HENRY WAXMAN were joined by sixty-one of their colleagues when they introduced H.R. 664, ''The Prescription Drug Fairness For Seniors Act of 1999'' in the U.S. House of Representatives.

This legislation addresses the critical issue facing our older Americans—the cost of their prescription drugs. Studies have shown that older Americans spend almost three times as much of their income (21%) on health care than those under the age of 65 (8%), and more than three-quarters of Americans aged 65 and over are taking prescription drugs. Even more alarming is the fact that seniors and others who buy their own prescription drugs, are forced to pay over twice as much for their drugs as are the drug manufacturers' most favored customers, such as the federal government and large HMOs.

The ''Prescription Drug Fairness for Seniors Act'' will protect senior citizens from drug price discrimination and make prescription drugs available to Medicare beneficiaries at substantially reduced prices. The legislation achieves these goals by allowing pharmacies that serve Medicare beneficiaries to purchase prescription drugs at the low prices available under the Federal Supply Schedule, similar to the Veterans Administration, Public Health Service and Indian Health Service. Estimated to reduce prescription drug prices for seniors by over 40%, this bill will help those seniors who often times have to make devastating choices between buying food or medications. Choices that no human being should have to make.

Research and development of new drug therapies is an important and necessary tool towards improving a persons quality of life. But due to the high price tag that often accompanies the latest drug therapies, seniors are often left without access to these new therapies, and ultimately, in far too many instances, without access to medication at all. This legislation is an important step towa4rds restoring the access to affordable medications for our medicare beneficiaries. I look forward to working on this important issue in the months to come and hope that Congress will work swiftly in a bipartisan manner to enact legislation that will benefit millions of senior citizens across our nation.•

• Mr. FEINGOLD. Mr. President, I rise to joint my colleagues, Senators KENNEDY, JOHNSON, LEAHY, WELLSTONE, INOUYE, KERRY and others in introducing the Prescription Drug Fairness for Seniors Act.

Mr. President, the sky-rocketing cost of prescription drugs has long been among the top 2 or 3 issues my constituents in Wisconsin call and write to me about. The problem of expensive prescription drugs is particularly acute among Wisconsin senior citizens who live on fixed incomes. Nationally, prescription drugs are Senior Citizens' largest single out-of-pocket health care expenditure: the average Senior spends $100–$200 month on prescription drugs.

As you may know, Mr. President, last fall, a study by the House Government Reform and Oversight Committee found that the average price seniors pay for prescription drugs is twice as high as that enjoyed by favored customers—big purchasers such as HMOs and the federal government. The Committee's report found a price differential in one case was 1400%, meaning that the retail price a typical senior citizen was $27.05, while the favored customer was charged only $1.75.

To be sure, Mr. President, the Committee's report did find that Wisconsin had lower price differentials compared to other parts of the country, an 85% differential compared to a high of 123% in California. But I think my constituents would find that a pretty hollow distinction. There's no doubt in my mind that paying 85% more than others are charged for the same product is unfair, plain and simple.

Mr. President, as we all know, traditional Medicare does not cover prescription drugs. While some Medicare managed care plans offer a prescription drug benefit, few of those managed care plans operate in Wisconsin or in other largely rural states. So, while pharmaceutical companies give lower prices to favored customers who buy in bulk, small community pharmacies such as we have throughout Wisconsin lack this purchasing power, meaning that Seniors who purchase their prescription drugs at those small pharmacies get the high prices passed on to them.

Mr. President, I regularly get calls from Seniors on tight, fixed incomes who tell me that they have to choose between buying groceries and buying their prescription drugs. I would guess that many of my colleagues receive similar calls from their constituents. Calls like these, and the fact that prices are only getting higher as scientific advances develop new medications, tell me that we must take action to make prescription drugs more affordable to Seniors.

The legislation my colleagues and I are introducing today will require that pharmaceutical companies offer senior citizens the same discounts that they offer to their most favored customers. Through this legislation, we take an important step in making costly but vitally important prescription drugs more affordable to the Seniors who need them.•

By Mr. TORRICELLI:

S. 732. A bill to require the Inspector General of the Department of Defense to conduct an audit of purchases of military clothing and related items made during fiscal year 1998 by certain military installations of the Army, Navy, Air Force, and Marine Corps; to the Committee on Armed Services.

BUY AMERICAN LEGISLATION

• Mr. TORRICELLI. Mr. President, I rise today to introduce legislation that will help ensure that American soldiers are using American made products. ''Buy American'' laws guarantee that our nation's military has access to a reliable domestic supply of uniforms, coats, and other apparel. This critical national security requirement has allowed U.S. garment manufacturers to consistently provide our armed forces with high-quality, durable clothing products made to exact military specifications.

Last year, I was deeply troubled to learn that an Inspector General audit found that 59 percent of government contracts at 12 military organizations failed to include the appropriate clause to implement Buy America laws. The results of this audit indicates a high likelihood that there have been widespread violations of these laws throughout the military.

In response to these findings, I have introduced legislation directing the Inspector General of the Department of Defense (DoD) to conduct an audit of fiscal year 1998 procurements of military clothing by four installations of the Army, Navy, Air Force, and Marine Corps. These audits will help determine whether contracting officers are complying with the law when they procure military clothing and related items.

Mr. President, the Buy American laws are an invaluable tool for ensuring our military readiness while supporting American jobs. Most of these jobs are created by small U.S. contractors. This legislation will provide an important follow-up audit to determine whether DoD is effectively enforcing the Buy American laws.

Mr. President, I ask at this time that the text of the bill be printed in the RECORD.

The bill follows:

S. 732

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

SECTION 1. AUDIT OF PROCUREMENT OF MILITARY CLOTHING AND CLOTHING-RELATED ITEMS BY CERTAIN MILITARY INSTALLATIONS.

(a) AUDIT REQUIREMENT.—The Inspector General of the Department of Defense shall perform an audit of purchases of military clothing and clothing-related items in excess of the micro-purchase threshold that were made during fiscal year 1998 by certain military installations to determine the extent to which such installations procured military clothing and clothing-related items in violation of the Buy American Act (41 U.S.C. 10a et seq.) and section 9005 of Public Law 102–396 (10 U.S.C. 2241 note) during that fiscal year.

(b) INSTALLATIONS TO BE AUDITED.—The audit under subsection (a)—

(1) shall include an audit of the procurement of military clothing and clothing-related items by four military installations of each of the Army, Navy, Air Force, and Marine Corps; and

(2) shall be limited to military installations in the United States or the possessions of the United States.

(c) DEFINITION.—As used in subsection (a), the term ''micro-purchase threshold'' has the meaning provided by 32(f) of the Office of Federal Procurement Policy Act (41 U.S.C. 428(f)).

(d) REPORT.—Not later than September 30, 2000, the Inspector General of the Department of Defense shall submit to Congress a report on the results of the audit performed under subsection (a).●

By Mr. TORRICELLI (for himself and Mr. LAUTENBERG):

S. 733. A bill to enact the Passaic River Basin Flood Management Program; to the Committee on Environment and Public Works.

PROTECTION AND IMPROVEMENT OF THE PASSAIC RIVER BASIN

● Mr. TORRICELLI. Mr. President, I rise today, with Senator LAUTENBERG, to introduce a bill to create a comprehensive flood management plan for the Passaic River Basin.

In 1990, Congress, with my support, authorized a plan to create a 21-mile long tunnel, which would have stretched from Wayne to Newark Bay to divert flood water from the Pompton and Passaic Rivers in New Jersey. At the time it was believed that the tunnel was the best method to end recurring floods that caused deaths and property losses for the region's 2.5 million residents.

Flooding has plagued the Passaic River Basin since colonial times. The State of New Jersey attempted to present solutions to the public as early as 1870 with no success. After major floods in 1902 and 1903, a series of engineering studies were completed but never implemented. In 1936, the Corps of Engineers were directed by Congress to solve the flooding problems. Since that time (63 years), several proposals have been presented only to be rejected. Flooding in the Passaic River Basin, in 1993, caused $15 million in damage. The last major flooding, in 1984, killed three people, caused 9,400 evacuations and $425 million in damage.

Ten years ago, I supported the tunnel plan. I believed that it was the best possible answer for the region. I understood the plan for the tunnel to be environmentally and economically sound, and the most protective option for the public's health. It promised to create jobs for the region and solve the persistent flooding within the Passaic River Basin, which encompasses 132 towns in 10 counties.

It has now become clear that this project is no longer viable and does not enjoy the support of the state or most of the surrounding communities. So last year, along with so many other of my fellow New Jerseyans, I came to the realization that the flood tunnel was not the answer for the Passaic. At a cost of $1.8 billion, the plan was too expensive. As a matter of engineering, it was too complex. As a matter of environmental protection, it was too uncertain. More importantly, after countless hearings, counties and municipalities within the Passaic River Basin rejected the current plan.

It will be far less costly and more environmentally sound to control the flooding by shoring up the banks of the Passaic and Ramapo Rivers and purchasing properties in the flood zone so the river's natural wetlands may rebound. We should also fund plans to reduce flooding from combined sewer overflow systems in the state's older, larger cities, which dump raw sewage into waterways during heavy rainfall. Our plan would be more cost effective and more environmentally acceptable than the flood tunnel.

The proposed Passaic River Basin Flood Management Program selects a qualified acquisition and hazard mitigation plan as the preferred alternative for flood control in the Passaic River Basin, superseding the Passaic River flood tunnel.

The plan calls for acquiring freshwater wetlands in the State of New Jersey and lands in the Highlands Province of the States of New Jersey and New York to prevent increased flooding. In key sections of the floodplain of the Central Passaic River Basin structures would be acquired, demolished, removed or floodproofed. The plan also calls for the acquisition of river front land from Little Falls to Newark Bay along the Passaic River Basin. The plan would also authorize assistance in the implementation of remedial actions for the combined sewer overflows in the lower Passaic River Basin from the Great Falls to Newark Bay. Finally, it established an Oversight Committee for the implementation of the Program, and reaffirms authorization for completion of Joseph G. Minish Passaic River Waterfront Park and Historic Area, New Jersey.

The original legislation that created the tunnel, the Water Resources Development Act of 1990, also authorized many other very important projects for the Passaic River Basin region. The Streambank project called for the construction of environmental and other restoration measures, including bulkheads, recreation, greenbelt, and scenic overlook facilities. The Wetlands Bank program developed initiatives to restore, acquire, preserve, study, and enhance wetlands.

I want to make clear that our interest in this legislation is only to replace construction of the tunnel with a more environmentally and economically appropriate plan. I still support, and will continue to support, those sections of the Water Resources Development Act of 1990 that address issues other than the flood tunnel. Programs, such as the Streambank project and the Wetlands Bank, remain important building blocks for creating an effective flood management plan for the Passaic River Basin.●

By Mr. MURKOWSKI (for himself and Mr. REID):

S. 734. A bill entitled the ''National Discovery Trails Act of 1999''; to the Committee on Energy and Natural Resources.

NATIONAL DISCOVERY TRAILS ACT OF 1999

● Mr. MURKOWSKI. Mr. President, trails are one of America's most popular recreational resources. Millions of Americans hike, ski, jog, bike, ride horses, drive snow machines and all-terrain vehicles, observe nature, commute, and relax on trails throughout the country. A variety of trails are provided nationwide, including urban bike paths, bridle paths, community green ways, historic trails, motorized trails, and long distance hiking trails.

The American Discovery Trail, or ADT, will be established by this legislation. The ADT is being proposed as a continuous, coast to coast trail to link the nation's principal north-south trails and east-west historic trails with shorter local and regional trails into a nationwide network.

By establishing a system of Discovery Trails, this new category will recognize that using and enjoying trails close to home is equally as important as traversing remote wilderness trails. Long-distance trails are used mostly by people living close to the trail and by week-end'ers. Backpacking excursions are normally a few days to a couple of weeks. For example, of the estimated four million users of the Appalachian Trail each year, only about 100 to 150 walk the entire trail annually. This will be true of the American Discovery Trail as well, especially because of it proximity to urban locations throughout the country.

The ADT, the first of the Discovery Trails, will connect six of the national scenic trails, 10 of the national historic trails, 23 of the national recreational trails and hundreds of other local and regional trails. Until now, the element that has been missing in order to create a national system of ''connected'' trails is that the existing trails for the most part are not connected.

The ADT is about access. The trail will connect people to large cities, small towns and urban areas and to mountains, forest, desert and natural areas by incorporating local, regional and national trails together.

What makes the ADT so exciting is the way it has already brought people together. More than 100 organizations along the trail's 6,000 miles support the effort. Each state the trail passes through already has a volunteer coordinator who leads an active ADT committee. This strong grassroots effort, along with financial support from Backpacker magazine, Eco USA, The Coleman Company and others have helped take the ADT from dream to reality.

Only one more very important step on the trail needs to be taken. Congress needs to authorize the trail as part of our National Trails System.

The American Discovery Trail begins (or ends) with your two feet in the Pacific Ocean at Point Reyes National Seashore, just north of San Francisco. Next are Berkeley and Sacramento before the climb to the Pacific Crest National Scenic Trail and Lake Tahoe, in the middle of the Sierra Nevada Mountains.

Nevada will offer Historic Virginia City, home of the Comstock Lode, the Pony Express National Historic Trail, Great Basin National Park with Lehman Caves and Wheeler Peak.

Utah will provide National Forests and Parks along with spectacular red rock country, until you get to Colorado and Colorado National Monument and its 20,445 acres of sandstone monoliths and canyons. Then there's Grand Mesa over Scofield Pass, and Crested Butte, in the heart of ski country as you follow the Colorado and Continental Divide Trails into Evergreen.

At Denver the ADT divides and becomes the Northern and Southern Midwest routes. The Northern Midwest Route winds through Nebraska, Iowa, Illinois, Indiana and Ohio. The Southern Midwest Route leaves Colorado and the Air Force Academy and follows the tracks and wagon wheel ruts of thousands of early pioneers through Kansas and Missouri as well as settlements and historic places in Illinois, Indiana, Kentucky until the trail joins the Northern route in Cincinnati.

West Virginia is next, then Maryland to the C&O Canal into Washington D.C. The Trail passes the Mall, the White House, the Capitol, and then heads on to Annapolis. Finally, in Delaware, the ADT reaches its eastern terminus at Cape Henlopen State Park and the Atlantic Ocean.

Between the Pacific and Atlantic Oceans one will experience some of the most spectacular scenery in the world, thousands of historic sites, lakes, rivers and streams of every size. The trail offers an opportunity to discover America from small towns, to rural countryside, to large metropolitan areas,

When the President signs this legislation into law, a twelve year effort will have been achieved—the American Discovery Trail will have become a reality. The more people who use it, the better.●

By Mr. KENNEDY (for himself, Mrs. BOXER, Mr. DURBIN, and Mr. SCHUMER):

S. 735. A bill to protect children from firearms violence; to the Committee on the Judiciary.

CHILDREN'S GUN VIOLENCE PREVENTION ACT OF 1999

Mr. KENNEDY. Mr. President, it is a privilege to join Senator BOXER, Senator DURBIN, and Senator SCHUMER in introducing the Children's Gun violence Prevention Act of 1999.

The continuing epidemic of gun violence involving children demands action by Congress. The School tragedies in Arkansas, Pennsylvania, Oregon, Kentucky, and Mississippi in the last year are still very much in the nation's mind and on the nation's conscience. We deplore the senseless injury and loss of life, the families torn apart, and the communities in fear.

Sadly and tragically, the horrific shootings of last year do not tell the whole story. The fact is: We are losing 13 children every day in this country to gunshot wounds. Think about that—13 children die every single day because of guns. We must do more—much more—to prevent this senseless loss of children's lives.

We require aspirin bottles to be child-proof. We know how to make handguns child-proof too—and it is long past time we did so.

The legislation we propose today is an important step in meeting our responsibility for the safety of children. We can take common sense, reasonable steps to keep children safer from gun violence by developing and using cutting-edge technology and by educating families and communities about preventing gun violence involving children.

This legislation will help all of us to deal more responsibly with this festering crisis. Under this proposal, gun owners must take responsibility for securing their guns, so that children cannot use them. Gun dealers must be more vigilant in not selling guns and ammunition to children. Child-proof safety locks must be used. Other child safety features for guns must be developed.

America does more today to regulate the safety of toy guns than real guns—and it is a national disgrace. Practical steps can clearly be taken to protect children more effectively from guns, and to achieve greater responsibility by parents, gun manufacturers and gun dealers. This legislation calls for such steps—and it deserves to be enacted this year by this Congress.

I urge the Senate to act quickly on this important legislation, and I look forward to working with my colleagues to bring it to a vote. I ask unanimous consent that a more detailed description of the bill may be printed in the RECORD.

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

SUMMARY OF THE CHILDREN'S GUN VIOLENCE PREVENTION ACT

TITLE I: THE CHILDREN'S FIREARM SAFETY ACT

The bill establishes, after 18 months, new safety standards on the manufacture and importation of handguns, requiring a child-resistant trigger, a child resistant safety lock, a magazine safety, a manual safety, and satisfactory compliance with a drop test.

The bill authorizes the Consumer Product Safety Commission to study, test, and evaluate various technologies and means of making guns more child-resistant, and to report to Congress within 12 months on its findings.

TITLE II: CHILDREN'S FIREARM AGE LIMIT

The bill prohibits the sale of an assault weapon to anyone under the age of 18, and increases the criminal penalties for selling a gun to a juvenile.

TITLE III: RESPONSIBILITIES OF FIREARMS DEALERS

The bill requires the automatic revocation of the license of any dealer found to have willfully sold a gun to a juvenile.

It requires two forms of identification, including one government issued, for purchasers under the age of 24.

It requires gun store owners to implement minimum safety and security standards to prevent the theft of firearms.

TITLE IV: CHILDREN'S FIREARM ACCESS PREVENTION

The bill imposes fines on a gun owner of up to $10,000 if a child gains access to a loaded firearm, and criminal penalties of up to one year in prison if the gun is used in an act of violence.

TITLE V: CHILDREN'S FIREARM INJURY SURVEILLANCE

The bill authorizes $25 million over five years to be used for the creation and implementation of a children's firearm surveillance system by the Injury Prevention Center of the Centers for Disease Control and Prevention.

TITLE VI: CHILDREN'S GUN VIOLENCE PREVENTION EDUCATION

The bill creates an education program with the help of parent-teacher organizations, local law enforcement, and community-based organizations. The program will teach children what to do if they hear that a classmate has brought a gun to school, or if they are faced with a violent situation.

TITLE VII: CHILDREN'S FIREARM TRACKING

The bill expands the Youth Crime Gun Interdiction Initiative and creates a grant program for local law enforcement agencies for the tracing of guns used in juvenile crime.

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

S. 737. A bill to amend title XIX of the Social Security Act to provide States with options for providing family planning services and supplies to women eligible for medical assistance under the Medicaid program; to the Committee on Finance.

FAMILY PLANNING STATE FLEXIBILITY ACT

Mr. CHAFEE. Mr. President, I am pleased today to join Senator FEINSTEIN in introducing the Family Planning State Flexibility Act, legislation to give states the option to expand their family planning coverage under Medicaid.

Family planning reduces the rate of unintended pregnancies and abortions by providing women with the knowledge and supplies necessary to time

their pregnancies to protect their health and the health of their children. The importance of family planning is clear. According to a study recently published in the New England Journal of Medicine women who wait 18 to 23 months after delivery before conceiving their next child lower the risk of adverse perinatal outcomes, including low birth weight, pre-term birth and small size for gestational age. In addition, women who wait less than six months between pregnancies are 40% more likely to have premature newborns and 30% to 40% more likely to have small babies.

In addition to improving health outcomes for childbearing women and their children, family planning is cost effective. Studies have found that for every $1 of public funds invested in family planning, $3 are saved in pregnancy and other related costs. This is particularly important for the Medicaid Program, which currently pays for 38% of all births in this country.

Recognizing that family planning is a vital service to women, a 1972 amendment to the Medicaid statute mandated inclusion of family planning services and supplies to women who are eligible for the program. Each state is free to determine the specific services and supplies provided. It is important to note that abortions are not considered a family planner service. Congress further noted the importance of family planning services by requiring the federal government to reimburse states for 90% of their family planning expenditures.

Eligible women are either those with children who have income below a threshold set by the state or those who are pregnant and have incomes up to 133% of poverty. States currently have the option to raise the income limit for pregnant women to 185% of poverty. Women who qualify for Medicaid due to pregnancy are currently eligible for family planning services for six months after delivery.

Recognizing the importance of family planning beyond the six month post-partum period, many states have applied for waivers to extend their coverage period or to include additional groups of women in the program. Thirteen states are currently operating under family planning waivers. Unfortunately, the waiver process can be extremely cumbersome and time consuming, which may discourage states from applying.

Our bill would allow states to expand their family planning coverage to women who earn up to 185% of poverty without having to spend the time and resources going through the waiver application process. States which are currently operating under waivers allowing for coverage of women who have higher incomes would continue using their current limit.

Family planning reduces unwanted pregnancies and abortions, improves the health of women and their children, reduces welfare dependency and is cost effective. I am very proud of this legislation which would provide these vital services to increased numbers of low-income women. I ask unanimous consent that the legislation and a congressional rationale be printed in the RECORD.

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

S. 737

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 ''Family Plnnning State Flexibility Act of 1999''.

SEC. 2. STATE OPTION TO PROVIDE FAMILY PLANNING SERVICES AND SUPPLIES TO WOMEN WITH INCOMES THAT DO NOT EXCEED A STATE'S INCOME ELIGIBILITY LEVEL FOR MEDICAL ASSISTANCE.

(a) IN GENERAL.—Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended—

(1) by redesignating section 1935 as section 1936; and

(2) by inserting after section 1934 the following:

STATE OPTION TO PROVIDE FAMILY PLANNING SERVICES AND SUPPLIES TO CERTAIN WOMEN

''SEC. 1935. (a) IN GENERAL.—Subject to subsections (b) and (c), a State may elect (through a State plan amendment) to make medical assistance described in section 1905(a)(4)(C) available to any woman whose family income does not exceed the greater of—

''(1) 185 percent of the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved; or

''(2) the eligibility income level (expressed as a percent of such poverty line) that has been specified under a waiver authorized by the Secretary or under section 1902(r)(2)), as of October 1, 1999, for a woman to be eligible for medical assistance under the State plan.

''(b) COMPARABILITY.—Medical assistance described in section 1905(a)(4)(C) that is made available under a State plan amendment under subsection (a) shall not be less in amount, duration, or scope than the medical assistance described in that section that is made available to any other individual under the State plan.

''(c) MAINTENANCE OF EFFORT.—No payment shall be made under section 1903(a)(5) for medical assistance made available under a State plan amendment under subsection (a) unless the State demonstrates to the satisfaction of the Secretary that, with respect to a fiscal year, the State share of funds expended for such fiscal year for all Federally funded programs under which the State provides or makes available family planning services is not less than the level of the State share expended for such programs during fiscal year 2000.

''(d) OPTION TO EXTEND COVERAGE DURING A POST-ELIGIBILITY PERIOD.—

''(1) INITIAL PERIOD.—A State plan amendment made under subsection (a) may provide that any woman who was receiving medical assistance described in section 1905(a)(4)(C) as a result of such amendment, and who becomes ineligible for such assistance because of hours of, or income from, employment, may remain eligible for such medical assistance through the end of the 6-month period that begins on the first day she becomes so ineligible.

''(2) ADDITIONAL EXTENSION.—A State plan amendment made under subsection (a) may provide that any women who has received medical assistance described in section 1905(a)(4)(C) during the entire 6-month period described in paragraph (1) may be extended coverage for such assistance for a succeeding 6-month period.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply to medical assistance provided on and after October 1, 1999.

SEC. 3. STATE OPTION TO EXTEND THE POSTPARTUM PERIOD FOR PROVISION OF FAMILY PLANNING SERVICES AND SUPPLIES.

(a) IN GENERAL.—Section 1902(e)(5) of the Social Security Act (42 U.S.C. 1396a(e)(5)) is amended—

(1) by striking ''eligible under the plan, as though'' and inserting ''eligible under the plan—

''(A) as though'';

(2) by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(B) for medical assistance described in section 1905(a)(4)(C) for so long as the family income of such woman does not exceed the maximum income level established by the State for the woman to be eligible for medical assistance under the State plan (as a result of pregnancy or otherwise).''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply to medical assistance provided on and after October 1, 1999.

RATIONALE

Congress finds that:

Each year in the United States, 3 million pregnancies, or half of all pregnancies, are unintended;

Contraceptives for both sexes are effective in reducing rates of unintended pregnancy. 85 percent of sexually active women who do not use any form of contraception will become pregnant in any single year, while just 3–6 percent of women taking birth control pills will become pregnant;

Contraceptives also help families to space their births, improving the mothers' health and reducing rates of infant mortality and low birthweight;

By helping to plan pregnancies, contraceptives help parents participate in the workforce and support themselves and their families;

By reducing rates of unintended pregnancy, contraceptives help reduce the need for abortion;

Family planning is cost effective: for every $1 invested in family planning, $3 are saved in pregnancy and other related costs;

Many low-income individuals in need of family planning do not qualify for Medicaid because they fail to meet stringent eligibility requirements;

Medicaid currently pays for 38 percent of all births in this country;

Medicaid provides family planning to many low-income women for only 60 days following a delivery, risking unintended pregnancies that jeopardize the health of women and their children;

In light of the significant health risks to women and children resulting from very short intervals between births, the Institute of Medicine recommends that Medicaid coverage of family planning should be extended to two years following a birth.

Currently, states can only extend Medicaid family planning services to larger populations of low-income individuals by applying to the federal government for a waiver, which can be a cumbersome and time consuming process;

Under current law, states have the option to cover pregnant women up to 185% of the federal poverty level without a waiver, but

states must get a waiver to provide family planning services to women with the same income who are trying to prevent pregnancy. Non-pregnant women should be put on parity with pregnant women with regard to coverage of family planning services.

● Mrs. FEINSTEIN. Mr. President, today I am introducing a bill with Senator CHAFEE to enable states to extend family planning services without getting a federal waiver from the U.S. Department of Health and Human Services.

Under our bill, states could do two things they cannot do under current law without the waiver of federal rules:

(1) States could expand by income level coverage for family planning services to ''near-poor'' women, women whose incomes are slightly above the currently allowed levels; and

(2) States could provide family planning for more than 60 days after a woman delivers a baby.

Our bill will enable states to automatically take these two steps without getting a federal waiver.

Every year in this country, there are 3 million pregnancies, half of which are unintended. To a poor woman, struggling to find a job, keep a job, or provide for the children she already has, an unplanned pregnancy can be devastating. In an effort to reduce unintended pregnancies, Medicaid provides a higher federal matching rate (90 percent, instead of the roughly 50 percent, in federal funds) for family planning services. This bill can further enhance these goals by preventing pregnancies and by helping women plan their pregnancies.

In addition, family planning saves money. Ironically, under current law, the group of women whom this bill covers become eligible for Medicaid once they are pregnant, so Medicaid then pays for their prenatal care, their delivery and 60 days of family planning following delivery. Medicaid pays for 38 percent of all births in the United States. Studies show that for every $1.00 invested in family planning, $3.00 are saved in pregnancy and health-related costs. Recognizing the value of expanding family planning services, 13 states have received waivers to make the expansions and California has applied for one.

It is my hope that the bill we introduce today can improve the health of women and their children by reducing unwanted pregnancies, welfare dependency, the incidence of abortion, the incidence of low-birth weight babies and the incidence of infant mortality. I urge my colleagues to support this legislation.●

By Mr. MURKOWSKI (for himself and Mr. CAMPBELL):

S. 739. A bill to amend the American Indian Trust Fund Management Reform Act to direct the Secretary of the Interior to contract with qualified financial institutions for the investment of certain trust funds, and for other purposes; to the Committee on Indian Affairs.

AMENDMENT TO INDIAN TRUST FUND MANAGEMENT REFORM ACT OF 1994

Mr. MURKOWSKI. Mr. President, I rise today to introduce an amendment to the Indian Trust Fund Management Reform Act of 1994 to provide Indian Tribal Trust fund beneficiaries the option of having their trust funds managed according to their wishes, which could add measurably to the value of their trust funds. For individual Indian trust fund beneficiaries, the legislation would allow them to earn greater returns through government-regulated trust departments than allowed by current law.

This bill is an outgrowth of a joint hearing held March 3rd of this year by the Senate Committees on Indian Affairs and Energy & Natural Resources to investigate the Department of Interior's efforts to reform the trust management systems for individual Indians and Indian Tribes.

The Secretary of the Interior, on behalf of the U.S. government, acts as the trustee for some 1,500 tribal trust funds for 338 Indian tribes with assets of $2.6 billion. He performs a similar service for 300,000 individual Indian accounts totaling some $500 million. For well over 100 years, these accounts have been in severe disarray, and in my mind, recent reform efforts under the Indian Trust Fund Management Act show few tangible signs of improvement.

Funds are unaccounted for, paperwork is missing, and Indians are uncertain about the accuracy of the amounts reported in their trust accounts. Recent newspaper reports tell of an ongoing inability or unwillingness on the part of the Departments of the Interior and Treasury to comply with requests from the U.S. District Court to produce documents relating to a small number of trust accounts. The Chairman of the Senate Committee on Indian Affairs, Senator BEN NIGHTHORSE CAMPBELL, has shown an unflagging commitment to ensure that the Indian trust fund debacle is cleaned up and put upon a sound footing for the Indian beneficiaries whose only sin has been to trust the word of the Federal Government.

While I look forward to working with Chairman CAMPBELL on his efforts to compel the Department of the Interior to institute the reforms necessary to come to grips with the ongoing problems of the Indian trust fund management, this bill is not designed to tackle that daunting task.

This will would grant Indian Tribes the option of having their funds treated the same way trust beneficiaries' funds are treated by prudent bank trust departments throughout this nation. Presently, federal law prohibits the Office of Trust Management from investing Indian trust funds in anything other than government-guaranteed instruments. This severely limits the rate of return Indians receive, to the point that they receive the lowest rate of return of any trust beneficiaries in the country.

Virtually all other trust funds in the country are managed under the ''prudent investor'' rule, which, when coupled with government regulation of trust departments, ensures that trust funds are managed conservatively but wisely for the long term best interests of the trust beneficiary.

The express prohibition against investment of Indian trust funds in all but government-guaranteed instruments has a dual effect on America's first—and poorest—residents. First, it restricts the growth of their trust funds. Second, it means that Indian trust funds will not be available for investment in Indian Country.

Under my proposal, the Secretary of the Interior, working with the Comptroller of the Currency, would contract with qualified financial institutions that are regulated by a federal bank regulatory agency for the investment of funds managed for Indian Tribes and individuals. Tribes would still have the option of keeping their money in government-guaranteed low-yield instruments if they so choose.

Those funds invested with government-regulated trust institutions would be managed according to the prudent investor rules governing all other trusts throughout the country. The U.S. government would still act as the guarantor of those funds through its regulatory and enforcement mechanisms. Because stated balances of trust funds may not be accurate due to historical mismanagement, the legislation is intended to ensure that if Indian trust funds are managed by private financial institutions, possible claims against the government for accurate balances are not extinguished.

Moreover, the Secretary would be directed, in the selection of a qualified financial institution, to comply with the Buy-Indian Act (25 U.S.C. 47). This would mean that if qualified Indian-owned financial institutions were properly regulated and certified, investment of Indian trust funds could act as investment capital for expanding economic opportunities in Indian country.

It is my hope that through the successful implementation of this legislation, we will see Indian people finally getting a fair return on their dollars, which might very well be generated from new enterprises via investments of their own monies. The American dream should not be allowed to be continued to be denied to the First Americans.

Mr. President, the Secretary of the Interior, is not an investment banker. There are a variety of things that the federal government does not do well, and the management of trust funds is one of them. We have financial institutions that are regulated and who have the experience of managing large trust funds. We have a large body of law governing the fiduciary responsibility of trustees. It is long past time for the Secretary to focus on the accounting of receipts and let those who know something about investments handle the actual management of these trust funds.

The present situation simply perpetuates the cycle of dependence for too many tribes and denies them the same reasonable expectation of return that all non-Indian trust beneficiaries have a right to expect.

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. 739

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

That the American Indian Trust Fund Management Reform Act (108 Stat. 4239, 25 U.S.C. 4041), as amended, is further amended by adding a new Title V as follows:

TITLE V—INVESTMENT OF FUNDS—TRIBAL OPTIONS

SEC. 501. TRIBAL OPTIONS.

(a) Within one year from the date of enactment of this title, the Secretary, with the advice and assistance of the Comptroller of the Currency, shall contract with qualified financial institutions that are regulated by a federal bank regulatory agency for the investment of all funds presently managed in trust status for Indian tribes and individual Indians by the United States, unless:

(1) the tribe whose money is held in trust requests in writing that the funds continue to be invested by the Department of the Interior, or

(2) contracting of the particular fund would be inconsistent with the United States' trust responsibility or would contravene any provision of law specifically related to that particular fund.

(b) The Secretary shall afford a tribe an opportunity to designate in writing a qualified financial institution to manage its funds. Unless a tribe designates a specific institution, the Secretary shall comply with the provisions of the Buy-Indian Act (25 U.S.C. 47) in the selection of a qualified financial institution pursuant to this title.

(c) Any contract entered into pursuant to this section shall, at a minimum, include provisions acceptable to the Secretary that will:

(1) direct that all funds are invested in a manner consistent with the requirements of the prudent investor rule applicable to the financial institution, the fiduciary responsibility of the institution, and the trust responsibility of the Secretary;

(2) within the requirements of paragraph (1), permit tribes to direct the financial institution regarding the kinds of instruments for investment;

(3) subject to the provisions of paragraphs (1) and (2), encourage the investment of funds in ways that directly benefit the affected tribe and Indian community;

(4) require that the financial institution be liable for any financial losses incurred by the trust beneficiary as a result of its failure to comply with the terms of its contract, the investment instructions provided by the tribe, its general fiduciary obligation, or the prudent investor rule;

(5) insure that the financial institution carry sufficient insurance or other surety satisfactory to the Secretary to compensate the trust beneficiary in connection with any liability and the Secretary in the event of a subrogation under subsection (d);

(6) allow the financial institution to recover its reasonable costs incurred in investing trust funds in investment instruments that are 100% guaranteed by the United States and be compensated for investing trust funds in other investment instruments by charging a commercially reasonable fee, approved by the Secretary, that shall be deducted from the corpus of the trust funds in the same manner as for private investors.

(d) No provision of this title, nor any action taken pursuant thereto, shall in any way diminish the trust responsibility of the United States for any funds presently managed in trust status or to the tribes or individual Indians who are the beneficial owners of such funds. The Secretary shall remain responsible for any losses incurred by a trust beneficiary for which a financial institution is liable under paragraph (c)(4) but shall be entitled to subrogation of any claim to the extent the beneficiary receives compensation from the United States.

(e) Any amounts transferred shall not result in the closure of the account in question and the Secretary shall be obligated to continue efforts to determine whether the account balance is accurate, including efforts to identify and secure documentation supporting such accounting balance.

Mr. CAMPBELL. Mr. President, today I am pleased to join my colleague Senator MURKOWSKI as an original co-sponsor of legislation to amend the American Indian Trust Fund Management Reform Act of 1994. This is the first step in reforming the way Indian trust funds are managed and invested for the benefit of the Indian tribes and their citizens.

On March 3, 1999, the Committee on Indian Affairs and the Committee on Energy and Natural Resources held a joint hearing on trust fund management practices in the Department of the Interior.

We held the hearing because the Secretary of the Interior issued an order in January that I believe undermined the authority of the Special Trustee for American Indians and violated the spirit and letter of the 1994 Act.

Nothing at the hearing changed my mind. As a result, I proposed an amendment to the FY 1999 Supplemental Appropriations bill to suspend the implementation of this order while we sort out the legitimacy and effectiveness of ongoing trust management reforms within the Department. This should be done through legislation and congressional oversight, not secretarial orders drafted with no tribal input.

Today's bill is the next step. It will enable Congress, Indian tribes, and the Administration to begin the difficult task of undoing 100 years of mismanagement and neglect by the United States.

Most Americans are unfamiliar with this issue so let me describe what we are talking about. Beginning in 1849, the federal government, as trustee for the tribes, built a system to identify and track Indian land holdings, land leases, income from those leases, and other Indian assets, and created ''trust funds'' to be managed for the benefit of their Indian beneficiaries.

Over the years, the United States has failed to keep track of the funds and the documents supporting the funds. In addition, the Department is prevented by law from investing these funds in anything other than U.S.-guaranteed investments which bring returns much lower than what is possible in the open market. For these reasons, the trustee has failed to adequately maintain this system and to maximize returns on investment, with Indians as the predictable losers once again. These facts raise the question of whether the federal government is the appropriate place for these accounts.

The money in these accounts, or that is supposed to be in these trust fund accounts, is Indian money that has been entrusted to the United States. It is not federal money. There are billions of dollars at stake: in 1997, the Department's Tribal Reconciliation Project stated that it was unable to reconcile some $2.4 billion in tribal funds.

For Indians that means they have no access to the money and do not receive the benefit from their own money.

There are at least three major aspects to the problem. First, efforts by the Department to identify and gather all documentation to determine accurate trust fund balances; second, the efforts to put in place new computers and management systems; and third, the need to provide Indian tribes with the flexibility to maximize the return on fund investments in the interim as the first two initiatives continue.

This legislation is aimed at the third of these problems. As the Committees work to fix the mistakes of the past, we can give tribes the flexibility and freedom to invest their money in the financial instruments they choose. This legislation will allow Indian tribes the option to leave their funds with the Department for management and investment or to transfer the funds to qualified financial institutions, including Indian-owned banks, in order to receive competitive returns on investment.

The bill will direct the Secretary of Interior to consult with the nation's top banker, the Comptroller of the Currency, in negotiating contracts with federally-approved financial institutions for the investment of funds now managed by the United States.

Let me be clear: tribes are not required to move their accounts into the private market. It is an option.

This bill does not represent a ''surrender'' in the efforts to find the missing funds and documents. In fact, just the opposite. Under the bill, the Secretary is obligated to continue to search for documents that will give a more accurate account balance to the tribes.

That brings up another troubling issue—the possibility that some documents will never be found. It is bad enough that some have been permanently lost due to neglect. But a story in today's Washington Times raises the possibility that, even worse, some documents may have been purposely destroyed. The story says that the plaintiffs suing the government over trust funds mismanagement have given the judge affidavits accusing Interior Department officials of destroying trust fund documents to conceal them from the court.

If this is true, it would be the worst violation of the trust responsibility in decades.

I should point out that this bill is the first, not the last, word on our efforts to clean up the trust funds mess and to give Indians the chance to take risks, generate higher rates of returns, and bring economic opportunities where none now exist. Also, this bill is subject to change. I welcome input from Indian Country as we work to perfect it.

As Chairman of the Committee on Indian Affairs, I am committed to working with and assisting the tribes in the many reforms that are necessary to bring increased hope and opportunities to their communities.

I urge my colleagues to join Senator MURKOWSKI and me in bringing real reform and real change to Indian trust funds management. After 150 years, it's about time we think and act boldly to bring this sad chapter in American history to a close.

Mr. President, I ask unanimous consent that a Washington Times article be printed in the RECORD.

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

[From the Washington Times, Mar. 25, 1999]

INTERIOR OFFICIALS ACCUSED OF DESTROYING INDIAN RECORDS

(By Jerry Seper)

Interior Department officials who told a federal judge they could not find records describing the department's oversight of American Indian trust funds have been accused in sworn affidavits of destroying the documents to conceal then from the court.

U.S. District Judge Royce C. Lamberth, who held Interior Secretary Bruce Babbitt in contempt last month for not turning over the records in a lawsuit, ordered hearings on the accusations yesterday after being told Tuesday the documents had been deliberately destroyed.

The suspected destruction was outlined in the affidavits given to the judge during a status hearing in a lawsuit brought by the Native American Rights Fund. The affidavits, brought by some of the many plaintiffs, were later ordered sealed pending yesterday's hearing, although that hearing—held in the judge's chambers—was scheduled to resume today.

The suit by the Rights Fund, which represents several Indian tribes involved in the trust fund, accuses the Interior and Treasury departments of mismanaging trust fund monies.

In November, Judge Lamberth ordered the departments to produce canceled checks and other documents showing the status of the trust fund, which involves more than 300,000 individual accounts and 2,000 tribal accounts. The departments oversee the receipt of money from land settlements, royalties and payments by companies that use Indian land.

The judge sought the records to allow attorneys for the Rights Fund to prepare for trial. The departments have never complied, giving the judge several reasons for the delay—including an Interior claim that some of the records were so tainted by rodent droppings in a New Mexico warehouse that to disturb them would put department officials at a health risk.

Interior officials have been unable to verify how much cash has been collected. An audit by the Arthur Andersen accounting firm said the Bureau of Indian Affairs cannot account for $2.4 billion in trust funds.

During a hearing March 3 before the Senate Indian Affairs Committee and the Senate Energy and Natural Resources Committee, Mr. Babbitt promised to correct the situation. ''You'll be the judge. I will do my best,'' Mr. Babbitt said when asked what he intended to do about mismanagement by the BIA.

Special trustee Paul Homan, assigned to oversee the fund, resigned in January. He said Mr. Babbitt stripped him of the authority he needed to do the job and that he was blocked by Interior officials who sought to undermine congressionally ordered reforms with continual rejections of his requests for money and manpower.

Mr. Homan said the department could ''no longer be trusted to keep and produce trust records.'' He urged the accounts be assigned to an independent agency.

Mr. Babbitt ordered a reorganization and requested more funding for next year. He also said a new accounting system was expected to be in place by the end of the year.

But acting special trustee Thomas Thompson said in a confidential memo last year that he was ''grateful'' he did not run the program. He outlined many concerns he had about an inability to implement the Trust Fund Management Reform Act of 1994. The act directs the department to oversee the fund and provide the necessary budget to do the job.

Mr. Thompson's memo was written before his appointment as Mr. Homan's successor. He has since told the Indian Affairs Committee that trust funds were being properly administered and that the program was sufficiently funded.

In a letter to Mr. Babbitt last week, Republication Sens. Ben Nighthorse Campbell of Colorado and Sen. Frank H. Murkowski of Alaska, chairman of the Energy and Natural Resources Committee, said they were concerned that Mr. Thompson appeared willing to endorse a process he had criticized.

''Before our committees, you vigorously testified about your commitment to clean up the trust fund fiasco,'' they wrote to Mr. Babbitt. ''We are not encouraged, however, when only hours after the hearing, your hand-picked acting trustee seems to reverse himself on an issue critical to the success of this effort.''

They said if the many problems Mr. Thompson's memo described had been corrected, Mr. Babbitt should list the improvements to the committees.

By Mr. CRAIG (for himself, Mr. CRAPO, Mr. BURNS, and Mr. GRAMS): S. 740. A bill to amend the Federal Power Act to improve the hydroelectric licensing process by granting the Federal Energy Regulatory Commission statutory authority to better coordinate participation by other agencies and entities, and for other purposes; to the Committee on Energy and Natural Resources.

HYDROELECTRIC LICENSING PROCESS IMPROVEMENT ACT OF 1999

Mr. CRAIG. Mr. President, the bill I introduce is the Hydroelectric Licensing Process Improvement Act of 1999. As its title suggests, the purpose of the bill is to improve the process by which non-federal hydroelectric projects are licensed by the Federal Energy Regulatory Commission.

I introduced a similar bill late in the 105th Congress after hearings on this issue in both the House and Senate. Hydropower represents ten percent of the energy produced in the United States, and approximately 85% of all renewable energy generation. This, Mr. President, is a significant portion of our nation's electricity, produced without air pollution or greenhouse gas emissions, and it is accomplished at relatively low cost.

The Commission for many years since its creation in 1920, controlled our nation's water power potential with uncompromising authority. However, since 1972, a number of environmental statutes, amendments to the Federal Power Act, Commission regulations, licensing and policy decisions, and several critical court decisions, has made the Commission's licensing process extremely costly, time consuming, and, at times, arbitrary. Indeed, the current Commission licensing program is burdened with mixed mandates and redundant bureaucracy and prone to gridlock and litigation.

Under current law, several federal agencies are required to set conditions for licenses without regard to the effects those conditions have on project economics, energy benefits, impacts on greenhouse gas emissions and values protected by other statutes and regulations. Far too often we have agencies fighting agencies and issuing inconsistent demands.

The consequent delays in processing hydropower applications result in significant business costs and lost capacity. For example, according to a September 1997 study of the U.S. Department of Energy, since 1987, of 52 peaking projects relicensed by the Commission, four projects increased capacity, and 48 decreased capacity. In simple terms, those 48 projects became less productive as a result of the relicensing process at the Commission than they were prior to relicensing. Ninety-two percent of the peaking projects since 1987 lost capacity.

In addition, faced with the uncertainties currently plaguing the relicensing process, some existing licensees are contemplating abandonment of their projects. This is of concern to the nation because two-thirds of all non-federal hydropower capacity is up for relicensing in the next fifteen years. By the year 2010, 220 projects will be subject to the relicensing process.

Publicly owned hydropower projects constitute nearly 50% of the total capacity that will be up for renewal. The problems resulting in lost capacity, coupled with the momentous changes occurring in the electricity industry and the increasing need for emissions free sources of power, all underscore the need for Congressional action to reform hydroelectric licensing.

Moreoever, the loss of a hydropower project means more than the loss of clean, efficient, renewable electric power. Hydropower projects provide drinking water, flood control, fish and wildlife habitat, irrigation, transportation, environmental enhancement

funding and recreation benefits. Also, due to its unique load-following capability, peaking capacity and voltage stability attributes, hydropower plays a critical role in maintaining our nation's reliable electric service.

My bill, which is currently co-sponsored by fellow Idahoan Senator MIKE CRAPO, and Senators CONRAD BURNS and ROD GRAMS, will remedy the inefficient and complex Commission licensing process by ensuring that federal agencies involved in the process act in a timely and accountable manner.

My bill does not change or modify any existing environmental laws, nor remove regulatory authority from various agencies. It does not call for the repeal of mandatory conditioning authority of appropriate federal agencies. Rather, it requires participating agencies to consider, and be accountable for, the full effects of their actions before imposing mandatory conditions on a Commission issued license.

It is clear to me and many of my colleagues here in the Senate that hydropower is at risk. Clearly, one of the most important tasks for energy policymakers in the 21st Century is to develop an energy strategy that will ensure an adequate supply of reasonably priced, reliable energy to all American consumers in an environmentally responsible manner. The relicensing of non-federal hydropower can and should continue to be an important and viable element in this strategy.

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. 740

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 ''Hydroelectric Licensing Process Improvement Act of 1999''.

SEC. 2. FINDINGS.

Congress finds that—

(1) hydroelectric power is an irreplaceable source of clean, economic, renewable energy with the unique capability of supporting reliable electric service while maintaining environmental quality;

(2) hydroelectric power is the leading renewable energy resource of the United States;

(3) hydroelectric power projects provide multiple benefits to the United States, including recreation, irrigation, flood control, water supply, and fish and wildlife benefits;

(4) in the next 15 years, the bulk of all non-Federal hydroelectric power capacity in the United States is due to be relicensed by the Federal Energy Regulatory Commission;

(5) the process of licensing hydroelectric projects by the Commission—

(A) does not produce optimal decisions, because the agencies that participate in the process are not required to consider the full effects of their mandatory and recommended conditions on a license;

(B) is inefficient, in part because agencies do not always submit their mandatory and recommended conditions by a time certain;

(C) is burdened by uncoordinated environmental reviews and duplicative permitting authority; and

(D) is burdensome for all participants and too often results in litigation; and

(6) while the alternative licensing procedures available to applicants for hydroelectric project licenses provide important opportunities for the collaborative resolution of many of the issues in hydroelectric project licensing, those procedures are not appropriate in every case and cannot substitute for statutory reforms of the hydroelectric licensing process.

SEC. 3. PURPOSE.

The purpose of this Act is to achieve the objective of relicensing hydroelectric power projects to maintain high environmental standards while preserving low cost power by—

(1) requiring agencies to consider the full effects of their mandatory and recommended conditions on a hydroelectric power license and to document the consideration of a broad range of factors;

(2) requiring the Federal Energy Regulatory Commission to impose deadlines by which Federal agencies must submit proposed mandatory and recommended conditions to a license; and

(3) making other improvements in the licensing process.

SEC. 4. PROCESS FOR CONSIDERATION BY FEDERAL AGENCIES OF CONDITIONS TO LICENSES.

(a) IN GENERAL.—Part I of the Federal Power Act (16 U.S.C. 791a et seq.) is amended by adding at the end the following:

''SEC. 32. PROCESS FOR CONSIDERATION BY FEDERAL AGENCIES OF CONDITIONS TO LICENSES.

''(a) DEFINITIONS.—In this section:

''(1) CONDITION.—The term 'condition' means—

''(A) a condition to a license for a project on a Federal reservation determined by a consulting agency for the purpose of the first proviso of section 4(e); and

''(B) a prescription relating to the construction, maintenance, or operation of a fishway determined by a consulting agency for the purpose of the first sentence of section 18.

''(2) CONSULTING AGENCY.—The term 'consulting agency' means—

''(A) in relation to a condition described in paragraph (1)(A), the Federal agency with responsibility for supervising the reservation; and

''(B) in relation to a condition described in paragraph (1)(B), the Secretary of the Interior or the Secretary of Commerce, as appropriate.

''(b) FACTORS TO BE CONSIDERED.—

''(1) IN GENERAL.—In determining a condition, a consulting agency shall take into consideration—

''(A) the impacts of the condition on—

''(i) economic and power values;

''(ii) electric generation capacity and system reliability;

''(iii) air quality (including consideration of the impacts on greenhouse gas emissions); and

''(iv) drinking, flood control, irrigation, navigation, or recreation water supply;

''(B) compatibility with other conditions to be included in the license, including mandatory conditions of other agencies, when available; and

''(C) means to ensure that the condition addresses only direct project environmental impacts, and does so at the lowest project cost.

''(2) DOCUMENTATION.—

''(A) IN GENERAL.—In the course of the consideration of factors under paragraph (1) and before any review under subsection (e), a consulting agency shall create written documentation detailing, among other pertinent matters, all proposals made, comments received, facts considered, and analyses made regarding each of those factors sufficient to demonstrate that each of the factors was given full consideration in determining the condition to be submitted to the Commission.

''(B) SUBMISSION TO THE COMMISSION.—A consulting agency shall include the documentation under subparagraph (A) in its submission of a condition to the Commission.

''(c) SCIENTIFIC REVIEW.—

''(1) IN GENERAL.—Each condition determined by a consulting agency shall be subjected to appropriately substantiated scientific review.

''(2) DATA.—For the purpose of paragraph (1), a condition shall be considered to have been subjected to appropriately substantiated scientific review if the review—

''(A) was based on current empirical data or field-tested data; and

''(B) was subjected to peer review.

''(d) RELATIONSHIP TO IMPACTS ON FEDERAL RESERVATION.—In the case of a condition for the purpose of the first proviso of section 4(e), each condition determined by a consulting agency shall be directly and reasonably related to the impacts of the project within the Federal reservation.

''(e) ADMINISTRATIVE REVIEW.—

''(1) OPPORTUNITY FOR REVIEW.—Before submitting to the Commission a proposed condition, and at least 90 days before a license applicant is required to file a license application with the Commission, a consulting agency shall provide the proposed condition to the license applicant and offer the license applicant an opportunity to obtain expedited review before an administrative law judge or other independent reviewing body of—

''(A) the reasonableness of the proposed condition in light of the effect that implementation of the condition will have on the energy and economic values of a project; and

''(B) compliance by the consulting agency with the requirements of this section, including the requirement to consider the factors described in subsection (b)(1).

''(2) COMPLETION OF REVIEW.—

''(A) IN GENERAL.—A review under paragraph (1) shall be completed not more than 180 days after the license applicant notifies the consulting agency of the request for review.

''(B) FAILURE TO MAKE TIMELY COMPLETION OF REVIEW.—If review of a proposed condition is not completed within the time specified by subparagraph (A), the Commission may treat a condition submitted by the consulting agency as a recommendation is treated under section 10(j).

''(3) REMAND.—If the administrative law judge or reviewing body finds that a proposed condition is unreasonable or that the consulting agency failed to comply with any of the requirements of this section, the administrative law judge or reviewing body shall—

''(A) render a decision that—

''(i) explains the reasons for a finding that the condition is unreasonable and may make recommendations that the administrative law judge or reviewing body may have for the formulation of a condition that would not be found unreasonable; or

''(ii) explains the reasons for a finding that a requirement was not met and may describe any action that the consulting agency should take to meet the requirement; and

''(B) remand the matter to the consulting agency for further action.

''(4) SUBMISSION TO THE COMMISSION.—Following administrative review under this subsection, a consulting agency shall—

''(A) take such action as is necessary to—

''(i) withdraw the condition;

''(ii) formulate a condition that follows the recommendation of the administrative law judge or reviewing body; or

''(iii) otherwise comply with this section; and

''(B) include with its submission to the Commission of a proposed condition—

''(i) the record on administrative review; and

''(ii) documentation of any action taken following administrative review.

''(f) SUBMISSION OF FINAL CONDITION.—

''(1) IN GENERAL.—After an applicant files with the Commission an application for a license, the Commission shall set a date by which a consulting agency shall submit to the Commission a final condition.

''(2) LIMITATION.—Except as provided in paragraph (3), the date for submission of a final condition shall be not later than 1 year after the date on which the Commission gives the consulting agency notice that a license application is ready for environmental review.

''(3) DEFAULT.—If a consulting agency does not submit a final condition to a license by the date set under paragraph (1)—

''(A) the consulting agency shall not thereafter have authority to recommend or establish a condition to the license; and

''(B) the Commission may, but shall not be required to, recommend or establish an appropriate condition to the license that—

''(i) furthers the interest sought to be protected by the provision of law that authorizes the consulting agency to propose or establish a condition to the license; and

''(ii) conforms to the requirements of this Act.

''(4) EXTENSION.—The Commission may make 1 extension, of not more than 30 days, of a deadline set under paragraph (1).

''(g) ANALYSIS BY THE COMMISSION.—

''(1) ECONOMIC ANALYSIS.—The Commission shall conduct an economic analysis of each condition submitted by a consulting agency to determine whether the condition would render the project uneconomic.

''(2) CONSISTENCY WITH THIS SECTION.—In exercising authority under section 10(j)(2), the Commission shall consider whether any recommendation submitted under section 10(j)(1) is consistent with the purposes and requirements of subsections (b) and (c) of this section.

''(h) COMMISSION DETERMINATION ON EFFECT OF CONDITIONS.—When requested by a license applicant in a request for rehearing, the Commission shall make a written determination on whether a condition submitted by a consulting agency—

''(1) is in the public interest, as measured by the impact of the condition on the factors described in subsection (b)(1);

''(2) was subjected to scientific review in accordance with subsection (c);

''(3) relates to direct project impacts within the reservation, in the case of a condition for the first proviso of section 4(e);

''(4) is reasonable;

''(5) is supported by substantial evidence; and

''(6) is consistent with this Act and other terms and conditions to be included in the license.''.

(b) CONFORMING AND TECHNICAL AMENDMENTS.—

(1) SECTION 4.—Section 4(e) of the Federal Power Act (16 U.S.C. 797(e)) is amended—

(A) in the first proviso of the first sentence by inserting after ''conditions'' the following: '', determined in accordance with section 32,''; and

(B) in the last sentence, by striking the period and inserting ''(including consideration of the impacts on greenhouse gas emissions)''.

(2) SECTION 18.—Section 18 of the Federal Power Act (16 U.S.C. 811) is amended in the first sentence by striking ''prescribed by the Secretary of Commerce'' and inserting ''prescribed, in accordance with section 32, by the Secretary of the Interior or the Secretary of Commerce, as appropriate''.

SEC. 5. COORDINATED ENVIRONMENTAL REVIEW PROCESS.

Part I of the Federal Power Act (16 U.S.C. 791a et seq.) (as amended by section 3) is amended by adding at the end the following:

''SEC. 33. COORDINATED ENVIRONMENTAL REVIEW PROCESS.

''(a) LEAD AGENCY RESPONSIBILITY.—The Commission, as the lead agency for environmental reviews under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for projects licensed under this part, shall conduct a single consolidated environmental review—

''(1) for each such project; or

''(2) if appropriate, for multiple projects located in the same area

''(b) CONSULTING AGENCIES.—In connection with the formulation of a condition in accordance with section 32, a consulting agency shall not perform any environmnental review in addition to any environmental review performed by the Commission in connection with the action to which the condition relates.

''(c) DEADLINES.—

''(1) IN GENERAL.—The Commission shall set a deadline for the submission of comments by Federal, State, and local government agencies in connection with the preparation of any environmental impact statement or environmental assessment required for a project.

''(2) CONSIDERATIONS.—In setting a deadline under paragraph (1), the Commission shall take into consideration—

''(A) the need of the license applicant for a prompt and reasonable decision;

''(B) the resources of interested Federal, State, and local government agencies; and

''(C) applicable statutory requirements.''.

SEC. 6. STUDY OF SMALL HYDROELECTRIC PROJECTS.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Federal Energy Regulatory Commission shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Commerce of the House of Representatives a study of the feasibility of establishing a separate licensing procedure for small hydroelectric projects.

(b) DEFINITION OF SMALL HYDROELECTRIC PROJECT.—The Commission may by regulation define the term ''small hydroelectric project'' for the purpose of subsection (a), except that the term shall include at a minimum a hydroelectric project that has a generating capacity of 5 megawatts or less.

By Mr. GRAHAM (for himself, Mr. GRASSLEY, Mr. BAUCUS, Mr. HATCH, Mr. BREAUX, Mr. JEFFORDS, Mr. KERREY, Mr. ROBB, Mr. MACK, Mr. BOND, Mr. CHAFEE, Mr. THOMPSON, Mr. BINGAMAN and Mr. MURKOWSKI):

S. 741. A bill to provide for pension reform, and for other purposes; to the Committee on Finance.

PENSION COVERAGE AND PORTABILITY ACT

• Mr. GRAHAM. Mr. President, I rise today along with Senators GRASSLEY, BAUCUS, HATCH, BREAUX, JEFFORDS, KERREY, MACK, ROBB, MURKOWSKI, CHAFEE, THOMPSON, BOND, and BINGAMAN to introduce the Pension Coverage and Portability Act. I am honored to be here today, in a bipartisan group, and especially with my colleague Senator CHARLES GRASSLEY, who has put a tremendous effort into crafting many parts of this bill. He and I recognize that for our nation to solve what will be one of this generation's greatest challenges, building retirement security for today's workers, we need to move in a common sense, bipartisan fashion.

Many of the original cosponsors of this bill were key in crafting sections of this legislation over the last three years. Senator GRASSLEY's efforts here have expanded fairness for women and families, and focuses on the benefits of retirement education.

Senator BAUCUS has brought the ideas that expand pension coverage and ease the administrative burdens on America's small businesses.

Portability, so important as we become a more mobile society, received the attention of Senator JEFFORDS.

All businesses will have the hard work of Senator HATCH to thank for many of the regulatory relief, and administrative simplification elements of this bill.

Senator BREAUX focused on the ''big picture'' of retirement security by authoring the ESOP provisions.

And finally, Senators KERREY and ROBB provided valuable new input that helped shape his legislation.

Throughout the process of putting this bill together, our main task has been to listen. We have listened at town hall meetings, at the Retirement Security Summit I held last year in Tampa, and a Women's Summit I held in Orlando last April. I am also planning another Retirement Security Summit in Jacksonville this May to continue the dialogue on this important issue.

The ideas have come from pension actuaries, tax attorneys, Cabinet leaders, and some of the best ideas, from everyday people.

With reason, some of the public debate recently has focused on President Clinton's mantra ''Save Social Security First.'' And we all agree, on both sides of the aisle, that we need to ensure that social security is as viable for my nine grandchildren as it was for may parents and will be for me.

However, social security is only one part of the picture. Pensions and personal savings will make up an ever increasing part of retirement security. So when Congress takes action to ensure the future of social security, we are only addressing one-third of the problem.

Social Security may play less of a role for each generation. We must develop personal savings, and we must have years of work pay off in workers vesting in pensions.

Our bill will help hard working Americans build personal retirement savings through their employers, through 401(k)s, through payroll deduction IRAs, and through higher limits on savings.

Employers and workers both win. Employers get simpler pension systems with less administrative burden, and more loyal employees. And workers build secure retirement and watch savings accumulate over years of work.

We need to be able to offer business owners and their workers: uncumbersome portability, administrative simplicity, and the confidence that their plans are secure and well funded.

To achieve this goal, we focused on six areas: simplification, portability, expanded coverage for small business, pension security and enforcement, women's equity issues, and expanding retirement planning and education opportunities.

The largest section of this legislation deals with expanded coverage for small business. It's the largest section because small businesses have the greatest difficulty achieving retirement security. 51 million American workers have no retirement plan, 21 million of these employees work in small businesses.

The problem: statistics indicate that only a small percentage of workers in firms of less than 100 employees have access to a retirement plan. We take a step forward in eliminating one of the first hurdles that a small business faces when it establishes a pension plan. On one hand, the federal government is encouraging these businesses to start pension plans, and then we turn around and charge the small business, at times, up to one thousand dollars to register their plan with the Internal Revenue Service.

The solution: eliminate this fee for small businesses. We need to encourage small businesses to start plans, not discourage them with high registration fees.

Another problem for small businesses and others is people postponing retirement decisions until a later date. Many young people in their 20's and 30's don't think they need to worry about retirement security ''right now,'' it's a decision that can wait for later.

Our solution to this is to encourage businesses to have ''opt out'' plans for retirement savings. Instead of the worker having to actively decide to participate and fill out paperwork, he or she is automatically participating unless they actively decide not to.

Another problem this legislation addresses: retirement security for women and families. Historically speaking, women live longer than men, therefore, need greater savings for retirement. Yet our pension and retirement laws do not reflect this. Women are more mobile than men, moving in and out of the workforce due to family responsibilities, thus they have less of a chance to vest. Fewer than 32% of all women retirees receive a pension. Currently two-thirds of working women are employed in sectors of the economy that are unlikely to have a retirement plan: service and retail, and small business.

In an effort to address one of the problems—preparing for a longer life expectancy, we realistically adjust upwards the age in which you must start withdrawing funds.

Under current law, you must start withdrawing money from retirement plans at age seventy-and-a-half. However, a woman at age seventy can still have three decades in retirement. I know, because I represent many of them in Florida. At the Retirement Summit I hosted in Tampa, Florida, several retirees mentioned that they wanted to keep this money in retirement savings for as long as possible. We raise the seventy-and-a-half age to seventy-five for mandatory minimum distributions.

Second, we say that $100,000 of any IRA will be exempt from minimum distribution rules. This accomplishes two important goals: simplifying the bureaucracy for thousands of Americans who have less than this balance, and protecting a vital nest egg for the last years of retirement so that long term care and other expenses can be covered.

Another problem addressed in this section of the legislation is the mobility of our workforce. On average, Americans will have 7 different employers during their career which means they are often not at any job long enough to vest into retirement benefits.

Our legislation offers a solution—shrinking the 5 year vesting cycle to a three year cycle. We believe this is more reflective of job tenure in the 1990's and on into the next century.

As I mentioned earlier, the current U.S. worker will have seven different employers. We have the possibility of a generation of American workers who will retire with many small accounts—creating a complex maze of statements and features, different for each account. This is a problem—pensions should be portable from job to job.

One solution to this problem—allow employees to roll one retirement account into another as they move from job to job so that when they retire, they will have one retirement account. It's easier to monitor, less complicated to keep track of, and builds a more secure retirement for the worker.

Portability is important, but we must also reduce the red tape. The main obstacle that companies face in establishing retirement programs is bureaucratic administrative burden. For example: for small plans, it costs $228 per person per year just to comply with all the forms, tests and regulations.

We have a common sense remedy to one of the most vexing problems in pension administration: figuring out how much money to contribute to the company's plan. It's a complex formula of facts, statistics and assumptions. We want to be able to say to plans that have no problem with underfunding: to help make these calculations, you can use the prior year's data to help make the proper contribution. You don't have to re-sort through the numbers each and every year. If your plan is sound, use reliable data from the previous year, and then verify when all the final details are available. Companies will be able to calculate, and then budget accordingly—and not wait until figures and rates out of their control are released by outside sources.

I have said time and time again today that Americans are not saving, but those who are oftentimes hit limits on the amounts they can save. The problem is that most of these limits were established more than 20 years ago. Currently, for example, in a 401(k) plan the IRS limits the amount an employee can contribute to $10,000 a year.

Our solution is to raise that limit to $12,000, along with raising many other limits that affect savings in order to build a more secure retirement for working Americans.

The building of retirement security will also take some education. One of the major reasons Americans do not prepare for retirement is that they don't understand what benefits are available and what benefits they are acquiring.

Our solution to this dilemma is regular and easy to read benefit statements from employers reminding workers early in their career of the importance of retirement savings. These statements would clarify what benefits workers are accruing. And from this information each American will more easily be able to determine the personal savings they need in order to build a sound retirement.

With the introduction of this legislation today it is my goal to ensure that each American who works hard for thirty or forty years has gotten every opportunity for a secure and comfortable retirement.

I thank my colleagues who have worked so hard with me on this measure, and ask for the support of those in this Chamber on this important legislation.●

Mr. GRASSLEY. Mr. President, I rise to join my colleague, Senator GRAHAM, to introduce bipartisan pension reform legislation. This legislation, the Pension Coverage and Portability Act, will go a long way toward improving the pension system in this country.

Ideally, pension benefits should compromise about a third of a retired worker's income. But pension benefits make up only about one-fifth of the income in elderly households. Obviously, workers are reaching retirement with too little income from an employer pension. Workers who are planning for their retirement will need more pension income to make up for a lower Social Security benefit and to fit with longer life expectancies. While we have seen a small increase in the number of workers who are expected to receive a pension in retirement, only one half of our workforce is covered by a pension plan.

There is a tremendous gap in pension coverage between small employers and

large employers. Eighty-five percent of the companies with at least 100 workers offer pension coverage. Companies with less than 100 workers are much less likely to offer pension coverage. Only about 50 percent of the companies with less than 100 workers offer pension coverage. In order to close the gap in coverage between small and large employers, we need to understand the reasons small employers do not offer pension plans. Last year, the Employee Benefit Institute released to Small Employer Retirement Survey which was very instructive for legislators.

The survey identified the three main reasons employers gave for not offering a plan. The first reason is that small employer believe that employees prefer increased wages or other types of benefits. The second reason employers don't offer plans is the administrative cost. And the third most important reason for not offering a plan: uncertain revenue, which makes it difficult to commit to a plan.

Combine these barriers with the responsibilities of a small employer, and we can understand why coverage among small employers has not increased. Small employers who may just be starting out in business are already squeezing every penny. These employers are also people who open up to the business in the morning, talk to customers, do the marketing, pay the bills, and just do not know how they can take on the additional duties, responsibilies, and liabilities of sponsoring a pension plan.

I firmly believe that an increase in the number of people covered by pension plans will occur only when small employers have more substantial incentives to establish pension plans. The Pension Coverage and Portability Act contains provisions which will provide more flexibility for small employees, relief from burdensome rules and regulations, and a tax incentive to start new plans for their employees. One of the new top heavy provisions we have endorsed is an exemption from top heavy rules for employers who adopt the 401(k) safe harbor. This safe harbor takes effect this year. When the Treasury Department wrote the regulations and considered whether safe harbor plans should also have to satisfy the top heavy rules, they answered in the affirmative. As a result, a small employer would have to make a contribution of 7 percent of pay for each employee, a very costly proposition.

My colleagues and I also have included a provision which repeals user fees for new plan sponsors seeking determination letters from IRS. These fees can run from $100 to more than $1,000 depending on the type of plan. Given the need to promote retirement plan formation, we believe this ''rob Peter to pay Paul'' approach needs to be eliminated.

We have also looked at the lack of success of SIMPLE 401(k) plans. A survey by the Investment Company Institute found that SIMPLE IRAs have proven successful, with almost 340,000 workers participating in a plan. However, SIMPLE 401(k)s haven't enjoyed the same success. One reason may be that the limits on SIMPLE 401(k)s are tighter than for the IRAs. Our bill equalizes the compensation limits for these plan; in addition, we have increased the annual limit on SIMPLE to $8,000.

One of the more revolutionary proposals is the creation of a Salary Reduction SIMPLE with a limit of $4,000. Unlike other SIMPLEs, the employer makes no match or automatic contributions. The employer match is usually a strong incentive for a low-income employee to participate in a savings plan. We hope that small employers will look at this SIMPLE as a transition plan, in place for just a couple of year during the initial stage of business operation— then adopt a more expansive plan when the business is profitable.

A provision that was included in last year's legislation, the negative election trust or ''NET'' has been modified to address some practical administrative issues. What is the NET? Basically, it is a new type of safe harbor that would allow employers to automatically enroll employees in pension plans. Often, employees do not join the pension plan as soon as they begin employment with a new employer. If employees are left to their own devices, they may delay participating in the pension plan or even worse, never participate. This new safe harbor eases the nondiscrimination rules for employers who establish the NET if they achieve a participation rate of 70 percent.

The other targeted areas in the legislation include enhancing pension coverage for women. Women are more at risk of living in poverty as they age. They need more ways to save because of periodic departures from the workforce. To increase their saving capacity, we have included a proposal similar to legislation I sponsored earlier this year, S. 60, the Enhanced Savings Opportunities Act. Like S. 60, the proposal repeals the 25 percent of salary contribution limit on defined contribution plans. This limit has seriously impeded savings by women, as well as low- and mid-salary employees. Repealing the 25 percent cap in 415(c) is a simplifier, and will allow anyone covered by a defined contribution plan to benefit.

The bill also contains proposals which promote new opportunities to roll over accounts from an old employer to a new employer. The lack of portability among plans is one of the weak links in our current pension system. This new bill contains technical improvements which will help ease the implementation of portability among the different types of defined contribution plans.

Finally, I would like to point out a couple of other provisions in the bill. The first is the new requirement that plan sponsors automatically provide benefit statements to their participants on a periodic basis. For defined contribution plans, the statement would be required annually. For defined benefit plans, a statement would be required every three years. However, employers who provide an annual notice to employees of the availability of a benefit statement would not be required to provide automatic benefit statements to all employees.

Providing clear and understandable benefit statements to pension plan participants would encourage people to think about how much money they can expect to receive in retirement. Further, a benefit statement will help people ensure that the information their employer maintains about them is accurate.

This provision joins other proposals in a section targeted at encouraging retirement education. Education can make a difference to workers. In fact, in companies which provide investment education, we know workers benefitted because many of them changed their investment allocations to more accurately reflect their investment horizons.

The bill also looks to simplify and repeal some of the legal requirements which threaten plan security and increase costs for employers who sponsor pension plans. For example, the legislation seeks to repeal the full-funding limit. This limit prevents employers from pre-funding their defined benefit plans based on projected benefits. Instead, employers are limited to an amount that would allow them to pay the accrued benefits if the plan terminated. This lower funding level threatens the ability of employers to pay benefits, especially as the Baby Boom begins to retire.

To reduce the burdens of plan compliance, the legislation includes a number of proposals intended to peel away at the layers of laws and regulations that add costs to plan administration but don't add many benefits.

This legislation joins other strong proposals now pending in the House and here in the Senate. This legislation includes provisions which reflect some of those same proposals. I want to commend the sponsors of those bills. Our legislation has a lot in common with these other pension bills and we need to push for fast and favorable consideration of this legislation.

We have a window of opportunity to act. The Baby Boomers are coming. The letters from AARP are starting to arrive in their mailboxes. The Social Security Administration is starting to stagger the delivery of benefit checks in preparation for their retirement. It is likely that future retirees will not be able to rely on all of the benefits now provided by Social Security. We can look to the pension system to pick up where Social Security leaves off, but we need to act.

I thank the other co-sponsors of this legislation for all of their work, and I encourage our colleagues to give strong

consideration to co-sponsoring this bill. We already have a substantial number of Senate Finance Committee members, including BAUCUS, BREAUX, JEFFORDS, HATCH, KERREY, THOMPSON, MACK, CHAFEE, ROBB, and MURKOWSKI. I am also very pleased to have Senator BOND come aboard as a co-sponsor. As Chairman of the Small Business Committee, he is very aware of the problems we are trying to address in this legislation. We also have added Senator JEFF BINGAMAN as a co-sponsor.

I also want to recognize the groups that have worked with us over the last three years to develop this legislation. These organizations include: the Profit Sharing/401(k) Council, the Association of Private Pension & Welfare Plans, the ERISA Industry Council, and the Retirement Security Network which includes a large number of organizations who have all been important to our work.

With concerted, bipartisan action, we can improve the pension system. Pensions for today's workers will substantially improve the retirement outlook for millions of Americans. But we have some work to do if pensions are going to fulfill their promise.

By Mr. GRASSLEY (for himself and Mr. CONRAD):

S. 742. A bill to clarify the requirements for the accession to the World Trade Organization of the People's Republic of China; to the Committee on Finance.

LEGISLATION TO CLARIFY THE REQUIREMENTS FOR THE ACCESSION TO THE WORLD TRADE ORGANIZATION OF THE PEOPLE'S REPUBLIC OF CHINA

Mr. GRASSLEY. Mr. President, hearings on agricultural trade issues with the People's Republic of China that I chaired on March 15, 1999 in the International Trade Subcommittee of the Senate Committee on Finance highlighted the enormous significance to the United States of China's possible accession to the World Trade Organization.

As President Gerald Ford stated in a letter that I released during the hearing, ''The terms of any deal that we reach now with China about access to its markets may well determine the course of Sino-American economic relations for decades to come. If economic relations are not resolved constructively, there will be adverse developments diplomatically and politically between our two nations.''

We have just one opportunity to make sure that any market access agreement that we reach with China in the context of WTO accession talks gives the United States unrestricted entry to China's markets. That opportunity is now. And we can do that only if Congress asserts its constitutional responsibility to regulate foreign commerce and reviews any deal negotiated by the administration before China is admitted to the WTO.

It is for this reason that today I introduce legislation to clarify the requirements for the accession to the World Trade Organization of the People's Republic of China.

This legislation will do three things.

First, it clarifies the requirement in current law that the United States Trade Representative must consult with the Congress prior to casting a vote in favor of China's admission to the WTO. Under current law, the Administration could conceivably ''consult'' with the Congress minutes before casting a vote in the WTO Ministerial Conference or the WTO General Council to admit China. This bill says that Congress shall have at least 60 days to review all the relevant documents related to China's possible accession before a vote is taken.

Second, this legislation specifies the exact documents that the Administration must give to Congress for its review.

Finally, Congress shall have the opportunity to vote on China's admission to the WTO before China can be admitted.

This is an issue of historic importance, and enormous consequence. But unless the law is changed, I won't even have the chance to vote on whether the agreement negotiated for China's accession is good for Iowa, and good for America. My job in Congress is to make these tough decisions, not avoid them.

Mr. President, I believe that it would be the right thing for China to join the world trade community's official forum, and be subject to the discipline of multilateral trade rules. For fifty years, the WTO, and its predecessor, the General Agreement on Tariffs and Trade, has eliminated literally tens of thousands of tariff and non-tariff trade barriers. The result has been a dramatic increase in our collective prosperity, and a strengthening of world peace.

But China—or any other nation—should not be admitted to the WTO for political reasons. If the terms that we negotiate for China's accession are good terms, then China's accession will stand on its own merits. If the terms are not acceptable, if they don't guarantee unrestricted market access, then China should not be admitted. It's that simple.

I encourage all my colleagues to join me in this effort.

By Mr. HOLLINGS (for himself and Mr. HELMS):

S. 743, a bill to require prior congressional approval before the United States supports the admission of the People's Republic of China into the World Trade Organization, and to provide for the withdrawal of the United States from the World Trade Organization if China is accepted into the WTO without the support of the United States; to the Committee on Finance.

WORLD TRADE ORGANIZATION LEGISLATION

• Mr. HOLLINGS. Mr. President, for some time, many aspects of the U.S.-China relationship have concerned me. Since China's entrance into the WTO will be the most significant U.S.-China negotiation in the next several years, the contentious U.S.-China issues should be moving toward resolution before the conclusion of any agreement. Unfortunately, that is not currently the case. Most relevant to the WTO process is the exploding US-China trade deficit. In 1998, it reached a record $56.9 billion dollars. In fact, U.S. export to both Singapore ($15.6 billion) and Holland ($19 billion) were greater than exports to China ($14.2 billion). At the beginning of the decade, the deficit was a problematic but manageable $12.5 billion. Conversely, our large trading partners (the Europeans and Japan) have managed to maintain a relative trade balance with there Chinese counterparts. In fact, all of China's trade surplus is accounted for by the enormous imbalance with the United States.

Moreover, the continuing problems with Chinese human rights violations, espionage and possible technology transfers suggest that this is not the appropriate time for China to enter the WTO. Recently, the State Department released its annual human rights report concluding that the situation in China has degraded significantly over the past year. Additionally, we remain troubled by the allegations regarding the possible illegal transfer of technology to China, as well as lingering questions over Chinese espionage and involvement in U.S. elections. Any trade agreement with China would be premature before these issues are resolved.

Although none of these concerns are new, the Administration's efforts to resolve these issues have been unfortunately unsuccessful. Regretably, in fact, the pace of the China WTO negotiations appears to have increased. As a result, we believe that this legislation is both appropriate and timely. Congress must review any agreement, and all of the surrounding negotiations to ensure that it reflects traditional American values while protecting American interest.•

By Mr. MURKOWSKI:

S. 744. A bill to provide for the continuation of higher education through the conveyance of certain public lands in the State of Alaska to the University of Alaska, and for other purposes; to the Committee on Energy and Natural Resources.

UNIVERSITY OF ALASKA LAND GRANT ACT

Mr. MURKOWSKI. Mr. President, the University of Alaska (the University) is Alaska's oldest post-secondary school. The University was chartered prior to statehood and has played a vital role in educating Alaskans as well as students from around the world in the United States' only arctic and subarctic environment. Additionally, the University has served as an important

cornerstone in Alaska's history. For example, the University housed the Alaska Constitutional Convention where the fathers of statehood carved out the rights and privileges guaranteed to Alaska's citizens. Further, the University of Alaska is proud of the fact that it began life as the Alaska Agricultural and Mining College. However, Mr. President, what makes the University of Alaska truly unique is the fact that it is the only land grant college in the Nation that is virtually landless.

As my colleagues know, one of the oldest and most respected ways of financing America's educational system has been the land grant system. Established in 1785, this practice gives land to schools and universities for their use in supporting their educational endeavors. In 1862, Congress passed the Morrill Act which created the land grant colleges and universities as a way to underwrite the cost of higher education to more and more Americans. These colleges and universities received land from the federal government for facility location and, more importantly, as a way to provide sustaining revenues to these educational institutions.

The University of Alaska received the smallest amount of land of any state, with the exception of Delaware, that has a land grant college. Even the land grant college in Rhode Island received more land from the federal government than has the University of Alaska. In a state the size of Alaska, we should logically have one of the best and most fully funded land grant colleges in the country. Unfortunately, without the land promised under the land grant allocation system and earlier legislation, the University is unable to share as one of the premier land grant colleges in the country.

Previous efforts in Congress were made to fix this problem. These efforts date back to 1915, less than 50 years after the passage of the Morrill Act, when Alaska's Delegate James Wickersham shepherded a measure through Congress that set aside potentially more than a quarter of a million acres, in the Tanana Valley outside of Fairbanks, for the support of an agricultural college and school of mines. Following the practice established in the lower 48 for other land grant colleges, Wickersham's bill set aside every Section 33 of the unsurveyed Tanana Valley for the Alaska Agricultural College and School of Mines. Alaska's educational future looked very bright.

Many Alaskans saw the opportunity to set up an endowment system similar to that established by the University of Washington in the downtown center of Seattle, where valuable University lands are leased and provide funding for the University of Washington which uses those revenues in turn to provide for its programs and facilities.

Mr. President, before that land could be transferred to the Alaska Agricultural College and School of Mines (renamed the University of Alaska in 1935), the land had to be surveyed in order to establish the exact acreage included in the reserved land. The sections reserved for education could not be transferred to the College until they had been delineated. According to records of the time, it was unlikely, given the incredibly slow speed of surveying, that the land could be completely surveyed before the 21st century. Surveying was and is an extraordinarily slow process in Alaska's remote and unpopulated terrain. In all, only 19 section 33's—approximately 11,211 acres—were ever transferred to the University. Of this amount, 2,250 were used for the original campus and the remainder was left to support educational opportunities.

Recognizing the difficulties of surveying in Alaska, subsequent legislation was passed in 1929 that simply granted land for the benefit of the University. This grant totaled approximately 100,000 acres and to this day comprises the bulk of the University's roughly 112,000 acres of land—less than one third of what it was originally promised. In 1958, the Alaska Statehood Act was passed which extinguished the original land grants for all lands that remained unsurveyed. Thus, the University was left with little land with which to support itself and thus is unable to completely fulfill its mission as a land grant college.

Mr. President, the legislation I am introducing today would redeem the promises made to the University in 1915 and put it on an even footing with the other land grant colleges in the United States. The bill provides the University with the land needed to support itself financially and offers it the chance to grow and continue to act as a responsible steward of the land and educator of our young people. The legislation also provides a concrete timetable under which the University must select its lands and the Secretary of the Interior must act upon those selections.

This legislation also contains significant restrictions on the land the University can select. The University cannot select land located within a Conservation System Unit. The University cannot select old growth timber lands in the Tongass National Forest. Finally, the University cannot select land validly conveyed to the State or an ANCSA corporation, or land used in connection with federal or military institutions.

Additionally, under my bill the University must relinquish extremely valuable inholdings in Alaska once it receives its state/federal selection awarded under Section 2, of this bill. Therefore, the result of this legislation will mean the relinquishment of prime University inholdings in such magnificent areas as the Alaska Peninsula & Maritime National Wildlife Refuge, The Kenai Fjords National Park, Wrangell St. Elias National Park and Preserve, and Denali Park and Preserve. So, Mr. President, not only does this bill uphold a decades old promise to the University of Alaska, it further protects Alaska's parks and refuges.

Specifically, this bill would grant the University 250,000 acres of federal land. Additionally, the University would be eligible to receive an additional 250K acres on a matching basis with the state for a total of 500K additional acres. This, obviously, would be done through the state legislative process involving the Governor, the Legislature, and the University's Board of Regents.

Mr. President, the state matching provision is an important component of this legislation. Most agree with the premise that the University was shorted land. However, some believe it is solely the responsibility of the federal government to compensate the University with land while others believe it is solely the responsibility of the state to grant the University land. The legislation I am introducing today offers a compromise giving both the state and the federal government the opportunity to contribute while at the same time providing the federal government with valuable inholdings in parks and refuges.

Finally, this bill contains a provision that incorporates a concept put forth by the Governor of Alaska. This provision directs the Secretary of the Interior to attempt to conclude an agreement with the University and the Governor of Alaska providing for sharing NPRA leasing revenues in lieu of land selections north of latitude 69 degrees North. The provision restricts any agreement regarding revenue sharing to prevent the University from obtaining more than ten percent of such annual revenues or more than nine million dollars each fiscal year. If an agreement is reached and provides for disposition of some portion of NPRA mineral leasing revenues to the University, the Secretary shall submit the proposed agreement to Congress for ratification. If the Secretary fails to reach an agreement within two years of enactment, or if Congress fails to ratify such agreement within three years from enactment, the University may select up to 92,000 of its 250,000 initial land grant from lands within NPRA north of latitude 69.

Therefore, this bill has been substantially changed from versions introduced in previous Congresses in two dramatic ways. First, in response to concerns from the Administration and environmental organizations the old growth areas of the Tongass National Forest are off limits for selection by the University. The only areas of the Tongass that could be selected by the University are those areas previously harvested. It is important that the University be allowed to select lands in this area as having the ability to study and manage as such areas are important tools for the University's School of Forestry.

The second substantial change to the bill, which was previously noted, is the

revenue sharing component. This aspect provides an alternative means of providing for the needs of the University.

With the passage of this bill, the University of Alaska will finally be able to act fully as a land grant college. It will be able to select lands that can provide the University with a stable revenue source as well as provide responsible stewardship for the land.

This is an exciting time for the University of Alaska. The promise that was made more than 80 years ago could be fulfilled by passage of this legislation and Alaskans could look forward to a very bright future for the University of Alaska and those who receive an education there.

By Mr. ABRAHAM (for himself, Mr. KENNEDY, Mr. GRAMS, Mr. LEAHY, Mr. GRAHAM, Mr. BURNS, Mr. MCCAIN, Ms. SNOWE, Mr. DEWINE, Mr. JEFFORDS, Mr. GORTON, Mr. CRAIG, Mr. LEVIN, Mr. SCHUMER, Mrs. MURRAY, Mr. MURKOWSKI, Mr. MOYNIHAN, Mr. MACK, Mr. SMITH of Oregon, Mr. DORGAN, Mr. SANTORUM, Mr. COCHRAN, AND Mr. INOUYE):

S. 745. A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to modify the requirements for implementation of an entry-exit control system; to the Committee on the Judiciary.

BORDER IMPROVEMENT AND IMMIGRATION ACT OF 1999

Mr. ABRAHAM. Mr. President, I rise to introduce the Border Improvement and Immigration Act of 1999. I would like to express my thanks to Senators KENNEDY, GRAMS, LEAHY, GRAHAM, BURNS, MCCAIN, SNOWE, DEWINE, JEFFORDS, GORTON, CRAIG, LEVIN, SCHUMER, MURRAY, MURKOWSKI, MOYNIHAN, MACK, SMITH (OR), DORGAN, SANTORUM, COCHRAN, and INOUYE for being original cosponsors of this legislation. The legislation will correct an unfortunate provision—Section 110 of the 1996 Immigration Act. In correcting this provision, this legislation will prevent the Immigration and Naturalization Service from effectively shutting down our borders to trade and tourism. The legislation has wide support and appeal and is endorsed by the U.S. Chamber of Commerce, National Association of Manufacturers, American Trucking Association, American Hotel and Motel Association, Travel Industry Association of America, Border Trade Alliance, American Association of Exporters and Importers, National Automobile Transporters Association, Fresh Produce Association of the Americas, American Association of Port Authorities, International Mass Retail Association, American Immigration Lawyers Association, International Warehouse Logistics Association, National Tour Association, Passenger Vessel Association and the U.S. Hispanic Chamber of Commerce.

As a number of my colleagues are aware, Mr. President, in 1996 both the House and the Senate versions of the omnibus immigration bill contained differing provisions requiring collection of data on those entering and exiting the United States at certain airports. In conference, without any debate, a mandatory entry-exit system to capture the records of ''every alien'' was added to that legislation.

Representative SMITH and Senator Simpson, chairmen of the respective House and Senate Subcommittees responsible for 1996 legislation, have both agreed in an exchange of letters with the Canadian Ambassador that this provision, ''Section 110'' of the bill, was not intended to cover, for example, Canadians at the northern border. However, because of the term ''every alien,'' the INS has interpreted the law to require this program be implemented at all land borders, in addition to air and sea ports of entry. To the credit of the INS, it concedes that it cannot implement such a system.

Put simply, Mr. President, Section 110 is a mistake, and we must correct it. Failure to do so will cost American jobs. It will effectively close our borders to honest trade and tourism while harming our efforts to fight drugs, terrorism and illegal aliens. It must be eliminated.

We risk a great deal if we fail to act, Mr. President. Last year alone, exports to Canada generated more that 72,000 jobs in key manufacturing industries and more than $4.68 billion in value added for the state of Michigan alone. Our trade with Canada is the most extensive and profitable in the world. And last year more than 116 million people entered the United States by land from Canada.

The extent of our trade with Canada has caused us to develop an intricate web of interdependence that requires a substantially open border. With ''just in time'' delivery becoming the norm in our automobile assembly lines and throughout our manufacturing sector, a delivery of parts delayed by as little as 20 minutes can cause expensive assembly line shutdowns which our economy can ill afford.

But delay is exactly what we will see if Section 110 is not eliminated. Dan Stamper, President of the Detroit International Bridge Company, has testified that even a very efficient system, say one taking 30 seconds for each person to be recorded entering or leaving the country, would mean enormous delays. More than 30,000 crossings per day take place at Detroit's Ambassador Bridge. Even if we say that 7,500 Canadians cross each day, that means 2,250 minutes of additional processing time. But there are only 1,440 minutes in a day. Traffic would be backed up literally for miles. Significant problems would be experienced on the Southern border as well.

Assembly lines will shut down. Tourists will stay home. Americans will lose jobs.

And for what? Nothing the American people want. The two pilot programs set up by the INS to test implementation of Section 110, one in Texas and one in upstate New York, were both shut down due to fierce community opposition.

Moreover, time and manpower diverted to Section 110's impossible directive will take away from efforts to deal with other problems facing the INS and the Customs service—problems like drug interdiction, the fight against terrorism, and the fight against illegal immigration. Drugs, terrorism and illegal immigration are real problems requiring a real investment on our part. We can't afford to undermine these programs to pursue a policy we know is nothing more than a mistake.

This legislation would eliminate the mandated automated entry-exit system at land and sea ports of entries and replace it with a feasibility study, required within one year of the passage of the bill, to examine whether any system could ever be developed and at an acceptable cost to American taxpayers, employers, employees, and the nation as a whole.

The bill would also authorize significant additional resources at the Northern and Southern borders to fight drugs and terrorism, and to facilitate the entry of legitimate trade and commerce. The legislation authorizes for fiscal year 2000 and 2001 a net increase of 535 INS inspectors for the Southwest land border and 375 inspectors for the Northern land border, in order to open all primary lanes on the Southwest and Northern borders during peak hours and enhance investigative resources. It would add 100 canine enforcement vehicles to be used by INS for inspection and enforcement at U.S. land borders. And it would provide for a net increase of 40 intelligence analysts and additional resources to be distributed among border patrol sectors that have jurisdiction over major metropolitan drug or narcotics distribution and transportation centers to fight against drug smuggling and money-laundering.

For the U.S. Customs Service, the bill would authorize significant additional resources in technology and manpower for peak hours and investigations, including new technology and a net increase of 535 inspectors and 60 special agents for the Southwest border and 375 inspectors for the Northern border. In addition, the bill provides a net increase of 285 inspectors and canine enforcement officers to be distributed at large cargo facilities as needed to process and screen cargo and reduce commercial waiting times on U.S. land borders. It would also authorize a net increase of 360 special agents, 40 intelligence analysts, and additional resources to be distributed among offices that have jurisdiction over major metropolitan drug or narcotics distribution and transportation centers for intensification of efforts against drug smuggling and money-laundering organizations. The bill also provides for a net increase of 50 positions and

additional resources to the Office of Internal Affairs to enhance investigative resources for anticorruption efforts.

Mr. President, this bill passed the U.S. Senate by unanimous consent last year, which helped lead to a significant success—a two and a half year delay in the mandate for implementing this system. The 30 month delay was based on a recognition that this program is unworkable. Unfortunately, it provided only a small reprieve that will expire at the beginning of the next Congress. We must build on our success achieved last year. It is time to act, to protect American jobs, to maintain our law enforcement priorities and to uphold common sense.

I want to thank again the many cosponsors of this legislation and 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. 745

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 ''Border Improvement and Immigration Act of 1999''.

SEC. 2. AMENDMENT OF THE ILLEGAL IMMIGRATION REFORM AND IMMIGRANT RESPONSIBILITY ACT OF 1996.

(a) IN GENERAL.—Section 110(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1221 note) is amended to read as follows:

''(a) SYSTEM.—

''(1) IN GENERAL.—Subject to paragraph (2), not later than 2 years after the date of enactment of this Act, the Attorney General shall develop an automated entry and exit control system that will—

''(A) collect a record of departure for every alien departing the United States and match the record of departure with the record of the alien's arrival in the United States; and

''(B) enable the Attorney General to identify, through on-line searching procedures, lawfully admitted nonimmigrants who remain in the United States beyond the period authorized by the Attorney General.

''(2) EXCEPTION.—The system under paragraph (1) shall not collect a record of arrival or departure—

''(A) at a land border or seaport of the United States for any alien; or

''(B) for any alien for whom the documentary requirements in section 212(a)(7)(B) of the Immigration and Nationality Act have been waived by the Attorney General and the Secretary of State under section 212(d)(4)(B) of the Immigration and Nationality Act.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 110 Stat. 3009–546).

SEC. 3. REPORT ON AUTOMATED ENTRY-EXIT CONTROL SYSTEM.

(a) REQUIREMENT.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall submit a report to the Committees on the Judiciary of the Senate and the House of Representatives on the feasibility of developing and implementing an automated entry-exit control system that would collect a record of departure for every alien departing the United States and match the record of departure with the record of the alien's arrival in the United States, including departures and arrivals at the land borders and seaports of the United States.

(b) CONTENTS OF REPORT.—Such report shall—

(1) assess the costs and feasibility of various means of operating such an automated entry-exit control system, including exploring—

(A) how, if the automated entry-exit control system were limited to certain aliens arriving at airports, departure records of those aliens could be collected when they depart through a land border or seaport; and

(B) the feasibility of the Attorney General, in consultation with the Secretary of State, negotiating reciprocal agreements with the governments of contiguous countries to collect such information on behalf of the United States and share it in an acceptable automated format;

(2) consider the various means of developing such a system, including the use of pilot projects if appropriate, and assess which means would be most appropriate in which geographical regions;

(3) evaluate how such a system could be implemented without increasing border traffic congestion and border crossing delays and, if any such system would increase border crossing delays, evaluate to what extent such congestion or delays would increase; and

(4) estimate the length of time that would be required for any such system to be developed and implemented.

SEC. 4. ANNUAL REPORTS ON ENTRY-EXIT CONTROL AND USE OF ENTRY-EXIT CONTROL DATA.

(a) ANNUAL REPORTS ON IMPLEMENTATION OF ENTRY-EXIT CONTROL AT AIRPORTS.—Not later than 30 days after the end of each fiscal year until the fiscal year in which Attorney General certifies to Congress that the entry-exit control system required by section 110(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as amended by section 2 of this Act, has been developed, the Attorney General shall submit to the Committees on the Judiciary of the Senate and the House of Representatives a report that—

(1) provides an accurate assessment of the status of the development of the entry-exit control system;

(2) includes a specific schedule for the development of the entry-exit control system that the Attorney General anticipates will be met; and

(3) includes a detailed estimate of the funding, if any, needed for the development of the entry-exit control system.

(b) ANNUAL REPORTS ON VISA OVERSTAYS IDENTIFIED THROUGH THE ENTRY-EXIT CONTROL SYSTEM.—Not later than June 30 of each year, the Attorney General shall submit to the Committees on the Judiciary of the House of Representatives and the Senate a report that sets forth—

(1) the number of arrival records of aliens and the number of departure records of aliens that were collected during the preceding fiscal year under the entry-exit control system under section 110(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as so amended, with a separate accounting of such numbers by country of nationality;

(2) the number of departure records of aliens that were successfully matched to records of such aliens' prior arrival in the United States, with a separate accounting of such numbers by country of nationality and by classification as immigrant or nonimmigrant; and

(3) the number of aliens who arrived as nonimmigrants, or as visitors under the visa waiver program under section 217 of the Immigration and Nationality Act, for whom no matching departure record has been obtained through the system, or through other means, as of the end of such aliens' authorized period of stay, with an accounting by country of nationality and approximate date of arrival in the United States.

(c) INCORPORATION INTO OTHER DATABASES.—Information regarding aliens who have remained in the United States beyond their authorized period of stay that is identified through the system referred to in subsection (a) shall be integrated into appropriate databases of the Immigration and Naturalization Service and the Department of State, including those used at ports-of-entry and at consular offices.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS FOR BORDER CONTROL AND ENFORCEMENT ACTIVITIES OF THE IMMIGRATION AND NATURALIZATION SERVICE.

(a) AUTHORIZATION.—In order to enhance enforcement and inspection resources on the land borders of the United States, enhance investigative resources for anticorruption efforts and efforts against drug smuggling and money-laundering organizations, reduce commercial and passenger traffic waiting times, and open all primary lanes during peak hours at major land border ports of entry on the Southwest and Northern land borders of the United States, in addition to any other amounts appropriated, there are authorized to be appropriated for salaries, expenses, and equipment for the Immigration and Naturalization Service for purposes of carrying out this section—

(1) $119,604,000 for fiscal year 2000;

(2) $123,064,000 for fiscal year 2001; and

(3) such sums as may be necessary in each fiscal year thereafter.

(b) USE OF CERTAIN FISCAL YEAR 2000 FUNDS.—Of the amounts authorized to be appropriated under subsection (a)(1) for fiscal year 2000 for the Immigration and Naturalization Service, $19,090,000 shall be available until expended for acquisition and other expenses associated with implementation and full deployment of narcotics enforcement and other technology along the land borders of the United States, including—

(1) $11,000,000 for 5 mobile truck x-rays with transmission and backscatter imaging to be distributed to border patrol checkpoints and in secondary inspection areas of land border ports-of-entry;

(2) $200,000 for 10 ultrasonic container inspection units to be distributed to border patrol checkpoints and in secondary inspection areas of land border ports-of-entry;

(3) $240,000 for 10 Portable Treasury Enforcement Communications System (TECS) terminals to be distributed to border patrol checkpoints;

(4) $5,000,000 for 20 remote watch surveillance camera systems to be distributed to border patrol checkpoints and at secondary inspection areas of land border ports-of-entry;

(5) $180,000 for 36 AM radio ''Welcome to the United States'' stations located at permanent border patrol checkpoints and at secondary inspection areas of land border ports-of-entry;

(6) $875,000 for 36 spotter camera systems located at permanent border patrol checkpoints and at secondary inspection areas of land border ports-of-entry; and

(7) $1,600,000 for 40 narcotics vapor and particle detectors to be distributed to border patrol checkpoints and at secondary inspection areas of land border ports-of-entry.

(c) USE OF CERTAIN FUNDS AFTER FISCAL YEAR 2001.—Of the amounts authorized to be appropriated under paragraphs (2) and (3) of subsection (a) for the Immigration and Naturalization Service for fiscal year 2000 and each fiscal year thereafter, $4,773,000 shall be

for the maintenance and support of the equipment and training of personnel to maintain and support the equipment described in subsection (b), based on an estimate of 25 percent of the cost of such equipment.

(d) USE OF FUNDS FOR NEW TECHNOLOGIES.—

(1) IN GENERAL.—The Attorney General may use the amounts authorized to be appropriated for equipment under this section for equipment other than the equipment specified in subsection (b) if such other equipment—

(A)(i) is technologically superior to the equipment specified in subsection (b); and

(ii) will achieve at least the same results at a cost that is the same or less than the equipment specified in subsection (b); or

(B) can be obtained at a lower cost than the equipment authorized in subsection (b).

(2) TRANSFER OF FUNDS.—Notwithstanding any other provision of this section, the Attorney General may reallocate an amount not to exceed 10 percent of the amount specified in paragraphs (1) through (7) of subsection (b) for any other equipment specified in subsection (b).

(e) PEAK HOURS AND INVESTIGATIVE RESOURCE ENHANCEMENT.—Of the amounts authorized to be appropriated under paragraphs (1) and (2) of subsection (a) for the Immigration and Naturalization Service for fiscal years 1999 and 2000, $100,514,000 in fiscal year 2000 and $121,555,000 for fiscal year 2001 shall be for—

(1) a net increase of 535 inspectors for the Southwest land border and 375 inspectors for the Northern land border, in order to open all primary lanes on the Southwest and Northern borders during peak hours and enhance investigative resources;

(2) in order to enhance enforcement and reduce waiting times, a net increase of 100 inspectors and canine enforcement officers for border patrol checkpoints and ports-of-entry, as well as 100 canines and 5 canine trainers;

(3) 100 canine enforcement vehicles to be used by the Immigration and Naturalization Service for inspection and enforcement at the land borders of the United States;

(4) a net increase of 40 intelligence analysts and additional resources to be distributed among border patrol sectors that have jurisdiction over major metropolitan drug or narcotics distribution and transportation centers for intensification of efforts against drug smuggling and money-laundering organizations;

(5) a net increase of 68 positions and additional resources to the Office of the Inspector General of the Department of Justice to enhance investigative resources for anticorruption efforts; and

(6) the costs incurred as a result of the increase in personnel hired pursuant to this section.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS FOR BORDER CONTROL AND ENFORCEMENT ACTIVITIES OF THE UNITED STATES CUSTOMS SERVICE.

(a) AUTHORIZATION.—In order to enhance border investigative resources on the land borders of the United States, enhance investigative resources for anticorruption efforts, intensify efforts against drug smuggling and money-laundering organizations, process cargo, reduce commercial and passenger traffic waiting times, and open all primary lanes during peak hours at certain ports on the Southwest and Northern borders, in addition to any other amount appropriated, there are authorized to be appropriated for salaries, expenses, and equipment for the United States Customs Service for purposes of carrying out this section—

(1) $161,248,584 for fiscal year 2000;

(2) $185,751,328 for fiscal year 2001; and

(3) such sums as may be necessary in each fiscal year thereafter.

(b) USE OF CERTAIN FISCAL YEAR 2000 FUNDS.—Of the amounts authorized to be appropriated under subsection (a)(1) for fiscal year 2000 for the United States Customs Service, $48,404,000 shall be available until expended for acquisition and other expenses associated with implementation and full deployment of narcotics enforcement and cargo processing technology along the land borders of the United States, including—

(1) $6,000,000 for 8 Vehicle and Container Inspection Systems (VACIS);

(2) $11,000,000 for 5 mobile truck x-rays with transmission and backscatter imaging;

(3) $12,000,000 for the upgrade of 8 fixed-site truck x-rays from the present energy level of 450,000 electron volts to 1,000,000 electron volts (1–MeV);

(4) $7,200,000 for 8 1–MeV pallet x-rays;

(5) $1,000,000 for 200 portable contraband detectors (busters) to be distributed among ports where the current allocations are inadequate;

(6) $600,000 for 50 contraband detection kits to be distributed among border ports based on traffic volume and need as identified by the Customs Service;

(7) $500,000 for 25 ultrasonic container inspection units to be distributed among ports receiving liquid-filled cargo and ports with a hazardous material inspection facility, based on need as identified by the Customs Service;

(8) $2,450,000 for 7 automated targeting systems;

(9) $360,000 for 30 rapid tire deflator systems to be distributed to those ports where port runners are a threat;

(10) $480,000 for 20 Portable Treasury Enforcement Communications System (TECS) terminals to be moved among ports as needed;

(11) $1,000,000 for 20 remote watch surveillance camera systems at ports where there are suspicious activities at loading docks, vehicle queues, secondary inspection lanes, or areas where visual surveillance or observation is obscured, based on need as identified by the Customs Service;

(12) $1,254,000 for 57 weigh-in-motion sensors to be distributed among the ports on the Southwest border with the greatest volume of outbound traffic;

(13) $180,000 for 36 AM radio ''Welcome to the United States'' stations, with one station to be located at each border crossing point on the Southwest border;

(14) $1,040,000 for 260 inbound vehicle counters to be installed at every inbound vehicle lane on the Southwest border;

(15) $950,000 for 38 spotter camera systems to counter the surveillance of Customs inspection activities by persons outside the boundaries of ports where such surveillance activities are occurring;

(16) $390,000 for 60 inbound commercial truck transponders to be distributed to all ports of entry on the Southwest border;

(17) $1,600,000 for 40 narcotics vapor and particle detectors to be distributed to each border crossing on the Southwest border; and

(18) $400,000 for license plate reader automatic targeting software to be installed at each port on the Southwest border to target inbound vehicles.

(c) USE OF CERTAIN FUNDS AFTER FISCAL YEAR 2000.—Of the amounts authorized to be appropriated under paragraphs (2) and (3) of subsection (a) for the United States Customs Service for fiscal year 2001 and each fiscal year thereafter, $4,840,400 shall be for the maintenance and support of the equipment and training of personnel to maintain and support the equipment described in subsection (b), based on an estimate of 10 percent of the cost of such equipment.

(d) USE OF FUNDS FOR NEW TECHNOLOGIES.—

(1) IN GENERAL.—The Commissioner of Customs may use the amounts authorized to be appropriated for equipment under this section for equipment other than the equipment specified in subsection (b) if such other equipment—

(A)(i) is technologically superior to the equipment specified in subsection (b); and

(ii) will achieve at least the same results at a cost that is the same or less than the equipment specified in subsection (b); or

(B) can be obtained at a lower cost than the equipment authorized in paragraphs (1) through (18) of subsection (b).

(2) TRANSFER OF FUNDS.—Notwithstanding any other provision of this section, the Commissioner of Customs may reallocate an amount not to exceed 10 percent of the amount specified in paragraphs (1) through (18) of subsection (b) for any other equipment specified in such paragraphs.

(e) PEAK HOURS AND INVESTIGATIVE RESOURCE ENHANCEMENT.—Of the amounts authorized to be appropriated under paragraphs (1) and (2) of subsection (a) for the United States Customs Service for fiscal years 1999 and 2000, $112,844,584 in fiscal year 2000 and $180,910,928 for fiscal year 2001 shall be for—

(1) a net increase of 535 inspectors and 60 special agents for the Southwest border and 375 inspectors for the Northern border, in order to open all primary lanes on the Southwest and Northern borders during peak hours and enhance investigative resources;

(2) a net increase of 285 inspectors and canine enforcement officers to be distributed at large cargo facilities as needed to process and screen cargo (including rail cargo) and reduce commercial waiting times on the land borders of the United States;

(3) a net increase of 360 special agents, 40 intelligence analysts, and additional resources to be distributed among offices that have jurisdiction over major metropolitan drug or narcotics distribution and transportation centers for intensification of efforts against drug smuggling and money-laundering organizations;

(4) a net increase of 50 positions and additional resources to the Office of Internal Affairs to enhance investigative resources for anticorruption efforts; and

(5) the costs incurred as a result of the increase in personnel hired pursuant to this section.

Mr. MCCAIN. Mr. President, I am pleased to be an original co-sponsor of the Border Improvement and Immigration Act of 1999. I co-sponsored identical legislation that passed the Senate during the 105th Congress but did not become law. It is my hope that the Senate will once again move quickly on this legislation so that we may properly address the concerns of the many Americans who would be adversely affected by the ill-timed implementation of the automated entry-exit border control system mandated by immigration legislation passed by the 104th Congress.

Section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, codified as Public Law 104–208, required that the Attorney General develop within two years an automated entry-exit control system to allow for a better estimate of the number of visa overstayers in the United States. This system would be designed to collect records of arrival and departure for all aliens in the United States, thereby theoretically enabling the Attorney General to identify lawfully admitted non-immigrants

who remain in this country beyond an authorized period.

I have long been sympathetic to the concern of border communities and businesses that implementation of Section 110 by the statutory deadline of September 30, 1998, would severely disrupt trade and travel across America's borders. The governors of Arizona, Texas, and New Mexico, the Border Trade Alliance, and numerous businesses operating in the border region have contacted me to express their reservations about the consequences of implementing such a system. Even Section 110's most adamant advocates concede that the Administration has neither budgeted for nor begun to put in place the physical and technological infrastructure required to activate a system capable of monitoring the arrival and departure of every alien entering and departing the United States.

It has been estimated that the amount of information to be recorded in the database of such an automated entry-exit system would be larger than that held by the Library of Congress, the largest physical repository of information in the world. Clearly, it would be disastrous to implement Section 110 before we are capable of making it work.

Given these reservations, I wrote Attorney General Janet Reno on January 14, 1998, to highlight the potentially harmful impact of the statutory deadline for implementation of Section 110 on Arizona's border communities. I also sponsored S. 1360, the Border Improvement and Immigration Act of 1998, to require a feasibility study of Section 110 before it is implemented. Ultimately, the 105th Congress addressed this issue in the Fiscal Year 1999 Omnibus Appropriations bill.

After learning that conferees to the bill were considering delaying implementation of the automated entry-exit system on the southwest border for only one year, while indefinitely delaying or even removing its applicability to the northern border, I initiated a letter with Senator KYL to the House and Senate conferees urging them to delay implementation of the program by 30 months for both borders. Ultimately, the conferees agreed to this 30-month delay. I was gratified that the final version of the FY 1999 Omnibus bill reflected our request not to discriminate against the southwest border by imposing a deadline for installation of an entry-exit system that could not realistically be met.

Like other provisions of the FY 1999 Omnibus Appropriations bill, however, this compromise on Section 110 was a quick fix, not a lasting solution. The language in the bill setting a new deadline for implementation of an automated entry-exit system was designed to prevent the Immigration and Naturalization Service from being in technical violation of the law by failing to carry out the mandate of Section 110 by the 1998 deadline. The extension of that deadline by 30 months provides Congress with the opportunity to more thoughtfully assess the long-term feasibility of an automated entry-exit system for all ports of entry into the United States.

The Border Improvement and Immigration Act of 1999 would indefinitely extend the deadline for implementation of Section 110 and require a detailed feasibility study to determine how and whether the requirement can ultimately be met. The legislation would also authorize substantial new resources for INS and Customs Service border enforcement activities. Specifically, it would authorize the expenditure of $588 million over the next two years to enhance border enforcement against illegal immigration and drug trafficking, as well as investigate corruption and money-laundering along the border; add 1,200 new INS inspectors, canine enforcement officers, intelligence analysts, and investigators to bolster enforcement against illegal aliens and narcotics trafficking; and add 1,700 new Customs inspectors, special agents, intelligence analysts, and canine enforcement officers to man ports of entry and investigate criminal activity along the border.

The legislation would also provide the high-technology tools, including x-ray, ultrasonic, motion-detecting, remote-watch, and particle-detector sensors, that will enable INS and Customs officials to more effectively interdict narcotics and illegal immigrants. Finally, it would enhance investigative resources for border enforcement and anti-corruption efforts, intensify efforts against drug smuggling and money-laundering organizations, allow for more rapid cargo processing, and reduce commercial and passenger traffic waiting times at ports of entry.

As a founding member and Co-Chairman of the Senate Border Caucus, whose priorities include improving border enforcement and facilitating U.S. trade with Mexico, I believe this bill advances our national interest in better controlling our nation's borders without unduly hindering flows of cross-border trade and travel. The Border Improvement and Immigration Act of 1999 deserves this Congress' support.

Mr. GRAMS. Mr. President, I join Senator ABRAHAM, Chairman of the Judiciary Immigration Subcommittee, Mr. President. Minnesota and Michigan are two states which share a common border with Canada, and so I am proud to join my colleague, Senator ABRAHAM as co-sponsor of his bill to ensure Canada will continue to receive current treatment of its traveling citizens by requiring a feasibility study of Section 110 of the IIRIRA bill. There has been great concern, especially in Minnesota as to how the immigration law we passed in 1996 will affect the northern U.S. border. Right now the fear is the law is being misinterpreted by the Immigration and Naturalization Service.

Minnesota has about 817 miles of shared border with Canada and we share many interests with our northern neighbor—tourism, trade and family visits among the most prevalent. In the last few years, passage back and forth over the Minnesota/Canadian border has been more open and free flowing, especially since the North American Free Trade Agreement (NAFTA) went into effect. There were 116 million travelers entering the U.S. from Canada in 1996 over the land border. As our relationship with Canada is increasingly interwoven, we have sought a less restrictive access to each country.

The Immigration Bill of 1996 was intended to focus on illegal aliens entering this country from Mexico and living in the United States illegally. The new law states that ''every alien'' entering and leaving the United States would have to register at all the borders—land, sea and air. The Immigration and Naturalization Service was tasked with the effort to set up automated pilot sites along the border to discover the most effective way to implement this law, which was to become effective on September 30, 1998.

The INS was quietly going about establishing a pilot site on the New York State border when the reality sunk in. A flood of calls from constituents came into the offices of all of us serving Canadian border states. Canadian citizens and the Canadian government, also, registered opposition to this new restriction. It became quite clear that no one had considered how the new law affected Canada. Current law already waives the document requirement for most Canadian nationals, but still requires certain citizens to register at border crossings. That system has worked. There have been very few problems at the northern border with drug trafficking and illegal aliens.

In an effort to resolve this situation, I joined other Senators in a letter to INS Commissioner Meissner asking for her interpretation of this law. Other bills were introduced addressing this issue in the last Congress and action was taken extending the implementation of this Section until March 30, 2001.

However, today, we must make it very clear that Congress did not intend to impose additional documentary requirements on Canadian nationals; Senator ABRAHAM's bill will restore our intent.

This legislation will not precipitously open the flood gates for illegal aliens to pass through—it will still require those who currently need documentation to continue to produce it and remain registered in a new INS system. This will allow the INS to keep track of that category of non-immigrant entering our country to ensure they leave when their visas expire. Senator ABRAHAM's bill will not unfairly treat our friends on the Canadian side that have been deemed not to need documentation—they will still be able to pass freely back and forth across the border.

But this bill will enable us to avoid the huge traffic jams and confusion

which would no doubt occur if every alien was to be registered in and out of the U.S. Such registration would discourage trade and visits to our country. It would delay shipments of important industrial equipment, auto parts, services and other shared ventures that have long thrived along the northern border. It will discourage the economic revival that northern Minnesotans are experiencing, helped by Canadian shoppers and tourists.

Mr. President, I do not believe Congress intended to create this new mandate. We sought to keep illegal aliens and illegal drugs out, not our trading partners and visiting consumers. Through the Abraham bill, we will still do that while keeping the door opened to our neighbors from the north. The bill is good foreign policy, good public policy and good economic policy. We all will benefit while retaining our ability to keep track of non-immigrants who enter our borders.

Mr. President, I thank Senator ABRAHAM for his leadership on this important matter. Many Minnesotans, through letters, calls and personal appeals, have showed their opposition to a potential crisis. This is, also, an unacceptable burden on our Canadian neighbors and those who depend upon their free access that effects the economics of all border states.

By Mr. LEVIN (for himself, Mr. THOMPSON, Mr. VOINOVICH, Mr. ROBB, Mr. ABRAHAM, Mr. ROCKEFELLER, Mr. ROTH, Mr. DASCHLE, Mr. STEVENS, Mr. MOYNIHAN, Mr. COCHRAN, Mr. BREAUX, Mr. FRIST, Mr. ENZI, Mr. GRAMS, Mr. GRASSLEY, and Mrs. LINCOLN):

S. 746. A bill to provide for analysis of major rules, to promote the public's right to know the costs and benefits of major rules, and to increase the accountability of quality of Government; to the Committee on Governmental Affairs.

THE REGULATORY IMPROVEMENT ACT

Mr. LEVIN. Mr. President, today I am introducing, along with Senator THOMPSON, the Regulatory Improvement Act of 1999. This is the same legislation we developed in the last Congress, and it includes the changes we agreed to last year with the Administration. This is the legislation the President has agreed to sign if we present it to him in this form. And I am hopeful we can get it to him this year and get these important processes enacted into law. Senator THOMPSON and I are pleased to be joined in this effort by Senators VOINOVICH, ROBB, ABRAHAM, ROCKEFELLER, ROTH, DASCHLE, STEVENS, MOYNIHAN, COCHRAN, BREAUX, FRIST, ENZI, GRAMS, GRASSLEY, and LINCOLN.

The Regulatory Improvement Act would put into law basic requirements for cost-benefit analysis and risk assessment of major rules and executive oversight of the rulemaking process.

Mr. President, I've fought for regulatory reform since 1979, the year I came to the Senate. As for an overall regulatory reform bill, I've supported such legislation since 1980, when the Senate first passed S. 1080, the Laxalt Leahy bill only to have it die later that year in the House. Those of us who believe in the benefits of regulation to protect health and safety have a particular responsibility to make sure that regulations are sensible and cost-effective. When they aren't, the regulatory process—which is so vital to our health and well being—comes under constant attack and the regulations which we count on to protect us fail to achieve the maximum effectiveness. We miss the opportunity to do more with the resources we have. By requiring a regulatory process that is open and requires agencies to use good science and common sense, we immunize that process from attack and improve the quality of our regulations.

Based on the principles of better cost-benefit analysis and risk assessment, more flexibility for the regulated industries to reach legislative goals in a variety of ways, more cooperative efforts between government and industry and less ''us versus them'' attitudes, Senator THOMPSON and I, in cooperation with the Administration, have developed this bill.

Let me highlight some important features of this legislation.

The bill would put into statute requirements for cost-benefit analysis and risk assessment of major rules and executive oversight of the rulemaking process. It requires agencies to do a cost-benefit analysis when issuing rules that cost $100 million, or are otherwise designated by the Administrator of the Office of Information and Regulatory Affairs (OIRA) as having other significant impacts. The agency must determine whether the benefits of the rule justify its costs; whether the rule is more cost-effective, or provides greater net benefits, than other regulatory options considered by the agency; and whether the rule adopts a flexible regulatory option. If the agency determines that the rule does not do so, the agency is required to explain the reasons why it selected the rule, including any statutory provision that required the agency to select the rule.

We say right from the beginning, in the section on findings, that cost-benefit analysis and risk assessment are useful tools to help agencies issue reasonable regulations. However, as we explicitly state, they do not replace the need for good judgment and the agencies' consideration of social values in deciding when and how to regulate.

The bill requires an agency issuing a major rule to evaluate the benefits and costs of a ''reasonable number of reasonable alternatives reflecting the range of regulatory options that would achieve the objective of the statute as addressed by the rulemaking.'' The bill doesn't require an agency to look at all the possible alternatives, just a reasonable number; but it does require the agency to pick a selection of options that are available to it within the range of the rulemaking objective.

We define benefits very broadly. Nothing in this bill suggests that the only benefits assessed by an agency should be quantifiable. On the contrary, this bill explicitly recognizes that many important benefits may be nonquantifiable, and that agencies have the right and authority to fully consider such benefits when doing the cost-benefit analysis and when determining whether the benefits justify the costs.

If the rule involves a risk to health, safety or the environment, the bill requires the agency to do a quality risk assessment to analyze the benefits of the rule. All required risk assessments and cost-benefit analyses for rules costing $500 million would undergo independent peer review. During the cost-benefit analysis and risk assessment, the rulemaking agency is required to consider substitution risks—that is, risks that could be expected to result from the implementation of the regulatory option selected by the agency—and to compare the risk being regulated with other risks with which the public may be familiar.

The risk assessment requirement establishes basic elements for performing risk assessments, many of which will provide transparency for an agency's development of a rule, and it requires guidelines for such assessments to be issued by OIRA in consultation with the Office of Science and Technology Policy.

Peer review is required by this bill for both cost-benefit analyses and risk assessments, but only once per rule. Peer review is not required at both the proposed and final rule stages.

The cost-benefit analysis, cost-benefit determinations, and risk assessment are required to be included in the rulemaking record and to be considered by the court, to the extent relevant, only in determining whether the final rule is arbitrary and capricious. In addition, if the agency fails to perform the cost-benefit analysis, risk assessment or peer review, the court may remand or invalidate the rule, giving due regard to prejudicial error, and in any event shall order the agency to perform the missing assessment or analysis.

The bill codifies the review procedure now conducted by the Office of Information and Regulatory Affairs (OIRA) and requires public disclosure of OIRA's review process.

Finally, the bill requires the Director of OMB to contract for a study on the comparison of risks to human health, safety and the environment and a study to develop a common basis for risk communication with respect to carcinogens and noncarcinogens and the incorporation of risk assessments into cost-benefit analyses.

Mr. President, the cost-benefit analyses and risk assessments required by the bill are intended to be transparent to the public. Agencies should not hide the important information that forms the basis of their regulatory actions.

Another important provision of this bill is the one that requires the agency to make a reasonable determination whether the benefits of the rule justify the costs and whether the regulatory option selected by the agency is substantially likely to achieve the objective of the rulemaking in a more cost effective manner or with greater net benefits than the other regulatory options considered by the agency. This is not in any way a decisional criteria that the agency must meet. If, as the agency is free to do, it chooses a regulatory option where the benefits do not justify the costs or that is not more cost effective or does not provide greater net benefits than the other options, the agency is required to explain why it did what it did and list the factors that caused it to do so. Those factors could be a statute, a policy judgment, uncertainties in the data and the like. There is no added judicial scrutiny of a rule provided for or intended by this section. The final rule must still stand or fall based on whether the court finds that the rule is arbitrary or capricious in light of the whole rulemaking record. That is the current standard of judicial review.

The bill says that if an agency ''cannot'' make the determinations required by the bill, it has to say why it can't. Use of the word ''cannot'' does not mean that an agency rule can be overturned by a court for its failure to pick an option that would permit the agency to make the determinations required by the bill. The agency is free to use its discretion to regulate under the substantive statute, and there is no implication that such rule must meet the standards described in the determinations subsection. This legislation requires only that the agency be up front with the public as to just how cost-beneficial and cost-effective its regulatory proposal is.

Judicial review has been of great concern to those of us who want real regulatory reform without bottling up important regulations in the courts. There is no judicial review permitted of the cost-benefit analysis or risk assessment required by this bill outside of judicial review of the final rule. The analysis and assessment are included in the rulemaking record, but there is no judicial review of the content of those items or the procedural steps followed or not followed by the agency in the development the analysis or assessment. Only the total failure to actually do the cost-benefit analysis or risk assessment would allow the court to remand the rule to the agency.

Finally, as I noted, the bill reflects agreement with the Administration. Among the key aspects of that agreement are added clarification on the avoidance of a so-called ''supermandate;'' clarification of the provisions for peer review; and deletion of provisions that would have required periodic reviews of existing rules.

So those are some highlights. A hearing on the bill in the Governmental Affairs Committee is planned for April.

We are pleased that we have the support of the state and local government organizations, namely the National Governor's Association, the National League of Cities, the Council of State Governments, the National Conference of State Legislatures, the U.S. Conference of Mayors, and the National Association of Counties, as well as dozens of business organizations, the school boards, state environmental directors, and leading experts and scholars across the country.

I feel strongly that this bill will improve the regulatory process, will build confidence in the regulatory programs that are so important to this society's well-being, and will result in better, more protective regulations because we will be directing our resources in more cost-effective ways.

I thank Senator THOMPSON and his staff, Paul Noe, for their persistent and hard work in keeping this effort going. I ask unanimous consent that the July 15, 1998, letter to me from Jacob Lew, Director of OMB, be included in the RECORD.

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

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, July 15, 1998.

Hon. CARL LEVIN,
Committee on Governmental Affairs, U.S. Senate, Washington, DC.

DEAR SENATOR LEVIN: Thank you for your letter of July 1, 1998, in which you respond to the views on S. 981 that we expressed in former OMB Director Frank Raines' letter of March 6, 1998.

President Clinton has been a strong supporter of responsible regulatory reform. In addition to signing into a law a number of important pieces of reform legislation, he and Vice President Gore are taking a wide range of administrative steps to improve the regulatory process. For example, under the guidance of Executive Order 12866, agencies are developing flexible performance standards and using market incentives whenever possible; are applying benefit-cost analysis to achieve objectives in the most cost-effective manner; and are reaching out to the affected parties, particularly our State and local partners, to understand better the intended and unintended consequences of a proposed regulatory action. Under the leadership of the Vice President's National Partnership for Reinventing Government, agencies are improving delivery of services, reducing red tape, and reforming practices to focus on customer service. The Administration's goal in these actions is to streamline and reduce the burden of government on its citizens, improve services, and restore the basic trust of public in its government.

The debate on comprehensive regulatory reform legislation is one that has sparked great passion and has provoked, as you aptly note in your letter, ''distrust and friction among the interested parties.'' We heartily agree with you that, to say the least, ''[t]he path to this point has not been easy.'' In part, this has been the result of earlier versions of this legislation proposed by others that sought not to improve the nation's regulatory system, but to burden and undermine it. In a variety of ways these bills would have created obstacles and hurdles to the government's ability to function effectively and to protect the health, safety, and environment of its citizens. In particular, these bills would have created a supermandate, undoing the many protections for our citizens that are carefully crafted into specific statutes. In addition, strict judicial review and complex analytic, risk assessment, peer review, and lookback provisions would have hampered rather than helped the government's ability to make reasonable decisions and would have opened the door to new rounds of endless litigation.

We appreciate your thoughtful efforts over the past year to respond to issues that we and others have raised. In your latest letter you continue to take seriously our concerns. Indeed, the changes you indicate that you are willing to make would resolve our concerns, and if the bill emerges from the Senate and House as you now propose, with no changes, the President would find it acceptable and sign it.

I should note, however, that our experience with past efforts to resolve these differences suggests that good ideas and the resolution of differences can be destroyed during the long process at getting a bill to the President's desk, and the nuances and balance that we have all sought in this legislation could be easily disrupted. Many of the terms used carry great meaning, and further modification is likely to renew the concerns that have animated our past opposition to bills of this type. Accordingly, we look forward to working with you to ensure that any bill the Congress passes on this subject is fully consistent with the one on which we have reached agreement.

Sincerely,

JACOB J. LEW,
Acting Director.

Mr. THOMPSON. Mr President, I am pleased to join Senator LEVIN and a bipartisan group of our colleagues in introducing legislation to promote smarter regulation by the federal government. The Regulatory Improvement Act is an effort by many of us who want to improve the quality of government to find a common solution. I am pleased that we are introducing this bill with Senators VOINOVICH, ROBB ABRAHAM, ROCKEFELLER, ROTH, DASCHLE, STEVENS, MOYNIHAN, COCHRAN, BREAUX, FRIST, LINCOLN, ENZI, GRAMS, and GRASSLEY. The supporters of this bill represent a real diversity of political viewpoints, but we share the same goals. We want an effective government that protects public health, well-being and the environment. We want our government to achieve those goals in the most sensible and efficient way possible. We want to do the best we can with what we've got, and to do more good at less cost if possible. The Regulatory Improvement Act will help us do that.

The Regulatory Improvement Act is based on a simple premise: people have a right to know how and why government agencies make their most important and expensive regulatory decisions. This legislation also will improve the quality of government decision making—which will lead to a more effective Federal government. And it will make government more accountable to the people it serves.

The Regulatory Improvement Act will require the Federal government to make better use of modern decision-making tools (such as risk assessment

and benefit-cost analysis), which are currently under-used. Right now, these tools are simply options—options that aren't used as much or as well as they should be. Under this legislation, agencies will carefully consider and disclose the benefits and costs of different regulatory alternatives and seek out the smartest, most flexible solutions. This legislation also will help the Federal government set smarter priorities—to better focus money and other resources on the most serious problems.

This legislation not only gives people the right to know; it gives them the right to see—to see how the government works, or how it doesn't. And by providing people with information the government uses to make decisions, it gives people a real opportunity to influence those decisions. The bill empowers people and their State and local officials to provide input into the Federal rulemaking system. It will make the Federal government more mindful of how unfunded mandates can burden communities and interfere with local priorities. That is why our governors, mayors, state legislators, and county officials support the Regulatory Improvement Act.

We have worked hard to build a solid foundation for smarter regulatory decisionmaking. Last March, the Governmental Affairs Committee favorably reported the Regulatory Improvement Act, then S. 981, by a 10–5 vote. At the time of the markup, the Administration sent a letter to me and Senator LEVIN expressing a number of concerns with the bill. We worked to resolve those concerns, which largely involved adding clarifying language to the bill. In addition, some sections of the bill were modified, and a couple were dropped. On July 15, Jack Lew, the Director of OMB, sent us a letter on behalf of the Administration. The letter states that the President supports the legislation. I am pleased that the White House recognizes the importance of the legislation to deliver the effective and efficient regulatory system that the American people expect and deserve.

This legislation will add transparency to the current rulemaking process, raise the quality of regulatory analyses so smarter decisions can be made, and help expedite important safeguards—to reduce risks and save lives. It will help us get more of the good things sensible regulation can deliver. That's why the Regulatory Improvement Act has broad bipartisan support and is endorsed by state and local officials, government reformers and scholars, small business owners, farmers, corporate leaders, and school board members. I look forward to working with my colleagues to pass this much-needed legislation.

Mr. President, I ask unanimous consent that letters of support from the National Governors' Association, the National League of Cities, the Council of State Governments, the National Conference of State Legislatures, the U.S. Conference of Mayors, and the National Association of Counties be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL GOVERNORS ASSOCIATION,
March 24, 1999.

Hon. FRED D. THOMPSON,
U.S. Senate, Washington, DC.
Hon. CARL LEVIN,
U.S. Senate, Washington, DC.

DEAR SENATORS THOMPSON AND LEVIN: The nation's Governors support the ''Regulatory Improvement Act of 1999.'' The proposed legislation would greatly assist the state and local governments in assessing the costs and benefits of major regulations. This bill would lead to improved quality of federal regulatory programs and rules, increase federal government accountability, and encourage open communication among federal agencies, state and local governments, the public, and Congress regarding federal regulatory priorities.

We applaud your efforts to encourage greater accountability with regard to the burden of costly federal regulations on state and local governments. The changes proposed would, we believe, benefit all of our taxpayers and constituents. We look forward to working with you in securing enactment of this legislation.

Sincerely,

GOVERNOR THOMAS R. CARPER.
GOVERNOR MICHAEL O. LEAVITT

NATIONAL LEAGUE OF CITIES,
March 24, 1999.

Hon. FRED THOMPSON,
U.S. Senate, Washington, DC.

DEAR SENATOR THOMPSON: The National League of Cities (NLC) applauds your efforts in introducing the Regulatory Improvement Act. NLC represents 135,000 mayors and council members from municipalities across the country. Over 75 percent of our members are from small cities and towns with populations of less than 50,000. Costly regulations without and science or significant benefits to health and safety are detrimental and burdensome to cities and towns.

Local governments could reap substantial benefits from the improvements in the regulatory process that are included in this legislation. These improvements would help municipal officials avert preemptive and costly regulations that are placed on local governments and gain a more powerful voice in the regulatory rulemaking process. The National League of Cities strongly supports enforceable cost-benefit analysis and relative risk assessment for actions by federal agencies that significantly impact state and local governments.

The Regulatory Improvement Act would also clarify the intent of the 1995 Unfunded Mandates Reform Act (UMRA) by requiring agencies to develop an effective process for local input into the development of regulatory proposals and prevent regulatory proposals that contain significant unfunded federal mandates. This type of partnership could save cities millions of dollars in burdensome regulation and assist the federal government in gaining community buy-in when regulation is necessary.

The Regulatory Improvement Act will provide a means for testing costs of future regulation on local governments with oversight by the Office of Information and Regulatory Affairs. While the 1995 Unfunded Mandates Reform Act makes great strides towards helping local governments prevent costly regulations, now is the time to clarify the law to provide for cost-benefit analysis and risk assessment. If your staff has any questions, please have them contact Kristin Cormier, NLC Legislative Counsel.

Sincerely,

CLARENCE E. ANTHONY,
President, Mayor, South Bay, FL.

THE COUNCIL OF STATE GOVERNMENTS,
WASHINGTON OFFICE,
March 25, 1999.

Hon. FRED THOMPSON,
U.S. Senate, Washington, DC.
Hon. CARL LEVIN,
U.S. Senate, Washington, DC.

DEAR SENATORS: The Council of State Governments (CSG) supports your introduction of the Regulatory Improvement Act. This bill would codify requirements that would compel the federal government to consider the impact and costs of new and current regulations on state and territorial governments, as well as gain the input of local, state, and tribal governments in the regulatory process. CSG represents a national constituency composed of state and territorial elected officials from all three branches of government. Costly regulations without sound science or significant benefits to health and safety are detrimental and burdensome to the jurisdictions administered by our members.

State governments could reap substantial benefits through improvements in the regulatory process included in this legislation. These improvements would help state officials avert preemptive and costly regulations that are placed on state governments and gain a more powerful voice in the federal regulatory rulemaking process. The Council of State Governments strongly supports enforceable cost-benefit analysis and relative risk assessments for every action by any and every federal agency that significantly impacts state and local governments.

The Regulatory Improvement Act could clarify the intent of the 1995 Unfunded Mandates Reform Act (UMRA). By expanding on UMRA language to require federal agencies to develop an effective process to permit meaningful and timely input from elected state, local and tribal government into the development of federal regulatory proposals containing significant intergovernmental mandates, state governments will be enabled to make the case that certain costs currently being arbitrarily imposed upon them are truly unnecessary and overly burdensome. This type of partnership between the federal and state governments will benefit both parties by saving the states millions of dollars, while simultaneously ensuring community ''buy-in'' when federal regulations are necessary.

The Regulatory Improvement Act will provide a means for testing costs of future regulation on state governments with oversight by the Office of Information and Regulatory Affairs. While the 1995 Unfunded Mandates Reform Act makes great strides towards helping local governments prevent costly regulations, now is the time to clarify the law to account for cost benefit analysis and risk assessment.

Sincerely,

GOVERNOR TOMMY G. THOMPSON,
State of Wisconsin, President, CSG.
SENATOR KENNETH D. MCCLINTOCK,
Chairman, CSG.

NATIONAL CONFERENCE
OF STATE LEGISLATURES,
March 25, 1999.

Hon. FRED THOMPSON,
Chairman.
Hon. CARL LEVIN,
Washington, DC.

DEAR CHAIRMAN THOMPSON AND SENATOR LEVIN: I am writing to offer the strong support of the National Conference of State Legislatures for legislation you will soon introduce that will require cost-benefit analyses and risk assessments for federal regulations that impact state and local governments. This legislation builds on executive order 12866 by codifying many of its provisions. The analyses and assessments included in your legislation are essential for ensuring that government resources are utilized to produce maximum benefits for consumers and those who are regulated.

We are pleased that your legislation will institute an early consultation process with state and local government officials and their representatives on proposed regulations that may have significant intergovernmental mandates. We are also reassured that you will include independent agencies in the regulatory consultation and cost-benefits analysis/risk assessment processes. This will widen the potential benefit of your legislation and give state and local governments a consultation opportunity that we have not had under other laws and regulatory processes.

Enactment of both the Regulatory Improvement Act as well as Regulatory Right to Know Act will bolster federalism. Both are a part of a larger federalism agenda that the National Conference of State Legislatures and our state and local government assessment partners are supporting this year.

I appreciate the leadership you are providing by introducing the Regulatory Improvement Act and look forward to working with you to ensure its enactment during the 106th Congress. NCSL will certainly work to build cosponsorship and support for this legislation so that it can be enacted expeditiously.

Sincerely,

WILLIAM T. POUND, *Executive Director.*

THE U.S. CONFERENCE OF MAYORS,
March 25, 1999.

Hon. FRED THOMPSON,
U.S. Senate, Washington, DC.

DEAR SENATOR THOMPSON: On behalf of The U.S. Conference of Mayors, I am writing to express our strong support for the Regulatory Improvement Act (RIA). If enacted, we believe this legislation will greatly improve the way federal agencies develop rules and regulations affecting state and local governments. We are once again delighted that you and Senator Carl Levin will cosponsor this legislation, which enjoys broad bipartisan support.

Since the passage of the Unfunded Mandates Reform Act (UMRA) of 1995, members of Congress have become more sensitive to the cost and the impact of new unfunded mandates on state and local governments. Unfortunately, UMRA has had very little effect on the federal regulatory process. We believe this will change once the Levin-Thompson bill is approved. Each federal agency will be required to conduct a risk assessment and cost-benefit analysis on all major rules. If they do not, federal courts will have authority to remand or invalidate such rules.

In closing, I want to thank you and Senator Levin for cosponsoring this important legislation. By requiring federal agencies to be more sensitive to the cost and benefit of new rules, we believe the number of costly mandates imposed on state and local governments will be reduced in the future. Be assured that the nation's mayors stand ready to work with you in any way we can to ensure the passage of this legislation. Feel free to contact Larry Jones of the Conference staff if you have any questions.

Sincerely,

DEEDEE CORRADINI,
Mayor of Salt Lake City.

SUPPORTING THE REGULATORY IMPROVEMENT ACT

Whereas, in February 1998, the General Accounting Office released a report that concludes that the Unfunded Mandates Reform Act of 1995, which in part was enacted to limit the ability of federal agencies to impose new costly unfunded mandates on state and local governments, has had only limited impact on federal agencies' rulemaking actions; and

Whereas, state and local leaders are concerned that federal agencies are continuing to impose new costly rules on state and local governments with very little accountability; and

Whereas, in response to the GAO report, Senators Fred Thompson and Carl Levin introduced the Regulatory Improvement Act, a proposal that would require federal agencies to conduct cost-benefit analysis, risk assessment and peer review before issuing any new major rule (costing over $100 million annually or deemed by the Office of Management and Budget to have a significant impact on the economy); and

Whereas, under the proposed legislation federal agencies that issue new rules before conducting the required cost-benefit analysis, risk assessment and peer review would be subjected to judicial review and courts would be required to invalidate such rules; and

Whereas, the bill would require each federal agency to develop an effective process to allow elected representatives of state and local governments to provide meaningful and timely input into the regulatory process consistent with UMRA; now therefore be it

Resolved, That the U.S. Conference of Mayors urges all members of the U.S. Senate to vote in favor of the Regulatory Improvement Act; and be it

Further Resolved that The U.S. Conference of Mayors urges that similar legislation be introduced in the U.S. House of Representatives and urges all members to vote in favor of such legislation.

NACo,
March 24, 1999.

Hon. FRED THOMPSON,
Chair, Senate Committee on Governmental Affairs, Washington, DC.

DEAR SENATOR THOMPSON: On behalf of the National Association of Counties (NACo) I am pleased to express our support for your legislation, The Regulatory Improvement Act. NACo applauds your efforts on behalf of the counties throughout the nation that have for decades faced an ever-increasing number of unfunded regulatory mandates from federal departments and agencies.

NACo supports legislation that would require federal departments and agencies to conduct a cost benefit analysis to determine that the benefits to be derived from issuing a new regulation outweight the costs to state and local government.

Sincerely,

BETTY LOU WARD,
President, NACo,
Commissioner, Wake County, NC.

• Mr. VOINOVICH. Mr. President, I am pleased to join my colleagues as an original co-sponsor of the Regulatory Improvement Act. I commend Senators THOMPSON and LEVIN for their bipartisan work to pass legislation to enable federal regulators to do a better job of protecting public health, safety and the environment. This is the same bill that the Administration, state and local governments and the business community supported last year.

I am a public servant who cares deeply about the needs of our environment and the health and well-being of our citizens. I sponsored legislation to create the Ohio Environmental Agency when I served in the state legislature, and I fought to end oil and gas drilling in the Lake Erie Bed. As Governor, I increased funding for environmental protection by over 60 percent.

However, over the years, I also have become increasingly concerned about the unnecessary and burdensome costs that are imposed on our citizens and state and local governments through federal laws and regulations.

Efforts to address these cost burdens began back in 1994 when I worked with Senators ROTH, GLENN and KEMPTHORNE and the state-local government coalition to draft an unfunded mandates reform bill. We succeeded in passing the Unfunded Mandates Reform Act (UMRA) in the 104th Congress.

Following this success, I worked closely with the state-local government coalition on our next priority—passage of effective safe drinking water reforms—which was enacted with broad bipartisan support in 1996.

These efforts are notable because they represent common-sense reforms that make government more accountable based on public awareness of risks, costs and benefits. These statutes set key precedents for the reforms that are envisioned in the regulatory Improvement Act. In many respects, this bill builds on these achievements. Senator THOMPSON has said that this bill represents phase 2 of UMRA and I strongly agree.

I specifically mention the drinking water program today because of its close similarity to the Regulatory Improvement Act. In both, agencies are required to conduct an analysis of incremental costs and benefits of alternative standards, while providing those agencies with flexibility in making final regulatory decisions.

If we agree that these analytical tools are good enough for the water that we drink, they certainly must be good enough for other regulations.

However, both UMRA and the drinking water amendments have had limited applications. The Regulatory Improvement Act is needed to provide across-the-board cost-benefit analysis and risk assessment procedures at all federal agencies. This bill will result in greater protection of public health and the environment while alleviating cost burdens on state and local governments and the private sector.

GAO reported last year that UMRA has had little effect on the way federal agencies make rulemaking decisions. The report specifically points out that the Regulatory Improvement Act

would improve the quality of regulatory analysis. I think it is time that we make federal agencies—not just Congress—accountable for the decisions they make.

While many federal regulations have been well intended, not all have achieved their purpose and many have unnecessarily passed significant burdens onto our citizens and state and local governments.

It is crucial that federal, state and local governments work in partnership to determine how we can best allocate resources for protection of health and the environment. As a nation, we spend vast sums on regulations. A report commissioned by the U.S. Small Business Administration estimates that regulations will cost the economy about $709 billion 1999—more than $7,000 for the average American household.

Unfortunately, this burden on consumers and American businesses has not always resulted in maximum health or environmental protection. At times, it has diverted scarce resources that could be used for other priorities such as education, crime prevention and more effective protection of health and the environment.

The challenge facing public officials today is determining how best to protect the health of our citizens and our environment with limited resources. We need to do a much better job ensuring that regulations' costs bear a reasonable relationship with their benefits, and we need to do a better job of setting priorities and spending our resources wisely.

I believe that the Regulatory Improvement Act will help achieve these goals. First, I believe this bill will increase the public's knowledge of how and why agencies make major rules. In essence, this bill asks regulatory agencies to answer several simple, but vital questions: What is the nature of the risk being considered? What are the benefits of the proposed regulation? How much will it cost? And, are there better, less burdensome ways to achieve the same goals?

I am particularly pleased that the bill provides opportunities for state and local government officials to consult with agencies as rules are being developed so that regulators are more sensitive to state and local needs and the burden of unfunded mandates. This only makes sense since states and local governments often have the responsibility of implementing and enforcing these regulations.

Second, requiring federal agencies to conduct cost-benefit analyses, publish those results, disclose any estimates of risks and explain whether any of these factors were considered in finalizing rules will increase government accountability to the people it serves.

And finally, this bill will improve the quality of government decision-making by allowing the government to set priorities and focus on the worst risks first. Careful thought, reasonable assumptions, peer review and sound science will help target problems and find better solutions.

This bill does not mandate outcomes, but it does impose common-sense discipline and accountability in the rulemaking process. I think it is time to move forward with this bipartisan measure.●

By Mrs. HUTCHISON:

S. 747. A bill to amend title 49, United States Code, to promote rail competition, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SURFACE TRANSPORTATION BOARD REAUTHORIZATION AND RAIL SERVICE IMPROVEMENT ACT

Mrs. HUTCHISON. Mr. President, I rise to introduce the Surface Transportation Board Reauthorization and Improvement Act of 1999.

My highest priority as chairman of the Surface Transportation Subcommittee of the Commerce Committee this year is to pass a re-authorization bill—one that provides some ability for shippers to obtain improved service and rates, while maintaining the ability of railroads to make a return and, indeed, grow.

The bill I am introducing seeks to improve competition and the procedures at the Board that shippers and carriers rely upon to adjudicate their rate disputes. At the same time, it recognizes the need for the railroad industry to maintain sound financial footing, capable of maintaining the railroad infrastructure.

Last year, at the behest of Chairman MCCAIN and me, the Board initiated a hearing process on competition issues and developed an extensive record on these issues. Specifically, the Board held two days of hearings and received testimony from 60 witnesses. It heard shipper complaints of inadequate service, higher rates, and concentration in the railroad industry. The Board also listened to carriers who stressed that, especially in a growing economy, capacity and infrastructure investment is the key to meeting their customers' needs.

In addition, the Board held a hearing in December at my request on the proposals offered by Houston shippers, the Greater Houston Partnership and the Railroad Commission of Texas.

As a result of these hearings, the Board has done what is within its authority to help shippers obtain some relief. It undertook two important rulemakings. One provides for alternative rail availability during a service failure. The other streamlines rail rate cases by dispensing with consideration of ''product and geographic competition'' in determining market dominance for rate cases.

I commend the Board for making these rules, and —frankly—for going no further. It's refreshing to find a regulatory body that does not attempt to develop a new policy in the absence of Congressional guidance.

This bill picks up where the Board's actions left off. First, it codifies the Board's decision to streamline the market dominance test and the procedure for providing alternative rail availability during a service failure. Second, it begins the process of reforming the procedure that small shippers use for rate cases. A recent GAO report highlights the cost, in time and money, of the current process.

This bill also sets into motion changes in the Board's revenue adequacy finding, making it a more helpful and real-world standard. It balances the bottleneck issue, enhances the Board's emergency powers and establishes an arbitration system that could lead to better-shipper carrier dialogue. Finally, it clarifies, in a balanced way and without dictating specific outcomes, that competition remains part of the rail merger and national rail policy of this country.

It is clear that Congress has a job to do in re-authorizing the Surface Transportation Board and addressing some of the difficult issues associated with it. This bill is a first step. I want to strongly convey that I do not see it as a final product. While I view it as fair to all parties, I am ready to consider changes to improve the bill and ensure its enactment. To that end, I encourage my colleagues to work with me toward the common purpose of reauthorizing the Board and making some common sense improvements.

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

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

S. 747

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 ''Surface Transportation Board Reauthorization and Improvement Act of 1999''.

SEC. 2. PROMOTION OF COMPETITION WITHIN THE RAIL INDUSTRY.

Section 10101 of title 49, United States Code, is amended by—

(1) redesignating paragraphs (1) through (7) as paragraphs (2) through (8);

(2) inserting before paragraph (2), as redesignated, the following:

''(1) to encourage and promote effective competition within the rail industry;'';

(3) striking ''revenues,'' in paragraph (4), as redesignated, and inserting ''revenues to ensure appropriate rail infrastructure;'';

(4) redesignating paragraphs (8) through (15) as paragraphs (10) through (17); and

(5) inserting before paragraph (10), as redesignated, the following:

''(9) to discourage artificial barriers to interchange and car supply which can impede competition between shortline, regional, and Class I carriers and block effective rail service to shippers;''.

SEC. 3 EXTENSION OF TIME LIMIT ON EMERGENCY SERVICE ORDERS.

Section 11123 of title 49, United States Code, is amended by—

(1) striking ''30'' in subsection (a) and inserting ''60'';

(2) striking ''30'' in subsection (c)(1) and inserting ''60''; and

(3) adding at the end of subsection (c) the following:

''(4) The Board may provide up to 2 extensions, totalling not more than 180 days, of the 240-day period under paragraph (1).''.

SEC. 4. PROCEDURAL RELIEF FOR SMALL RATE CASES.

(a) DISCOVERY LIMITED.—Section 10701(d) of title 49, United States Code, is amended by—

(1) inserting ''(A)'' in paragraph (3) before ''The Board''; and

(2) adding at the end thereof the following:

(''(B) Unless the Board finds that there is a compelling need to permit discovery in a particular proceeding, discovery shall not be permitted in a proceeding handled under the guidelines established under subparagraph (A).''.

(b) ADMINISTRATIVE RELIEF.—Not later than 180 days after the date of enactment of this Act, the Surface Transportation Board shall—

(1) review the rules and procedures applicable to rate complaints and other complaints filed with the Board by small shippers;

(2) identify any such rules or procedures that are unduly burdensome to small shippers; and

(3) take such action, including rulemaking, as is appropriate to reduce or eliminate the aspects of the rules and procedures that the Board determines under paragraph (2) to be unduly burdensome to small shippers.

(c) LEGISLATIVE RELIEF.—The Board shall notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives if the Board determines that additional changes in the rules and procedures described in subsection (b) are appropriate and require commensurate changes in statutory law. In making that notification, the Board shall make recommendations concerning those changes.

SEC. 5. CODIFICATION OF MARKET DOMINANCE RELIEF.

Setion 10707(d)(1)(A) of title 49, United States Code, is amended by adding at the end thereof the following: ''In making a determination under this section, the Board may not consider evidence of product or geographic competition.''.

SEC. 6. RAIL REVENUE ADEQUACY DETERMINATIONS.

(a) Section 10101(3) of title 49, United States Code, is amended by striking ''revenues, as determined by the Board;'' and inserting ''revenues;''.

(b) Section 10701(d)(2) of title 49, United States Code, is amended by striking ''revenues, as established by the Board under section 10704(a)(2) of this title.'' and inserting ''revenues.''.

(c) Section 10701(d) of title 49, United States Code, is amended by adding at the end thereof the following:

''(4) To facilitate the process by which the Board gives due consideration to the policy that rail carriers shall earn adequate revenues, the Board shall convene a 3-member panel of outside experts to make recommendations as to an appropriate methodology by which the adequacy of a carrier's revenues should be considered. The panel shall issue a report containing its recommendations within 270 days after the date of enactment of the Surface Transportation Board Amendments of 1999.''.

SEC. 7. BOTTLENECK RATES.

(a) THROUGH ROUTES.—Section 10703 of title 49, United States Code, is amended—

(1) inserting ''(a) IN GENERAL.—'' before ''Rail carriers''; and

(2) adding at the end thereof the following:

''(b) CONNECTING CARRIERS.—When a shipper and rail carrier enter into a contract under section 10709 for transportation that would require a through route with a connecting carrier and there is no reasonable alternative route that could be constructed without participation of that connecting carrier, the connecting carrier shall, upon request, establish a through route and a rate that can be used in conjunction with transportation provided pursuant to the contract, unless the connecting carrier shows that—

''(1) the interchange requested is not operationally feasible; or

''(2) the through route would significantly impair the connecting carrier's ability to serve its other traffic. The connecting carrier shall establish a rate and through route within 21 days unless the Board has made a determination that the connecting carrier is likely to prevail in its claim under paragraph (1) or (2).''.

(b) BOARD'S AUTHORITY TO PRESCRIBE DIVISION OF JOINT RATES.—Section 10705(b) of title 49, United States Code, is amended by striking ''The Board shall'' and inserting ''Except as provided in section 10703(b), the Board shall''.

(c) COMPLAINTS.—Section 11701 of title 49, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

''(c) Where transportation over a portion of a through route is governed by a contract under section 10709, a rate complaint must be limited to the rates that apply to the portion of the through route not governed by such a contract.''.

SEC. 8. SIMPLIFIED DISPUTE RESOLUTION.

Within 180 days after the date of enactment of this Act, the Surface Transportation Board shall promulgate regulations adopting a simplified dispute resolution mechanism with the following features:

(1) IN GENERAL.—The simplified dispute resolution mechanism will utilize expedited arbitration with a minimum of discovery and may be used to decide disputes between parties involving any matter subject to the jurisdiction of the Board, other than rate reasonableness cases that would be decided under constrained market pricing principles.

(2) APPLICABLE STANDARDS.—Arbitrators will apply existing legal standards.

(3) MANDATORY IF REQUESTED.—Use of the simplified dispute resolution mechanism is required whenever at least one party to the dispute requests.

(4) 90-DAY TURNAROUND.—Arbitrators will issue their decisions within 90 days after being appointed.

(5) PAYMENT OF COSTS.—Each party will pay its own costs, and the costs of the arbitrator and other administrative costs of arbitration will be shared equally between and among the parties.

(6) DECISIONS PRIVATE; NOT PRECEDENTIAL.—Except as otherwise provided by the Board, decisions will remain private and will not constitute binding precedent.

(7) DECISIONS BINDING AND ENFORCEABLE.—Except as otherwise provided in paragraph (8), decisions will be binding and enforceable by the Board.

(8) RIGHT TO APPEAL.—Any party will have an unqualified right to appeal any decision to the Board, in which case the Board will decide the matter de novo. In making its decision, the Board may consider the decision of the arbitrator and any evidence and other material developed during the arbitration.

(9) MUTUAL MODIFICATION.—Any procedure or regulation adopted by the Board with respect to the simplified dispute resolution may be modified or eliminated by mutual agreement of all parties to the dispute.

SEC. 9. PROMOTION OF COMPETITIVE RAIL SERVICE OPTIONS.

Section 11324 of title 49, United States Code, is amended—

(1) by striking ''and'' in paragraph (4) of subsection (b);

(2) by striking ''system.'' in paragraph (5) of subsection (b) and inserting ''system; and'';

(3) by adding at the end of subsection (b) the following:

''(6) means and methods to encourage and expand competition between and among rail carriers in the affected region or the national rail system.''; and

(4) by inserting after the second sentence in subsection (c) the following: ''The Board may impose conditions to encourage and expand competition between and among rail carriers in the affected region or the national rail system, if such conditions do not cause substantial harm to the benefits of the transaction to the affected carriers or the public.''.

SEC. 10. CLARIFICATION OF STB AUTHORITY TO GRANT TEMPORARY ACCESS RELIEF.

(a) Section 10705 of title 49, United States Code, is amended by adding at the end thereof the following:

''(d) The Board may grant temporary relief under this section when the Board finds it necessary and appropriate to do so to remedy inadequate service. The authority provided in this section is in addition to the authority of the Board to provide temporary relief under sections 11102 and 11123 of this title.''.

(b) Section 11102 of title 49, United States Code, is amended by adding at the end thereof the following:

''(e) The Board may grant temporary relief under subsections (a) and (c) when the Board finds it necessary and appropriate to do so to remedy inadequate service. The authority provided in this section is in addition to the authority of the Board to provide temporary relief under sections 10705 and 11123 of this title.''.

(c) Section 11123 of title 49, United States Code, is amended by adding at the end thereof the following:

''(e) The authority provided in this section is in addition to the authority of the Board to provide temporary relief under sections 10705 and 11102 of this title.''.

SEC. 11. HOUSEHOLD GOODS COLLECTIVE ACTIVITIES.

Section 13703(d) of title 49, United States Code, is amended by inserting ''(other than an agreement affecting only the transportation of household goods, as defined on December 31, 1995)'' after ''agreement'' in the first sentence.

SEC. 12. AUTHORIZATION LEVELS.

There are authorized to be appropriated to the Surface Transportation Board $16,000,000 for fiscal year 1999, $17,000,000 for fiscal year 2000, $17,555,000 for fiscal year 2001, and $18,129,000 for fiscal year 2002.

SEC. 13. CHAIRMAN DESIGNATED WITH SENATE CONFIRMATION.

Section 701(c)(1) of title 49, United States Code, is amended by striking ''President'' and inserting ''President, by and with the advice and consent of the Senate,''.

By Mr. MURKOWSKI:

S. 748. A bill to improve Native hiring and contracting by the Federal Government within the State of Alaska, and for other purposes; to the Committee on Energy and Natural Resources.

NATIVE HIRE AND CONTRACTING LEGISLATION

Mr. MURKOWSKI. Mr. President, this legislation requires the Secretary of the Interior to issue a report to the Congress that details the specific steps the Department of the Interior will take to contract activities and programs of the Department to Alaska Natives.

Legislation already exists for contracting with and hiring Alaska Natives. Sections 1307 and 1308 of the Alaska National Interest Lands Conservation Act and section 638 of the Indian Self-Determination and Education Assistance Act are clear on these matters. The problem is that the law have been largely ignored.

Outside of a few studies that were contracted to Native Associations during the past two years, the record of the Department in contracting and local hiring is abysmal.

I have been told by representatives of this Administration that there are obstacles in both contracting with and hiring local Natives. When pressed, the obstacles are not well explained, if at all.

Mr. President, if there are valid obstacles, we should know specifically what they are so that Congress can address them. If there are not obstacles, then the Administration should begin to implement the law. My legislation requires a complete explanation of the ''Obstacles'' and a plan for implementing the law in accordance with the Alaska National Interest Lands Conversation Act and the Indian Self-Determination and Education Assistance Act.

In addition to the report required by this legislation, the Secretary is also directed to initiate a pilot program to contract various National Park Service functions, operations and programs in northwest Alaska to local Native entities.

Mr. President, the National Park Service, the Bureau of Land Management, the Fish and Wildlife Service, and the other agencies within the Department have an opportunity to hire and contract with local Alaska Natives who were born, raised and live near and in our parks, refuges and public lands in Alaska. These individuals are more familiar with the area than persons hired from outside Alaska. They know the history, they know the hazards, they know about living and working in arctic conditions. Given the levels of unemployment in the area, it makes absolutely no sense not to hire these individuals.

I do not understand why any of one of these agencies or bureaus keep filing positions with persons from the lower 48—individuals who have little experience in Alaska—when they have a qualified individuals in the immediate area.

If we can just get the Federal agencies in the State of Alaska to read sections 1307 and 1308 of ANILCA and section 638 of ISEAA it would be a major step in the right direction. If Alaska Natives are given the opportunity to contract with and be employed by the Federal agencies in my State, everyone wins, no one loses, and the American public will be better served.●

By Mr. KENNEDY (for himself, Mr. STEVENS, Mr. DODD, Mr. JEFFORDS, and Mr. KERRY:)

S. 749. A bill to establish a program to provide financial assistance to States and local entities to support early learning programs for prekindergarten children, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, today Senators STEVENS, DODD, JEFFORDS, KERRY and I are introducing legislation to create an Early Learning Trust Fund. With this legislation, we intend to improve the availability and quality of early learning programs so that all children can begin school ready to learn.

This is a truly bipartisan bill, and it is a privilege to be working closely with Senators of both parties on this issue that is so critical to the nation's future—the education of our children. Senator STEVENS' knowledge of childhood development and brain research is outstanding, and his commitment to this issue is impressive. He understands the impact that early education can have on a child's development. Senator KERRY shares this interest as well. His work on the importance of brain development during the early childhood years has helped educate the Senate on this issue. Senator JEFFORDS' long standing interest in education and school readiness is exemplary. I have great respect for his leadership as Chairman of the Health, Education, Labor, and Pensions Committee on education and many other issues to improve the well-being of children. Senator DODD's leadership on the Subcommittee for Children and Families has been outstanding. He has always been a champion for children's issues and we are proud to have him as a cosponsor of this legislation.

Over 23 million children under 6 live in the United States, and all of these children deserve the opportunity to start school ready to learn. In order for them to do so, we must make significant investments in children, long before they ever walk through the schoolhouse door.

Recent brain research documents the importance of the first few years of life for child development. During this time, children develop essential learning and social skills that they will need and use throughout their lives.

For children to reach their full potential, they must begin school ready to learn. Ten years ago, the nation's governors developed a set of educational goals to improve the quality of education in the United States. The number one goal was that by the year 2000, all children should enter school ''ready to learn.'' While it is no longer possible to meet this objective by the year 2000, we must do all we can. We cannot afford to let another decade pass without investing more effectively in children's educational development.

Quality early education programs help children in a number of ways, and have a particularly strong impact on low-income children, who are at the greatest risk of school failure. Children who attend high quality preschool classes have stronger language, math, and social skills than children who attended classes of inferior quality.

These early skills translate into greater school readiness. First graders who begin school with strong language and learning skills are more motivated to learn to read well, and they benefit more from classroom instruction. Quality early education programs also have important long range consequences, and are closely associated with increased academic achievement, higher adult earnings, and far less involvement with the criminal justice system.

Research consistently demonstrates that early education programs improve school readiness. But too many children have no access to these programs. Sixty-one percent of children age 3–5 whose parents earn $50,000 or more a year are enrolled in pre-kindergarten classes. But, only 36% of children in the same age group in families earning less than $15,000 are enrolled in such classes. Clearly, many children are not receiving the educational boost they need to begin school ''ready to read, ready to learn, and ready to succeed.''

Our bill provides 10 billion dollars over five years to states to strengthen and expand early education programs for children under 6. By increasing the number of children who have early learning opportunities, we will ensure that many more children begin school ready to learn.

The ''Early Learning Trust Fund'' will provide each state with funds to strengthen and improve early education. Governors will receive the grants, and communities, along with parents, will decide how these funds can best be used. The aid will be distributed based on a formula which takes into account the total number of young children in each state, and the Department of Health and Human Services will allocate funds to the states. To assist in this process, governors will appoint a state council of representatives from the office of the governor, relevant state agencies, Head Start, parental organizations, and resource and referral agencies—all experts in the field of early education. The state councils will be responsible for setting priorities, approving and implementing state plans to improve early education.

States will have the flexibility to invest in an array of strategies that give young children the building blocks to become good readers and good students. States may use their funds to support a wide range of activities including: (1) strengthening pre-kindergarten services and helping communities obtain the resources necessary to offer children a good start; (2) helping communities make the best use of early learning programs to ensure that their resources are used most effectively; (3) ensuring that special needs children have access to the early learning services they need to reach their full potential; (4) strengthening Early

Head Start to meet the learning needs of very young children; and (5) expanding Head Start to include full-day, year-round services to help children of working parents begin school ready to learn. The specific strategy that states decide to adopt is not the central issue—improving school readiness is the central issue. And this bill will give states the flexibility and funding they need to achieve this goal.

Children and families across the country will benefit from the Early Learning Trust Fund. Massachusetts has more than 480,000 children under the age of 6, and a significant number will be helped by this legislation. Far too many children are currently on waiting lists today for assistance like this. We cannot tell these children, ''Wait until you grow up to receive the education you deserve.''

Those on the front lines trying to meet these needs in their communities will receive reinforcements. For example, in Massachusetts, the Community Partnerships for Children provide full-day early care and education to 15,300 three- and four-year-olds from low-income families. The Early Learning Trust Fund will expand and strengthen exemplary initiatives such as this.

Investment in early education is strongly supported by organizations across the country, including the Children's Defense Fund, the National Governors' Association, Fight Crime: Invest in Kids, the National Association of Child Care Resource and Referral Services, the National Association for State Legislatures, and the National Association for the Education of Young Children. These organizations agree that investments in children in the early years not only make sense, but make an enormous difference.

Our nation's greatest resource is its children. We must do all we can to ensure that they reach their full potential. Improving school readiness is an essential first step. I urge my colleagues to support this important initiative. I look forward to its enactment, and I ask unanimous consent that the text of the bill may be printed in the RECORD.

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

S. 749

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 ''Early Learning Trust Fund Act''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) brain development research shows that the first 3 years of a child's life are critical to a child's brain development and the child's future success;

(2) high quality early learning programs can increase the literacy rate, the high school graduation rate, the employment rate, and the college enrollment rate for prekindergarten children who participate in the programs;

(3) high quality early learning programs can decrease the incidence of teenage pregnancy, welfare dependency, arrest, and juvenile delinquency for children who participate in these programs;

(4) high quality early learning programs can provide a strong base for prekindergarten children in language and cognitive skills and can motivate the children to learn to read in order to benefit from classroom instruction;

(5) many working families cannot afford early learning programs for their prekindergarten children;

(6) only 36 percent of children who are between the ages of 3 and 5, not enrolled in kindergarten, and living in families in which the parents earn less than $15,000, are enrolled in prekindergarten, while 61 percent of children of a similar age who live in families in which the parents earn $50,000 or more are enrolled in prekindergarten;

(7) because of the growing number of prekindergarten children in single-parent families or families in which both parents work, there is a great need for affordable high quality, full day, full calendar year early learning programs;

(8) many children who could benefit from a strong early learning experience are enrolled in child care programs that could use additional resources to prepare the children to enter school ready to succeed; and

(9) the low salaries paid to staff in early learning programs, the lack of career progression for such staff, and the lack of child development specialists involved in the early learning programs makes it difficult to attract and retain trained staff to help the children enter school ready to read.

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

(1) to make widely available to prekindergarten children a high quality, child-centered, developmentally appropriate early learning program;

(2) to make widely available to parents of prekindergarten children who desire the services, a full day, full calendar year program in which they can enroll their prekindergarten children;

(3) to make efficient use of Federal, State, and local resources for early learning programs by promoting collaboration and coordination of such programs and supports at the Federal, State, and local levels;

(4) to assist State and local governments in expanding or improving early learning programs that use existing facilities that meet State and local safety code requirements;

(5) to provide resources to ensure that all children enter elementary school ready to learn how to read; and

(6) to assist State and local governments in providing training for teachers and staff of early learning programs, and to promote the use of salary scales that take into account training and experience.

SEC. 3. DEFINITIONS.

In this Act:

(1) EARLY LEARNING PROGRAMS.—The term ''early learning programs'' means programs that provide the services described in section 9 that are for children who have not attended kindergarten or elementary school.

(2) FULL CALENDAR YEAR.—The term ''full calendar year'' means all days of operation of businesses in the locality, excluding—

(A) legal public holidays, as defined in section 6103 of title 5, United States Code; and

(B) a single period of 14 consecutive days during the summer.

(3) FULL DAY.—The term ''full day'' means the hours of normal operation of businesses in the locality.

(4) LOCAL EDUCATIONAL AGENCY; STATE EDUCATIONAL AGENCY.—The terms ''local educational agency'' and ''State educational agency'' have the meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(5) LOCALITY.—The term ''locality'' means a city, county, borough, township, or other general purpose unit of local government, or an Indian reservation or Indian Tribe. For purposes of this Act, 2 or more localities acting together may be considered a locality.

(6) PARENT.—The term ''parent'' means a biological parent, an adoptive parent, a stepparent, or a foster parent of a child, including a legal guardian or other person standing in loco parentis.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(8) SERVICE PROVIDER.—The term ''service provider'' means any public or private early learning program, including a local educational agency, a Head Start agency under the Head Start Act (42 U.S.C. 9831 et seq.), or a community-based organization that receives funds under this Act.

(9) TRAINING.—The term ''training'' means instruction in early childhood development that—

(A) is required for certification by existing State and local laws, regulations, and policies;

(B) is required to receive a nationally recognized credential or its equivalent, such as the child development associate credential, in a State with no certification procedure; and

(C) is received in a postsecondary education program in which the individual has accomplished significant course work in early childhood education or early childhood development.

SEC. 4. EARLY LEARNING PROGRAM.

The Secretary shall establish and maintain an early learning program that provides full day, full calendar year early learning services.

SEC. 5. STATE ALLOTMENTS.

(a) IN GENERAL.—The Secretary shall make allotments to eligible States to pay for the cost of enabling the States and localities to establish full day, full calendar year early learning programs.

(b) ALLOTMENTS.—From the amount appropriated under section 12 for each fiscal year, the Secretary shall allot, to each eligible State, an amount that bears the same relationship to the amount appropriated as the total number of individuals under age 6 in the State bears to the total number of such individuals in all States.

(c) MATCHING REQUIREMENT.—The Secretary may not make a grant to a State under subsection (a) unless that State agrees that, with respect to the costs to be incurred by the State in carrying out the program for which the grant was awarded, the State will make available (directly or through donations from public or private entities) non-Federal contributions in an amount equal to not less than $1 dollar for every $4 dollars of Federal funds provided under the grant. The State share of the cost may be provided in cash or in kind, fairly evaluated, including plant, equipment, or services.

(d) ANNUAL REVIEW.—The allotments provided under subsection (b) shall be subject to annual review by the Secretary.

SEC. 6. STATE APPLICATIONS.

(a) IN GENERAL.—To be eligible to receive an allotment under section 5, the Governor of a State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

(b) CONTENTS.—Each application submitted pursuant to subsection (a) shall include—

(1) a statement ensuring that the Governor of the State has established or designated a State Council that complies with section

7(c), including a list of the members of the State Council in order to demonstrate such compliance;

(2) a statement ensuring that the State Council as described in section 7(c) has developed and approved the application submitted under this section;

(3) a statement describing the manner in which the State will allocate funds made available through the allotment to localities; and

(4) a State plan that describes the performance goals to be achieved, and the performance measures to be used to assess progress toward such goals, under the plan which—

(A) shall be developed pursuant to guidance provided by the State and local government authorities, and experts in early childhood development; and

(B) shall be designed to improve child development through—

(i) improved access to and increased coordination with health care services;

(ii) increased access to enhanced early learning environments;

(iii) increased parental involvement;

(iv) increased rates of accreditation by nationally recognized accreditation organizations; and

(v) expansion of full day, full year services.

SEC. 7. STATE ADMINISTRATION.

(a) IN GENERAL.—To be eligible to receive assistance under section 5, the Governor of a State shall appoint a Lead State Agency as described in subsection (b) and, after consultation with the leadership of the State legislature, a State Council as described in subsection (c).

(b) LEAD STATE AGENCY.—

(1) IN GENERAL.—The Lead State Agency as described in subsection (a) shall allocate funds received under section 5 to localities.

(2) LIMITATION.—The Lead State Agency shall allocate not less than 90 percent of such funds that have been provided to the State for a fiscal year to 1 or more localities.

(3) FUNCTIONS OF AGENCY.—In addition to allocating funds under paragraph (1), the Lead State agency shall—

(A) advise and assist localities in the performance of their duties;

(B) develop and submit the State application and the State plan required under section 6;

(C) evaluate and approve applications submitted by localities;

(D) prepare and submit to the Secretary an annual report, after approval by the State Council, which shall include a statement describing the manner in which funds received under section 5 are expended and documentation of the increased number of—

(i) children in full day, full year Head Start programs, as provided under the Head Start Act (42 U.S.C. 9831 et seq.);

(ii) infants and toddlers in programs that provide comprehensive Early Head Start services, as provided under the Head Start Act (42 U.S.C. 9831 et seq.);

(iii) prekindergarten children, including those with special needs, in early learning programs; and

(iv) children in child care that receive enhanced educational and comprehensive services and supports, including parent involvement and education;

(E) conduct evaluations of early learning programs;

(F) ensure that training and research is made available to localities and that such training and research reflects the latest available brain development and early childhood research related to early learning; and

(G) improve coordination between localities carrying out early learning programs and persons providing early intervention services under part C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq.).

(4) LOCAL APPLICATION.—

(A) IN GENERAL.—To be eligible to receive assistance under paragraph (1), a locality, in cooperation with the Local Council described in paragraph (5), shall submit an application to the Lead State Agency at such time, in such manner, and containing such information as the Lead State Agency may require.

(B) CONTENTS.—Each application submitted pursuant to paragraph (1) shall include a statement ensuring that the locality has established a Local Council, as described in paragraph (5) and a local plan that includes—

(i) a needs and resources assessment of early learning services and a statement describing how programs will be financed to reflect the assessment; and

(ii) a statement of performance goals to be achieved in adherence to the State plan and a statement of how localities will ensure that programs will meet the performance measures in the State plan.

(5) LOCAL COUNCIL.—

(A) IN GENERAL.—To be eligible to receive assistance under paragraph (1), a locality shall establish a Local Council as described in subsection (c), which shall be composed of local agencies responsible for carrying out the programs under this Act and parents and other individuals concerned with early childhood development issues in the locality. The Local Council shall be responsible for assisting localities in preparing and submitting the application described in paragraph (4).

(B) DESIGNATING EXISTING ENTITY.—To the extent that a State has a Local Council or an entity that functions as such before the date of enactment of this Act that is comparable to the Local Council described in subparagraph (A), the locality shall be considered to be in compliance with this paragraph.

(c) STATE COUNCIL.—

(1) IN GENERAL.—The State Council as described in subsection (a) shall be composed of a group of representatives of agencies, institutions, and other entities, as described in paragraphs (2) and (3), that provide child care or early learning services in the State.

(2) MEMBERSHIP.—Except as provided in paragraph (6), the Governor shall appoint to the State Council at least 1 representative from—

(A) the office of the Governor;

(B) the State educational agency;

(C) the State agency administering funds received under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.);

(D) the State social services agency;

(E) the State Head Start association;

(F) organizations representing parents within the State; and

(G) resource and referral agencies within the State.

(3) ADDITIONAL MEMBERS.—In addition to representatives appointed under subparagraph (2), the Governor may appoint to the State Council additional representatives from—

(A) the State Board of Education;

(B) the State health agency;

(C) the State labor or employment agency;

(D) organizations representing teachers;

(E) organizations representing business; and

(F) organizations representing labor.

(4) REPRESENTATION.—To the extent practicable, the Governor shall appoint representatives under subparagraphs (2) and (3) in a manner that is diverse or balanced according to the race, ethnicity, and gender of its members.

(5) FUNCTIONS OF THE COUNCIL.—The State Council shall—

(A) conduct a needs and resources assessment, or use such an assessment if conducted not later than 2 years prior to the date of enactment of this Act, to—

(i) determine where early learning programs are lacking or are inadequate within the State, with particular attention to poor urban and rural areas, and what special services are needed within the State, such as services for children whose native language is a language other than English; and

(ii) identify all existing State-funded early learning programs, and, to the extent practical, other programs serving prekindergarten children in the State, including parent education programs, and to specify which programs might be expanded or upgraded with the use of funds received under section 5; and

(B) based on the assessment described in subparagraph (A), determine funding priorities for amounts received under section 5 for the State.

(6) DESIGNATING AN EXISTING ENTITY AS STATE COUNCIL.—To the extent that a State has a State Council or a entity that functions as such before the date of enactment of this Act that is comparable to the State Council described in this subsection, the State shall be considered to be in compliance with this subsection.

SEC. 9. LOCAL ALLOCATIONS.

(a) IN GENERAL.—Each locality that receives funds under section 8 shall, in accordance with the needs and resource assessment described in section 8(c)(5), provide funds to service providers to—

(1) increase the number of children served in Early Head Start programs carried out under section 645A of the Head Start Act (42 U.S.C 9840a);

(2) increase the number of children served in State prekindergarten education programs;

(3) increase the number of Head Start programs providing full working day, full calendar year Head Start services; and

(4) enhance the education and comprehensive services and support services provided through the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.) to child care programs and providers, including health screening and diagnosis of children, parent involvement and parent education, nutrition services and education, staff and personnel training in early childhood development, and upgrading the salaries of early childhood development professional staff, and the development of salary schedules for staff with varying levels of experience, expertise, and training.distribute such funds to service providers.

(b) PREFERENCE.—In making allocations under subsection (a), a locality shall give preference to—

(1) programs that meet the needs of children in households in which each parent is employed;

(2) programs assisting low-income families; and

(3) programs that make referrals for enrollment under the State Children's Health Insurance Program established under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.), or referrals for enrollment of children under the medicaid program established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(c) APPLICATION.—Each service provider desiring to receive funds under subsection (a) shall submit an application to a locality at such time, in such manner, and containing such information as the locality may reasonably require.

(d) ANNUAL REPORT.—Each locality that receives funds under section 8 shall submit an annual report to the State Council that

contains the information described in section 7(b)(3)(C) and a description of the manner in which programs receiving assistance under this Act will be coordinated with other early learning programs in the locality.

(e) ADMINISTRATIVE COSTS.—Not more than 5 percent of the amounts received by a locality under section 8 shall be used to pay for administrative expenses for the locality or Local Council.

SEC. 10. SUPPLEMENT NOT SUPPLANT.

Funds appropriated pursuant to this Act shall be used to supplement and not supplant other Federal, State, and local public funds expended to provide services for early learning childhood development programs.

SEC. 11. FEDERAL ADMINISTRATION.

The Secretary, in consultation with the Secretary of Education, shall develop and issue program guidance instructions for carrying out the programs authorized under this Act.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated and there is appropriated to carry out this Act, $2,000,000,000 for each of the fiscal years 2000 through 2004.

By Mr. LEAHY (for himself, Mr. DASCHLE, Mr. KENNEDY, and Mr. TORRICELLI):

S. 751. A bill to combat nursing home fraud and abuse, increase protections for victims of telemarketing fraud, enhance safeguards for pension plans and health care benefit programs, and enhance penalties for crimes against seniors, and for other purposes; to the Committee on the Judiciary.

THE SENIORS SAFETY ACT OF 1999

Mr. LEAHY. Mr. President, today I am introducing the Seniors Safety Act of 1999, a bill to protect older Americans from crime.

The Seniors Safety Act contains a comprehensive package of proposals developed with the assistance of the Department of Justice that address the most prevalent crimes perpetrated against seniors, including proposals to reduce health care fraud and abuse, combat nursing home fraud and abuse, prevent telemarketing fraud, safeguard pension and employee benefit plans from fraud, bribery and graft. In addition, this legislation would help seniors whose pension plans are defrauded to obtain restitution. Finally, the bill authorizes the collection of appropriate data and examination by the Attorney General to develop new strategies to fight crime against seniors.

Seniors over the age of 55 make up the most rapidly growing sector of our society. In Vermont alone, the number of seniors grew by more than nine percent between 1990 and 1997, now comprising almost twelve percent of Vermont's total population. According to recent census estimates, the number of seniors over 65 will more than double by the year 2050.

It is an ugly fact that criminal activity against seniors that causes them physical harm and economic damage is a significant problem. While the violent and property crime rates have been falling generally, according to the Justice Department's Bureau of Justice Statistics, in 1997 the violent victimization rates for persons over 50 years of age were no lower than they had been in 1993. In 1997, these older Americans experienced approximately 680 thousand incidents of violent crime, including rape, robbery, and general assault.

We need to do better job at protecting seniors and ensuring that they enjoy the same decreasing violent and property crime rate as other segments of our society. The Seniors Safety Act contains provisions to enhance penalties for criminal offenses that target seniors and fraudulent acts that result in physical or economic harm to seniors. In addition, to assist Congress and law enforcement authorities in developing new and effective strategies to deter crimes against seniors, the Act authorizes comprehensive examination of the factors associated with crimes against seniors and the inclusion of data on seniors in the National Crime Victims Survey.

One particular form of criminal activity—telemarketing fraud—disproportionately impacts Americans over the age of 50, who account for over a third of the estimated $40 billion lost to telemarketing fraud each year. The Seniors Safety Act continues the progress we made last year on passage of the Telemarketing Fraud Prevention Act to address the problem of telemarketing fraud schemes that too often succeed in swindling seniors of their life savings. Some of these schemes are directed from outside the United States, making criminal prosecution more difficult.

The Act would provide the Attorney General with a new, significant crime fighting tool to deal with telemarketing fraud. Specifically, the Act would authorize the Attorney General to block or terminate telephone service to telephone facilities that are being used to conduct such fraudulent activities. This authority may be used to shut-down telemarketing fraud schemes directed from foreign sources by cutting off their telephone service and, once discovered, would protect victims from that particular telemarketing scheme. Of course, committed swindlers may just get another telephone number, but even relatively brief interruptions in their fraudulent activities may save some seniors from falling victim to the scheme.

Another crime prevention provision in the Seniors Safety Act is the establishment by the Federal Trade Commission of a ''Better Business Bureau''-type clearinghouse. This would provide seniors, their families, or others who may be concerned about the legitimacy of a telemarketer with information about prior complaints made about the particular company and any prior convictions for telemarketing fraud. In addition, seniors and other consumers who believe they have been swindled would be provided with information for referral to the appropriate law enforcement authorities.

Criminal activity that undermines the safety and integrity of pension plans and health benefit programs pose threats to all of us, but the damage is felt most acutely by seniors who have planned their retirements in reliance on the benefits promised by those programs. Seniors who have worked faithfully and honestly for years should not reach their retirement years only to find that the funds which they were relying upon have been stolen. This is a significant problem. According the Attorney General's 1997 Annual Report, an interagency working group on pension abuse brought 70 criminal cases representing more than $90 million in losses to pension plans in 29 districts around the country in that year alone.

The Seniors Safety Act would add to the arsenal of authority that federal prosecutors have to prevent and punish the defrauding of retirement arrangements. Specifically, the Act would create new criminal and civil penalties for defrauding pension plans or obtaining money or property from such plans by means of false or fraudulent pretenses. In addition, the Act would enhance penalties for bribery and graft in connection with employee benefit plans. The only people enjoying the benefits of pension plans should be the people who have worked hard to fund those plans, not crooks who get the money by fraud.

Spending on health care in this country amounts to roughly 15 percent of the gross national product, or more than $1 trillion each year. Estimated losses due to fraud and abuse are astronomical. A December 1998 report by the National Institute of Justice (NIJ) states that these losses ''may exceed 10 percent of annual health care spending, or $100 billion per year.'' By contrast to health care fraud, which covers deliberate criminal efforts to steal money, the term ''abuse'' describes billing errors or manipulation of billing codes that can result in billing for a more highly reimbursed service or product than the one provided.

As electronic claims processing—with no human involvement —becomes more prevalent to save administrative costs, more sophisticated computer-generated fraud schemes are surfacing. Some of these schemes generate thousands of false claims designed to pass through automated claims processing to payment, and result in the theft of millions of dollars from federal and private health care programs. Defrauding Medicare, Medicaid and private health plans harms taxpayers and increases the financial burden on the beneficiaries. Beneficiaries pay the price for health care fraud in their copayments and contributions. In addition, some forms of fraud may result in inadequate medical care and be dangerous for patients. Unfortunately, the NIJ reports that many health care fraud schemes ''deliberately target vulnerable populations, such as the elderly or Alzheimer's patients, who are less willing or able to complain or alert law enforcement.''

Fighting health care fraud has been a top priority of this Administration and

this Attorney General. The attention our federal law enforcement officials are paying to this problem is paying off: the number of criminal convictions in health care fraud cases grew over 300 percent from 1992 to 1997. These cases included convictions for submitting false claims to Medicare and Medicaid, and other insurance plans; fake billings by foreign doctors; and needless prescriptions for durable medical equipment by doctors in exchange for kickbacks from manufacturers. In 1997 alone, $1.2 billion was awarded or negotiated as a result of criminal fines, civil settlements and judgments in health care fraud matters.

We can and must do more, however. The Seniors Safety Act would give the Attorney General authority to get an injunction to stop false claims and illegal kickback schemes involving federal health care programs. This Act would also provide the law enforcement authorities with additional investigatory tools to uncover, investigate and prosecute health care offenses in both criminal and civil proceedings. The use of civil laws is considered by the Justice Department to be a ''critical component of our enforcement policy.'' In fact, the Department has recovered $1.8 billion in False Claims Act (FCA) civil enforcement actions since 1986, when Congress amended the FCA to address fraud against the Medicare and Medicaid programs. The Seniors Safety Act will permit criminal prosecutors to share information more easily with their civil counterparts.

In addition, whistle-blowers, who tip-off law enforcement about false claims, would be authorized under the Seniors Safety Act to seek court permission to review information obtained by the government to enhance their assistance in FCA law suits. Such qui tam, or whistle-blower, suits have, in the Justice Department's estimation, dramatically increased detection of and monetary recoveries for health care fraud. More half of the $1.2 billion the Department was awarded in health care fraud cases in FY 1997 were related to allegations in qui tam cases. This is a successful track record. According to the Department in its most recent health care fraud report, ''qui tam plaintiffs often work with DOJ to build a strong chain of evidence that can be used during settlement discussions or at trial.'' The Act would allow whistle-blowers and their qui tam suits to become even more effective tools in the fight against health care fraud.

Finally, the Act would extend anti-fraud and anti-kickback safeguards to the Federal Employees Health Benefits program. These are all important steps that will help cut down on the enormous health care fraud losses.

Long-term care planning specialists estimate that over forty percent of those turning 65 years of age will need nursing home care, and that 20 percent of those seniors will spend five years or more in nursing homes. Indeed, many of us already have or will live through the experience of having our parents, family members or other loved ones—or even ourselves—spend time in a nursing home. We owe it to them and to ourselves to give the residents of nursing homes the best care they can get.

The Justice Department's Health Care Fraud Report for Fiscal Year 1997 cites egregious examples of nursing homes that pocketed Medicare funds instead of providing residents with adequate care. In one case, five patients died as result of the inadequate provision of nutrition, wound care and diabetes management by three Pennsylvania nursing homes. Yet another death occurred when a patient, who was unable to speak, was placed in a scalding tub of 138-degree water.

This Act provides additional piece of mind to residents of nursing homes and those of us who may have loved ones there by giving federal law enforcement the authority to investigate and prosecute operators of nursing homes for willfully engaging in patterns of health and safety violations in the care of nursing home residents. The Act also protects whistle-blowers from retaliation for reporting such violations.

The Seniors Safety Act has six titles, described below.

Title I, titled ''Strategies for Preventing Crimes Against Seniors'': directs the Attorney General to study the types of crimes and risk factors associated with crimes against seniors. In addition, authority is provided in this title for the Attorney General to include statistics on the incidence of crimes against seniors in the annual National Crime Victims Survey. Collection and analysis of this data is critical to develop effective strategies to protect seniors from crime and respond effectively to the justice needs of seniors.

Title II, titled ''Combating Crimes Against Seniors'': provides enhanced penalties for crimes targeting seniors, for health care fraud and other fraud offenses, and the creation of new criminal and civil penalties to protect pension and employee benefit plans.

Specifically, the U.S. Sentencing Commission is directed to review the sentencing guidelines and enhance penalties, as appropriate, to adequately reflect the economic and physical harms associated with crimes targeted at seniors, and with health care fraud offenses. This bill would also increase the penalties under the mail fraud statute and wire fraud statute for fraudulent schemes that result in serious injury or death.

In addition, this title of the Seniors Safety Act provides new tools in the form of a new criminal provision and civil penalties for law enforcement to investigate and prosecute persons who defraud pension plans or other retirement arrangements. In addition, the Act increases the penalty for corruptly bribing or receiving graft to influence the operation and management of employee benefit plans from three to five years.

Title III, titled ''Preventing Telemarketing Fraud'': addresses telemarketing fraud in two ways: by providing a ''Better Business''-style hotline to provide information and log complaints about telemarketing fraud, and by allowing the Attorney General to block or terminate telephone service to numbers being used to perpetrate telemarketing fraud crimes.

Title IV, titled ''Combating Health Care Fraud'': provides important investigative and crime prevention tools to law enforcement authorities to uncover and punish health care fraud, including authority to obtain injunctive relief, grand jury disclosure for civil actions, and issuance of administrative subpoenas. In addition, the Act would better protect the Federal Employees Health Benefits Program by extending the anti-kickback and anti-fraud prohibitions to cover this program.

Attorney General's injunction authority: The Act would authorize the Attorney General to seek injunctive relief to prevent persons suspected of committing or about to commit a health care fraud or illegal kickback offense from disposing or dissipating fraudulently obtained proceeds.

Authorized Investigative Demand Procedures: The Attorney General is currently authorized to issue administrative subpoenas during investigations of criminal health care fraud cases, but cannot do the same in related civil cases. The Act would extend that authority to civil cases, subject to stringent privacy safeguards.

Grand Jury Disclosure: Currently, grand jury information may not be disclosed in related civil suits, except under limited circumstances, resulting in duplicative work on the part of government civil attorneys. The Act would allow federal prosecutors to seek a court order allowing the sharing of grand jury information regarding health care offenses with government civil attorneys for use in civil or other regulatory proceedings.

Extension of anti-fraud safeguards: The Federal Employee Health Benefits Act is currently exempt from anti-fraud safeguards available to both Medicaid and Medicare. The Act would remove the exemption and subject the Federal Employee Health Benefits Program to anti-fraud and anti-kickback protections.

Title V, titled ''Protecting Residents of Nursing Homes'': contains the ''Nursing Home Resident Protection Act of 1999'' to establish a new federal crime, with substantial criminal and civil penalties, against operators of nursing homes who engage, knowingly and willfully, in a pattern of health and safety violations that results in significant physical or mental harm to persons residing in residential health care facilities. In addition, whistle-blowers, who tip off officials about poor nursing home conditions, would be authorized to sue for damages, attorney's fees and other relief should there be any retaliation.

Title VI, titled ''Protecting the Rights of Senior Crime Victims'': would authorize the Attorney General to use forfeited funds to pay restitution to victims of fraudulent activity, and the courts to require the forfeiture of proceeds from violations of retirement offenses. In addition, the Act would exempt false claims law actions from a stay by bankruptcy proceedings and ensure that debts due to the United States from false claims law actions are not dischargeable in bankruptcy, in order to pay restitution to fraud victims or regulatory agencies.

The Seniors Safety Act of 1999 provides a new safety net for seniors to protect them from the criminal activity that affects them the most. I commend the Administration and particularly the Vice President for his attention to this issue, and the Attorney General for her work and assistance on this legislation. We should move to consider and pass this legislation before the end of the 106th Congress.

I ask unanimous consent that a copy of the Seniors Safety Act and a sectional analysis be printed in the RECORD.

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

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

S. 751

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 ''Seniors Safety Act of 1999''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.
Sec. 3. Definitions.

TITLE I—STRATEGIES FOR PREVENTING CRIMES AGAINST SENIORS

Sec. 101. Study of crimes against seniors.
Sec. 102. Inclusion of seniors in national crime victimization survey.

TITLE II—COMBATING CRIMES AGAINST SENIORS

Sec. 201. Enhanced sentencing penalties based on age of victim.
Sec. 202. Study and report on health care fraud sentences.
Sec. 203. Increased penalties for fraud resulting in serious injury or death.
Sec. 204. Safeguarding pension plans from fraud and theft.
Sec. 205. Additional civil penalties for defrauding pension plans.
Sec. 206. Punishing bribery and graft in connection with employee benefit plans.

TITLE III—PREVENTING TELEMARKETING FRAUD

Sec. 301. Centralized complaint and consumer education service for victims of telemarketing fraud.
Sec. 302. Blocking of telemarketing scams.

TITLE IV—PREVENTING HEALTH CARE FRAUD

Sec. 401. Injunctive authority relating to false claims and illegal kickback schemes involving Federal health care programs.
Sec. 402. Authorized investigative demand procedures.
Sec. 403. Extending antifraud safeguards to the Federal employee health benefits program.
Sec. 404. Grand jury disclosure.
Sec. 405. Increasing the effectiveness of civil investigative demands in false claims investigations.

TITLE V—PROTECTING RESIDENTS OF NURSING HOMES

Sec. 501. Short title.
Sec. 502. Nursing home resident protection.

TITLE VI—PROTECTING THE RIGHTS OF ELDERLY CRIME VICTIMS

Sec. 601. Use of forfeited funds to pay restitution to crime victims and regulatory agencies.
Sec. 602. Victim restitution.
Sec. 603. Bankruptcy proceedings not used to shield illegal gains from false claims.
Sec. 604. Forfeiture for retirement offenses.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) The number of older Americans is growing both numerically and proportionally in the United States. Since 1990, the population of seniors has increased by almost 5,000,000, and is now 20.2 percent of the United States population.

(2) In 1997, 7 percent of victims of serious violent crime were age 50 or older.

(3) In 1997, 17.7 percent of murder victims were age 55 or older.

(4) According to the National Crime Victimization Survey, persons aged 50 and older experienced approximately 673,460 incidents of violent crime, including rape and sexual assaults, robberies and general assaults, during 1997.

(5) Older victims of violent crime are almost twice as likely as younger victims to be raped, robbed, or assaulted at or in their own homes.

(6) Approximately half of Americans who are 50 years old or older feel afraid to walk alone at night in their own neighborhoods.

(7) Seniors over the age of 50 reportedly account for 37 percent of the estimated $40,000,000,000 in losses each year due to telemarketing fraud.

(8) In 1998, Congress enacted legislation to provide for increased penalties for telemarketing fraud that targets seniors.

(9) There has not been a comprehensive study of crimes committed against seniors since 1994.

(10) It has been estimated that approximately 43 percent of those turning 65 can expect to spend some time in a long-term care facility, and approximately 20 percent can expect to spend 5 years or longer in a such a facility.

(11) In 1997, approximately $82,800,000,000 was spent on nursing home care in the United States and over half of this amount was spent by the medicaid and medicare programs.

(12) Losses to fraud and abuse in health care reportedly cost the United States an estimated $100,000,000,000 in 1996.

(13) The Inspector General for the Department of Health and Human Services has estimated that about $12,600,000,000 in improper medicare benefit payments, due to inadvertent mistake, fraud and abuse, were made during fiscal year 1998.

(14) Incidents of health care fraud and abuse remain high despite awareness of the problem.

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

(1) combat nursing home fraud and abuse;

(2) enhance safeguards for pension plans and health care programs;

(3) develop strategies for preventing and punishing crimes that target or otherwise disproportionately affect seniors by collecting appropriate data to measure the extent of crimes committed against seniors and determine the extent of domestic and elder abuse of seniors; and

(4) prevent and deter criminal activity, such as telemarketing fraud, that results in economic and physical harm against seniors and ensure appropriate restitution.

SEC. 3. DEFINITIONS.

In this Act—

(1) the term ''crime'' means any criminal offense under Federal or State law;

(2) the term ''nursing home'' means any institution or residential care facility defined as such for licensing purposes under State law, or if State law does not employ the term nursing home, the equivalent term or terms as determined by the Secretary of Health and Human Services, pursuant to section 1908(e) of the Social Security Act (42 U.S.C. 1396g(e)); and

(3) the term ''senior'' means an individual who is more than 55 years of age.

TITLE I—STRATEGIES FOR PREVENTING CRIMES AGAINST SENIORS

SEC. 101. STUDY OF CRIMES AGAINST SENIORS.

(a) IN GENERAL.—The Attorney General shall conduct a study relating to crimes against seniors, in order to assist in developing new strategies to prevent and otherwise reduce the incidence of those crimes.

(b) ISSUES ADDRESSED.—The study conducted under this section shall include an analysis of—

(1) the nature and type of crimes perpetrated against seniors, with special focus on—

(A) the most common types of crimes that affect seniors;

(B) the nature and extent of telemarketing fraud against seniors;

(C) the nature and extent of elder abuse inflicted upon seniors;

(D) the nature and extent of financial and material fraud targeted at seniors; and

(E) the nature and extent of health care fraud and abuse targeting seniors;

(2) the risk factors associated with seniors who have been victimized;

(3) the manner in which the Federal and State criminal justice systems respond to crimes against seniors;

(4) the feasibility of States establishing and maintaining a centralized computer database on the incidence of crimes against seniors that will promote the uniform identification and reporting of such crimes;

(5) the nature and extent of crimes targeting seniors, such as health care fraud and telemarketing fraud originating from sources outside the United States;

(6) the effectiveness of State programs funded under the 1987 State Elder Abuse Prevention Program in preventing and reducing the abuse and neglect of seniors; and

(7) other effective ways to prevent or reduce the occurrence of crimes against seniors.

(c) REPORT.—Not later than 18 months after the date of enactment of this Act, the Attorney General shall submit to the Committees on the Judiciary of the House of Representatives and the Senate a report describing the results of the study under this section, which shall also include—

(1) an assessment of any impact of the sentencing enhancements promulgated by the United States Sentencing Commission pursuant to section 6(b) of the Telemarketing Fraud Prevention Act of 1998 (28 U.S.C. 994 note), including—

(A) the number of crimes for which sentences were enhanced under that section; and

(B) the effect of those enhanced sentences in deterring telemarketing fraud crimes targeting seniors;

(2) an assessment of the factors that result in the inclusion of seniors on the lists of names, addresses, phone numbers, or Internet addresses compiled by telemarketers or sold to telemarketers as lists of potentially vulnerable consumers (i.e. ''mooch lists''); and

(3) an assessment of the nature and extent of nursing home fraud and abuse, which shall include—

(A) the number of cases and financial impact on seniors of fraud and abuse involving nursing homes each year;

(B) procedures used effectively by State, local and Federal authorities to combat nursing home fraud and abuse; and

(C) a description of strategies available to consumers to protect themselves from nursing home fraud and an evaluation of the effectiveness of such strategies.

SEC. 102. INCLUSION OF SENIORS IN NATIONAL CRIME VICTIMIZATION SURVEY.

Beginning not later than 2 years after the date of enactment of this Act, as part of each National Crime Victimization Survey, the Attorney General shall include statistics relating to—

(1) crimes targeting or disproportionately affecting seniors; and

(2) crime risk factors for seniors, including the times and locations at which crimes victimizing seniors are most likely to occur; and

(3) specific characteristics of the victims of crimes who are seniors, including age, gender, race or ethnicity, and socioeconomic status.

TITLE II—COMBATING CRIMES AGAINST SENIORS

SEC. 201. ENHANCED SENTENCING PENALTIES BASED ON AGE OF VICTIM.

(a) DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and, if appropriate, amend section 3A1.1(a) of the Federal sentencing guidelines to include the age of a crime victim as 1 of the criteria for determining whether the application of a sentencing enhancement is appropriate.

(b) REQUIREMENTS.—In carrying out this section, the Commission shall—

(1) ensure that the Federal sentencing guidelines and the policy statements of the Commission reflect the serious economic and physical harms associated with criminal activity targeted at seniors due to their particular vulnerability;

(2) consider providing increased penalties for persons convicted of offenses in which the victim was a senior in appropriate circumstances;

(3) consult with individuals or groups representing seniors, law enforcement agencies, victims organizations, and the Federal judiciary, as part of the review described in subsection (a);

(4) ensure reasonable consistency with other Federal sentencing guidelines and directives;

(5) account for any aggravating or mitigating circumstances that may justify exceptions, including circumstances for which the Federal sentencing guidelines provide sentencing enhancements;

(6) make any necessary conforming changes to the Federal sentencing guidelines; and

(7) ensure that the Federal sentencing guidelines adequately meet the purposes of sentencing set forth in section 3553(a)(2) of title 18, United States Code.

(c) REPORT.—Not later than December 31, 2000, the Commission shall submit to Congress a report on issues relating to the age of crime victims, which shall include—

(1) an explanation of any changes to sentencing policy made by the Commission under this section; and

(2) any recommendations of the Commission for retention or modification of penalty levels, including statutory penalty levels, for offenses involving seniors.

SEC. 202. STUDY AND REPORT ON HEALTH CARE FRAUD SENTENCES.

(a) DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and, if appropriate, amend the Federal sentencing guidelines and the policy statements of the Commission with respect to persons convicted of offenses involving fraud in connection with a health care benefit program (as defined in section 24(b) of title 18, United States Code).

(b) REQUIREMENTS.—In carrying out this section, the Commission shall—

(1) ensure that the Federal sentencing guidelines and the policy statements of the Commission reflect the serious harms associated with health care fraud and the need for aggressive and appropriate law enforcement action to prevent such fraud;

(2) consider providing increased penalties for persons convicted of health care fraud in appropriate circumstances;

(3) consult with individuals or groups representing victims of health care fraud, law enforcement agencies, the health care industry, and the Federal judiciary as part of the review described in subsection (a);

(4) ensure reasonable consistency with other Federal sentencing guidelines and directives;

(5) account for any aggravating or mitigating circumstances that might justify exceptions, including circumstances for which the Federal sentencing guidelines provide sentencing enhancements;

(6) make any necessary conforming changes to the Federal sentencing guidelines; and

(7) ensure that the Federal sentencing guidelines adequately meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.

(c) REPORT.—Not later than December 31, 2000, the Commission shall submit to Congress a report on issues relating to offenses described in subsection (a), which shall include—

(1) an explanation of any changes to sentencing policy made by the Commission under this section; and

(2) any recommendations of the Commission for retention or modification of penalty levels, including statutory penalty levels, for those offenses.

SEC. 203. INCREASED PENALTIES FOR FRAUD RESULTING IN SERIOUS INJURY OR DEATH.

Sections 1341 and 1343 of title 18, United States Code, are each amended by inserting before the last sentence the following: ''If the violation results in serious bodily injury (as defined in section 1365 of this title), such person shall be fined under this title, imprisoned not more than 20 years, or both, and if the violation results in death, such person shall be fined under this title, imprisoned for any term of years or life, or both.''.

SEC. 204. SAFEGUARDING PENSION PLANS FROM FRAUD AND THEFT.

(a) IN GENERAL.—Chapter 63 of title 18, United States Code, is amended by adding at the end the following:

''§ 1348. Fraud in relation to retirement arrangements

''(a) RETIREMENT ARRANGEMENT DEFINED.—In this section—

''(1) IN GENERAL.—The term 'retirement arrangement' means—

''(A) any employee pension benefit plan subject to any provision of title I of the Employee Retirement Income Security Act of 1974;

''(B) any qualified retirement plan within the meaning of section 4974(c) of the Internal Revenue Code of 1986;

''(C) any medical savings account described in section 220 of the Internal Revenue Code of 1986; or

''(D) fund established within the Thrift Savings Fund by the Federal Retirement Thrift Investment Board pursuant to subchapter III of chapter 84 of title 5.

''(2) EXCEPTION FOR GOVERNMENTAL PLAN.—Such term does not include any governmental plan (as defined in section 3(32) of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(32))), except as provided in paragraph (1)(D).

''(3) CERTAIN ARRANGEMENTS INCLUDED.—Such term shall include any arrangement that has been represented to be an arrangement described in any subparagraph of paragraph (1) (whether or not so described).

''(b) PROHIBITION AND PENALTIES.—Whoever executes, or attempts to execute, a scheme or artifice—

''(1) to defraud any retirement arrangement or other person in connection with the establishment or maintenance of a retirement arrangement; or

''(2) to obtain, by means of false or fraudulent pretenses, representations, or promises, any of the money or property owned by, or under the custody or control of, any retirement arrangement or other person in connection with the establishment or maintenance of a retirement arrangement;

shall be fined under this title, imprisoned not more than 10 years, or both.

''(c) ENFORCEMENT.—

''(1) IN GENERAL.—Subject to paragraph (2), the Attorney General may investigate any violation of and otherwise enforce this section.

''(2) EFFECT ON OTHER AUTHORITY.—Nothing in this subsection may be construed to preclude the Secretary of Labor or the head of any other appropriate Federal agency from investigating a violation of this section in relation to a retirement arrangement subject to title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.) or any other provision of Federal law.''.

(b) TECHNICAL AMENDMENT.—Section 24(a)(1) of title 18, United States Code, is amended by inserting ''1348,'' after ''1347,''.

(c) CONFORMING AMENDMENT.—The analysis for chapter 63 of title 18, United States Code, is amended by adding at the end the following:

''1348. Fraud in relation to retirement arrangements.''.

SEC. 205. ADDITIONAL CIVIL PENALTIES FOR DEFRAUDING PENSION PLANS.

(a) IN GENERAL.—

(1) ACTION BY ATTORNEY GENERAL.—Except as provided in subsection (b)—

(A) the Attorney General may bring a civil action in the appropriate district court of the United States against any person who engages in conduct constituting an offense under section 1348 of title 18, United States Code, or conspiracy to violate such section 1348; and

(B) upon proof of such conduct by a preponderance of the evidence, such person shall be subject to a civil penalty in an amount equal to the greatest of—

(i) the amount of pecuniary gain to that person;

(ii) the amount of pecuniary loss sustained by the victim; or

(iii) not more than—

(I) $50,000 for each such violation in the case of an individual; or

(II) $100,000 for each violation in the case of a person other than an individual.

(2) NO EFFECT ON OTHER REMEDIES.—The imposition of a civil penalty under this subsection does not preclude any other statutory, common law, or administrative remedy available by law to the United States or any other person.

(b) EXCEPTION.—No civil penalty may be imposed pursuant to subsection (a) with respect to conduct involving a retirement arrangement that—

(1) is an employee pension benefit plan subject to title I of Employee Retirement Income Security Act of 1974; and

(2) for which the civil penalties may be imposed under section 502 of Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132).

(c) DETERMINATION OF PENALTY AMOUNT.—In determining the amount of the penalty under subsection (a), the district court may consider the effect of the penalty on the violator or other person's ability to—

(1) restore all losses to the victims; or

(2) provide other relief ordered in another civil or criminal prosecution related to such conduct, including any penalty or tax imposed on the violator or other person pursuant to the Internal Revenue Code of 1986.''.

SEC. 206. PUNISHING BRIBERY AND GRAFT IN CONNECTION WITH EMPLOYEE BENEFIT PLANS.

Section 1954 of title 18, United State Code, is amended to read as follows:

''§ 1954. Bribery and graft in connection with employee benefit plans

''(a) DEFINITIONS.—In this section—

''(1) the term 'employee benefit plan' means any employee welfare benefit plan or employee pension benefit plan subject to any provision of title I of the Employee Retirement Income Security Act of 1974;

''(2) the terms 'employee organization', 'administrator', and 'employee benefit plan sponsor' mean any employee organization, administrator, or plan sponsor, as defined in title I of the Employment Retirement Income Security Act of 1974; and

''(3) the term 'applicable person' means a person who is—

''(A) an administrator, officer, trustee, custodian, counsel, agent, or employee of any employee benefit plan;

''(B) an officer, counsel, agent, or employee of an employer or an employer any of whose employees are covered by such plan;

''(C) an officer, counsel, agent, or employee of an employee organization any of whose members are covered by such plan;

''(D) a person who, or an officer, counsel, agent, or employee of an organization that, provides benefit plan services to such plan; or

''(E) a person with actual or apparent influence or decisionmaking authority in regard to such plan.

''(b) BRIBERY AND GRAFT.—Whoever—

''(1) being an applicable person, receives or agrees to receive or solicits, any fee, kickback, commission, gift, loan, money, or thing of value, personally or for any other person, because of or with the intent to be corruptly influenced with respect to any action, decision, or duty of that applicable person relating to any question or matter concerning an employee benefit plan;

''(2) directly or indirectly, gives or offers, or promises to give or offer, any fee, kickback, commission, gift, loan, money, or thing of value, to any applicable person, because of or with the intent to be corruptly influenced with respect to any action, decision, or duty of that applicable person relating to any question or matter concerning an employee benefit plan; or

''(3) attempts to give, accept, or receive any thing of value with the intent to be corruptly influenced in violation of this subsection;

shall be fined under this title, imprisoned not more than 5 years, or both.

''(c) EXCEPTIONS.—Nothing in this section may be construed to apply to any—

''(1) payment to or acceptance by any person of bona fide salary, compensation, or other payments made for goods or facilities actually furnished or for services actually performed in the regular course of his duties as an applicable person; or

''(2) payment to or acceptance in good faith by any employee benefit plan sponsor, or person acting on the sponsor's behalf, of any thing of value relating to the sponsor's decision or action to establish, terminate, or modify the governing instruments of an employee benefit plan in a manner that does not violate title I of the Employee Retirement Income Security Act of 1974, or any regulation or order promulgated thereunder, or any other provision of law governing the plan.''.

TITLE III—PREVENTING TELEMARKETING FRAUD

SEC. 301. CENTRALIZED COMPLAINT AND CONSUMER EDUCATION SERVICE FOR VICTIMS OF TELEMARKETING FRAUD.

(a) CENTRALIZED SERVICE.—

(1) REQUIREMENT.—The Federal Trade Commission shall, after consultation with the Attorney General, establish procedures to—

(A) log and acknowledge the receipt of complaints by individuals who certify that they have a reasonable belief that they have been the victim of fraud in connection with the conduct of telemarketing (as that term is defined in section 2325 of title 18, United States Code, as amended by section 302(a) of this Act);

(B) provide to individuals described in subparagraph (A), and to any other persons, information on telemarketing fraud, including—

(i) general information on telemarketing fraud, including descriptions of the most common telemarketing fraud schemes;

(ii) information on means of referring complaints on telemarketing fraud to appropriate law enforcement agencies, including the Director of the Federal Bureau of Investigation, the attorneys general of the States, and the national toll-free telephone number on telemarketing fraud established by the Attorney General; and

(iii) information, if available, on the number of complaints of telemarketing fraud against particular companies and any record of convictions for telemarketing fraud by particular companies for which a specific request has been made; and

(C) refer complaints described in subparagraph (A) to appropriate entities, including State consumer protection agencies or entities and appropriate law enforcement agencies, for potential law enforcement action.

(2) CENTRAL LOCATION.—The service under the procedures under paragraph (1) shall be provided at and through a single site selected by the Commission for that purpose.

(3) COMMENCEMENT.—The Commission shall commence carrying out the service not later than 1 year after the date of enactment of this Act.

(b) CREATION OF FRAUD CONVICTION DATABASE.—

(1) REQUIREMENT.—The Attorney General shall establish and maintain a computer database containing information on the corporations and companies convicted of offenses for telemarketing fraud under Federal and State law. The database shall include a description of the type and method of the fraud scheme for which each corporation or company covered by the database was convicted.

(2) USE OF DATABASE.—The Attorney General shall make information in the database available to the Federal Trade Commission for purposes of providing information as part of the service under subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 302. BLOCKING OF TELEMARKETING SCAMS.

(a) EXPANSION OF SCOPE OF TELEMARKETING FRAUD SUBJECT TO ENHANCED CRIMINAL PENALTIES.—Section 2325(1) of title 18, United States Code, is amended by striking ''telephone calls'' and inserting ''wire communications utilizing a telephone service''.

(b) BLOCKING OR TERMINATION OF TELEPHONE SERVICE ASSOCIATED WITH TELEMARKETING FRAUD.—

(1) IN GENERAL.—Chapter 113A of title 18, United States Code, is amended by adding at the end the following:

''§ 2328. Blocking or termination of telephone service

''(a) IN GENERAL.—If a common carrier subject to the jurisdiction of the Federal Communications Commission is notified in writing by the Attorney General, acting within the Attorney General's jurisdiction, that any wire communications facility furnished by such common carrier is being used or will be used by a subscriber for the purpose of transmitting or receiving a wire communication in interstate or foreign commerce for the purpose of executing any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, in connection with the conduct of telemarketing, the common carrier shall discontinue or refuse the leasing, furnishing, or maintaining of the facility to or for the subscriber after reasonable notice to the subscriber.

''(b) PROHIBITION ON DAMAGES.—No damages, penalty, or forfeiture, whether civil or criminal, shall be found or imposed against any common carrier for any act done by the common carrier in compliance with a notice received from the Attorney General under this section.

''(c) RELIEF.—

''(1) IN GENERAL.—Nothing in this section may be construed to prejudice the right of any person affected thereby to secure an appropriate determination, as otherwise provided by law, in a Federal court, that—

''(A) the leasing, furnishing, or maintaining of a facility should not be discontinued or refused under this section; or

''(B) the leasing, furnishing, or maintaining of a facility that has been so discontinued or refused should be restored.

''(2) SUPPORTING INFORMATION.—In any action brought under this subsection, the court may direct that the Attorney General present evidence in support of the notice made under subsection (a) to which such action relates.

''(d) DEFINITIONS.—In this section:

''(1) REASONABLE NOTICE TO THE SUBSCRIBER.—

''(A) IN GENERAL.—The term 'reasonable notice to the subscriber', in the case of a subscriber of a common carrier, means any information necessary to provide notice to the subscriber that—

''(i) the wire communications facilities furnished by the common carrier may not be used for the purpose of transmitting, receiving, forwarding, or delivering a wire communication in interstate or foreign commerce

for the purpose of executing any scheme or artifice to defraud in connection with the conduct of telemarketing; and

''(ii) such use constitutes sufficient grounds for the immediate discontinuance or refusal of the leasing, furnishing, or maintaining of the facilities to or for the subscriber.

''(B) INCLUDED MATTER.—The term includes any tariff filed by the common carrier with the Federal Communications Commission that contains the information specified in subparagraph (A).

''(2) WIRE COMMUNICATION.—The term 'wire communication' has the meaning given that term in section 2510(1) of this title.

''(3) WIRE COMMUNICATIONS FACILITY.—The term 'wire communications facility' means any facility (including instrumentalities, personnel, and services) used by a common carrier for purposes of the transmission, receipt, forwarding, or delivery of wire communications.''.

(2) CONFORMING AMENDMENT.—The analysis for that chapter is amended by adding at the end the following:

''2328. Blocking or termination of telephone service.''.

TITLE IV—PREVENTING HEALTH CARE FRAUD

SEC. 401. INJUNCTIVE AUTHORITY RELATING TO FALSE CLAIMS AND ILLEGAL KICKBACK SCHEMES INVOLVING FEDERAL HEALTH CARE PROGRAMS.

(a) IN GENERAL.—Section 1345(a) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (B), by striking '', or'' and inserting a semicolon;

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

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

''(D) committing or about to commit an offense under section 1128B of the Social Security Act (42 U.S.C. 1320a–7b);''; and

(2) in paragraph (2), by inserting ''a violation of paragraph (1)(D) or'' before ''a banking''.

(b) CIVIL ACTIONS.—

(1) IN GENERAL.—Section 1128B of the Social Security Act (42 U.S.C. 1320a–7b) is amended by adding at the end the following:

''(g) CIVIL ACTIONS.—

''(1) IN GENERAL.—The Attorney General may bring an action in the appropriate district court of the United States to impose upon any person who carries out any activity in violation of this section with respect to a Federal health care program a civil penalty of not more than $50,000 for each such violation, or damages of 3 times the total remuneration offered, paid, solicited, or received, whichever is greater.

''(2) EXISTENCE OF VIOLATION.—A violation exists under paragraph (1) if 1 or more purposes of the remuneration is unlawful, and the damages shall be the full amount of such remuneration.

''(3) PROCEDURES.—An action under paragraph (1) shall be governed by—

''(A) the procedures with regard to subpoenas, statutes of limitations, standards of proof, and collateral estoppel set forth in section 3731 of title 31, United States Code; and

''(B) the Federal Rules of Civil Procedure.

''(4) NO EFFECT ON OTHER REMEDIES.—Nothing in this section may be construed to affect the availability of any other criminal or civil remedy.

''(h) INJUNCTIVE RELIEF.—The Attorney General may commence a civil action in an appropriate district court of the United States to enjoin a violation of this section, as provided in section 1345 of title 18, United States Code.''.

(2) CONFORMING AMENDMENT.—The heading of section 1128B of the Social Security Act (42 U.S.C. 1320a–7b) is amended by inserting ''AND CIVIL'' after ''CRIMINAL''.

SEC. 402. AUTHORIZED INVESTIGATIVE DEMAND PROCEDURES.

Section 3486 of title 18, United States Code, is amended—

(1) in subsection (a), by inserting '', or any allegation of fraud or false claims (whether criminal or civil) in connection with a Federal health care program (as defined in section 1128B(f) of the Social Security Act (42 U.S.C. 1320a–7b(f))),'' after ''Federal health care offense,''; and

(2) by adding at the end the following:

''(f) PRIVACY PROTECTION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), any record (including any book, paper, document, electronic medium, or other object or tangible thing) produced pursuant to a subpoena issued under this section that contains personally identifiable health information may not be disclosed to any person, except pursuant to a court order under subsection (e)(1).

''(2) EXCEPTIONS.—A record described in paragraph (1) may be disclosed—

''(A) to an attorney for the government for use in the performance of the official duty of the attorney (including presentation to a Federal grand jury);

''(B) to such government personnel (including personnel of a State or subdivision of a State) as are determined to be necessary by an attorney for the government to assist an attorney for the government in the performance of the official duty of that attorney to enforce Federal criminal law;

''(C) as directed by a court preliminarily to or in connection with a judicial proceeding; and

''(D) as permitted by a court—

''(i) at the request of a defendant in an administrative, civil, or criminal action brought by the United States, upon a showing that grounds may exist for a motion to exclude evidence obtained under this section; or

''(E) at the request of an attorney for the government, upon a showing that such matters may disclose a violation of State criminal law, to an appropriate official of a State or subdivision of a State for the purpose of enforcing such law.

''(3) MANNER OF COURT ORDERED DISCLOSURES.—If a court orders the disclosure of any record described in paragraph (1), the disclosure shall be made in such manner, at such time, and under such conditions as the court may direct and shall be undertaken in a manner that preserves the confidentiality and privacy of individuals who are the subject of the record, unless disclosure is required by the nature of the proceedings, in which event the attorney for the government shall request that the presiding judicial or administrative officer enter an order limiting the disclosure of the record to the maximum extent practicable, including redacting the personally identifiable health information from publicly disclosed or filed pleadings or records.

''(4) DESTRUCTION OF RECORDS.—Any record described in paragraph (1), and all copies of that record, in whatever form (including electronic) shall be destroyed not later than 90 days after the date on which the record is produced, unless otherwise ordered by a court of competent jurisdiction, upon a showing of good cause.

''(5) EFFECT OF VIOLATION.—Any person who knowingly fails to comply with this subsection may be punished as in contempt of court.

''(g) PERSONALLY IDENTIFIABLE HEALTH INFORMATION DEFINED.—In this section, the term 'personally identifiable health information' means any information, including genetic information, demographic information, and tissue samples collected from an individual, whether oral or recorded in any form or medium, that—

''(1) relates to the past, present, or future physical or mental health or condition of an individual, the provision of health care to an individual, or the past, present, or future payment for the provision of health care to an individual; and

''(2) either—

''(A) identifies an individual; or

''(B) with respect to which there is a reasonable basis to believe that the information can be used to identify an individual.''.

SEC. 403. EXTENDING ANTIFRAUD SAFEGUARDS TO THE FEDERAL EMPLOYEE HEALTH BENEFITS PROGRAM.

Section 1128B(f)(1) of the Social Security Act (42 U.S.C. 1320a–7b(f)(1)) is amended by striking ''(other than the health insurance program under chapter 89 of title 5, United States Code)''.

SEC. 404. GRAND JURY DISCLOSURE.

Section 3322 of title 18, United States Code, is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following:

''(c) GRAND JURY DISCLOSURE.—Subject to section 3486(f), upon ex parte motion of an attorney for the government showing that such disclosure would be of assistance to enforce any provision of Federal law, a court may direct the disclosure of any matter occurring before a grand jury during an investigation of a Federal health care offense (as defined in section 24(a) of this title) to an attorney for the government to use in any investigation or civil proceeding relating to fraud or false claims in connection with a Federal health care program (as defined in section 1128B(f) of the Social Security Act (42 U.S.C. 1320a–7b(f))).''.

SEC. 405. INCREASING THE EFFECTIVENESS OF CIVIL INVESTIGATIVE DEMANDS IN FALSE CLAIMS INVESTIGATIONS.

Section 3733 of title 31, United States Code, is amended—

(1) in subsection (a)(1), in the second sentence, by inserting '', except to the Deputy Attorney General or to an Assistant Attorney General'' before the period at the end; and

(2) in subsection (i)(2)(C), by adding at the end the following: ''Disclosure of information to a person who brings a civil action under section 3730, or such person's counsel, shall be allowed only upon application to a United States district court showing that such disclosure would assist the Department of Justice in carrying out its statutory responsibilities.''.

TITLE V—PROTECTING RESIDENTS OF NURSING HOMES

SEC. 501. SHORT TITLE.

This title may be cited as the ''Nursing Home Resident Protection Act of 1999''.

SEC. 502. NURSING HOME RESIDENT PROTECTION.

(a) PROTECTION OF RESIDENTS IN NURSING HOMES AND OTHER RESIDENTIAL HEALTH CARE FACILITIES.—Chapter 63 of title 18, United States Code, is amended by adding at the end the following:

''§ 1349. Pattern of violations resulting in harm to residents of nursing homes and related facilities.

''(a) DEFINITIONS.—In this section:

''(1) ENTITY.—The term 'entity' means any residential health care facility (including facilities that do not exclusively provide residential health care services), any entity that manages a residential health care facility, or

any entity that owns, directly or indirectly, a controlling interest or a 50 percent or greater interest in 1 or more residential health care facilities including States, localities, and political subdivisions thereof.

''(2) FEDERAL HEALTH CARE PROGRAM.—The term 'Federal health care program' has the meaning given that term in section 1128B(f) of the Social Security Act.

''(3) PATTERN OF VIOLATIONS.—The term 'pattern of violations' means multiple violations of a single Federal or State law, regulation, or rule or single violations of multiple Federal or State laws, regulations, or rules, that are widespread, systemic, repeated, similar in nature, or result from a policy or practice.

''(4) RESIDENTIAL HEALTH CARE FACILITY.—The term 'residential health care facility' means any facility (including any facility that does not exclusively provide residential health care services) including skilled and unskilled nursing facilities and mental health and mental retardation facilities, that—

''(A) receives Federal funds, directly from the Federal Government or indirectly from a third party on contract with or receiving a grant or other monies from the Federal government, to provide health care; or

''(B) provides health care services in a residential setting and, in any calendar year in which a violation occurs, is the recipient of benefits or payments in excess of $10,000 from a Federal health care program.

''(5) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

''(b) PROHIBITION AND PENALTIES.—Whoever knowingly and willfully engages in a pattern of violations that affects the health, safety, or care of individuals residing in a residential health care facility or facilities, and that results in significant physical or mental harm to 1 or more of such residents, shall be punished as provided in section 1347, except that any organization shall be fined not more than $2,000,000 per residential health care facility.

''(c) CIVIL PROVISIONS.—

''(1) IN GENERAL.—The Attorney General may bring an action in a district court of the United States to impose on any individual or entity that engages in a pattern of violations that affects the health, safety, or care of individuals residing in a residential health care facility, and that results in physical or mental harm to 1 or more such residents, a civil penalty or—

''(A) in the case of an individual (other than an owner, operator, officer or manager of such a residential health care facility), not more than $10,000;

''(B) in the case of an individual who is an owner, operator, officer, or manager of such a residential health care facility, not more than $100,000 for each separate facility involved in the pattern of violations under this section; or

''(C) in the case of a residential health care facility, not more than $1,000,000 for each pattern of violations, and in the case of an entity, not more than $1,000,000 for each separate residential health care facility involved in the pattern of violations owned or managed by that entity.

''(2) OTHER APPROPRIATE RELIEF.—If the Attorney General has reason to believe that an individual or entity is engaging in or is about to engage in a pattern of violations that would affect the health, safety, or care of individuals residing in a residential health care facility, and that results in or has the potential to result in physical or mental harm to 1 or more such residents, the Attorney General may petition an appropriate district court of the United States for appropriate equitable and declaratory relief to eliminate the pattern of violations.

''(3) PROCEDURES.—In any action under this subsection—

''(A) a subpoena requiring the attendance of a witness at a trial or hearing may be served at any place in the United States;

''(B) the action may not be brought more than 6 years after the date on which the violation occurs;

''(C) the United States shall be required to prove each charge by a preponderance of the evidence;

''(D) the civil investigative demand procedures set forth in the Antitrust Civil Process Act (15 U.S.C. 1311 et seq.) and regulations promulgated pursuant thereto shall apply to any investigation; and

''(E) the filing or resolution of a matter shall not preclude any other remedy that is available to the United States or any other person.

''(d) PROHIBITION AGAINST RETALIATION.—Any person who is the subject of retaliation, either directly or indirectly, for reporting a condition that may constitute grounds for relief under this section may bring an action in an appropriate district court of the United States for damages, attorneys' fees, and other relief.''.

(b) AUTHORIZED INVESTIGATIVE DEMAND PROCEDURES.—Section 3486(a)(1) of title 18, United States Code, is amended by inserting ''or act or activity involving section 1349 of this title'' after ''Federal health care offense''.

(c) CONFORMING AMENDMENT.—The analysis for chapter 63 of title 18 United States Code, is amended by adding at the end the following:

''1349. Pattern of violations resulting in harm to residents of nursing homes and related facilities.''.

TITLE VI—PROTECTING THE RIGHTS OF ELDERLY CRIME VICTIMS

SEC. 601. USE OF FORFEITED FUNDS TO PAY RESTITUTION TO CRIME VICTIMS AND REGULATORY AGENCIES.

Section 981(e) of this title 18, United States Code, is amended—

(1) in each of paragraphs (3), (4), and (5), by striking ''in the case of property referred to in subsection (a)(1)(C)'' and inserting ''in the case of property forfeited in connection with an offense resulting in a pecuniary loss to a financial institution or regulatory agency'';

(2) by striking paragraph (6) and inserting the following:

''(6) as restoration to any victim of the offense giving rise to the forfeiture, including, in the case of a money laundering offense, any offense constituting the underlying specified unlawful activity; or''; and

(3) in paragraph (7), by striking ''in the case of property referred to in subsection (a)(1)(D)'' and inserting ''in the case of property forfeited in connection with an offense relating to the sale of assets acquired or held by any Federal financial institution or regulatory agency, or person appointed by such agency, as receiver, conservator, or liquidating agent for an financial institution''.

SEC. 602. VICTIM RESTITUTION.

Section 413 of the Controlled Substances Act (21 U.S.C. 853) is amended by adding at the end the following:

''(r) VICTIM RESTITUTION.—

''(1) SATISFACTION OF ORDER OF RESTITUTION.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), a defendant may not use property subject to forfeiture under this section to satisfy an order of restitution.

''(B) EXCEPTION.—If there are 1 or more identifiable victims entitled to restitution from a defendant, and the defendant has no assets other than the property subject to forfeiture with which to pay restitution to the victim or victims, the attorney for the Government may move to dismiss a forfeiture allegation against the defendant before entry of a judgment of forfeiture in order to allow the property to be used by the defendant to pay restitution in whatever manner the court determines to be appropriate if the court grants the motion. In granting a motion under this subparagraph, the court shall include a provision ensuring that costs associated with the identification, seizure, management, and disposition of the property are recovered by the United States.

''(2) RESTORATION OF FORFEITED PROPERTY.—

''(A) IN GENERAL.—If an order of forfeiture is entered pursuant to this section and the defendant has no assets other than the forfeited property to pay restitution to 1 or more identifiable victims who are entitled to restitution, the Government shall restore the forfeited property to the victims pursuant to subsection (i)(1) once the ancillary proceeding under subsection (n) has been completed and the costs of the forfeiture action have been deducted.

''(B) DISTRIBUTION OF PROPERTY.—On motion of the attorney for the Government, the court may enter any order necessary to facilitate the distribution of any property restored under this paragraph.

''(3) VICTIM DEFINED.—In this subsection, the term 'victim'—

''(A) means a person other than a person with a legal right, title, or interest in the forfeited property sufficient to satisfy the standing requirements of subsection (n)(2) who may be entitled to restitution from the forfeited funds pursuant to section 9.8 of part 9 of title 28, Code of Federal Regulations (or any successor to that regulation); and

''(B) includes any person who is the victim of the offense giving rise to the forfeiture, or of any offense that was part of the same scheme, conspiracy, or pattern of criminal activity, including, in the case of a money laundering offense, any offense constituting the underlying specified unlawful activity.''.

SEC. 603. BANKRUPTCY PROCEEDINGS NOT USED TO SHIELD ILLEGAL GAINS FROM FALSE CLAIMS.

(a) CERTAIN ACTIONS NOT STAYED BY BANKRUPTCY PROCEEDINGS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the commencement or continuation of an action under section 3729 of title 31, United States Code, does not operate as a stay under section 105(a) or 362(a)(1) of title 11, United States Code.

(2) CONFORMING AMENDMENT.—Section 362(b) of title 11, United States Code, is amended—

(A) in paragraph (17), by striking ''or'' at the end;

(B) in paragraph (18), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(19) the commencement or continuation of an action under section 3729 of title 31.''.

(b) CERTAIN DEBTS NOT DISCHARGEABLE IN BANKRUPTCY.—Section 523 of title 11, United States Code, is amended by adding at the end the following:

''(f) A discharge under section 727, 1141, 1228(a), 1228(b), or 1328(b) does not discharge a debtor from a debt owed for violating section 3729 of title 31.''.

(c) REPAYMENT OF CERTAIN DEBTS CONSIDERED FINAL.—

(1) IN GENERAL.—Chapter 1 of title 11, United States Code, is amended by adding at the end the following:

''§ 111. False claims

''No transfer on account of a debt owed to the United States for violating 3729 of title

31, or under a compromise order or other agreement resolving such a debt may be avoided under section 544, 545, 547, 548, 549, 553(b), or 742(a).''.

(2) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 11, United States Code, is amended by adding at the end the following:

''111. False claims.''.

SEC. 604. FORFEITURE FOR RETIREMENT OFFENSES.

(a) CRIMINAL FORFEITURE.—Section 982(a) of title 18, United States Code, is amended by adding at the end the following:

''(9) CRIMINAL FORFEITURE.—

''(A) IN GENERAL.—The court, in imposing sentence on a person convicted of a retirement offense, shall order the person to forfeit property, real or personal, that constitutes or that is derived, directly or indirectly, from proceeds traceable to the commission of the offense.

''(B) RETIREMENT OFFENSE DEFINED.—In this paragraph, the term 'retirement offense' means a violation of any of the following provisions of law, if the violation, conspiracy, or solicitation relates to a retirement arrangement (as defined in section 1348 of title 18, United States Code):

''(i) Section 664, 1001, 1027, 1341, 1343, 1348, 1951, 1952, or 1954 of title 18, United States Code.

''(ii) Sections 411, 501, or 511 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1111, 1131, 1141).''.

(b) CIVIL FORFEITURE.—Section 981(a)(1) of title 18, United States Code, is amended by adding at the end the following:

''(G) Any property, real or personal, that constitutes or is derived, directly or indirectly, from proceeds traceable to the commission of a violation of, a criminal conspiracy to violated or solicitation to commit a crime of violence involving a retirement offense (as defined in section 982(a)(9)(B)).''.

SENIORS SAFETY ACT OF 1999—SECTION BY SECTION ANALYSIS

SEC. 1. SHORT TITLE. The Act may be cited as the Seniors Safety Act of 1999.

SEC. 2. FINDINGS AND PURPOSES. The Act enumerates 14 findings on the incidence of crimes against seniors, the large percentages of seniors who can expect to spend time in nursing homes, the amount of Federal money spent on nursing home care and the estimated losses due to fraud and abuse in the health care industry.

The purposes of the Act are to combat abuse in nursing homes, enhance safeguards for pension plans and health benefit programs, develop strategies for preventing and punishing crimes against seniors as well as collecting information about such crimes, preventing and deterring criminal activity that results in economic and physical harm to seniors, and ensuring appropriate restitution.

SEC. 3. DEFINITIONS. Definitions are provided for the following terms: (1) ''Crime'' is defined as any criminal offense under Federal or State law; (2) ''Nursing home'' is defined as any institution or residential care facility defined as such for licensing purposes under state law, or the federal equivalent; and (3) ''Seniors'' is defined as individuals who are more than 55 years old.

TITLE I—STRATEGIES FOR PREVENTING CRIMES AGAINST SENIORS

SEC. 101. STUDY OF CRIMES AGAINST SENIORS.

The Act directs the Attorney General to conduct a study addressing, inter alia, the types of crimes and risk factors associated with crimes against seniors, and develop new strategies to prevent and reduce crimes against seniors. The results of this study shall be reported to the Senate and House Judiciary Committees within 18 months.

SEC. 102. INCLUSION OF SENIORS IN THE NATIONAL CRIME VICTIMS SURVEY.

The Act provides that within two years of its enactment, the Attorney General shall include in the National Crime Victimization Survey (NCVS) statistics relating to crimes and risk factors associated with crimes against seniors.

TITLE II—COMBATING CRIMES AGAINST SENIORS

SEC. 201. ENHANCED SENTENCING PENALTIES BASED ON AGE OF VICTIM.

(a) DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION. The U.S. Sentencing Commission is directed to review and, if appropriate, amend the sentencing guidelines to include age as one of the criteria for determining whether a sentencing enhancement is appropriate.

(b) REQUIREMENTS. During its review, the Sentencing Commission shall: ensure that the guidelines adequately reflect the economic and physical harms associated with criminal activity targeted at seniors; consider providing increased penalties for offenses where the victim was a senior; consult with seniors, victims, judiciary, and law enforcement representatives; assure reasonable consistency with other relevant directives and guidelines; account for circumstances which may justify exceptions, including any circumstances already warranting sentencing enhancements; make any necessary conforming changes; and assure that the guidelines adequately meet the purposes of sentencing.

(c) REPORT. The sentencing commission shall report the results of the review required under (a) and include any recommendations for retention or modification of the current penalty levels by December 31, 2000.

SEC. 202. STUDY AND REPORT ON HEALTH CARE FRAUD SENTENCES.

(a) DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION. The U.S. Sentencing Commission is directed to review and, if appropriate, amend the sentencing guidelines applicable to health care fraud offenses.

(b) REQUIREMENTS. During its review, the Sentencing Commission shall: ensure that the guidelines reflect the serious harms associated with health care fraud and the need for law enforcement to prevent such fraud; consider enhanced penalties for persons convicted of health care fraud; consult with representatives of industry, judiciary, law enforcement, and victim groups; account for mitigating circumstances; assure reasonable consistency with other relevant directives and guidelines; make any necessary conforming changes; and assure that the guidelines adequately meet the purposes of sentencing.

(c) REPORT. The Sentencing Commission shall report the results of the review required under (a) and include any recommendations for retention or modification of the current penalty levels for health care fraud offenses, by December 31, 2000.

SEC. 203. INCREASED PENALTIES FOR FRAUD RESULTING IN SERIOUS INJURY OR DEATH.

This section increases the penalties under the mail fraud statute, 18 U.S.C. § 1341, and the wire fraud statute, 18 U.S.C. § 1343, for fraudulent schemes that result in serious injury or death. Existing law provides such an enhancement for a narrow class of health care fraud schemes (see 18 U.S.C. 1347). This provision would extend this penalty enhancement to other forms of fraud under the mail and wire fraud statutes that result in death or serious injury. The maximum penalty if serious bodily harm occurred would be up to twenty years; if a death occurred, the maximum penalty would be a life sentence.

SEC. 204. SAFEGUARDING PENSION PLANS FROM FRAUD AND THEFT.

(a) IN GENERAL. This section would add new section 1348 to title 18, United States Code.

§1348: Fraud in Relation to Retirement Arrangements:

(a) This section defines retirement arrangements and provides an exception for plans established by the Employee Retirement Income Security Act (ERISA).

(b) This section punishes, with up to ten years' imprisonment, the act of defrauding retirement arrangements, or obtaining by means of false or fraudulent pretenses money or property of any retirement arrangement. Retirement arrangements would include employee pension benefit plans under the Employee Retirement Income Security Act (ERISA), qualified retirement plans under section 4974(c) of the Internal Revenue Code (IRC), medical savings accounts under section 220 of the IRC, and funds established within the Thrift Savings Fund. This provision is modeled on existing statutes punishing bank fraud (see 18 U.S.C. § 1344) and health care fraud (see 18 U.S.C. § 1347). Any government plan defined under section 3(32) of title I of the ERISA, except funds established by the Federal Retirement Thrift Investment Board, is exempt from this section.

(c) The Attorney General is given authority to investigate offenses under the new section, but this authority expressly does not preclude other appropriate Federal agencies, including the Secretary of Labor, from investigating violations of ERISA.

(b) CONFORMING AMENDMENT. The table of sections for chapter 63 of title 18 United States Code, is modified to list new section ''1348. Fraud in relation to retirement arrangements.''

SEC. 205. ADDITIONAL CIVIL PENALTIES FOR DEFRAUDING PENSION PLANS.

(a) IN GENERAL. This section would authorize the Attorney General to bring a civil action for a violation, or conspiracy to violate, new section 18 U.S.C. § 1348, relating to retirement fraud. Proof of such a violation established by a preponderance of the evidence would subject the violator to a civil penalty of the greater of the amount of pecuniary gain to the offender, the pecuniary loss to the victim, or up to $50,000 in the case of an individual, or $100,000 for an organization. Imposition of this civil penalty has no effect on other possible remedies.

(b) EXCEPTION. No civil penalties would be imposed for conduct involving an employee pension plan subject to penalties under ERISA, 29 U.S.C. § 1132.

(c) DETERMINATION OF PENALTY AMOUNT. In determining the amount of the penalty, the court is authorized to consider the effect of the penalty on the violator's ability to restore all losses to the victims and to pay other important tax or criminal penalties.

SEC. 206. PUNISHING BRIBERY AND GRAFT IN CONNECTION WITH EMPLOYEE BENEFIT PLANS.

This section would amend section 1954 of title 18, United States Code, by changing the title to ''Bribery and graft in connection with employee benefit plans,'' and increasing the maximum penalty for bribery and graft in regard to the operation of an employee benefit plan from 3 to 5 years imprisonment. This section also broadens existing law under section 1954 to cover corrupt attempts to give or accept bribery or graft payments, and to proscribe bribery or graft payments to persons exercising de facto influence or control over employee benefit plans. Finally, this amendment clarifies that a violation

under section 1954 requires a showing of corrupt intent to influence the actions of the recipient of the bribe or graft.

TITLE III—PREVENTING TELEMARKETING CRIME.

SEC. 301. CENTRALIZED COMPLAINT AND CONSUMER EDUCATION SERVICE FOR VICTIMS OF TELEMARKETING FRAUD.

(a) CENTRALIZED SERVICE. This section directs the Commissioner of the Federal Trade Commission to establish a ''Better Business''-style hotline to serve as a central information clearinghouse for victims of telemarketing fraud within one year. As part of this service, the FTC is required to establish procedures for logging in complaints of telemarketing fraud victims, providing information on telemarketing fraud schemes, referring complaints to appropriate law enforcement officials, and providing complaint or prior conviction information about specific companies.

(b) CREATION OF FRAUD CONVICTION DATABASE. The Attorney General is directed to establish a database of telemarketing fraud convictions secured against corporations or companies, for the use as described in (a).

(c) AUTHORIZATION OF APPROPRIATIONS. Authorization is provided for such sums as are necessary to carry out the section.

SEC. 302. BLOCKING OF TELEMARKETING SCAMS.

(a) EXPANSION OF SCOPE OF TELEMARKETING FRAUD SUBJECT TO ENHANCED CRIMINAL PENALTIES. Section 2325 of title 18, United States Code, is amended by replacing the term ''telephone calls'' with ''wire communication utilizing a telephone service'' to clarify that telemarketing fraud schemes executed using cellular telephone services are subject to the enhanced penalties for such fraud under 18 U.S.C. § 2326.

(b) BLOCKING OR TERMINATION OF TELEPHONE SERVICE ASSOCIATED WITH TELEMARKETING FRAUD. This section adds new section 2328 to title 18, United States Code, to authorize the termination of telephone service used to carry on telemarketing fraud, and is similar to the legal authority provided under 18 U.S.C. § 1084(d), regarding termination of telephone service used to engage in illegal gambling. The new section 2328 requires telephone companies, upon notification in writing from the Department of Justice that a particular phone number is being used to engage in fraudulent telemarketing or other fraudulent conduct, and after notice to the customer, to terminate the subscriber's telephone service. The common carrier is exempt from civil and criminal penalties for any actions taken in compliance with any notice received from the Justice Department under this section. Persons affected by termination may seek an appropriate determination in Federal court that the service should not be discontinued or removed, and the court may direct the Department of Justice to present evidence supporting the notification of termination. Definitions are provided for ''wire communication facility'' and ''reasonable notice to the subscriber.''

TITLE IV—PREVENTING HEALTH CARE FRAUD.

SEC. 401. INJUNCTIVE AUTHORITY RELATING TO FALSE CLAIMS AND ILLEGAL KICKBACK SCHEMES INVOLVING FEDERAL HEALTH CARE PROGRAMS.

(a) IN GENERAL. This section extends the provisions of 18 U.S.C. § 1345, which authorizes injunctions against frauds, to authorize the Attorney General to take immediate action to halt illegal health care fraud kickback schemes under the Social Security Act (42 U.S.C. § 1320a-7b). Under existing law, (18 U.S.C. § 1345 (a)(1)(C)), Federal prosecutors are able to obtain injunctive relief in connection with a wide variety of Federal health care offenses. This authority has proven to be extremely valuable in putting a halt to fraudulent behavior, but such relief is not available in connection with kickback offenses under section 1128B of the Social Security Act (42 U.S.C. §1320a-7b). Because of the large amounts of money involved in these kinds of cases, the Attorney General should have the authority to enjoin kickback schemes while they are in progress.

(b) CIVIL ACTIONS. This section would amend 42 U.S.C. § 1320a-7b by adding a new subsection (g) authorizing the Attorney General to seek a civil penalty of up to $50,000 per violation, or three times the remuneration, whichever is greater, for each offense under this section with respect to a Federal health care program. This penalty is in addition to other criminal and civil penalties. The procedures are governed by the Federal Rules of Civil Procedure and 31 U.S.C. 3731. If one or more of the purposes of the remuneration is unlawful, a violation exists and damages shall be the full amount of the remuneration.

SEC. 402. AUTHORIZED INVESTIGATIVE DEMAND PROCEDURES.

This section would amend section 3486 of title 18, United States Code, to authorize the Attorney General or her designee to issue administrative subpoenas—called ''authorized investigative demands''—to investigate civil health care fraud cases. Under section 248 of the Health Insurance Portability and Accountability Act of 1996 (Pub. L. 104–191), the Attorney General or her designee is authorized to issue an administrative subpoena in connection with an investigation relating to a Federal health care offense, defined under 18 U.S.C. § 24 to include only criminal offenses. In civil cases, however, the Department's attorneys must rely upon subpoenas issued by the office of the Inspector General of the Department of Health and Human Services or upon civil investigative demands. To facilitate the Department of Justice's ability to investigate civil health care fraud cases in an effective and efficient manner, this provision allows the Attorney General or her designee to issue an administrative subpoena in connection with any health care fraud case, criminal or civil.

This section also provides privacy safeguards for personally identifiable health information that may be obtained in response to an administrative subpoena and divulged in the course of a federal investigation. Information provided in response to a grand jury subpoena is generally required, under Rule 6(e) of the Federal Rules of Criminal Procedure, to be kept secret. By contrast, this secrecy rule would not apply to information obtained in response to an administrative subpoena. This section therefore protects the privacy and confidentiality of personally identifiable health information by limiting its disclosure to a federal prosecutor in the performance of official duties, to other government personnel where necessary to assist in the enforcement of Federal criminal law, or when directed by a court. The section requires that such information be destroyed within 90 days from production, unless otherwise ordered by a court. ''Personally identifiable health information'' is defined to mean any information relating to the physical or mental condition of an individual, the provision of, or payments for, health care, that either identifies an individual or with respect to which there is a reasonable basis to believe that the information can be used to identify an individual.

SEC. 403. EXTENDING ANTI-FRAUD SAFEGUARDS TO THE FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM.

This section removes the anti-fraud exemption for the Federal Employee Health Benefits (FEHB) Act currently contained in section 1128B(f)(1) of the Social Security Act, thereby extending anti-fraud and anti-kickback safeguards applicable to the Medicare and Medicaid program to the FEHB. This would allow the Attorney General to use the same civil enforcement tools to fight fraud perpetrated against the FEHB program as are available to other Federal health care programs, and to recover civil penalties against persons or entities engaged in illegal kickback schemes under the anti-kickback provisions of the Social Security Act (42 U.S.C. §1320a-7b). Removal of this exemption would allow enhanced penalties for repeat offenders, additional anti-kickback enforcement, enhanced civil monetary penalties, and full participation in the Health Care Fraud and Abuse Control Account. Civil penalties are particularly important in health care fraud, since the complex business arrangements often employed in connection with kickback schemes pose difficulties in proving the necessary scienter needed to sustain a criminal prosecution.

SEC. 404. GRAND JURY DISCLOSURE.

This section would amend section 3322 of title 18, United States Code, to authorize federal prosecutors to seek a court order to share grand jury information regarding health care offenses, as defined in 18 U.S.C. § 24, with other federal prosecutors for use in civil proceedings or investigations relating to fraud or false claims in connection with any Federal health care program. Under current law, grand jury information may not be shared for use by government attorneys in civil investigations except ''when so directed by a court preliminarily to or in connection with a judicial proceeding,'' and may require a hearing at which ''other persons as the court may direct'' are given a ''reasonable opportunity to appear and be heard.'' F.R.Cr.P. 6(e)(3)(C)(i) & (D). The important policy reasons for protecting the secrecy of grand juries and allowing only narrow access to grand jury proceedings by Federal civil prosecutors are fully set forth in United States v. Sells Engineering, Inc., 463 U.S. 418 (1983).

Mindful of the reasons for grand jury secrecy, the proposed amendment would permit grand jury information regarding health care offenses to be shared with Federal civil prosecutors, only after ex parte court review and a finding that the information would assist in enforcement of federal laws or regulations. Simplifying the sharing of grand jury information by avoiding the need for a judicial proceeding or the possibility of a hearing, would avoid subverting the grand jury secrecy rule while enhancing the effectiveness of the Department of Justice's overall health care anti-fraud effort. In particular, by facilitating the sharing of information between criminal investigators and civil prosecutors, this proposal would enable the Justice Department to proceed more quickly and efficiently to recover losses to federal health care programs and to prevent wrongdoers from dissipating illegally obtained assets before the Government can take action to recover the government's losses. Privacy safeguards for personally identifiable health care information proposed in section 401 of this Act would also apply to information shared under this new provision.

SEC 405. INCREASING THE EFFECTIVENESS OF CIVIL INVESTIGATIVE DEMANDS IN A FALSE CLAIMS INVESTIGATION.

This section amends section 3733 of title 31, United States Code, to permit the Attorney General to delegate authority to issue civil

investigative demands to the Deputy Attorney General or an Assistant Attorney General. The Deputy Attorney General and Assistant Attorneys General already are authorized under current law to cause such discovery demands to be served.

In addition, section 3733 is amended to permit a person who initiated an investigation or proceeding under 31 U.S.C. § 3730, or such person's counsel (i.e., whistle-blowers who have brought a qui tam suit under the False Claims Act) to seek permission from a district court to obtain information disclosed to the Justice Department in response to civil investigative demands. Whistle blowers who relay information for false claims actions to the government are often able to provide valuable assistance to the government in pursuing false claims law investigations and actions. This assistance may be further enhanced if they have an opportunity to review information obtained by the Justice Department in connection with the investigation.

TITLE V—PROTECTING RESIDENTS OF NURSING HOMES

SEC. 501. NURSING HOME RESIDENT PROTECTION ACT.

This title may be cited as the ''Nursing Home Resident Protection Act of 1999.''

SEC. 502. NURSING HOME RESIDENT PROTECTION.

(a) PROTECTION OF RESIDENTS IN NURSING HOMES AND OTHER RESIDENTIAL HEALTH CARE FACILITIES. This section would add new section 1349 to title 18, United States Code, to punish persons who engage in a pattern of willful violations of Federal laws, regulations, rules, or State laws governing the health, safety, or care of individuals residing in residential health care facilities, and allows the Attorney General to bring civil penalties against those entities. It also provides additional ''whistle blower'' protection by allowing a person who is retaliated against for reporting nursing home conditions to bring a civil action for damages, attorney's fees, and other costs.

(b) AUTHORIZED INVESTIGATIVE DEMAND PROCEDURES. This section would amend section 3486(a)(1) of title 18, United States Code, to authorize the Attorney General or a designated representative to issue administrative subpoenas in cases under new section 1349 of title 18, United States Code.

(c) CONFORMING AMENDMENT. The table of sections for chapter 63 of title 18 United States Code, is modified to list new section ''1349. Pattern of violations resulting in harm to residents of nursing homes and related facilities.''

TITLE VI—PROTECTING THE RIGHTS OF ELDERLY CRIME VICTIMS

SEC. 601. USE OF FORFEITED FUNDS TO PAY RESTITUTION TO CRIME VICTIMS AND REGULATORY AGENCIES. This section would amend section 981(e) of title 18, United States Code, to allow the use of forfeited funds to pay restitution to crime victims and regulatory agencies.

SEC. 602. VICTIM RESTITUTION. The section adds a new subsection ''(r) VICTIM RESTITUTION'' to the Controlled Substances Act (21 U.S.C. §853) to allow the government to move to dismiss forfeiture proceedings to allow the defendant to use the property subject to forfeiture for the payment of restitution to victims. If forfeiture proceedings are complete and there is no other source of restitution available to the victims, the Government may return the forfeited property so it may be used for restitution.

SEC. 603. BANKRUPTCY PROCEEDINGS NOT USED TO SHIELD ILLEGAL GAINS FROM FALSE CLAIMS.

(a) CERTAIN ACTIONS NOT STAYED BY BANKRUPTCY PROCEEDINGS. This section provides that an action under the False Claims Act may be brought and continued despite concurrent bankruptcy proceedings.

(b) CERTAIN DEBTS NOT DISCHARGEABLE IN BANKRUPTCY. This section prohibits the discharge in bankruptcy of debts resulting from judgments or settlements in Medicare and Medicaid fraud cases under the False Claims Act. Currently, in some cases, persons who rip off the Medicare or Medicaid system can avoid repaying their ill-gotten gains or penalties by filing for bankruptcy.

(c) REPAYMENT OF CERTAIN DEBTS CONSIDERED FINAL. This section adds a new §111 to chapter I of title II of the United States Code which provides that no debt owed for a violation of the False Claims act or under a compromise order or other agreement resolving such a debt may be avoided under bankruptcy provisions.

SEC. 604. FORFEITURE FOR RETIREMENT OFFENSES.

(a) CRIMINAL FORFEITURE. This section adds a new subsection to 18 U.S.C. § 982(a) to require the forfeiture of proceeds of a criminal retirement offense, including a violation of new section 1348 of title 18, United States Code.

(b) CIVIL FORFEITURE. This section adds a new subsection to 18 U.S.C. § 981(a)(1) to permit the civil forfeiture of proceeds from a criminal retirement offense.

Mr. DASCHLE. Mr. President, I am pleased to join Senators LEAHY and TORRICELLI in introducing The Seniors Safety Act. All too often, seniors are primary targets for financial exploitation and subjected to neglect and physical abuse, and as our country's senior population continues to grow, the plague of crimes against the elderly has the potential to spiral out of control. The Seniors Safety Act combats this very serious issue by increasing penalties for crimes against seniors, improving law enforcement tools necessary to prevent telemarketing and healthcare fraud, safeguarding pension and benefit plans from fraud and bribery, and preventing nursing home abuse.

Seniors are often targeted by criminals because of their lack of mobility, isolation, and dependence on others. The criminals targeting seniors should be subject to enhanced penalties, and we must develop new strategies to combat their crimes. The Seniors Safety Act requires the sentencing commission to review and consider amending sentencing guidelines to include age as one criterion for enhancing a sentence and enhances the penalty for fraudulent schemes that result in serious injury or death. In addition, the bill directs the Attorney General to conduct a comprehensive review of crimes against seniors in order to develop new ways to combat criminals who target older Americans.

Federal investigators estimate that senior citizens constitute nearly 80 percent of telemarketing scam victims. In 1996, the AARP estimated that 14,000 companies nationwide were illegally defrauding citizens of their hard-earned money through telemarketing schemes. The fraud committed by only 300 telemarketers exposed by the FBI in 1995 resulted in an estimated $58 million loss from 52,000 seniors in just two years. The Seniors Safety Act puts in place important law enforcement tools needed to stop telemarketing fraud. The Act gives federal officials the ability to cut off a fraudulent telemarketer's telephone service. It also creates a hotline for victims of telemarketing fraud. Through the hotline, victims can register complaints against companies, can receive information regarding common fraudulent schemes and be referred to the appropriate enforcement agency. A database of complaints will be established so that victims can check for previous complaints against a particular company.

Health care fraud also disproportionately harms older Americans. The Seniors Safety Act provides important new tools to law enforcement officials for use in health care fraud investigations. The bill authorizes the Attorney General to get injunctions to stop false claims and health care kickbacks and to issue administrative subpoenas for health care offenses. With court permission, the Attorney General would also be permitted to share grand jury information for use in civil investigations of health care fraud and abuse. In addition, the bill extends existing anti-fraud safeguards applicable to Medicare and Medicaid to the Federal Employee Health Benefits Act.

We must protect the economic security of our country's senior citizens by safeguarding pension and employee benefit plans from fraud and misuse. For this reason, an important provision of the Seniors Safety Act creates a new ''retirement fraud'' crime modeled on existing bank fraud and health care fraud statutes. The bill provides for civil penalties for commission of a retirement fraud crime, and increases the existing penalties for theft or embezzlement and bribery and graft with respect to the operation of an employee benefit plan.

In 1997, the Department of Health and Human Services reported a 14 percent increase in nursing home abuse since 1994. Our society must provide a safe environment for older Americans who move into nursing homes. This bill will combat nursing home fraud and abuse by creating new federal and criminal penalties against persons or companies who willfully engage in a pattern of health and safety violations. The bill will also protect persons who report health and safety violations by allowing them to bring a civil cause of action for acts of retaliation against them.

Finally, we must provide greater protections for senior crime victims. The Seniors Safety Act will do just that by requiring criminals to forfeit ill-gotten gains and property acquired by defrauding pension plans to the victims. The bill also prevents criminals from using the bankruptcy laws to avoid paying judgments by prohibiting judgments or settlements in Medicare or Medicaid fraud cases from being discharged in bankruptcy proceedings and

allows False Claims Act actions to proceed despite concurrent bankruptcy proceedings.

These and other provisions in The Seniors Safety Act will make a real difference—a positive difference—in protecting the senior citizens of this country. This comprehensive bill is a vital part of our ongoing effort to secure the safety of our families and our communities, and I encourage my colleagues on both sides of the aisle to give it their full support.

• Mr. TORRICELLI. Mr. President, today, Senator LEAHY, Senator DASCHLE, and I introduced the Seniors Safety Act of 1999. Senator LEAHY has referred to this legislation as ''a new safety net for seniors.'' It is that, but it is also much more. Indeed, this bill is a potent weapon designed to track down and punish those criminals who would prey on the trust and good will of America's seniors. This bill puts the crooks on notice that crimes against seniors, from violent assaults in the streets, to abuses in nursing homes, to frauds perpetrated over the telephone lines, will not be tolerated.

Seniors represent the most rapidly growing sector of our population—in the next 50 years, the number of Americans over the age of 65 will more than double. Unless we take action now, the frequency and sophistication of crimes against seniors will likewise skyrocket. The Seniors Safety Act of 1999 was developed to address, head-on the crimes which most directly affect the senior community, including telemarketing fraud, and abuse and fraud in the health care and nursing home industries. It increases penalties and provides enhancements to the sentencing guidelines for criminals who target seniors. It protects seniors against the illegal depletion of precious pension and employee benefit plan funds through fraud, graft, bribery, and helps victimized seniors obtain restitution. Any finally, this bill authorizes the Attorney General to study the problem of crime against senors, and design new techniques to fight it.

Criminal enterprises that engage in telemarketing fraud are some of the most insidious predators out there. Americans are fleeced out of over $40 billion dollars every year, and the effect on seniors is grossly disproportionate According to the American Association of Retired Persons, ''The repeated victimization of the elderly is the cornerstone of illegal telemarketing.'' A study has found that 56 percent of the names on the target lists of fraudulent telemarketers are the names of Americans aged 50 or older. Of added concern is the fact that many of the perpetrators have migrated out of the United States for fear of prosecution, and continue to conduct their illegal activities from abroad.

In one heartbreaking story, a recently-widowed New Jersey woman was bilked out of $200,000 by a deceitful telemarketing firm from Canada, who claimed that the woman had won a $150,000 sweepsteaks—the price could be hers, for a fee. A series of these calls followed, convincing this poor woman, already in a fragile mind-state after her husband's death, to send more and more money for what they claimed was an increasingly large prize, which, of course, never materialized.

Our bill authorizes the Attorney General to effectively put these vultures, even the international criminals, out of business by blocking or terminating their U.S. telephone service. In addition, it authorizes the FTC to create a consumer clearinghouse which would provide seniors, and others who might have questions about the legitimacy of a telephone sales pitch, with information regarding prior complaints about a particular telemarketing company or prior fraud convictions. Furthermore, this clearing house would give seniors who may have been cheated an open channel to the appropriate law enforcement authorities.

In 1997, older Americans were victimized by violent crime over 680,000 times. The crimes against them range from simple assault, to armed robbery, to rape. While national crime rates in general are falling, seniors have not shared in the benefits of that drop.

This Act singles out criminals who prey on the senior population and penalizes them for the physical and economic harm they cause. In addition, we intend to place this growing problem in the spotlight, an urge Congress and federal and state law enforcement agencies to continue to develop solutions. To this end, we have authorized a comprehensive examination of crimes against seniors, and the inclusion of data on seniors in the National Crime Victims Survey.

Seniors across the country have worked their entire lives, secure in the belief that their pensions and health benefits would be there to provide for them in their retirement years. Far too often, seniors wake up one morning to find that their hard-earned benefits have been stolen. In 1997 alone, $90 million in losses to pension funds were uncovered. Older Americans who depend on that money to live are left out in the cold, while criminals enjoy the fruit of a lifetime of our seniors' labor. The Seniors Safety Act gives federal prosecutors another powerful weapon to punish pension fund thieves. The Act creates new civil and criminal penalties for defrauding pension of benefit plans, or obtaining money from them under false or fraudulent pretenses.

The defrauding of Medicare, Medicaid, and private health insurers has become big business for criminals who prey on the elderly. According to a National Institutes of Health study, losses from fraud and abuse may exceed $100 billion per year. Overbilling and false claims filing have become rampant as automated claims processing is more prevalent. Similarly, the Department of Justice has noted numerous cases where unscrupulous nursing home operators have simply pocketed Medicare funds, rather than providing adequate care for their residents. In one horrendous case, five diabetic patients died from malnutrition and lack of medical care. In another, a patient was burned to death when a mute patient was placed by untrained staff in a tub of scalding water. These terrible abuses would never have occurred had the facilities spent the federal funds they received to implement proper health and safety procedures. This bill goes after fraud and abuse by providing resources and tools for authorities to investigate and prosecute offenses in civil and criminal courts, and enhances the ability of the Justice Department to use evidence brought in by qui tam (whistleblower) plaintiffs.

This Act delivers needed protections to our seniors. It sends a message to the cowardly perpetrators of fraud and other crimes against older Americans, that their actions will be fiercely prosecuted, whether they be here or abroad. And it clearly states that we refuse to allow seniors to be victimized by this most heinous form of predation.

By Mr. MOYNIHAN (for himself and Mr. BINGAMAN):

S. 752. a bill to facilitate the recruitment of temporary employees to assist in the conduct of the 2000 decennial census of population, and for other purposes; to the Committee on Government Affairs.

LEGISLATION TO INCREASE THE NUMBER OF LOW INCOME CENSUS ENUMERATORS

• Mr. MOYNIHAN. Mr. President, I rise to introduce, along with my colleague, Senator BINGAMAN, a bill that will encourage people receiving public assistance to seek work next year as enumerators for the 2000 census. In the previous census over 350,000 people went from door to door seeking information about those who did not return the census forms they received in the mail. In spite of the best efforts of this army of enumerators, some eight million people were not counted, and a disproportionate number of them were minorities.

The Bureau of the Census is going to great lengths to improve on the 1990 count, but finding the tens of millions of people who do not return their forms is an enormous undertaking. We know that many of those who must be sought out live in the low income areas of our cities, and many others are among the rural poor. This bill would allow those receiving financial assistance under any federal program, TANF and others, to be employed as enumerators during calendar year 2000 without having their income count against their eligibility for benefits from those programs. The bill further allows these enumerators to have their employment count towards eligibility for Social Security, Medicare, and other benefit programs.

Mr. President, encouraging those who live in the low income areas of our population to serve as enumerators will help to open the doors of their neighbors and those who live nearby. It

will help count more of those most difficult to count. And it will provide employment to those who may not be able to find it for various reasons that include lack of transportation to far-off jobs.

This bill will help produce a more accurate census and provide employment to those most in need of it. It is a most worthwhile piece of legislation and I encourage my colleagues to support it. I also ask that the text of the bill be included in the RECORD.

The bill follows:

S. 752

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 ''Decennial Census Improvement Act of 1999''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the Constitution of the United States requires that the number of persons in the United States be enumerated every 10 years in order to permit the apportionment of representatives among the several States;

(2) information collected through a decennial census of the population conducted under section 141 of title 13, United States Code, is also used to determine—

(A) the boundaries of—

(i) congressional districts within States;

(ii)(I) the districts for the legislature of each State; and

(II) other political subdivisions within the States; and

(B) the allocation of billions of dollars of Federal and State funds;

(3) the Constitution of the United States requires that the enumerations referred to in paragraph (2) be made in such manner as the Congress ''shall by law direct'';

(4) in the 1990 decennial census, the Bureau of the Census used a combination of mail questionnaires and personal interviews, involving more than 350,000 enumerators, to collect the census data; and

(5) in 1993, the Bureau of the Census concluded that legislation ensuring that pay for temporary census enumerators in the 2000 decennial census would not be used to reduce benefits under Federal assistance programs would make it easier for the Bureau to hire individuals in low-income neighborhoods as temporary census enumerators in those neighborhoods.

SEC. 3. MEASURES TO FACILITATE THE RECRUITMENT OF TEMPORARY EMPLOYEES.

(a) PURPOSES FOR WHICH COMPENSATION SHALL NOT BE TAKEN INTO ACCOUNT.—

(1) IN GENERAL.—Section 23 of title 13, United States Code, is amended by adding at the end the following:

''(d)(1) As used in this subsection, the term 'temporary census position' means a temporary position within the Bureau of the Census established for purposes relating to the 2000 decennial census of population conducted under section 141 (as determined under regulations that the Secretary shall prescribe).

''(2) Notwithstanding any other provision of law, compensation for service performed by an individual in a temporary census position shall not cause—

''(A) that individual or any other individual to become ineligible for any benefits described in paragraph (3)(A); or

''(B) a reduction in the amount of any benefits described in paragraph (3)(A) for which that individual or any other individual would otherwise be eligible.

''(3) This subsection shall—

''(A) apply with respect to benefits provided under any Federal program or any State or local program financed in whole or in part with Federal funds (including the Social Security program under the Social Security Act (42 U.S.C. 301 et seq.) and the Medicare program under title XVIII of that Act);

''(B) apply only with respect to compensation for service performed during calendar year 2000; and

''(C) not apply if the individual performing the service involved is appointed (or first appointed to any other temporary census position) before January 1, 2000.''.

(2) RULE OF CONSTRUCTION.—The amendment made by paragraph (1) shall not affect the application of Public Law 101–86 (13 U.S.C. 23 note), as amended by subsection (b).

(b) EXEMPTION FROM PROVISIONS RELATING TO REEMPLOYED ANNUITANTS AND FORMER MEMBERS OF THE UNIFORMED SERVICES.—Public Law 101–86 (13 U.S.C. 23 note) is amended—

(1) by striking the title and inserting the following: ''An Act to provide that a Federal annuitant or former member of a uniformed service who returns to Government service, under a temporary appointment, to assist in carrying out the 2000 decennial census of population shall be exempt from certain provisions of title 5, United States Code, relating to offsets from pay and other benefits.'';

(2) in section 1(b), by striking ''the 1990 decennial census'' and inserting ''the 2000 decennial census''; and

(3) in section 4, by striking ''December 31, 1990.'' and inserting ''December 31, 2000.''.●

By Mr. DASCHLE (for himself, Mr. SARBANES, Mr. DODD, Mr. KERRY, Mr. BRYAN, Mr. JOHNSON, Mr. REED, Mr. SCHUMER, Mr. BAYH, and Mr. EDWARDS):

S. 753. A bill to enhance competition in the financial services industry by providing a prudential framework for the affiliation of banks, securities firms, and other financial service providers; and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

THE FINANCIAL SERVICES ACT OF 1999

Mr. DASCHLE. Mr. President, today, with the distinguished Ranking Member of the Banking Committee, the senior Senator from Maryland, Mr. SARBANES, we are introducing the ''Financial Services Act of 1999.'' We are joined by all Democratic members of the Banking Committee.

The President has indicated through his Secretary of the Treasury, Robert Rubin, that he can support our approach and sign it into law.

This bill makes a clear and unambiguous statement: we want financial services modernization enacted this year.

This should not be a partisan issue. Our bill is based on last year's H.R. 10, which enjoyed wide bipartisan support. It was approved last year by the Senate Banking Committee by a vote of 16 to 2. Most Republicans supported it. It was supported by virtually every major financial services industry group.

A similar bill was adopted by a bipartisan 51 to 8 vote this year in the House Banking Committee.

Sadly, reform efforts suffered a major setback this year in the Senate Banking Committee when the majority forced through a bill on a party line vote of 11 to 9.

Mr. President, financial services reform is now on two tracks toward reform. There is the veto track, and the Banking Committee bill is on it over the Community Reinvestment Act and other concerns.

There is also the track toward enactment, which this bill and the House Banking bill are on.

But it can't be ''take it or leave it'' on either side. We have agreed with the distinguished Majority Leader [Mr. LOTT] to discuss this issue immediately after recess in an effort to find common ground.

The choice is clear: it's either partisan brinksmanship—or bipartisan accomplishment. We reject the former and stand ready to deliver on the latter.

Mr. SARBANES. Mr. President, today the Democratic members of the Senate Banking Committee—myself, Senators DODD, KERRY, BRYAN, JOHNSON, REED, SCHUMER, BAYH, and EDWARD—are joining with the Democratic Leader, Senator DASCHLE, in introducing the Financial Services Act of 1999.

Senator DASCHLE and the Democratic members of the Senate Banking Committee strongly support financial services modernization legislation. Last year, every Democratic member of the Committee voted for financial services modernization in the form of H.R. 10, the Financial Services Act of 1998. That bill was reported by the Committee on a bipartisan vote of 16 to 2. In a Committee markup of financial services legislation on March 4 of this year, every Democratic member of the Committee voted for financial services modernization in the form of a substitute amendment that I offered. The substitute amendment contained the text of last year's bill with the addition of a provision that would permit banks to conduct expanded financial service activities through operating subsidiaries. The substitute amendment was defeated on a party line vote of 11 to 9.

The bill being introduced today consists of the substitute amendment that was offered in the Banking Committee markup. We introduce this legislation because it meets certain basic goals. These include permitting affiliations among firms within the financial services industry, preserving the safety and soundness of the financial system, protecting consumers, maintaining the separation of banking and commerce, and expanding access to credit for all communities in our country. Unfortunately, the bill reported out of the Senate Banking Committee does not meet these goals and was opposed by every Democratic member of the Committee.

We are disappointed that the Committee Majority has abandoned the consensus so carefully developed last year. The broad, bipartisan margin of support enjoyed by last year's bill reflected the compromises struck during

the course of its consideration. It was not opposed by a single major financial services industry association.

The legislation being introduced today reflects compromises among Committee Members and among industry groups on a wide range of issues, including the Community Reinvestment Act, consumer protections, and the separation of banking and commerce. The decision by the Committee Majority to abandon these compromises has resulted in less than unanimous industry support for the Committee-passed bill. In addition, civil rights groups, community groups, consumer organizations, and local government officials strongly oppose the Committee-passed bill.

We are disappointed as well that the Committee Majority has refused to recognize that enactment of financial services legislation entails accommodation of views not only of members of the Congress, but in particular the view of the White House and the Treasury Department. On March 2, before the Committee's markup, President Clinton wrote:

> This Administration has been a strong proponent of financial legislation that would reduce costs and increase access to financial services for consumers, businesses, and communities . . . I agree that reform of the laws governing our nation's financial services industry would promote the public interest. However, I will veto the Financial Services Modernization Act if it is presented to me in its current form.

The President warned that the bill ''would undermine the effectiveness of the Community Reinvestment Act,'' ''would deny financial services firms the freedom to organize themselves in the way that best serve their customers,'' ''would . . . provide inadequate consumer protections,'' and ''could expand the ability of depository institutions and nonfinancial firms to affiliate . . .'' None of these concerns was fully addressed by the Committee Majority at markup. Unless the concerns of the Administration are addressed, it is clear the Committee-passed bill will not be enacted into law.

We believe the bill we are introducing today is a balanced, prudent approach to financial services modernization legislation. It could not only be passed by the Congress, but signed into law by the President. It is clearly the approach most likely to lead to the enactment of financial services modernization legislation in this Congress.

By Mr. EDWARDS (for himself and Mr. HELMS):

S. 754. A bill to designate the Federal building located at 310 New Bern Avenue in Raleigh, North Carolina, as the ''Terry Sanford Federal Building''; read the first time.

THE ''TERRY SANFORD COMMEMORATION ACT''

Mr. EDWARDS. Mr. President, I rise today to introduce the ''Terry Sanford Commemoration Act of 1999.'' This measure would name the federal building in Raleigh, North Carolina after a great man, Terry Sanford.

We lost Terry Sanford almost a year ago. The loss was great. He served North Carolina throughout his entire life. He was a Governor, a state Senator, a U.S. Senator, and a university president . He was trained as a lawyer. He wrote books, served as a paratrooper during World Was II, worked as an FBI agent and ran for President of the United States—twice.

Senator Sanford died on April 18, 1998 after a long fight with esophageal cancer.

He was a towering figure, a hero, to many North Carolinians. And we miss him.

There is no doubt that when the history of North Carolina in the 20th Century is written, Terry Sanford will occupy many pages. And he will be given a great deal of credit for the great strides taken by North Carolina. Whatever Terry Sanford touched he made better.

Senator Sanford's mother was a school teacher. His love of education must have started there. When he was governor he did whatever it took to increase funding for education. He even talked state legislators into voting for a food tax in order to fund education—that was not easy. Among other things, he helped found the North Carolina School for the Arts which was a pioneer, and to this day remains a leader in arts education. After he finished his term as governor, he became President of Duke University. And he brought unparalleled ambition, vision and energy to making Duke University great.

But the list of Senator Sanford's accomplishments does not stop with education. He launched innovative anti-poverty programs. He helped start the North Carolina State Board of Science and Technology. He was largely responsible for the creation of an environmental health sciences facility in Research Triangle Park. He helped calm the student protests over the Vietnam War.

And finally, in the midst of a turbulent and difficult time, Terry helped us find a path across the racial divide. In his 1961 inaugural address, he let us know and understand that ''no group of our citizens can be denied the right to participate in the opportunities of first-class citizenship.''

He later said: ''The most difficult thing I did was the most invisible thing. That was to turn the attitude on the race.'' He turned the attitude in small and large ways. He invited prominent leaders in the African-American community to the Governor's Mansion for breakfast to talk about how to solve the race problem. Many of them later said that they never dreamed a day would come when their state's governor would invite them to breakfast. He started the Good Neighbor Council, which is now the North Carolina Human Relations Commission, to give structure and authority to his commitment to creating jobs for people regardless of race.

And the thing about Senator Sanford is that he never stopped. Late in life, when he was no longer a Senator, University President or Governor, he kept coming up with great ideas and kept working to see them through to completion. He was a friend to me. And I valued his advice and counsel.

Naming a building can never capture the spirit and heart of a man like Terry Sanford. But it is a fitting tribute.

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

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

S. 754

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 'Terry Sanford Commemoration Act of 1999'.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Terry Sanford served the State of North Carolina and the Nation with enthusiasm, bravery, and distinction in many important ways, including—

(A) as a paratrooper in World War II;

(B) as an agent with the Federal Bureau of Investigation;

(C) as a North Carolina State senator;

(D) as Governor of North Carolina;

(E) as a professor of public policy at Duke University;

(F) as President of Duke University;

(G) as a United States Senator from North Carolina;

(H) as a patron of the arts; and

(I) as a loving and committed husband and father.

(2) Terry Sanford fought tirelessly and selflessly throughout his life to improve the lives of his fellow citizens through public education, racial healing, economic development, eradication of poverty, and promotion of the arts.

(3) Terry Sanford exemplified the best qualities mankind has to offer.

(4) Terry Sanford lived an exemplary life and is owed a debt of gratitude for his untiring service to the State of North Carolina and his fellow Americans.

SEC. 3. DESIGNATION.

The Federal building located at 310 New Bern Avenue in Raleigh, North Carolina, shall be known and designated as the 'Terry Sanford Federal Building'.

SEC. 4. REFERENCES.

Any reference in law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 3 shall be deemed to be a reference to the 'Terry Sanford Federal Building'.

By Mr. HATCH (for himself, Mr. NICKLES, Mr. THURMOND, Mr. BIDEN, Mr. KENNEDY, Mr. SESSIONS, Mr. ABRAHAM, Mr. KOHL, Mr. LIEBERMAN, Mr. HELMS, Mr. SCHUMER, and Mr. DEWINE):

S. 755. A bill to extend the period for compliance with certain ethical standards for Federal prosecutors; read the first time.

LEGISLATION TO EXTEND THE PERIOD FOR COMPLIANCE WITH CERTAIN ETHICAL STANDARDS FOR FEDERAL PROSECUTORS

Mr. HATCH. Mr. President, I am pleased to be joined by a diverse, bipartisan group of Senators in introducing

this simple, technical bill to extend the effective date of a provision included in last year's omnibus appropriations bill. My cosponsors include Senators NICKLES, BIDEN, THURMOND, KENNEDY, SESSIONS, ABRAHAM, KOHL, SCHUMER, LIEBERMAN, DEWINE, and Helms. I urge all of my colleagues to support our bill.

My colleagues will recall that last year's omnibus appropriations bill included a provision originating in the House, relating to the application of state bar rules to federal prosecutors. The so-called McDade amendment proposed the addition of a new section, Section 530B, to title 28 of the United States Code, which would effect the ethical standards required of federal prosecutors.

Although I am prepared to, I do not want to address the merits of this issue today, and our bill does not do so. Suffice it to say, however, that including this provision was so controversial that a bipartisan majority of the Judiciary Committee opposed its inclusion in the omnibus bill. In fact, our strong opposition resulted in a six month delay in the provision's effective date being included as well.

When we included this six month grace period, the Senate anticipated that the time might be used to address the serious concerns with the underlying measure. Due to arguably unanticipated events, we have not been able to do so. Our amendment simply maintains the status quo, extending the grace period an additional six months. A bipartisan group of 12 Senators, including myself and 3 former chairmen of the Senate Judiciary Committee signed a letter, urging the distinguished Chairman and Ranking Member of the Appropriations Committee to include this amendment in this supplemental appropriations bill.

This letter was signed by Senators THURMOND, KENNEDY, BIDEN, DEWINE, SESSIONS, ABRAHAM, KYL, FEINSTEIN, KOHL, NICKLES, WARNER, and myself. I ask unanimous consent that the letter appear in the RECORD following my remarks.

Let me assure my colleagues, our bill will not, as some might suggest, result in looser ethical standards for federal prosecutors. The same high standards that have always applied will continue in force. Indeed, I have considerable sympathy for the values Section 530B seeks to protect. Anyone who at one time or another has been the subject of unfounded ethical or legal charges knows the frustration of clearing one's name. And no one wants more than I to ensure that all federal prosecutors are held to the highest ethical standards. As Justice Sutherland put it in 1935, the prosecutor's job is not just to win a case, but to see ''that justice shall be done. . . . It is as much his duty to refrain from improper methods calculated to produce a wrongful conviction as it is to use every legitimate means to bring about a just one.'' But Section 530B, as it was enacted last year, is not in my view the way to ensure these standards are met.

Although well-intentioned, section 530B is not the measured and well tailored law needed to address the legitimate concerns contemplated by Congress, and will have serious unintended consequences. Indeed, if allowed to take effect in its present form, section 530B could cripple the ability of the Department of Justice to enforce federal law.

The federal government has a legitimate and important role in the investigation and prosecution of complex multi-state terrorism, drug, fraud or organized crime conspiracies, in rooting out and punishing fraud against federally funded programs such as Medicare, Medicaid, and Social Security, in appropriate enforcement of the federal civil rights laws, in investigating and prosecuting complex corporate crime, and in punishing environmental crime.

It is in these very cases that current Section 530B, if unchanged, will have its most serious adverse effects. Federal prosecutors in these cases, which frequently encompass several states, will be subject to the differing state and local rules of each of those states. Their decisions will be subject to review by the ethics review boards in each of these states at the whim of defense counsel, even if the federal prosecutor is not licensed in that state.

At a minimum, the law will discourage the close prosecutorial supervision of investigations that ensure that suspect's rights are not abridged. More likely, however, in its current form, section 530B will hinder the effective investigation and prosecution of violations of federal law.

Several important investigative and prosecutorial practices, perfectly legal and acceptable under federal law and in federal court, under current section 530B will be subject to state bar rules. For instance, in many states, federal attorneys will not be permitted to speak with witnesses alleged to be represented, especially witnesses to corporate misconduct. The use of undercover investigations or federal-court authorized wiretaps may be challenged as illegal in those states where these practices are barred or curtailed by state law or rule, hindering federal criminal investigations. In other states, current section 530B might be construed to require—contrary to long-established federal grand jury practice—that prosecutors present exculpatory evidence to the grand jury.

In short, current section 530B will likely affect adversely enforcement of our antitrust laws, our environmental laws prohibiting the dumping of hazardous waste, our labor laws, our civil rights laws, and the integrity of every federal benefits program.

Despite these potentially severe consequences, this legislation received no meaningful consideration in the Senate last Congress. Rather, it was included without an opportunity for Senate debate in an unamendable omnibus appropriations bill conference report. The first Senate consideration of this matter occurred just this week, with a hearing in the Judiciary Committee's Criminal Justice Oversight Subcommittee. The testimony at that hearing shed important light on many of the concerns about section 530B that I have described.

Yet, our bill does not repeal section 530B, or change one letter of it. Our bill simply delays its effective date for six additional months, to provide the Senate an appropriate time in which to address these matters with our colleagues in the House. We believe that it is in the best interest of the Congress, the Department of Justice, and our state and federal courts, to resolve concerns over this issue under current law, as anticipated by the Congress when it enacted the grace period.

The provisions of the McDade amendment are slated to go into effect on April 19, 1999, if no further action is taken. I urge my colleagues to support the swift enactment of our legislation, to provide the time needed to reach a reasonable resolution to this complex issue.

By Mr. LUGAR (for himself, Mr. KERREY, Mr. HAGEL, Mr. THOMAS, Mr. SMITH of Oregon, Mr. GRAMS, MR. ROBB, Mrs. FEINSTEIN, Mr. BINGAMAN, Mr. MURKOWSKI, Mr. COCHRAN, Mr. DOMENICI, Mr. LOTT, Mr. SANTORUM, Mr. BURNS, Mr. ALLARD, Mr. JOHNSON, Mrs. HUTCHISON, Mr. CHAFEE, Mr. GORTON, Mr. BREAUX, Mrs. MURRAY, Mr. DORGAN, Mr. CRAPO, Mr. BAUCUS, Mrs. LINCOLN, Mr. CONRAD, Mr. BOND, and Mr. ROBERTS):

S. 757. A bill to provide a framework for consideration by the legislative and executive branches of unilateral economic sanctions in order to ensure coordination of United States policy with respect to trade, security, and human rights; to the Committee on Foreign Relations.

THE SANCTIONS POLICY REFORM ACT

Mr. LUGAR. Mr. President, I am pleased to introduce the ''Sanctions Policy Reform Act of 1999,'' a bill that would establish a more deliberative, commonsense approach to U.S. sanctions policy. I am joined by nearly thirty colleagues from both sides of the aisle. A companion bipartisan bill was introduced in the House of Representatives on March 24, 1999. We introduced a similar sanctions reform bill in the 105th Congress and gained thirty-nine co-sponsors in the Senate.

Our interest in reforming U.S. economic sanctions policy stems from a number of compelling and disturbing findings. The net effect of our self-imposed economic sanctions is that they deny access to U.S. markets abroad, reduce our trade balance, contribute to job loss, complicate our foreign policy and antagonize friends and allies. Unilateral economic sanctions are truly a blunt instrument of foreign policy.

Unilateral economic sanctions have become a policy of first use, rather than last resort, when pursuing a foreign policy objective. Sanctions are tempting alternatives to careful diplomatic negotiations and to the use of force to accomplish foreign policy goals. Unilateral economic sanctions have become more frequent in recent years and have been used against more countries, both friends and adversaries, for an increasing variety of actions which we find offensive.

Unilateral economic sanctions can give a competitive edge to foreign companies by precluding U.S. companies from exporting. Over time, foreign competitors will establish trade connections with a U.S. sanctioned country, solidify their trade ties and make it difficult for U.S. companies to reenter those markets. This is costly to the U.S. economy, to American exports, to American jobs and to our overall foreign policy.

There have been a large number of studies on unilateral economic sanctions and they provide startling estimates of the sanctions' costs. The report of the President's Export Council, for example, cited 75 countries representing more than half of the world's population that have been subject to or threatened by U.S. unilateral economic sanctions. In another study, the Institute for International Economics concluded that, in 1995, alone, economic sanctions cost U.S. exports between $15–19 billion, and eliminated upwards to 200,000 U.S. jobs, many in high wage export sector. More recently, the administration revealed the results of its internal inventory of U.S. sanctions and found that there are now more than 280 identifiable sanctions provisions that are either in force or in law.

Unilateral economic sanctions rarely succeed in accomplishing their stated foreign policy objectives. Unilateral economic sanctions sometimes do more damage to our interests than to those against whom they are aimed. For this reason alone, we should re-think the way in which we manage our sanctions policy.

Mr. President, a cardinal principle of foreign policy is that when we act internationally, our actions should do less harm to ourselves than to others. Unilateral economic sanctions, unfortunately, often fail this crucial test of public policy.

In fact, Mr President, unilateral economic sanctions often impose long-term adverse effects on the U.S. economy. Once foreign competitors establish a presence in international markets that are abandoned by the United States, the potential losses can magnify. Over time, the cumulative effect of sanctions will not only include the loss of commercial contracts, but also the loss of confidence in American suppliers and in the United States as a reliable business partner. The frequent resort to unilateral economic sanctions to achieve foreign policy goals, however meritorious these goals may be, runs the risk of weakening our export performance which has contributed so greatly to our economic prosperity.

Mr. President, unilateral economic sanctions give the illusion of action by substituting for more decisive action or by serving as a palliative for those who demand that some action be taken—any action—by the United States against a country with whom we have a disagreement. Yet, the evidence is powerful that they rarely attain the foreign policy goals they are intended to achieve.

The bill we are introducing today includes a number of changes from last year's bill which we believe will strengthen the cause of sanctions reform. These new provisions include language that would provide the President more flexibility in meeting procedural requirements he would otherwise have to meet when considering new unilateral economic sanctions. The bill includes a permanent waiver authority on the Nuclear Prevention Proliferation Act of 1994, the so-called Glenn Amendment, which mandates the automatic imposition of sanctions on countries which detonate a nuclear device for weapons development. We also included an additional procedural ''speed bump'' to improve the deliberative process in the Congress.

Mr. President, our legislation is prospective. With only one exception, our bill does not affect existing U.S. sanctions. The only provision in our bill which reaches back to current unilateral economic sanctions gives the President permanent authority to waive the sanctions in the Nuclear Proliferation Prevention Act, the Glenn Amendment. Our bill applies only to unilateral sanctions and to those sanctions intended to achieve foreign policy or national security objectives. It would exclude, by definition, U.S. trade laws that have well-established procedures and precedents. The bill does not address the complex issue of state and local sanctions designed to achieve foreign policy goals.

Our proposed legislation does not prohibit unilateral economic sanctions or prevent a vote in the Congress on any proposed new sanction. There are situations where other foreign policy options have been exhausted and where the actions of other countries are so outrageous or so threatending to the United States and national interests that our response, short of the use of force, must be firm and unambiguous. In such instances, economic sanctions may be an appropriate instrument of American foreign policy.

Our legislation seeks to establish clear guidelines and informational requirements to help us improve our deliberations and to understand better the consequences of our actions before we implement new economic sanctions. We should know before voting or imposing any new sanctions what the costs and gains to the United States and our friends and allies are likely to be. There should be an analysis of the impact of any new sanctions on our reputation as a reliable supplier, the other policy options that have been explored, and whether the proposed sanctions are likely to contribute to the foreign policy objectives sought in the legislation. Comparable requirements are also mandated in the bill for those new sanctions contemplated by the President under his authorities.

If the Congress and the President decide to implement new sanctions, our bill requires periodic evaluations from the President detailing the degree to which the sanctions have accomplished U.S. goals, the impact they are having on our economic, political and humanitarian interests, and their effects on other foreign policy goals and interests.

The bill provides for more active and timely consultations between Congress and the President. It provides Presidential authority to permit the President to waive the procedural requirements he must otherwise meet if he exercises his current authorities to impose a new sanction. The waiver authority can be exercised if the President determines that it is in the national interests to do so.

Our bill includes a sunset provision which means that any new unilateral economic sanction must expire after 2 years duration unless the Congress or the President acts to re-authorize them. Too often sanctions have lingered on the books long after anyone remembers and long after they are having any effect.

It includes language on contract sanctity to help ensure that the United States is a reliable supplier, but it also includes appropriate exceptions to protect against contracts that might otherwise be illegal or contrary to U.S. interests.

Our bill gives special attention to American agriculture because American farmers and ranchers face a disproportionate burden from U.S. economic sanctions. Agricultural commodities are our most vulnerable exports because they are the most easily replaced by other exporters. American exporters lose access to some fourteen percent of the world rice market, some ten percent of the world wheat market and some five percent of the world corn market due to our sanctions.

Because of this, we included discretionary authority in the bill to provide for compensatory agricultural assistance if agricultural markets are severely disrupted by the imposition of unilateral economic sanctions. No new appropriations would be required for this authority. The bill opposes the use of food and medicines as a tool of foreign policy, except in the most severe circumstances, and urges that economic sanctions be targeted as narrowly as possible on the targeted country in order to minimize harm to innocent people and humanitarian activities.

Let me reiterate that nothing in this bill prohibits new unilateral economic

sanctions or prevents a vote in the Congress on proposed new sanctions. The steps detailed in this bill provide for better policy procedures and more informed analysis so that proposed new sanctions are preceded by a more deliberative process by which the President and the Congress can make reasoned and balanced choices affecting the totality of American values and interests.

Mr. President, I feel strongly about this bill and this issue. It goes to the heart of the manner by which we conduct our commercial relations abroad and the way we manage our overall foreign policy. We need to do a better job on both. This legislation is designed to do just that.

I hope my colleagues will join me and the other original co-sponsors by taking a close look at this legislation and the reforms that we are attempting to accomplish. I welcome their support and believe that if we deal with the unilateral economic sanctions issue in a careful and systematic manner, we can make a significant positive contribution to the conduct of American foreign policy and to our national interest.

Mr. President, I ask unanimous consent that the bill be included in the RECORD, along with a section-by-section description of the bill.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

S. 757

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 ''Sanctions Policy Reform Act''.

SEC. 2. PURPOSE.

It is the purpose of this Act to establish an effective framework for consideration by the legislative and executive branches of unilateral economic sanctions in order to ensure coordination of United States policy with respect to trade, security, and human rights.

SEC. 3. STATEMENT OF POLICY.

It is the policy of the United States—

(1) to pursue United States interests through vigorous and effective diplomatic, political, commercial, charitable, educational, cultural, and strategic engagement with other countries, while recognizing that the national security interests of the United States may sometimes require the imposition of economic sanctions on other countries;

(2) to foster multilateral cooperation on vital matters of United States foreign policy, including promoting human rights and democracy, combating international terrorism, proliferation of weapons of mass destruction, and international narcotics trafficking, and ensuring adequate environmental protection;

(3) to promote United States economic growth and job creation by expanding exports of goods, services, and agricultural commodities, and by encouraging investment that supports the sale abroad of products and services of the United States;

(4) to maintain the reputation of United States businesses and farmers as reliable suppliers to international customers of quality products and services, including United States manufactures, technology products, financial services, and agricultural commodities;

(5) to avoid the use of restrictions on exports of agricultural commodities as a foreign policy weapon;

(6) to oppose policies of other countries designed to discourage economic interaction with countries friendly to the United States or with any United States national, and to avoid use of such policies as instruments of United States foreign policy; and

(7) when economic sanctions are necessary—

(A) to target them as narrowly as possible on those foreign governments, entities, and officials that are responsible for the conduct being targeted, thereby minimizing unnecessary or disproportionate harm to individuals who are not responsible for such conduct; and

(B) to the extent feasible, to avoid any adverse impact of economic sanctions on the humanitarian activities of United States and foreign nongovernmental organizations in a country against which sanctions are imposed.

SEC. 4. DEFINITIONS.

As used in this Act:

(1) UNILATERAL ECONOMIC SANCTION.—

(A) IN GENERAL.—The term ''unilateral economic sanction'' means any prohibition, restriction, or condition on economic activity, including economic assistance, with respect to a foreign country or foreign entity that is imposed by the United States for reasons of foreign policy or national security, including any of the measures described in subparagraph (B), except in a case in which the United States imposes the measure pursuant to a multilateral regime and the other members of that regime have agreed to impose substantially equivalent measures.

(B) PARTICULAR MEASURES.—The measures referred to in subparagraph (A) are the following:

(i) The suspension of, or any restriction or prohibition on, exports or imports of any product, technology, or service to or from a foreign country or entity.

(ii) The suspension of, or any restriction or prohibition on, financial transactions with a foreign country or entity.

(iii) The suspension of, or any restriction or prohibition on, direct or indirect investment in or from a foreign country or entity.

(iv) The imposition of increased tariffs on, or other restrictions on imports of, products of a foreign country or entity, including the denial, revocation, or conditioning of nondiscriminatory (most-favored-nation) trade treatment.

(v) The suspension of, or any restriction or prohibition on—

(I) the authority of the Export-Import Bank of the United States to give approval to the issuance of any guarantee, insurance, or extension of credit in connection with the export of goods or services to a foreign country or entity;

(II) the authority of the Trade and Development Agency to provide assistance in connection with projects in a foreign country or in which a particular foreign entity participates; or

(III) the authority of the Overseas Private Investment Corporation to provide insurance, reinsurance, or financing or conduct other activities in connection with projects in a foreign country or in which a particular foreign entity participates.

(vi) A requirement that the United States representative to an international financial institution vote against any loan or other utilization of funds to, for, or in a foreign country or particular foreign entity.

(vii) A measure imposing any restriction or condition on economic activity of any foreign government or entity on the ground that such government or entity does business in or with a foreign country.

(viii) A measure imposing any restriction or condition on economic activity of any person that is a national of a foreign country, or on any government or other entity of a foreign country, on the ground that the government of that country has not taken measures in cooperation with, or similar to, sanctions imposed by the United States on a third country.

(ix) The suspension of, or any restriction or prohibition on, travel rights or air transportation to or from a foreign country.

(x) Any restriction on the filing or maintenance in a foreign country of any proprietary interest in intellectual property rights (including patents, copyrights, and trademarks), including payment of patent maintenance fees.

(C) MULTILATERAL REGIME.—As used in this paragraph, the term ''multilateral regime'' means an agreement, arrangement, or obligation under which the United States cooperates with other countries in restricting commerce for reasons of foreign policy or national security, including—

(i) obligations under resolutions of the United Nations;

(ii) nonproliferation and export control arrangements, such as the Australia Group, the Nuclear Supplier's Group, the Missile Technology Control Regime, and the Wassenaar Arrangement;

(iii) treaty obligations, such as under the Chemical Weapons Convention, the Treaty on the Non-Proliferation of Nuclear Weapons, and the Biological Weapons Convention; and

(iv) agreements concerning protection of the environment, such as the International Convention for the Conservation of Atlantic Tunas, the Declaration of Panama referred to in section 2(a)(1) of the International Dolphin Conservation Act (16 U.S.C. 1361 note), the Convention on International Trade in Endangered Species, the Montreal Protocol on Substances that Deplete the Ozone Layer, and the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes.

(D) ECONOMIC ASSISTANCE.—The term ''economic assistance'' means—

(i) any assistance under part I or chapter 4 of part II of the Foreign Assistance Act of 1961 (including programs under title IV of chapter 2 of part I of that Act, relating to the Overseas Private Investment Corporation), other than—

(I) assistance under chapter 8 of part I of that Act,

(II) disaster relief assistance, including any assistance under chapter 9 of part I of that Act,

(III) assistance which involves the provision of food (including monetization of food) or medicine, or

(IV) assistance for refugees; and

(ii) the provision of agricultural commodities, other than food, under the Agricultural Trade Development and Assistance Act of 1954.

(E) FINANCIAL TRANSACTION.—As used in this paragraph, the term ''financial transaction'' has the meaning given that term in section 1956(c)(4) of title 18, United States Code.

(F) INVESTMENT.—As used in this paragraph, the term ''investment'' means any contribution or commitment of funds, commodities, services, patents, or other forms of intellectual property, processes, or techniques, including—

(i) a loan or loans;

(ii) the purchase of a share of ownership;

(iii) participation in royalties, earnings, or profits; and

(iv) the furnishing or commodities or services pursuant to a lease or other contract.

(G) EXCLUSIONS.—The term ''unilateral economic sanction'' does not include—

(i) any measure imposed to remedy unfair trade practices or to enforce United States rights under a trade agreement, including under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), title VII of that Act (19 U.S.C. 1671 et seq.), title III of the Trade Act of 1974 (19 U.S.C. 2411 et seq.), sections 1374 and 1377 of the Omnibus Trade and Competitiveness Act of 1988 (19 U.S.C. 3103 and 3106), and section 3 of the Act of March 3, 1933 (41 U.S.C. 10b–1);

(ii) any measure imposed to remedy market disruption or to respond to injury to a domestic industry for which increased imports are a substantial cause or threat thereof, including remedies under sections 201 and 406 of the Trade Act of 1974 (19 U.S.C. 2251 and 2436), and textile import restrictions (including those imposed under section 204 of the Agricultural Act of 1956 (7 U.S.C. 1784));

(iii) any action taken under title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), including the enactment of a joint resolution under section 402(d)(2) of that Act;

(iv) any measure imposed to restrict imports of agricultural commodities to protect food safety or to ensure the orderly marketing of commodities in the United States, including actions taken under section 22 of the Agricultural Adjustment Act (7 U.S.C. 624);

(v) any measure imposed to restrict imports of any other products in order to protect domestic health or safety;

(vi) any measure authorized by, or imposed under, a multilateral or bilateral trade agreement to which the United States is a signatory, including the Uruguay Round Agreements, the North American Free Trade Agreement, the United States-Israel Free Trade Agreement, and the United States-Canada Free Trade Agreement; and

(vii) any prohibition or restriction on the sale, export, lease, or other transfer of any defense article, defense service, or design and construction service under the Arms Export Control Act, or on any financing provided under that Act.

(2) NATIONAL EMERGENCY.—The term ''national emergency'' means any unusual or extraordinary threat, which has its source in whole or substantial part outside the United States, to the national security, foreign policy, or economy of the United States.

(3) AGRICULTURAL COMMODITY.—The term ''agricultural commodity'' has the meaning given that term in section 102(1) of the Agricultural Trade Act of 1978 (7 U.S.C. 5602(1)).

(4) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Agriculture, the Committee on International Relations, the Committee on Ways and Means, and the Committee on Banking and Financial Services of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry, the Committee on Finance, and the Committee on Foreign Relations of the Senate.

(5) CONTRACT SANCTITY.—The term ''contract sanctity'', with respect to a unilateral economic sanction, refers to the inapplicability of the sanction to—

(A) a contract or agreement entered into before the sanction is imposed, or to a valid export license or other authorization to export; and

(B) actions taken to enforce the right to maintain intellectual property rights, in the foreign country against which the sanction is imposed, which existed before the imposition of the sanction.

(6) UNILATERAL ECONOMIC SANCTION LEGISLATION.—The term ''unilateral economic sanction legislation'' means a bill or joint resolution that imposes, or authorizes the imposition of, any unilateral economic sanction.

SEC. 5. GUIDELINES FOR UNILATERAL ECONOMIC SANCTIONS LEGISLATION.

It is the sense of Congress that any unilateral economic sanction legislation that is introduced in or reported to a House of Congress on or after the date of enactment of this Act should—

(1) state the foreign policy or national security objective or objectives of the United States that the economic sanction is intended to achieve;

(2) provide that the economic sanction terminate 2 years after it is imposed, unless specifically reauthorized by Congress;

(3) provide contract sanctity, except that contract sanctity shall not be required in any case—

(A) in which execution of the contract is contrary to law;

(B) in which the contract involves assets that will be frozen as a consequence of the proposed sanction; or

(C) in which the contract provides for the supply of goods or services directly to a specific person, government agency, or military unit that is expressly named as a target of the proposed sanction;

(4) provide authority for the President both to adjust the timing and scope of the sanction and to waive the sanction, if the President determines it is in the national interest to do so;

(5)(A) target the sanction as narrowly as possible on foreign governments, entities, and officials that are responsible for the conduct being targeted;

(B) not include restrictions on the provision of medicine, medical equipment, or food; and

(C) seek to minimize any adverse impact on the humanitarian activities of United States and foreign nongovernmental organizations in any country against which the sanction may be imposed;

(6) provide, to the extent that the Secretary of Agriculture finds, that—

(A) the proposed sanction is likely to restrict exports of any agricultural commodity or is likely to result in retaliation against exports of any agricultural commodity from the United States; and

(B) the sanction is proposed to be imposed, or is likely to be imposed, on a country or countries that constituted, in the preceding calendar year, the market for more than 3 percent of all export sales from the United States of an agricultural commodity; and

(7) provide that the Secretary of Agriculture expand agricultural export assistance under United States market development, food assistance, or export promotion programs to offset the likely damage to incomes of producers of the affected agricultural commodity, to the maximum extent permitted by law and by the obligations of the United States under the Agreement on Agriculture referred to in section 101(d)(2) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(2)).

SEC. 6. REQUIREMENTS FOR UNILATERAL ECONOMIC SANCTIONS LEGISLATION.

(a) PUBLIC COMMENT.—Not later than 15 days prior to the consideration by the committee of primary jurisdiction of any unilateral economic sanction legislation, the chairman of the committee shall cause to be printed in the Congressional Record a notice that provides an opportunity for interested members of the public to submit comments to the committee on the proposed sanction.

(b) COMMITTEE REPORTS.—In the case of any unilateral economic sanction legislation that is reported by a committee of the House of Representatives or the Senate, the committee report accompanying the legislation shall contain a statement of whether the legislation meets all the guidelines specified in paragraphs (1) through (6) of section 5 and, if the legislation does not, an explanation of why it does not. The report shall also include a specific statement of whether the legislation includes any restrictions on the provision of medicine, medical equipment, or food.

(c) FLOOR CONSIDERATION IN THE HOUSE OF REPRESENTATIVES AND SENATE.—

(1) FLOOR CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—A motion in the House of Representatives to proceed to the consideration of any unilateral economic sanctions legislation shall not be in order unless the House has received in advance the appropriate report or reports under subsection (d).

(2) CONSIDERATION IN THE SENATE.—A motion in the Senate to proceed to the consideration of any unilateral economic sanctions legislation shall not be in order unless the Senate has received in advance the appropriate report or reports under subsection (d).

(d) REPORTS.—

(1) REPORT BY THE PRESIDENT.—Not later than 30 days after a committee of the House of Representatives or the Senate reports any unilateral economic sanction legislation or the House of Representatives or the Senate receives such legislation from the other House of Congress, the President shall submit to the House receiving the legislation a report containing—

(A) an assessment of—

(i) the likelihood that the proposed unilateral economic sanction will achieve its stated objective within a reasonable period of time; and

(ii) the impact of the proposed unilateral economic sanction on—

(I) humanitarian conditions, including the impact on conditions in any specific countries on which the sanction is proposed to be or may be imposed;

(II) humanitarian activities of United States and foreign nongovernmental organizations;

(III) relations with United States allies;

(IV) other United States national security and foreign policy interests; and

(V) countries and entities other than those on which the sanction is proposed to be or may be imposed;

(B) a description and assessment of—

(i) diplomatic and other steps the United States has taken to accomplish the intended objectives of the unilateral sanction legislation;

(ii) the likelihood of multilateral adoption of comparable measures;

(iii) comparable measures undertaken by other countries;

(iv) alternative measures to promote the same objectives, and an assessment of their potential effectiveness;

(v) any obligations of the United States under international treaties or trade agreements with which the proposed sanction may conflict;

(vi) the likelihood that the proposed sanction will lead to retaliation against United States interests, including agricultural interests; and

(vii) whether the achievement of the objectives of the proposed sanction outweighs any likely costs to United States foreign policy, national security, economic, and humanitarian interests, including any potential harm to United States business, agriculture, and consumers, and any potential harm to the international reputation of the United States as a reliable supplier of products, technology, agricultural commodities, and services.

(2) REPORT BY THE SECRETARY OF AGRICULTURE.—Not later than 30 days after a committee of the House of Representatives

or the Senate reports any unilateral economic sanction legislation affecting the export of agricultural commodities from the United States or the House of Representatives or the Senate receives such legislation from the other House of Congress, the Secretary of Agriculture shall submit to the House receiving the legislation a report containing an assessment of—

(A) the extent to which any country or countries proposed to be sanctioned or likely to be sanctioned are markets that accounted for, in the preceding calendar year, more than 3 percent of all export sales from the United States of any agricultural commodity;

(B) the likelihood that exports of agricultural commodities from the United States will be affected by the proposed sanction or by retaliation by any country proposed to be sanctioned or likely to be sanctioned, and specific commodities which are most likely to be affected;

(C) the likely effect on incomes of producers of the specific commodities identified by the Secretary;

(D) the extent to which the proposed sanction would permit foreign suppliers to replace United States suppliers; and

(E) the likely effect of the proposed sanction on the reputation of United States farmers as reliable suppliers of agricultural commodities in general, and of the specific commodities identified by the Secretary.

(3) REPORT BY THE CONGRESSIONAL BUDGET OFFICE.—Any bill or joint resolution that imposes a unilateral economic sanction shall be treated as including a Federal private sector mandate for purposes of part B of title IV of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 658 et seq.) and the Congressional Budget Office shall report accordingly. The report shall include an assessment of—

(A) the likely short-term and long-term costs of the proposed sanction to the United States economy, including the potential impact on United States trade performance, employment, and growth;

(B) the impact the proposed sanction will have on the international reputation of the United States as a reliable supplier of products, agricultural commodities, technology, and services; and

(C) the impact the proposed sanction will have on the economic well-being and international competitive position of United States industries, firms, workers, farmers, and communities.

(e) RULES OF THE HOUSE OF REPRESENTATIVES AND SENATE.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such these rules are deemed a part of the rules of each House, respectively, and they supersede other rules only to the extent that they are inconsistent therewith; and

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

SEC. 7. REQUIREMENTS FOR EXECUTIVE ACTION.

(a) NOTICE.—

(1) IN GENERAL.—

(A) NOTICE OF INTENT TO IMPOSE SANCTION.—Notwithstanding any other provisions of law, the President shall publish notice in the Federal Register at least 45 days in advance of the imposition of any new unilateral economic sanction under any provision of law with respect to a foreign country or foreign entity, of the President's intention to implement such sanction. The purpose of such notice shall be to allow the formulation of an effective sanction that advances United States national security and economic interests, and to provide an opportunity for negotiations to achieve the objectives specified in the law authorizing imposition of a unilateral economic sanction.

(B) WAIVER OF ADVANCE NOTICE REQUIREMENT.—The President may waive the provisions of subparagraph (A) in the case of any new unilateral economic sanction that involves freezing the assets of a foreign country or entity (or in the case of any other sanction) if the President determines that the national interest would be jeopardized by the requirements of this section.

(C) AUTHORITY TO NEGOTIATE.—Notwithstanding any other provision of law, the President is authorized to negotiate with the foreign government against which a unilateral economic sanction is proposed to resolve the underlying reasons for the sanction during the 45-day period following the publication of notice in the Federal Register.

(2) NEW UNILATERAL ECONOMIC SANCTION.—For purposes of this section, the term ''new unilateral economic sanction'' means a unilateral economic sanction imposed pursuant to a law enacted after the date of enactment of this Act or a sanction imposed after such date of enactment pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

(b) CONSULTATION.—

(1) IN GENERAL.—The President shall consult with the appropriate congressional committees regarding a proposed new unilateral economic sanction, including consultations regarding efforts to achieve or increase multilateral cooperation on the issues or problems prompting the proposed sanction.

(2) CLASSIFIED CONSULTATIONS.—The consultations described in paragraph (1) may be conducted on a classified basis if disclosure would threaten the national security of the United States.

(c) PUBLIC COMMENT.—The President shall publish a notice in the Federal Register of the opportunity for interested persons to submit comments on any proposed new unilateral economic sanction.

(d) REQUIREMENTS FOR EXECUTIVE BRANCH SANCTIONS.—Any new unilateral economic sanction imposed by the President—

(1) shall—

(A) include an assessment of whether—

(i) the sanction is likely to achieve a specific United States foreign policy or national security objective within a reasonable period of time, which shall be specified; and

(ii) the achievement of the objectives of the sanction outweighs any costs to United States national interests;

(B) provide contract sanctity, except that contract sanctity shall not be required in any case—

(i) in which execution of the contract is contrary to law;

(ii) in which the contract involves assets that will be frozen as a consequence of the proposed sanction; or

(iii) in which the contract provides for the supply of goods or services directly to a specific person, government agency, or military unit that is expressly named as a target of the proposed sanction;

(C) terminate not later than 2 years after the sanction is imposed, unless specifically extended by the President in accordance with this section;

(D)(i) be targeted as narrowly as possible on foreign governments, entities, and officials that are responsible for the conduct being targeted; and

(ii) seek to minimize any adverse impact on the humanitarian activities of United States and foreign nongovernmental organizations in a country against which the sanction may be imposed; and

(E) not include any restriction on the export, financing, support, or provision of medicine, medical equipment, medical supplies, food, or other agricultural commodity (including fertilizer), other than restrictions imposed in response to national security threats, where multilateral sanctions are in place, or restrictions involving a country where the United States is engaged in armed conflict;

(2) should provide, to the extent that the Secretary of Agriculture finds, that—

(A) a new unilateral economic sanction is likely to restrict exports of any agricultural commodity from the United States or is likely to result in retaliation against exports of any agricultural commodity from the United States; and

(B) the sanction is proposed to be imposed, or is likely to be imposed, on a country or countries that constituted, in the preceding calendar year, the market for more than 3 percent of all export sales from the United States of an agricultural commodity; and

(3) should provide that the Secretary of Agriculture expand agricultural export assistance under United States market development, food assistance, and export promotion programs to offset the likely damage to incomes of producers of the affected agricultural commodity, to the maximum extent permitted by law and by the obligations of the United States under the Agreement on Agriculture referred to in section 101(d)(2) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(2)).

(e) REPORT BY THE PRESIDENT.—

(1) IN GENERAL.—Prior to imposing any new unilateral economic sanction, the President shall provide a report to the appropriate congressional committees on the proposed sanction. The report shall include the report of the International Trade Commission under subsection (g) (if timely submitted prior to the filing of the report). The report may be provided on a classified basis if disclosure would threaten the national security of the United States. The President's report shall contain the following:

(A) An explanation of the foreign policy or national security objective or objectives intended to be achieved through the proposed sanction.

(B) An assessment of—

(i) the likelihood that the proposed new unilateral economic sanction will achieve its stated objectives within the stated period of time; and

(ii) the impact of the proposed new unilateral economic sanction on—

(I) humanitarian conditions, including the impact on conditions in any specific countries on which the sanction is proposed to be imposed;

(II) humanitarian activities of United States and foreign nongovernmental organizations;

(III) relations with United States allies; and

(IV) other United States national security and foreign policy interests, including countries and entities other than those on which the sanction is proposed to be imposed.

(C) A description and assessment of—

(i) diplomatic and other steps the United States has taken to accomplish the intended objectives of the proposed sanction;

(ii) the likelihood of multilateral adoption of comparable measures;

(iii) comparable measures undertaken by other countries;

(iv) alternative measures to promote the same objectives, and an assessment of their potential effectiveness;

(v) any obligations of the United States under international treaties or trade agreements with which the proposed sanction may conflict;

(vi) the likelihood that the proposed sanction will lead to retaliation against United States interests, including agricultural interests; and

(vii) whether the achievement of the objectives of the proposed sanction outweighs any likely costs to United States foreign policy, national security, economic, and humanitarian interests, including any potential harm to United States business, agriculture, and consumers, and any potential harm to the international reputation of the United States as a reliable supplier of products, technology, agricultural commodities, and services.

(2) REPORT ON OTHER SANCTIONS.—In the case of any unilateral economic sanction that is imposed after the date of enactment of this Act, other than a new unilateral economic sanction described in subsection (a)(2) or a sanction that is a continuation of a sanction in effect on the date of enactment of this Act, the President shall not later than 30 days after imposing such sanction submit to Congress a report described in paragraph (1) relating to such sanction. The report may be provided on a classified basis if disclosure would threaten the national security of the United States.

(f) REPORT BY THE SECRETARY OF AGRICULTURE.—Prior to the imposition of a new unilateral economic sanction by the President, the Secretary of Agriculture shall submit to the appropriate congressional committees a report that shall contain an assessment of—

(1) the extent to which any country or countries proposed to be sanctioned are markets that accounted for, in the preceding calendar year, more than 3 percent of all export sales from the United States of any agricultural commodity;

(2) the likelihood that exports of agricultural commodities from the United States will be affected by the proposed sanction or by retaliation by any country proposed to be sanctioned, including specific commodities which are most likely to be affected;

(3) the likely effect on incomes of producers of the specific commodities identified by the Secretary;

(4) the extent to which the proposed sanction would permit foreign suppliers to replace United States suppliers; and

(5) the likely effect of the proposed sanction on the reputation of United States farmers as reliable suppliers of agricultural commodities in general, and of the specific commodities identified by the Secretary.

(g) REPORT BY THE UNITED STATES INTERNATIONAL TRADE COMMISSION.—Before imposing a new unilateral economic sanction, the President shall make a timely request to the United States International Trade Commission for a report on the likely short-term and long-term costs of the proposed sanction to the United States economy, including the potential impact on United States trade performance, employment, and growth, the international reputation of the United States as a reliable supplier of products, agricultural commodities, technology, and services, and the economic well-being and international competitive position of United States industries, firms, workers, farmers, and communities.

(h) WAIVER AUTHORITY.—The President may waive any of the requirements of subsections (a), (b), (c), (e)(1), (f), and (g), in the event that the President determines that such a waiver is in the national interest of the United States. In the event of such a waiver, the requirements waived shall be met during the 60-day period immediately following the imposition of the new unilateral economic sanction, and the sanction shall terminate 90 days after being imposed unless such requirements are met. The President may waive any of the requirements of paragraphs (1)(B), (1)(D), (1)(E), and (2) of subsection (d) in the event that the President determines that the new unilateral economic sanction is related to actual or imminent armed conflict involving the United States.

(i) SANCTIONS REVIEW COMMITTEE.—

(1) ESTABLISHMENT.—There is established within the executive branch of Government an interagency committee, which shall be known as the Sanctions Review Committee, which shall have the responsibility of coordinating United States policy regarding unilateral economic sanctions and of providing appropriate recommendations to the President prior to any decision regarding the implementation of any unilateral economic sanction. The Committee shall be composed of the following 11 members, and any other member the President considers appropriate:

(A) The Secretary of State.

(B) The Secretary of the Treasury.

(C) The Secretary of Defense.

(D) The Secretary of Agriculture.

(E) The Secretary of Commerce.

(F) The Secretary of Energy.

(G) The United States Trade Representative.

(H) The Director of the Office of Management and Budget.

(I) The Chairman of the Council of Economic Advisers.

(J) The Assistant to the President for National Security Affairs.

(K) The Assistant to the President for Economic Policy.

(2) CHAIR.—The President shall designate one of the members specified in paragraph (1) to serve as Chair of the Sanctions Review Committee.

(j) INAPPLICABILITY OF OTHER PROVISIONS.—This section applies notwithstanding any other provision of law.

SEC. 8. ANNUAL REPORTS.

(a) ANNUAL REPORT.—Not later than 6 months after the date of enactment of this Act, and annually thereafter, unless otherwise required under existing law, the President shall submit to the appropriate congressional committees a report detailing with respect to each country or entity against which a unilateral economic sanction has been imposed—

(1) the extent to which the sanction has achieved foreign policy or national security objectives of the United States with respect to that country or entity;

(2) the extent to which the sanction has harmed humanitarian interests in that country, the country in which that entity is located, or in other countries; and

(3) the impact of the sanction on other national security and foreign policy interests of the United States, including relations with countries friendly to the United States, and on the United States economy.

(b) REPORT BY THE UNITED STATES INTERNATIONAL TRADE COMMISSION.—Not later than 6 months after the date of enactment of this Act, and annually thereafter, the United States International Trade Commission shall report to the appropriate congressional committees on the costs, individually and in the aggregate, of all unilateral economic sanctions in effect under United States law, regulation, or Executive order. The calculation of such costs shall include an assessment of the impact of such measures on the international reputation of the United States as a reliable supplier of products, agricultural commodities, technology, and services.

SEC. 9. PRESIDENTIAL WAIVER AUTHORITY.

(a) WAIVER AUTHORITY.—The President may waive the application of any sanction or prohibition (or portion thereof) contained in section 101 or 102 of the Arms Export Control Act, section 620E(e) of the Foreign Assistance Act of 1961, or section 2(b)(4) of the Export Import Bank Act of 1945 if the President determines that such a waiver would advance the purposes of such Acts or the national security interests of the United States.

(b) CONSULTATION.—Prior to exercising the waiver authority provided in subsection (a), the President shall consult with the appropriate congressional committees. Such consultations may be conducted on a classified basis if disclosure would threaten the national security of the United States.

(c) REPORTS.—At least once every 6 months after exercising the waiver authority in subsection (a), the President shall report to Congress with respect to the actions taken since the submission of the preceding report, and the reasons that continuation of any waiver under subsection (a) remains in the national security interest of the United States.

SEC. 10. EFFECTIVE DATE.

This Act shall take effect on the date that is 20 days after the date of enactment of this Act.

SANCTIONS POLICY REFORM ACT OF 1999—SECTION-BY-SECTION

Section 1: Short title. The act may be cited as the ''Enhancement of Trade, Security and Human Rights through Sanctions Reform Act''

Section 2: Purpose. The purpose of the Act is to establish an effective framework for consideration of unilateral economic sanctions and to make unilateral economic sanctions, when imposed, more effective.

Section 3: Statement of Policy. This section sets forth U.S. policy to pursue American security, trade and humanitarian interest through broad-ranging engagement with other countries, while recognizing the need at times to impose sanctions as a last resort. It supports multilateral cooperation as an alternative to unilateral U.S. sanctions. It seeks to promote U.S. economic growth through trade and to maintain America's reputation as a reliable supplier. It opposes boycotts and use of agricultural embargoes as a foreign policy weapon. It urges that economic sanctions be targeted as narrowly as possible, to minimize harm to innocent people or to humanitarian activities.

Section 4: Definitions. This section defines ''unilateral economic sanction'' as any restriction or condition on economic activity with respect to a foreign country or entity imposed for reasons of foreign policy or national security. This definition excludes multilateral sanctions, where other countries have agreed to adopt ''substantially equivalent'' measures. The definition also excludes U.S. trade laws, Jackson-Vanik, and munitions list controls. This section also defines ''appropriate committees,'' and ''contract sanctity.''

Section 5: Guidelines for Unilateral Economic Sanctions Legislation. This section provides that any bill or joint resolution imposing or authorizing a unilateral economic sanction should state the U.S. foreign policy or national security objective, terminate after two years unless specifically reauthorized, protect contract sanctity, provide Presidential authority to adjust or waive the sanction in the national interest, target the sanction as narrowly as possible against the parties responsible for the offending conduct, and provide for expanded export promotion if sanctions target a major export market for American farmers.

Section 6: Requirements for report Accompanying the Bill. The committee reporting sanctions legislation shall request reports from the President and Secretary of Agriculture. These reports shall be included in the committee report. If the legislation does not meet any Section guideline, the committee report shall explain why not. The President's report shall contain an assessment of the likelihood that the proposed sanction will achieve its stated objective within a reasonable time. It must weight the likely foreign policy, national security, economic, and humanitarian benefits against the costs of acting unilaterally. The report will also assess alternatives, such as prior diplomatic and other U.S. steps and comparable multilateral measures.

The Secretary of Agriculture's report shall assess the likely extent of the proposed legislation in terms of market share in affected countries, the likelihood that U.S. agricultural exports will be affected, and the impact on the reputation of U.S. farmers as reliable suppliers.

Section 6 also considers unilateral sanctions as unfunded federal mandates for purposes of the Unfunded Mandates Act. The Congressional Budget Office shall assess the likely short- and long-term cost of the proposed sanctions to the U.S. economy.

Section 7: Requirements for Executive Action. The President may impose a unilateral sanction no less than 45 days after announcing his intention to do so, during which time he shall consult with Congressional committees and publish a notice in the Federal Register seeking public comment. Any Executive sanction must meet the same guidelines that Section 5 applies to the Congress and must, in addition, include a clear finding that the sanction is likely to achieve a specific U.S. foreign policy or national security objective within a reasonable period of time.

Sanction 7 also requires—prior to the imposition of a unilateral sanction—the President and the Secretary of Agriculture to provide to the appropriate Congressional committees reports that contain the same assessment as required in the reports described in Section 6. The President shall also request a report by the U.S. International Trade Commission on the likely short- and long-term costs of the proposed sanctions to the U.S. economy, including the potential impact on U.S. competitiveness.

In case of national emergency, the bill allows the President temporarily to waive most Section 7 requirements in order to act immediately. If the President acts on an emergency basis, the waived requirements must be met within sixty days. Finally, the President shall establish an interagency Sanctions Review Committee to improve coordination of U.S. policy regarding unilateral sanctions.

Section 8: Annual Reports. The President must submit to the appropriate committees a report each year detailing the extent to which sanctions have achieved U.S. objectives, as well as their impact on humanitarian and other U.S. interests, including relations with friendly countries. The U.S. International Trade Commission shall report to the Congress on the costs, individually and in the aggregate, of all unilateral economic sanctions in effect under U.S. law, regulation, or Executive order, including the impact on U.S. competitiveness.

By Mr. ASHCROFT (for himself, Mr. HATCH, Mr. DODD, Mr. SESSIONS, Mr. LIEBERMAN, Mr. GRASSLEY, Mr. TORRICELLI, Mr. SMITH of New Hampshire, and Mr. SCHUMER):

S. 758. A bill to establish legal standards and procedures for the fair, prompt, inexpensive, and efficient resolution of personal injury claims arising out of asbestos exposure, and for other purposes; to the Committee on the Judiciary.

FAIRNESS IN ASBESTOS COMPENSATION ACT OF 1999

Mr. ASHCROFT. Mr. President, I rise today to introduce the Fairness in Asbestos Compensation Act of 1999. I want to thank all of the Senators who have cosponsored this bill. This bill is a bipartisan effort and the diverse group of Senators who support the bill reflects a serious effort to solve a serious problem, not an effort to gain partisan advantage. I particularly want to thank Senator DODD for his assistance on this bill and Senator HATCH for his leadership in introducing similar legislation in the last Congress.

I am introducing this bill and I support this bill for a simple reason—it makes sense. The problems caused by the manufacture and use of asbestos are well-documented. Although some companies initially denied responsibility and resisted suits to recover for asbestos-related injuries in court, the injuries associated with asbestos and the liability of manufacturers for those injuries are now well-established.

The courts—both state and federal—have done an admirable job of establishing the facts and legal rules concerning asbestos. That is a job the courts do well. However, now that the basic facts and liability rules have been established, the courts are being asked simply to process claims. That is not a job the courts do particularly well. The rules governing court actions give parties rights to dispute facts that have been conclusively established in other proceedings. All the while the meter is running for the lawyers on both sides. Dollars that could go to compensate deserving victims, instead go to lawyers and court costs.

In the asbestos context, these problems are exacerbated by the finite resources available to compensate victims. What is more, the legal rules concerning both punitive damages and what constitutes a sufficient injury to bring suit make for jury awards that do not correspond to the seriousness of the injury. Someone filing suit because of a preliminary manifestation of a minor injury, such as pleural thickening, that may never lead to more severe symptoms may receive more compensation than another person with more serious asbestos-related injuries. None of this is to suggest that it is somehow wrong for plaintiffs with a minor injury to file suit. To the contrary, some state rules concerning when injury occurs obligate plaintiffs to file suits or risk having their suit dismissed as time-barred. What is more, in light of the finite number of remaining solvent asbestos defendants, potential plaintiffs have every incentive to file suit as soon as legally permissible.

The Fairness in Asbestos Compensation Act of 1999 attempts to address these problems by establishing an administrative claims systems that aims to compensate victims of asbestos rationally and efficiently. The Act accomplishes this goal by classifying claimants according to the severity of their injuries, ensuring that those with more serious injuries receive greater awards, securing a compensation fund so that victims whose conditions are not yet manifest can recover in the future, and eliminating the statute of limitations and injury rules that force plaintiffs into court prematurely. Although I wish I could claim some pride of authorship in these mechanisms, these basic features were all part of a proposed global asbestos settlement agreement worked out by representatives of both plaintiffs and defendants.

The Supreme Court rejected the proposed global asbestos settlement in Amchem Products versus Windsor. The District Court had certified a settlement class under Rule 23 that included extensive medical and compensation criteria that both plaintiffs and defendants had accepted. The Supreme Court ruled that this type of global, nationwide settlement of tort claims brought under fifty different state laws could not be sustained under Rule 23. The Court recognized that such a global settlement would conserve judicial resources and likely would promote the public interest. Nonetheless, the Court concluded that Rule 23 was too thin a reed to support this massive settlement, and that if the parties desired a nationwide settlement they needed to direct their attention to the Congress, rather than the Courts.

I believe the Supreme Court was right on both counts—the proposed settlement criteria were in the public interest, but the proposed class simply could not be sustained under Rule 23. The Rules Enabling Act and the inherent limits on the power of federal courts preclude an interpretation of Rule 23 that would result in a federal court overriding or homogenizing varying state laws. However, as the Supreme Court pointed out, Congress has the power to do directly what the courts lack the power to do through a strained interpretation of Rule 23.

This bill takes up the challenge of the Supreme Court and addresses the tragic problem of asbestos. The bill incorporates the medical and compensation criteria agreed to by the parties in the Amchem settlement and employs them as the basis for a legislative settlement. In the simplest terms, the legislation proposes an administrative claims process to compensate individuals injured by asbestos as a substitute for the tort system (although individuals retain an ability to opt-in to the tort system after using the administrative claims system to narrow the issues in dispute). The net effect of this legislation should be to funnel a greater percentage of the pool of limited resources to injured plaintiffs, rather than to lawyers for plaintiffs and defendants.

I want to be clear, however, that I am not here to suggest that this is a perfect bill. This bill represents a complex solution to a complex problem. A number of groups will be affected by this legislation, and it may be necessary to make changes to ensure that no one is unfairly disadvantaged by this legislation. But that said, I am confident that we can make the needed changes. We have a bipartisan group of Senators who have agreed to cosponsor this legislation, and the bill represents a sufficient improvement in efficiency over the existing litigation quagmire that there should be ample room to work out any differences.

Finally, let me also note that this bill also plays a minor but important role in preserving a proper balance in the separation of powers. I have been a strong and consistent critic of judicial activism. Judges who make legal rules out of whole cloth in the absence of constitutional or statutory text damage the standing of the judiciary and our constitutional structure. On the other hand, when judges issue opinions in which they recognize that a particular outcome might well be in the public interest, but nonetheless is not supported by the existing law, they reinforce the proper, limited role of the judiciary. Too often, federal judges are tempted to reach the result they favor as a policy matter without regard to the law. When judges succumb to that temptation, they are justly criticized. But when they resist that temptation, their self-restraint should be recognized and applauded. The Court in Amchem rightly recognized a problem that the judiciary acting alone could not solve. By offering a legislative solution to that problem the bill provides the proper incentives for courts to be restrained and reinforces the proper roles of Congress and the Judiciary.

In short, this bill provides a proper legislative solution to the asbestos litigation problem. It ensures that, in an area in which extensive litigation has already established facts and assigned responsibility, scarce dollars compensate victims, not lawyers. I want to thank my co-sponsors for their work on the bill. I look forward to working with them to ensure final passage of this legislation. The courts have completed their proper role in ascertaining facts and liability. It is time for Congress to step in to provide a better mechanism to direct scarce resources to deserving victims.

• Mr. DODD. Mr. President, I am pleased to join with my colleague, Senator ASHCROFT, to introduce the ''Fairness in Asbestos Compensation Act of 1999''. This legislation would expedite the provision of financial compensation to the victims of asbestos exposure by establishing a nationwide administrative system to hear and adjudicate their claims.

Mr. President, millions of American workers have been exposed to asbestos on the job. Tragically, many have contracted asbestos-related illnesses, which can be devastating and deadly. Others will surely become similarly afflicted. These individuals—who have or will become terribly ill due to no fault of their own—deserve swift and fair compensation to help meet the costs of health care, lost income, and other economic and non-economic losses.

Unfortunately, many victims of asbestos exposure are not receiving the efficient and just treatment they deserve from our legal system. Indeed, it can be said that the current asbestos litigation system is in a state of crisis. Today, more than 150,000 lawsuits clog the state and federal courts. In 1996 along, more than 36,000 new suits were filed. Those who have been injured by asbestos exposure must often wait years for compensation. And when that compensation finally arrives, it is often eaten up by attorneys' fees and other transaction costs.

In the early 1990's, an effort was made to improve the management of federal asbestos litigation. Cases were consolidated, and a settlement to resolve them administratively was agreed to between defendant companies and plaintiffs' attorneys. This settlement also obtained the backing of the Building and Construction Trades Union of the AFL–CIO. Regrettably, the settlement was overturned by the Third Circuit Court of Appeals in 1996. Though the Court termed the settlement ''arguably a brilliant partial solution'', it found that the class of people created by the settlement—namely, those exposed to asbestos—was too large and varied to be certified pursuant to Rule 23 of the Federal Rules of Civil Procedure. The Supreme Court affirmed that decision. In its decision, the Court effectively invited the Congress to provide for the existence of such a settlement as a fair and efficient way to resolve asbestos litigation claims.

Hence this bill. In simple terms, it codifies the settlement reached between companies and the representatives of workers who were exposed to asbestos on the job. It would establish a body to review claims by those who believe that they have become ill due to exposure to asbestos. It would provide workers with mediation and binding arbitration to promote the fair and swift settlement of their claims. It would allow plaintiffs to seek additional compensation if their non-malignant disease later developed into cancer. And it would limit attorneys' fees so as to ensure that a claimant receives a just portion of any settlement amount.

All in all, Mr. President, this is a good bill. However, it is not a perfect bill. My office has received comments on the bill from representatives of a number of parties affected by asbestos litigation. I hope and expect that those comments will be given the consideration that they deserve by the Judiciary Committee and the full Senate as this legislation moves forward.•

Mr. HATCH. Mr. President, I am pleased to be an original co-sponsor of the legislation, the ''Fairness in Asbestos Compensation Act of 1999,'' which Senator ASHCROFT is introducing today. This legislation's other sponsors include: Senator DODD, Senator SESSIONS, Senator LIEBERMAN, Senator GRASSLEY, Senator TORRICELLI, Senator SMITH, and Senator SCHUMER.

State and federal courts are overwhelmed by up to 150,000 asbestos lawsuits today, and there are new suits being filed. Unfortunately, those who are truly sick with asbestos and various asbestos-related cancers and illnesses spend years in court before receiving any compensation, and then usually lose more than half of that compensation to attorneys' fees and other costs. One cause of this extraordinary delay in compensation is the large number of lawsuits filed by those who, without any symptoms or signs of asbestos-related illness, bring suits for future medical monitoring and fear of cancer.

Mr. President, I am concerned that as juries award enormous compensation and outrageous punitive damages to non-impaired plaintiffs, others with actual illnesses receive little or no compensation. As legal and financial resources are tied up and exhausted, it is increasingly unclear whether those who are truly inflicted with asbestos-caused diseases will be able to recover anything at all in the years ahead.

Courts have tried unsuccessfully to cope with this problem. The major parties involved attempted to compromise on a solution that included prompt compensation. The Third Circuit Court of Appeals overturned one such compromise, known as the Amchem or Georgine agreement, on civil procedural rule grounds, but found the settlement to be ''arguably a brilliant partial solution.'' Justice Ruth Bader Ginsburg, writing for the Supreme Court, upheld the Appellate decision and stated, ''[t]he argument is sensibly made that a nationwide administrative claims processing regime would provide the most secure, fair and efficient means of compensating victims of asbestos exposure. Congress, however, has not adopted such a solution.'' The Court accurately recognized that Congress is the most appropriate body to resolve the asbestos crisis. That is what this legislation is aimed to do.

Mr. President, through the hundreds of thousands of cases that already have been litigated in the court system, the legal and scientific issues relating to asbestos litigation have been thoroughly explored. This, along with the recent court decisions demonstrate that the asbestos litigation issue is now ripe for a legislative solution.

This bill we introduce today will correct the asbestos litigation crisis problems. It is crafted to reflect as closely as possible the original settlement agreed to by the involved parties in the Amchem settlement. This bill will eliminate the asbestos litigation burden in the courts, get fair compensation for those who currently are sick,

and enable the businesses to manage their liabilities in order to ensure that compensation will be available for future claimants. It is important to note that no tax-payer money will fund this bill.

We have carefully crafted this legislation so that it is at least as favorable—and, in many cases, more favorable—to claimants as the original Amchem settlement. As this bill makes its way through the legislative process, I look forward to working with Senator ASHCROFT and my colleagues to further refine the language in order to achieve the maximum public benefit from this legislation.

By Mr. MURKOWSKI (for himself, Mr. TORRICELLI, Mr. BURNS, and Mr. REID):

S. 759. A bill to regulate the transmission of unsolicited commercial electronic mail on the Internet, and for other purposes.

INBOX PRIVACY ACT OF 1999

Mr. MURKOWSKI. Mr. President, I rise today to introduce the Inbox Privacy Act of 1999 on behalf of myself, Senators TORRICELLI, BURNS and REID. Our legislation provides a solution to the burden of junk e-mail, also known as spam, that now plagues the Internet. There are five main components to this legislation:

Online marketers must honestly identify themselves

Consumers have the ultimate decision as to what comes into their inbox

Consumers and domain owners can stop further transmissions of spam to those who do not want to receive it

Internet Service Providers are relieved from the burdens associated with spam

A federal solution is provided to a nationwide problem while giving states, ISP's, and the Federal Trade Commission authority to go after those who flood the Internet with fraudulent emails.

The burden of spam is evident in my home state of Alaska. Unlike urban and suburban areas of the nation where a local telephone call is all it takes to log onto the Internet, rural areas of Alaska and many other states have no such local access.

Every minute connected to the Internet, whether it is for researching a school project, checking a bank balance, searching for the latest information on the weather at the local airport, or even shopping online incurs a per minute long distance charge. The extra financial cost of the longer call to download spam may only be a small amount on a day to day basis, but over the long term this cost is a very real financial disincentive to using the Internet. Some estimates place the cost at over $200 per year for rural Americans.

If Internet commerce is to continue to expand, all Internet consumers must be able to avoid costs for the receipt of advertising material such as spam that they do not want to receive. As I've said before, the Internet is not a tool for every huckster to sell the Brooklyn Bridge.

Last Congress I was the author of Title III of S. 1618 which unanimously passed the Senate and was supported by a variety of interested Internet groups. Some wanted an outright ban on such solicitations, but banning nonfraudulent Internet commerce is a dangerous precedent to set, particularly where the problem today is caused by fraudulent marketers. I also recognize that there are First Amendment concerns raised by any Internet content legislation and am pleased that our approach has the support of civil liberties organizations.

The most significant difference between this legislation and Title III of S. 1618 is the addition of a domain-wide opt-out system that allows Internet domain owners to put up an electronic stop sign to signify their desire to not receive unsolicited commercial email to addresses served by their domain. However, to ensure that the Internet consumer has the ultimate choice, consumers would be able to inform their ISP of their continuing desire to receive junk e-mail. While I doubt that there will be too many Internet consumers who want to receive junk e-mail, Congress should not make the decision for them by banning junk e-mail outright, no matter how annoying it may be. Not only should consumers have the ultimate choice, but if Congress bans junk e-mail, what else on the Internet will we ban next?

Finally, I have included a state enforcement provision that allows all states to enforce a national standard on junk e-mail. As Congress has seen before in the Internet Tax Freedom debate, a unified approach to any Internet legislation is key to promoting the development of the Internet. Just as having 50 state tax policies on Internet transactions represents a poor policy decision, so would having 50 state policies on spam legislation. My approach solves this dilemma by setting such a national standard that provides for even greater protection that what a few states have already enacted. By setting a national standard, it also solves the constitutional dilemma that many states face regarding long-arm jurisdiction.

Mr. President, the Inbox Privacy Act represents a significant step forward for Internet consumers and domain owners and I urge its adoption by my colleagues.

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

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

S. 759

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 ''Inbox Privacy Act of 1999''.

SEC. 2. TRANSMISSIONS OF UNSOLICITED COMMERCIAL ELECTRONIC MAIL.

(a) PROHIBITION ON TRANSMISSION TO PERSONS DECLINING RECEIPT.—

(1) IN GENERAL.—A person may not initiate the transmission of unsolicited commercial electronic mail to another person if such other person submits to the person a request that the initiation of the transmission of such mail by the person to such other person not occur.

(2) FORM OF REQUEST.—A request under paragraph (1) may take any form appropriate to notify a person who initiates the transmission of unsolicited commercial electronic mail of the request, including an appropriate reply to a notice specified in subsection (d)(2).

(3) CONSTRUCTIVE AUTHORIZATION.—

(A) IN GENERAL.—Subject to subparagraph (B), for purposes of this subsection, a person who secures a good or service from, or otherwise responds electronically to an offer in a commercial electronic mail message shall be deemed to have authorized the initiation of transmissions of unsolicited commercial electronic mail from the person who initiated transmission of the message.

(B) NO AUTHORIZATION FOR REQUEST FOR TERMINATION.—A reply to a notice specified in subsection (d)(2) shall not constitute authorization for the initiation of transmissions of unsolicited commercial electronic mail under this paragraph.

(b) PROHIBITION ON TRANSMISSION TO DOMAIN OWNERS DECLINING RECEIPT.—

(1) IN GENERAL.—Except as provided in paragraph (2), a person may not initiate the transmission of unsolicited commercial electronic mail to any electronic mail addresses served by a domain if the domain owner has elected not to receive transmissions of such mail at the domain in accordance with subsection (c).

(2) EXCEPTIONS.—The prohibition in paragraph (1) shall not apply in the case of the following:

(A) A domain owner initiating transmissions of commercial electronic mail to its own domain.

(B) Any customer of an Internet service provider or interactive computer service provider included on a list under subsection (c)(3)(C).

(c) DOMAIN-WIDE OPT-OUT SYSTEM.—

(1) IN GENERAL.—A domain owner may elect not to receive transmissions of unsolicited commercial electronic mail at its own domain.

(2) NOTICE OF ELECTION.—A domain owner making an election under this subsection shall—

(A) notify the Federal Trade Commission of the election in such form and manner as the Commission shall require for purposes of section 4(c); and

(B) if the domain owner is an Internet service provider or interactive computer service provider, notify the customers of its Internet service or interactive computer service, as the case may be, in such manner as the provider customarily employs for notifying such customers of matters relating to such service, of—

(i) the election; and

(ii) the authority of the customers to make the election provided for under paragraph (3).

(3) CUSTOMER ELECTION TO CONTINUE RECEIPT OF MAIL.—

(A) ELECTION.—Any customer of an Internet service provider or interactive computer service provider receiving a notice under

paragraph (2)(B) may elect to continue to receive transmissions of unsolicited commercial electronic mail through the domain covered by the notice, notwithstanding the election of the Internet service provider or interactive computer service provider under paragraph (1) to which the notice applies.

(B) TRANSMITTAL OF MAIL.—An Internet service provider or interactive computer service provider may not impose or collect any fee for the receipt of unsolicited commercial electronic mail under this paragraph (other than the usual and customary fee imposed and collected for the receipt of commercial electronic mail by its customers) or otherwise discriminate against a customer for the receipt of such mail under this paragraph.

(C) LIST OF CUSTOMERS MAKING ELECTION.—

(i) REQUIREMENT.—An Internet service provider or interactive computer service provider shall maintain a list of each of its current customers who have made an election under subparagraph (A).

(ii) AVAILABILITY OF LIST.—Each such provider shall make such list available to the public in such form and manner as the Commission shall require for purposes of section 4(c).

(iii) PROHIBITION ON FEE.—A provider may not impose or collect any fee in connection with any action taken under this subparagraph.

(d) INFORMATION TO BE INCLUDED IN ALL TRANSMISSIONS.—A person initiating the transmission of any unsolicited commercial electronic mail message shall include in the body of such message the following information:

(1) The name, physical address, electronic mail address, and telephone number of the person.

(2) A clear and obvious notice that the person will cease further transmissions of commercial electronic mail to the recipient of the message at no cost to that recipient upon the transmittal by that recipient to the person, at the electronic mail address from which transmission of the message was initiated, of an electronic mail message containing the word ''remove'' in the subject line.

(e) ROUTING INFORMATION.—A person initiating the transmission of any commercial electronic mail message shall ensure that all Internet routing information contained in or accompanying such message is accurate, valid according to the prevailing standards for Internet protocols, and accurately reflects the routing of such message.

SEC. 3. DECEPTIVE ACTS OR PRACTICES IN CONNECTION WITH SALE OF GOODS OR SERVICES OVER THE INTERNET.

(a) AUTHORITY TO REGULATE.—

(1) IN GENERAL.—The Federal Trade Commission may prescribe rules for purposes of defining and prohibiting deceptive acts or practices in connection with the promotion, advertisement, offering for sale, or sale of goods or services on or by means of the Internet.

(2) COMMERCIAL ELECTRONIC MAIL.—The rules under paragraph (1) may contain specific provisions addressing deceptive acts or practices in the initiation, transmission, or receipt of commercial electronic mail.

(3) NATURE OF VIOLATION.—The rules under paragraph (1) shall treat any violation of such rules as a violation of a rule under section 18 of the Federal Trade Commission Act (15 U.S.C. 57a), relating to unfair or deceptive acts or practices affecting commerce.

(b) PRESCRIPTION.—Section 553 of title 5, United States Code, shall apply to the prescription of any rules under subsection (a).

SEC. 4. FEDERAL TRADE COMMISSION ACTIVITIES WITH RESPECT TO UNSOLICITED COMMERCIAL ELECTRONIC MAIL.

(a) INVESTIGATION.—

(1) IN GENERAL.—Subject to paragraph (2), upon notice of an alleged violation of a provision of section 2, the Federal Trade Commission may conduct an investigation in order to determine whether or not the violation occurred.

(2) LIMITATION.—The Commission may not undertake an investigation of an alleged violation under paragraph (1) more than 2 years after the date of the alleged violation.

(3) RECEIPT OF NOTICES.—The Commission shall provide for appropriate means of receiving notices under paragraph (1). Such means shall include an Internet web page on the World Wide Web that the Commission maintains for that purpose.

(b) ENFORCEMENT POWERS.—If as a result of an investigation under subsection (a) the Commission determines that a violation of a provision of section 2 has occurred, the Commission shall have the power to enforce such provision as if such violation were a violation of a rule prescribed under section 18 of the Federal Trade Commission Act (15 U.S.C. 57a), relating to unfair or deceptive acts or practices affecting commerce.

(c) INFORMATION ON ELECTIONS UNDER DOMAIN-WIDE OPT-OUT SYSTEM.—

(1) INITIAL SITE FOR INFORMATION.—The Commission shall establish and maintain an Internet web page on the World Wide Web containing information sufficient to make known to the public for purposes of section 2 the domain owners who have made an election under subsection (c)(1) of that section and the persons who have made an election under subsection (c)(3) of that section.

(2) ALTERNATIVE SITE.—The Commission may from time to time select another means of making known to the public the information specified in paragraph (1). Any such selection shall be made in consultation with the members of the Internet community.

(d) ASSISTANCE OF OTHER FEDERAL AGENCIES.—Other Federal departments and agencies may, upon request of the Commission, assist the Commission in carrying out activities under this section.

SEC. 5. ACTIONS BY STATES.

(a) IN GENERAL.—Whenever the attorney general of a State has reason to believe that the interests of the residents of the State have been or are being threatened or adversely affected because any person is engaging in a pattern or practice of the transmission of electronic mail in violation of a provision of section 2, or of any rule prescribed pursuant to section 3, the State, as parens patriae, may bring a civil action on behalf of its residents to enjoin such transmission, to enforce compliance with such provision or rule, to obtain damages or other compensation on behalf of its residents, or to obtain such further and other relief as the court considers appropriate.

(b) NOTICE TO COMMISSION.—

(1) NOTICE.—The State shall serve prior written notice of any civil action under this section on the Federal Trade Commission and provide the Commission with a copy of its complaint, except that if it is not feasible for the State to provide such prior notice, the State shall serve written notice immediately after instituting such action.

(2) RIGHTS OF COMMISSION.—On receiving a notice with respect to a civil action under paragraph (1), the Commission shall have the right—

(A) to intervene in the action;

(B) upon so intervening, to be heard in all matters arising therein; and

(C) to file petitions for appeal.

(c) ACTIONS BY COMMISSION.—Whenever a civil action has been instituted by or on behalf of the Commission for violation of a provision of section 2, or of any rule prescribed pursuant to section 3, no State may, during the pendency of such action, institute a civil action under this section against any defendant named in the complaint in such action for violation of any provision or rule as alleged in the complaint.

(d) CONSTRUCTION.—For purposes of bringing a civil action under subsection (a), nothing in this section shall prevent an attorney general from exercising the powers conferred on the attorney general by the laws of the State concerned to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary or other evidence.

(e) VENUE; SERVICE OF PROCESS.—Any civil action brought under subsection (a) in a district court of the United States may be brought in the district in which the defendant is found, is an inhabitant, or transacts business or wherever venue is proper under section 1391 of title 28, United States Code. Process in such an action may be served in any district in which the defendant is an inhabitant or in which the defendant may be found.

(f) DEFINITIONS.—In this section:

(1) ATTORNEY GENERAL.—The term ''attorney general'' means the chief legal officer of a State.

(2) STATE.—The term ''State'' means any State of the United States, the District of Columbia, Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, the Republic of Palau, and any possession of the United States.

SEC. 6. ACTIONS BY INTERNET SERVICE PROVIDERS AND INTERACTIVE COMPUTER SERVICE PROVIDERS.

(a) ACTIONS AUTHORIZED.—In addition to any other remedies available under any other provision of law, any Internet service provider or interactive computer service provider adversely affected by a violation of section 2(b)(1) may, within 1 year after discovery of the violation, bring a civil action in a district court of the United States against a person who violates such section.

(b) RELIEF.—

(1) IN GENERAL.—An action may be brought under subsection (a) to enjoin a violation referred to in that subsection, to enforce compliance with the provision referred to in that subsection, to obtain damages as specified in paragraph (2), or to obtain such further and other relief as the court considers appropriate.

(2) DAMAGES.—

(A) IN GENERAL.—The amount of damages in an action under this section for a violation specified in subsection (a) may not exceed $50,000 per day in which electronic mail constituting such violation was received.

(B) RELATIONSHIP TO OTHER DAMAGES.—Damages awarded under this subsection for a violation under subsection (a) are in addition to any other damages awardable for the violation under any other provision of law.

(C) COST AND FEES.—The court may, in issuing any final order in any action brought under subsection (a), award costs of suit, reasonable costs of obtaining service of process, reasonable attorney fees, and expert witness fees for the prevailing party.

(c) VENUE; SERVICE OF PROCESS.—Any civil action brought under subsection (a) in a district court of the United States may be brought in the district in which the defendant or in which the Internet service provider or interactive computer service provider is located, is an inhabitant, or transacts business or wherever venue is proper under section 1391 of title 28, United States Code.

Process in such an action may be served in any district in which the defendant is an inhabitant or in which the defendant may be found.

SEC. 7. PREEMPTION.

This Act preempts any State or local laws regarding the transmission or receipt of commercial electronic mail.

SEC. 8. DEFINITIONS.

In this Act:

(1) COMMERCIAL ELECTRONIC MAIL.—The term ''commercial electronic mail'' means any electronic mail or similar message whose primary purpose is to initiate a commercial transaction, not including messages sent by persons to others with whom they have a prior business relationship.

(2) INITIATE A TRANSMISSION.—

(A) IN GENERAL.—The term ''initiate the transmission'', in the case of an electronic mail message, means to originate the electronic mail message.

(B) EXCLUSION.—Such term does not include any intervening action to relay, handle, or otherwise retransmit an electronic mail message, unless such action is carried out in intentional violation of a provision of section 2.

(3) INTERACTIVE COMPUTER SERVICE PROVIDER.—The term ''interactive computer service provider'' means a provider of an interactive computer service (as that term is defined in section 230(e)(2) of the Communications Act of 1934 (47 U.S.C. 230(e)(2)).

(4) INTERNET.—The term ''Internet'' has the meaning given that term in section 230(e)(1) of the Communications Act of 1934 (47 U.S.C. 230(e)(1)).

INBOX PRIVACY ACT OF 1999

• Mr. TORRICELLI. Mr. President, thank Senator MURKOWSKI, my distinguished colleague from Alaska, with whom I have worked many months in this effort. I also thank Senator BURNS, Chairman of the Communications subcommittee, who has greatly assisted us with this legislation and Senator REID for joining with us on this important legislation.

Last year, I recognized the growing threat to Internet commerce and communication posed by the proliferation of unsolicited junk e-mail, or so-called ''Spam.'' Junk e-mail is an unfortunate side effect of the burgeoning world of Internet communication and commerce. While Internet traffic doubles every 100 days, as much as 30 percent of that traffic is junk e-mail.

Like many other Americans, I have an America Online account and am inundated with unsolicited messages, peddling every item imaginable. Similarly, I receive junk e-mail daily at my official senate e-mail address, along with the complaints of dozens of constituents who forward me the Spam that they receive.

The incentive to abuse the Internet is obvious. Sending an e-mail to as many as 10 million people can cost as little as a couple of hundred dollars. Today, unsolicited commercial e-mailers are hiding their identities, falsifying their return addresses and refusing to respond to complaints or removal requests. Because the senders of these e-mails are generally unknown, they avoid any possible retribution from consumers. Their actions approach fraud, but our current law are not strong enough to stop them.

I have long been concerned about executive—indeed any—government regulation of the Internet. Many of the best qualities of American life are represented and enhanced by the Internet, and I fear government regulation has the possibility to stifle the creativity and development of cyberspace.

However, a failure to address the problem of junk e-mail now poses a greater threat to the Internet than do minimal regulations. The massive amount of junk e-mail in an already strained system is increasingly responsible for slowdowns, and even breakdowns, of Internet services. For example, just last March spammers crashed Pacific Bell's Network, leaving customers without service for 24 hours.

Let me be clear, this legislation is not a de facto regulation of the Internet. In fact, it does not go as a complete ban on junk e-mail as some have suggested. While I understand the concerns of those who seek a complete ban, I believe that the government should not hastily pass broad legislation to regulate the Internet. The Inbox Privacy Act will address the spam problem by giving citizens and Internet service providers the power to stop unwanted e-mail. But Congress must move quickly to address this situation before junk e-mail becomes a serious impediment to the flow of ideas and commerce on the Internet.•

By Mr. MURKOWSKI (for himself and Mr. BINGAMAN):

S. 760. A bill to include the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands in the 50 States Commemorative Coin Program; to the Committee on Banking, Housing, and Urban Affairs.

COMMEMORATIVE COIN AMENDMENTS ACT OF 1999

Mr. MURKOWSKI. Mr. President, I am joined today by Senator JEFF BINGAMAN in introducing the Commemorative Coin Amendments Act of 1999. Our legislation would extend the new commemorative quarter program to include the District of Columbia, Puerto Rico, Guam, American Samoa, the U.S. Virgin Islands, and the Northern Mariana Islands. As one of the few Members of Congress who can remember when my home state was a territory and as Chairman of the Energy and Natural Resources Committee with jurisdiction over the territories of the United States, I feel that it is more than appropriate for the U.S. Mint to recognize the contributions of these six entities.

However, Mr. President, the reason for minting these six coins goes beyond historical significance. Americans who work in the mining and transportation industries will benefit from my legislation. The U.S. Treasury will benefit as collectors remove quarters from circulation. The government spends 5 cents to mint each quarter. Any quarter removed from circulation by collectors earns the U.S. Treasury a profit of 20 cents. A study by Coopers and Lybrand found that the the federal Treasury could take in more than $2 billion dollars for the first fifty quarter designs. Six more coins will certainly add to that revenue windfall.

Mr. President, let me turn to the historical reasons for this bill. The District of Columbia was the only land designated by the U.S. Constitution. It has served as the home of Congress and the White House for all but brief periods of time. Within its boundaries reside the Archives of the United States, home of the original Constitution and Declaration of Independence. The District of Columbia is home to numerous monuments honoring important Americans who have changed the course of history as well as events that have changed the course of our nation. The District of Columbia was where Martin Luther King spoke his moving ''I have a dream'' address. And finally, it is the place that the world looks to for political and economic leadership.

The inclusion of the territories of the United States in this legislation serves as an important reminder of our history. With very few exceptions, such as Texas and those States that formed the original thirteen Colonies, all of my colleagues come from States that at one time were territories. Four of us actually remember the days when our constituents were not represented in the Senate and were afforded only a non-voting delegate in the House. The history of our Nation is written in the development of the territories—the social and economic forces that forged our Nation.

Our current inhabited territories are an integral part of that heritage and are also a part of our future. Guam, the southernmost of the Mariana Islands, and the Commonwealth of Puerto Rico were acquired at the conclusion of the Spanish- American war, as was the Philippines. Their acquisition and subsequent development was the focus of a spirited debate in Congress, the Administration, and eventually in the Supreme Court over the nature and applicability of provisions of the Constitution. Not since the Louisiana Purchase a century earlier had there been such a debate over the boundaries of the United States. Guam, acquired in one war, was occupied by Japan in another. The sacrifices of the residents of Guam prior to liberation led to the granting of citizenship and the establishment of full local self-government. Former President Bush was forced to ditch his plane during the conflict in the Marianas and our former colleague, Senator Heflin, was wounded in the liberation of Guam.

Puerto Rico, with a population approaching 4 million and an economy larger than many States, has set the mark in political self-government for those territories that are not fully under the Constitution. Puerto Rico was the first territory to achieve local self-government pursuant to a locally

drafted Constitution other than as part of either Statehood or Independence. Since that time, however, both American Samoa and the Commonwealth of the Northern Marianas have adopted local constitutions and both Guam and the Virgin Islands exercise similar authorities under their Organic legislation. Puerto Rico has the longest continually occupied capital in the United States, San Juan, and was the site where one of its Governors, Ponce de Leon, sailed for Florida.

American Samoa was acquired under Treaties of Cession in 1900 and 1904 following the Tripartite Agreement between Great Britain, Germany, and the United States. The history of the Samoas demonstrates both the European conflicts in the Pacific as well as the emergence of the United States as a Pacific power. American Samoa, the only territory south of the Equator, demonstrates the diversity that marks this Nation. American Samoa is the only territory where the residents are nationals rather than citizens of the United States. Past Governors, such as Peter Coleman, have been important representatives of the United States in the Pacific community and respected leaders.

The United States Virgin Islands were purchased from Denmark in 1916 for $25 million. The purchase did not provoke the divisive debates that surrounded the Louisiana Purchase nor some of the merriment that accompanied the purchase of Alaska. The Danish heritage continues to be evident in the capitol at Charlotte Amalie on St. Thomas as well as at Christiansted National Historic Site on St. Croix, the heart of the former Danish West Indies. Salt River Bay, on St. Croix, is the only known site where members of the Columbus expedition actually set foot on what is now United States soil.

The Commonwealth of the Northern Mariana Islands is the newest territory of the United States. The area had been part of a League of Nations Mandate to Japan prior to World War II and saw some of the fiercest fighting of the Pacific theater, especially on Saipan. The attacks on Hiroshima and Nagasaki which brought the war to an end were launched from Tinian. After the war, the area became part of a United Nation's Trust Territory of the Pacific Islands. In 1976 the United States approved a Covenant to establish a Commonwealth of the Northern Mariana Islands, a document that had been negotiated with representatives of the Marianas government and approved in a local U.N. observed plebescite. Formal extension of United States sovereignty came with the termination of the Trusteeship by the Security Council a decade later. As an interesting historical note, the acquisition of the Northern Mariana Islands ends the artificial division created in 1898 when the United States acquired Guam and Spain sold the remainder of its possessions in the Marianas to Germany.

Mr. President, the District of Columbia and the territories are an important part of our heritage and our future. They encompass territory where our nation's government resides, where Columbus landed in the Virgin Islands, and where ''America's Day Begins'' in the Pacific. It is altogether fitting that their unique character and contributions be recognized by the issuance of appropriate coins.

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

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

S. 760

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 ''Commemorative Coin Amendments Act of 1999''.

SEC. 2. AMENDMENT TO COIN PROGRAM.

Section 5112(*l*) of title 31, United States Code, is amended by adding at the end the following:

''(8) INCLUSION OF NON-STATES.—

''(A) IN GENERAL.—During the 1-year period beginning at the end of the period described in paragraph (1)(A), quarter dollar coins shall be minted and issued having designs on the reverse side that are emblematic of each of the 6 non-States.

''(B) APPLICABILITY.—The requirements of paragraphs (2) through (6) shall apply to coins issued in commemoration of the non-States, except that, for purposes of this paragraph—

''(i) references in those paragraphs to 'States' and 'the 50 States' shall be construed to be references to the 6 non-States;

''(ii) references in these paragraphs to the '10-year period' shall be construed to be references to the 1-year period described in subparagraph (A) of this paragraph; and

''(iii) references in those paragraphs to the '50 designs' shall be construed to be references to the 6 designs relating to the non-States.

''(C) ORDER.—Coins shall be minted and issued for non-States in the order in which they appear in subparagraph (D).

''(D) DEFINITION.—In this paragraph, the term 'non-States' means—

''(i) the District of Columbia;

''(ii) the Commonwealth of Puerto Rico;

''(iii) Guam;

''(iv) American Samoa;

''(v) the United States Virgin Islands; and

''(vi) the Commonwealth of the Northern Mariana Islands.''.

By Mr. GRAHAM:

S. 762. A bill to direct the Secretary of the Interior to conduct a feasibility study on the inclusion of the Miami Circle in Biscayne National Park; to the Committee on Energy and Natural Resources.

MIAMI CIRCLE FEASIBILITY STUDY

• Mr. GRAHAM. Mr. President, several months ago, workers preparing land for development at the mouth of the Miami River began to notice a mysterious circular formation in the limestone bedrock that forms the foundation of the City of Miami. Further examination revealed that this site, where the river meets the bay, was utilized by the prehistoric Tequesta civilization for over 2,000 years, perhaps serving as an astronomical tool or as a cultural center for their complex maritime society. Floridians marveled at this clue to our past, and Miami is rediscovering and rejoicing in the Ancient Tequesta culture which, so many centuries before us, survived and flourished in an environment once dominated by sawgrass and gators, not condos and cruise ships.

I strongly believe that we have a responsibility to save and study reminders of our heritage. So in order to save this particular landmark, I urge you to join me in asking the National Park Service to examine the feasibility of including the Miami Circle as a component of Biscayne National Park. This is an appropriate way of fulfilling our responsibility to preserve this historically significant Tequesta site. Since 1980, Biscayne National Park has stretched from Biscayne Bay near Miami to the northernmost Florida Keys, covering 180,000 acres, 95 percent of which is water. The Park is already home to over one hundred known archaeological sites, the majority of which are submerged, as well as ten historic structures. Among those archaeological sites are several smaller, ''satellite'' Tequesta camps. Protection of the Miami Circle within the boundaries of the Park, in conjunction with these other camps, would allow for comprehensive site comparison, investigation and study. We must take seriously our responsibility as guardians of this cultural landmark and recognize that only through conservation and analysis will we be able to fully grasp the magnitude of this discovery.

Discussions with experts in the field of historic preservation have made me aware that the challenges faced by the people of the State of Florida in their efforts to save the Circle are not unlike those encountered during other attempts to save threatened monuments to their heritage—be they tornado-damaged barns that housed soldiers during the Civil War or missing links in the Underground Railroad discovered in the course of site preparation for development. I'm working with experts in this field to identify ways that the federal government might become a partner in these types of emergency situations so that sites of cultural significance will not fall victim to natural occurrences or development. I hope to introduce legislation soon that will give Americans the opportunity to save historic landmarks that they have identified in their own communities.

There is no Federal emergency fund or program to save the Miami Circle. However, the annexation of the 2.2 acre Miami Circle property into Biscayne National Park, if found to be appropriate in a feasibility study, will save the Miami Circle from bulldozers and cement pourers, will allow us to gain a greater understanding of the Tequesta culture, and will be a valuable asset to our National Parks System. We will not only be preserving a valuable piece

of history, but will also provide a fitting gateway to one of our Nation's newest National Parks.●

By Mr. SMITH of New Hampshire (for himself, Mr. SHELBY, and Mr. HELMS):

S.J. Res. 16. A joint resolution proposing a constitutional amendment to establish limited judicial terms of office; to the Committee on the Judiciary.

CONSTITUTIONAL AMENDMENT TO ESTABLISH LIMITED JUDICIAL TERMS OF OFFICE

Mr. SMITH of New Hampshire. Mr. President, I rise to introduce the Term Limits for Judges Amendment to the Constitution of the United States. I first introduced this proposal in the 105th Congress, with Senators SHELBY and HELMS as co-sponsors. I am pleased that both of those distinguished colleagues are joining me again as original co-sponsors.

Mr. President, the Framers of our Constitution intended that the judicial branch created by Article III would have a limited role. In Federalist No. 78, Alexander Hamilton argued that the judicial branch ''will always be the least dangerous to the political rights of the Constitution.'' Courts, wrote Hamilton, ''have neither force nor will but merely judgment'' and ''can take no active resolution whatever.'' Even as he advocated the ratification of the Constitution, however, Hamilton also issued a warning. ''The courts,'' he said, ''must declare the sense of the law; and if they should be disposed to exercise will instead of judgment the consequence would equally be the substitution of their pleasure to that of the legislative body.''

More than two hundred years after Alexander Hamilton issued his warning, it is abundantly clear that the abuse of judicial power that he feared has become a reality. In recent years, for example, activist judges have repeatedly abused their authority by blocking the implementation of entirely constitutional measures enacted through state ballot referenda simply because they disagree with the policy judgments of the voters. Activist judges have taken control or prisons and school districts. Activist judges have even ordered tax increases. Worst of all, activist judges have created new rules to protect criminal defendants that result in killers, rapists and other violent individuals being turned loose to continue preying on society. Former U.S. Attorney General Edwin Meese estimates that over 100,000 criminal cases each year cannot be successfully prosecuted because of these court-created rules.

Mr. President, judicial activism has become such a severe problem that former U.S. Appeals Court Judge Robert Bork has proposed that the Constitution should be amended to give the Congress the power to overturn Supreme Court decisions. I believe, however, that a better solution is a constitutional amendment providing term limits for judges.

The Term Limits for Judges Amendment would put an end to life tenure for judges. Judges at all three levels of the Article III judiciary—Supreme Court, Appeals Courts, and District Courts—would be nominated by the President and, by and with the advice and consent of the Senate, appointed for 10-year terms. After completing such a term, a judge would be eligible for reappointment, subject to Senate confirmation. Since under the Twenty-Second Amendment no person can be President for more than 10 consecutive years, no judge could be appointed twice by the same President. Finally, judges appointed before the Amendment takes effect would be protected by a ''grandfather'' clause.

Mr. President, activist judges are routinely violating the separation of powers by usurping legislative and executive powers. This widespread abuse of judicial authority is constitutional in dimension and it is serious enough to warrant a constitutional response. Term limits for judges would establish a check on the power of activists judges. No longer could they abuse their authority with impunity. Under the Term Limits for Judges Amendment, judges who abuse their offices by imposing their own policy views instead of interpreting the laws in good faith could be passed over for new terms by the President or rejected for reappointment by the Senate. Moreover, the Term Limits for Judges Amendment would make the President and the Senate more accountable to the people for their judicial selections.

Mr. President, I ask unanimous consent to have the text of the Term Limits for Judges Amendment printed in the RECORD.

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

S.J. RES. 16

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States.

''ARTICLE—

''The Chief Justice and the judges of both the Supreme Court and the inferior courts shall hold their offices for the term of ten years. They shall be eligible for nomination and, by and with the advice and consent of the Senate, for appointment by the President to additional terms. This article shall not apply to any Chief Justice or judge who was appointed before it becomes operative.''

By Mr. SHELBY:

S.J. Res. 17. A joint resolution proposing an amendment to the Constitution of the United States which requires (except during time of war and subject to suspension by the Congress) that the total amount of money expended by the United States during any fiscal year not exceed the amount of certain revenue received by the United States during such fiscal year and not exceed 20 per centum of the gross national product of the United States during the previous calendar year; to the Committee on the Judiciary.

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

● Mr. SHELBY. Mr. President, I rise today to introduce a balanced budget amendment to the Constitution. This is the same amendment which I have introduced in every Congress since the 97th Congress. Throughout my entire tenure in Congress, during the good economic times and the bad, I have devoted much time and attention to this idea because I believe that the most significant thing that the federal government can do to enhance the lives of all Americans and future generations is to ensure that we have a balanced federal budget.

Mr. President, our Founding Fathers, wise men indeed, had great concerns regarding the capability of those in government to operate within budgetary constraints. Alexander Hamilton once wrote that ''. . . there is a general propensity in those who govern, founded in the constitution of man, to shift the burden from the present to a future day.'' Thomas Jefferson commented on the moral significance of this ''shifting of the burden from the present to the future.'' He said: ''the question whether one generation has the right to bind another by the deficit it imposes is a question of such consequence as to place it among the fundamental principles of government. We should consider ourselves unauthorized to saddle posterity with our debts and morally bound to pay them ourselves.''

Mr. President, I completely agree with these sentiments. History has shown that Hamilton was correct. Those who govern have in fact saddled future generations with the responsibility of paying for their debts. Over the past 30 years, annual deficits became routine and the federal government built up massive debt. Furthermore, Jefferson's assessment of the significance of this is also correct: intergenerational debt shifting is morally wrong.

Mr. President, some may find it strange that I am talking about the problems of budget deficits and the need for a balanced budget amendment at a time when the budget is actually in balance. However, I raise this issue now, as I have time and time again in the past, because of the seminal importance involved in establishing a permanent mechanism to ensure that our annual federal budget is always balanced.

Mr. President, a permanently balanced budget would have a considerable impact in the everyday lives of the American people. A balanced budget would dramatically lower interest rates thereby saving money for anyone with a home mortgage, a student loan, a car loan, credit card debt, or any other interest rate sensitive payment responsibility. Simply by balancing its books, the federal government would put real money into the hands of hard working people. In all practical sense,

the effect of such fiscal responsibility on the part of the government would be the same as a significant tax cut for the American people. Moreover, if the government demand for capital is reduced, more money would be available for private sector use, which in turn, would generate substantial economic growth and create thousands of new jobs.

More money in the pockets of Americans, more job creation by the economy, a simple step could make this reality—a balanced budget amendment.

Furthermore, a balanced budget amendment would also provide the discipline to keep us on the course towards reducing our massive national debt. Currently, the federal government pays hundreds of billion of dollars in interest payments on the debt each year. This means we spend billions of dollars each year on exactly, nothing. At the end of the year we have nothing of substance to show for these expenditures. These expenditures do not provide better educations for our children, they do not make our nation safer, they do not further important medical research, they do not build new roads. They do nothing but pay the obligations created by the fiscal irresponsibility of those whose came earlier. In the end, we need to ensure that we continue on the road to a balanced budget so that we can end the wasteful practice of making interest payments on the deficit.

However, Mr. President, opponents of a balanced budget amendment act like it is something extraordinary. In reality, a balanced budget amendment will only require the government to do what every American already has to do: balance their checkbook. It is simply a promise to the American people, and more importantly, to future generations of Americans, that the government will act responsibility.

Mr. President, thankfully the budget is currently balanced. However, there are no guarantees that it will stay as such. We could see dramatic changes in economic conditions. The drain on the government caused by the retirement of the Baby Boomers may exceed expectations. Future leaders may fall pray to the ''general propensity . . . to shift the burden'' that Alexander Hamilton wrote about so long ago. We need to establish guarantees for future generations. The balanced budget amendment is the best such mechanism available.●

ADDITIONAL COSPONSORS

S. 39

At the request of Mr. STEVENS, the names of the Senator from Mississippi (Mr. LOTT), the Senator from South Dakota (Mr. DASCHLE), the Senator from Hawaii (Mr. INOUYE), the Senator from Colorado (Mr. CAMPBELL), the Senator from Nevada (Mr. REID), the Senator from Indiana (Mr. LUGAR), the Senator from Washington (Mrs. MURRAY), the Senator from Alaska (Mr. MURKOWSKI), the Senator from Maryland (Ms. MIKULSKI), the Senator from Georgia (Mr. CLELAND), the Senator from Montana (Mr. BURNS), the Senator from California (Mrs. BOXER), the Senator from Oregon (Mr. WYDEN), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Mississippi (Mr. COCHRAN), the Senator from New Mexico (Mr. DOMENICI), the Senator from Nevada (Mr. BRYAN), the Senator from Nebraska (Mr. HAGEL), and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of S. 39, a bill to provide a national medal for public safety officers who act with extraordinary valor above the call of duty, and for other purposes.

S. 51

At the request of Mr. BIDEN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 51, a bill to reauthorize the Federal programs to prevent violence against women, and for other purposes.

S. 60

At the request of Mr. GRASSLEY, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 60, a bill to amend the Internal Revenue Code of 1986 to provide equitable treatment for contributions by employees to pension plans.

S. 74

At the request of Mr. DASCHLE, the names of the Senator from Hawaii (Mr. AKAKA) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 74, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 216

At the request of Mr. MOYNIHAN, the names of the Senator from Utah (Mr. HATCH) and the Senator from Oklahoma (Mr. NICKLES) were added as cosponsors of S. 216, a bill to amend the Internal Revenue Code of 1986 to repeal the limitation on the use of foreign tax credits under the alternative minimum tax.

S. 247

At the request of Mr. HATCH, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 247, a bill to amend title 17, United States Code, to reform the copyright law with respect to satellite retransmissions of broadcast signals, and for other purposes.

S. 332

At the request of Mr. BROWNBACK, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 332, a bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Kyrgyzstan.

S. 376

At the request of Mr. BURNS, the names of the Senator from Tennessee (Mr. FRIST), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Michigan (Mr. ABRAHAM) were added as cosponsors of S. 376, a bill to amend the Communications Satellite Act of 1962 to promote competition and privatization in satellite communications, and for other purposes.

S. 394

At the request of Mr. DORGAN, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Montana (Mr. BURNS) were added as cosponsors of S. 394, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to permit a State to register a Canadian pesticide for distribution and use within that State.

S. 409

At the request of Mr. KENNEDY, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from New Mexico (Mr. BINGAMAN), and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 409, a bill to authorize qualified organizations to provide technical assistance and capacity building services to microenterprise development organizations and programs and to disadvantaged entrepreneurs using funds from the Community Development Financial Institutions Fund, and for other purposes.

S. 439

At the request of Mr. BRYAN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 439, a bill to amend the National Forest and Public Lands of Nevada Enhancement Act of 1988 to adjust the boundary of the Toiyabe National Forest, Nevada.

S. 443

At the request of Mr. LAUTENBERG, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 443, a bill to regulate the sale of firearms at gun shows.

S. 472

At the request of Mr. GRASSLEY, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 472, a bill to amend title XVIII of the Social Security Act to provide certain medicare beneficiaries with an exemption to the financial limitations imposed on physical, speech-language pathology, and occupational therapy services under part B of the medicare program, and for other purposes.

S. 505

At the request of Mr. GRASSLEY, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Maine (Ms. SNOWE), and the Senator from Kentucky (Mr. MCCONNELL) were added as cosponsors of S. 505, a bill to give gifted and talented students the opportunity to develop their capabilities.

S. 531

At the request of Mr. ABRAHAM, the names of the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Mississippi (Mr. LOTT) were added as cosponsors of S. 531, a bill to authorize the President to award a gold medal on

behalf of the Congress to Rosa Parks in recognition of her contributions to the Nation.

S. 541

At the request of Ms. COLLINS, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 541, a bill to amend title XVIII of the Social Security Act to make certain changes related to payments for graduate medical education under the medicare program.

S. 593

At the request of Mr. COVERDELL, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 593, a bill to amend the Internal Revenue Code of 1986 to increase maximum taxable income for the 15 percent rate bracket, to provide a partial exclusion from gross income for dividends and interest received by individuals, to provide a long-term capital gains deduction for individuals, to increase the traditional IRA contribution limit, and for other purposes.

S. 595

At the request of Mr. DOMENICI, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 595, a bill to amend the Internal Revenue Code of 1986 to establish a graduated response to shrinking domestic oil and gas production and surging foreign oil imports, and for other purposes.

S. 608

At the request of Mr. MURKOWSKI, the names of the Senator from New Mexico (Mr. DOMENICI) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. 608, a bill to amend the Nuclear Waste Policy Act of 1982.

S. 625

At the request of Mr. GRASSLEY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 625, a bill to amend title 11, United States Code, and for other purposes.

S. 645

At the request of Mrs. FEINSTEIN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 645, a bill to amend the Clean Air Act to waive the oxygen content requirement for reformulated gasoline that results in no greater emissions of air pollutants than reformulated gasoline meeting the oxygen content requirement.

S. 660

At the request of Mr. BINGAMAN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 660, a bill to amend title XVIII of the Social Security Act to provide for coverage under part B of the medicare program of medical nutrition therapy services furnished by registered dietitians and nutrition professionals.

S. 661

At the request of Mr. ABRAHAM, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 661, a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

S. 662

At the request of Mr. CHAFEE, the names of the Senator from North Dakota (Mr. CONRAD) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 662, a bill to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program.

At the request of Mr. CHAFEE, the name of the Senator from North Dakota (Mr. DORGAN) was withdrawn as a cosponsor of S. 662, supra.

S. 681

At the request of Mr. DASCHLE, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 681, a bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for a minimum hospital stay for mastectomies and lymph node dissections performed for the treatment of breast cancer.

S. 689

At the request of Mr. GRASSLEY, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 689, a bill to authorize appropriations for the United States Customs Service for fiscal years 2000 and 2001, and for other purposes.

S. 692

At the request of Mr. KYL, the names of the Senator from Iowa (Mr. GRASSLEY), the Senator from California (Mrs. FEINSTEIN), the Senator from Washington (Mr. GORTON), the Senator from Wyoming (Mr. ENZI), the Senator from Oklahoma (Mr. NICKLES), the Senator from South Carolina (Mr. THURMOND), the Senator from Florida (Mr. MACK), the Senator from Georgia (Mr. COVERDELL), the Senator from Pennsylvania (Mr. SANTORUM), and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 692, a bill to prohibit Internet gambling, and for other purposes.

S. 693

At the request of Mr. HELMS, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 693, a bill to assist in the enhancement of the security of Taiwan, and for other purposes.

S. 706

At the request of Ms. SNOWE, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 706, a bill to create a National Museum of Women's History Advisory Committee.

SENATE RESOLUTION 19

At the request of Mr. SPECTER, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of Senate Resolution 19, A resolution to express the sense of the Senate that the Federal investment in biomedical research should be increased by $2,000,000,000 in fiscal year 2000.

SENATE RESOLUTION 26

At the request of Mr. MURKOWSKI, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of Senate Resolution 26, a resolution relating to Taiwan's Participation in the World Health Organization.

AMENDMENT NO. 154

At the request of Mr. CONRAD his name was added as a cosponsor of Amendment No. 154 proposed to S. Con. Res. 20, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2000 through 2009.

AMENDMENT NO. 167

At the request of Mr. SCHUMER the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of amendment No. 167 proposed to S. Con. Res. 20, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2000 through 2009.

AMENDMENT NO. 172

At the request of Mrs. MURRAY the names of the Senator from Connecticut (Mr. DODD), the Senator from Iowa (Mr. HARKIN), the Senator from Rhode Island (Mr. REED), the Senator from New Jersey (Mr. TORRICELLI), and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of amendment No. 172 proposed to S. Con. Res. 20, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 2000 through 2009.

SENATE CONCURRENT RESOLUTION 23—PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES

Mr. LOTT submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 23

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Thursday, March 25, 1999, Friday, March 26, 1999, Saturday, March 27, 1999, or Sunday, March 28, 1999, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, April 12, 1999, or until such time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on the legislative day of Thursday, March 25, 1999, or Friday, March 26, 1999, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 12:30 p.m. on Monday, April 12, 1999, for morning-hour debate, or until noon on the second day after Members are notified to reassemble

pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC.2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

SENATE CONCURRENT RESOLUTION 24—TO EXPRESS THE SENSE OF CONGRESS ON THE NEED FOR THE UNITED STATES TO DEFEND THE AMERICAN AGRICULTURAL AND FOOD SUPPLY SYSTEM FROM INDUSTRIAL SABOTAGE AND TERRORIST THREATS

Mr. LUGAR submitted the following concurrent resolution; which was referred to the Committee on Agriculture, Nutrition, and Forestry:

S. CON. RES. 24

Whereas the President has begun to implement programs to protect the critical infrastructures of the United States from attack;

Whereas the American agricultural and food supply system, a highly technological and efficient system for growing, processing, distributing, and marketing food and other agricultural products for the world market, is vulnerable to threats and attacks, particularly threats and attacks employing weapons, technologies, and materials of mass destruction;

Whereas the American agricultural and food supply system has not been included in counterterrorism planning;

Whereas critical infrastructure protection efforts must include response planning for potential threats and attacks on the American agricultural and food supply system;

Whereas the Department of Agriculture must play an active role in the coun terterrorism and critical infrastructure preparedness plans of the United States; and

Whereas a successful strategy for protection of the American agricultural and food supply system must also include cooperation with State and local authorities and the private sector: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) the United States should take steps that are necessary to protect the American agricultural and food supply system from attacks, particularly attacks employing weapons, technologies, and materials of mass destruction; and

(2) the Department of Agriculture should take the lead in protecting the American agricultural and food supply system.

SENATE RESOLUTION 75—RECONSTITUTING THE SENATE ARMS CONTROL OBSERVER GROUP AS THE SENATE NATIONAL SECURITY WORKING GROUP AND REVISING THE AUTHORITY OF THE GROUP

Mr. LOTT submitted the following resolution; which was considered and agreed to:

S. RES. 75

Resolved, That Senate Resolution 105 of the One Hundred First Congress, agreed to April 13, 1989, as amended by Senate Resolution 149 of the One Hundred Third Congress, agreed to October 5, 1993, is further amended as follows:

(1) In subsection (a) of the first section, by striking paragraph (1) and inserting the following:

''(1) the Senate Arms Control Observer Group, which was previously constituted and authorized by the authority described in paragraph (2), is hereby reconstituted and reauthorized as the Senate National Security Working Group (hereafter in this resolution referred to as the 'Working Group').''.

(2) By striking ''Observer Group'' each place it appears in the resolution, except paragraph (3) of subsection (a) of the first section, and inserting ''Working Group''.

(3) By striking ''Group'' in the second sentence of section 3(a) and inserting ''Working Group''.

(4) By striking paragraph (3) of subsection (a) of the first section and inserting the following:,

''(3)(A) The members of the Working Group shall act as official observers on the United States delegation to any negotiations, to which the United States is a party, on any of the following:

''(i) Reduction, limitation, or control of conventional weapons, weapons of mass destruction, or the means for delivery of any such weapons.

''(ii) Reduction, limitation, or control of missile defenses.

''(iii) Export controls.

''(B) In addition, the Working Group is encouraged to consult with legislators of foreign nations, including the members of the State Duma and Federal Council of the Russian Federation and, as appropriate, legislators of other foreign nations, regarding matters described in subparagraph (A).

''(C) The Working Group is not authorized to investigate matters relating to espionage or intelligence operations against the United States, counterintelligence operations and activities, or other intelligence matters within the jurisdiction of the Select Committee on Intelligence under Senate Resolution 400 of the Ninety-Fourth Congress, agreed to on May 19, 1976.''.

(5) In paragraph (4) of subsection (a) of the first section—

(A) in subparagraph (A)—

(i) by striking ''Five'' in the matter preceding clause (i) and inserting ''Seven'';

(ii) by striking ''two'' in clause (ii) and inserting ''three''; and

(iii) by striking ''two'' in clause (iii) and inserting ''three'';

(B) in subparagraph (C), by striking ''Six'' and inserting ''Five''; and

(C) in subparagraph (D), by striking ''Seven'' and inserting ''Six''.

(6) In section 2(b)(3), by striking ''five''.

(7) In the second sentence of section 3(a)—

(A) by striking ''$380,000'' and inserting ''$500,000''; and

(B) by striking ''except that not more than'' and inserting ''of which not more than''.

(8) By striking section 4.

(9) By amending the title to read as follows: ''Resolution reconstituting the Senate Arms Control Observer Group as the Senate National Security Working Group, and revising the authority of the Group.''.

AMENDMENTS SUBMITTED

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2000

ROTH (AND OTHERS) AMENDMENT NO. 176

Mr. ROTH (for himself, Mr. BREAUX, Mr. FRIST, Mr. KERREY, Mr. GRAMM, Mr. DOMENICI, Mr. NICKLES, Mr. THOMPSON, Mr. GRASSLEY, Mr. HATCH, Mr. JEFFORDS, Mr. MACK, Mr. MURKOWSKI, Mr. GRAMS, and Mr. ASHCROFT) proposed an amendment to the concurrent resolution (S. Con. Res. 20) setting forth the congressional budget for the United States Government for fiscal years 2000 through 2009; as follows:

At the end of title III, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING THE MODERNIZATION AND IMPROVEMENT OF THE MEDICARE PROGRAM.

(a) FINDINGS.—The Senate finds the following:

(1) The health insurance coverage provided under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is an integral part of the financial security for retired and disabled individuals, as such coverage protects those individuals against the financially ruinous costs of a major illness.

(2) Expenditures under the medicare program for hospital, physician, and other essential health care services that are provided to nearly 39,000,000 retired and disabled individuals will be $232,000,000,000 in fiscal year 2000.

(3) During the nearly 35 years since the medicare program was established, the Nation's health care delivery and financing system has undergone major transformations. However, the medicare program has not kept pace with such transformations.

(4) Former Congressional Budget Office Director Robert Reischauer has described the medicare program as it exists today as failing on the following 4 key dimensions (known as the ''Four I's''):

(A) The program is inefficient.

(B) The program is inequitable.

(C) The program is inadequate.

(D) The program is insolvent.

(5) The President's budget framework does not devote 15 percent of the budget surpluses to the medicare program. The federal budget process does not provide a mechanism for setting aside current surpluses for future obligations. As a result, the notion of saving 15 percent of the surplus for the medicare program cannot practically be carried out.

(6) The President's budget framework would transfer to the Federal Hospital Insurance Trust Fund more than $900,000,000,000 over 15 years in new IOUs that must be redeemed later by raising taxes on American workers, cutting benefits, or borrowing more from the public, and these new IOUs would increase the gross debt of the Federal Government by the amounts transferred.

(7) The Congressional Budget Office has stated that the transfers described in paragraph (6), which are strictly intragovernmental, have no effect on the unified budget surpluses or the on-budget surpluses and therefore have no effect on the debt held by the public.

(8) The President's budget framework does not provide access to, or financing for, prescription drugs.

(9) The Comptroller General of the United States has stated that the President's medicare proposal does not constitute reform of the program and ''is likely to create a public misperception that something meaningful is being done to reform the Medicare program''.

(10) The Balanced Budget Act of 1997 enacted changes to the medicare program which strengthen and extend the solvency of that program.

(11) The Congressional Budget Office has stated that without the changes made to the medicare program by the Balanced Budget Act of 1997, the depletion of the Federal Hospital Insurance Trust Fund would now be imminent.

(12) The President's budget proposes to cut medicare program spending by $19,400,000,000 over 10 years, primarily through reductions in payments to providers under that program.

(13) While the recommendations by Senator John Breaux and Representative William Thomas received the bipartisan support of a majority of members on the National Bipartisan Commission on the Future of Medicare, all of the President's appointees to that commission opposed the bipartisan reform plan.

(14) The Breaux-Thomas recommendations provide for new prescription drug coverage for the neediest beneficiaries within a plan that substantially improves the solvency of the medicare program without transferring new IOUs to the Federal Hospital Insurance Trust Fund that must be redeemed later by raising taxes, cutting benefits, or borrowing more from the public.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions contained in this budget resolution assume the following:

(1) This resolution does not adopt the President's proposals to reduce medicare program spending by $19,400,000,000 over 10 years, nor does this resolution adopt the President's proposal to spend $10,000,000,000 of medicare program funds on unrelated programs.

(2) Congress will not transfer to the Federal Hospital Insurance Trust Fund new IOUs that must be redeemed later by raising taxes on American workers, cutting benefits, or borrowing more from the public.

(3) Congress should work in a bipartisan fashion to extend the solvency of the medicare program and to ensure that benefits under that program will be available to beneficiaries in the future.

(4) The American public will be well and fairly served in this undertaking if the medicare program reform proposals are considered within a framework that is based on the following 5 key principles offered in testimony to the Senate Committee on Finance by the Comptroller General of the United States:

(A) Affordability.

(B) Equity.

(C) Adequacy.

(D) Feasibility.

(E) Public acceptance.

(5) The recommendations by Senator Breaux and Congressman Thomas provide for new prescription drug coverage for the neediest beneficiaries within a plan that substantially improves the solvency of the medicare program without transferring to the Federal Hospital Insurance Trust Fund new IOUs that must be redeemed later by raising taxes, cutting benefits, or borrowing more from the public.

(6) Congress should move expeditiously to consider the bipartisan recommendations of the Chairmen of the National Bipartisan Commission on the Future of Medicare.

(7) Congress should continue to work with the President as he develops and presents his plan to fix the problems of the medicare program.

KENNEDY AMENDMENT NO. 177

Mr. KENNEDY proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

Increase the levels of Federal revenues in section 101(1)(A) by the following amounts:

(1) Fiscal year 2000: $0.
(2) Fiscal year 2001: $3,000,000,000.
(3) Fiscal year 2002: $25,000,000,000.
(4) Fiscal year 2003: $13,000,000,000.
(5) Fiscal year 2004: $18,000,000,000.
(6) Fiscal year 2005: $31,000,000,000.
(7) Fiscal year 2006: $57,000,000,000.
(8) Fiscal year 2007: $58,000,000,000.
(9) Fiscal year 2008: $59,000,000,000.
(10) Fiscal year 2009: $56,000,000,000.

Change the levels of Federal revenues in section 101(1)(B) by the following amounts:

(1) Fiscal year 2000: $0;
(2) Fiscal year 2001: $3,000,000,000;
(3) Fiscal year 2002: $25,000,000,000;
(4) Fiscal year 2003: $13,000,000,000;
(5) Fiscal year 2004: $18,000,000,000;
(6) Fiscal year 2005: $31,000,000,000;
(7) Fiscal year 2006: $57,000,000,000;
(8) Fiscal year 2007: $58,000,000,000;
(9) Fiscal year 2008: $59,000,000,000; and
(10) Fiscal year 2009: $56,000,000,000.

Reduce the levels of total budget authority and outlays in section 101(2) and section 101(3) by the following amounts:

(1) Fiscal year 2000: $0;
(2) Fiscal year 2001: $0;
(3) Fiscal year 2002: $1,000,000,000;
(4) Fiscal year 2003: $2,000,000,000;
(5) Fiscal year 2004: $3,000,000,000;
(6) Fiscal year 2005: $4,000,000,000;
(7) Fiscal year 2006: $6,000,000,000;
(8) Fiscal year 2007: $10,000,000,000;
(9) Fiscal year 2008: $13,000,000,000; and
(10) Fiscal year 2009: $17,000,000,000.

Increase the levels of surpluses in section 101(4) by the following amounts:

(1) Fiscal year 2000: $0.
(2) Fiscal year 2001: $3,000,000,000.
(3) Fiscal year 2002: $26,000,000,000.
(4) Fiscal year 2003: $15,000,000,000.
(5) Fiscal year 2004: $21,000,000,000.
(6) Fiscal year 2005: $35,000,000,000.
(7) Fiscal year 2006: $63,000,000,000.
(8) Fiscal year 2007: $68,000,000,000.
(9) Fiscal year 2008: $72,000,000,000.
(10) Fiscal year 2009: $73,000,000,000.

Decrease the levels of public debt in section 101(5) by the following amounts:

(1) Fiscal year 2000: $0.
(2) Fiscal year 2001: $3,000,000,000.
(3) Fiscal year 2002: $26,000,000,000.
(4) Fiscal year 2003: $15,000,000,000.
(5) Fiscal year 2004: $21,000,000,000.
(6) Fiscal year 2005: $35,000,000,000.
(7) Fiscal year 2006: $63,000,000,000.
(8) Fiscal year 2007: $68,000,000,000.
(9) Fiscal year 2008: $72,000,000,000.
(10) Fiscal year 2009: $73,000,000,000.

Decrease the levels of debt held by the public in section 101(6) by the following amounts:

(1) Fiscal year 2000: $0.
(2) Fiscal year 2001: $3,000,000,000.
(3) Fiscal year 2002: $26,000,000,000.
(4) Fiscal year 2003: $15,000,000,000.
(5) Fiscal year 2004: $21,000,000,000.
(6) Fiscal year 2005: $35,000,000,000.
(7) Fiscal year 2006: $63,000,000,000.
(8) Fiscal year 2007: $68,000,000,000.
(9) Fiscal year 2008: $72,000,000,000.
(10) Fiscal year 2009: $73,000,000,000.

Decrease the levels of budget authority and outlays in section 103(18) for function 900, Net Interest, by the following amounts:

(1) Fiscal year 2000: $0.
(2) Fiscal year 2001: $0.
(3) Fiscal year 2002: $1,000,000,000.
(4) Fiscal year 2003: $2,000,000,000.
(5) Fiscal year 2004: $3,000,000,000.
(6) Fiscal year 2005: $4,000,000,000.
(7) Fiscal year 2006: $6,000,000,000.
(8) Fiscal year 2007: $10,000,000,000.
(9) Fiscal year 2008: $13,000,000,000.
(10) Fiscal year 2009: $17,000,000,000.

Reduce the levels in section 104(1) by which the Senate Committee on Finance is instructed to reduce revenues by the following amounts:

(1) $0 in fiscal year 2000.

(2) $59,000,000,000 for the period of fiscal years 2000 through 2004.

(3) $320,000,000,000 for the period of fiscal years 2000 through 2009.

On page 46, strike section 204.

At the end of title III, insert the following:

SEC. ___. SENSE OF THE SENATE ON EXTENDING THE SOLVENCY OF MEDICARE.

It is the sense of the Senate that the provisions of this resolution assume that the savings from the amendment reducing tax breaks for the wealthiest taxpayers should be reserved to strengthen and extend the solvency of the Medicare program.

DORGAN (AND OTHERS) AMENDMENT NO. 178

Mr. DORGAN (for himself, Mr. DASCHLE, Mr. HARKIN, Mr. CONRAD, Mr. BAUCUS, Mr. JOHNSON, Mr. DURBIN, Mr. BINGAMAN, Mr. KERREY, Mrs. LINCOLN, Mr. WELLSTONE, and Mr. LEAHY) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

On page 43, strike beginning with line 3 through line 6, page 45, and insert the following:

SEC. 201. RESERVE FUND FOR AN UPDATED BUDGET FORECAST.

(a) CONGRESSIONAL BUDGET OFFICE UPDATED BUDGET FORECAST FOR FISCAL YEARS 2000–2004.—Pursuant to section 202(e)(2) of the Congressional Budget Act of 1974, the Congressional Budget Office shall update its economic and budget forecast for fiscal years 2000 through 2004 by July 15, 1999.

(b) REPORTING A SURPLUS.—If the report provided pursuant to subsection (a) estimates an on-budget surplus for fiscal year 2000 or additional surpluses beyond those assumed in this resolution in following fiscal years, the Chairman of the Committee on the Budget shall make the appropriate adjustments to revenue and spending as provided in subsection (c).

(c) ADJUSTMENTS.—The Chairman of the Committee on the Budget shall take the amount of the on-budget surplus for fiscal years 2000 through 2004 estimated in the report submitted pursuant to subsection (a) and in the following order in each of the fiscal years 2000 through 2004—

(1) increase the allocation to the Senate Committee on Agriculture, Nutrition and Forestry by $6,000,000,000 in budget authority and outlays in each of the fiscal years 2000 through 2004;

(2) reduce the on-budget revenue aggregate by that amount for fiscal year 2000;

(3) provide for or increase the on-budget surplus levels used for determining compliance with the pay-as-you-go requirements of section 202 of H. Con. Res. 67 (104th Congress) by that amount for fiscal year 2000; and

(4) adjust the instruction in sections 104(1) and 105(1) of this resolution to—

(A) reduce revenues by that amount for fiscal year 2000; and

(B) increase the reduction in revenues for the period of fiscal years 2000 through 2004

and for the period of fiscal years 2000 through 2009 by that amount.

(d) BUDGETARY ENFORCEMENT.—Revised aggregates and other levels under subsection (c) shall be considered for the purposes of the Congressional Budget Act of 1974 as aggregates and other levels contained in this resolution.

SEC. 202. RESERVE FUND FOR AGRICULTURE.

(a) ADJUSTMENT.—If legislation is reported by the Senate Committee on Agriculture, Nutrition and Forestry that provides risk management and income assistance for agriculture producers, the Chairman of the Senate Committee on the Budget may increase the allocation of budget authority and outlays to that Committee by an amount that does not exceed—

(1) $6,500,000,000 in budget authority and in outlays for fiscal year 2000;

(2) $36,000,000,000 in budget authority and $35,165,000,000 in outlays for the period of fiscal years 2000 through 2004; and

(3) $36,000,000,000 in budget authority and in outlays for the period of fiscal years 2000 through 2009.

McCAIN AMENDMENTS NOS. 179–181

(Ordered to lie on the table.)

Mr. McCAIN submitted three amendments intended to be proposed by him to the concurrent resolution, S. Con. Res. 20, supra; as follows:

AMENDMENT NO. 179

At the end of title III, insert the following:

SEC. ___. SENSE OF THE SENATE ON SOCIAL SECURITY EARNINGS TEST.

(a) FINDINGS.—Congress finds that—

(1) the Social Security Earnings Test is unfair and discriminates against America's senior citizens;

(2) low-income senior citizens who do not have significant savings or a private pension plan are hit hardest by the Social Security earnings test while wealthier senior citizens are not affected by this unfair penalty;

(3) according to the U.S. Chamber of Commerce, ''retaining older workers is a priority in labor intensive industries, and will become even more critical as we approach the year 2000'' and yet our Nation foolishly prevents diligent, knowledgeable and experienced workers out of the American work force just because they are 65 years old;

(4) our laws should encourage work, not discourage individual productivity; and

(5) eliminating the earnings test and permitting our Nation's elderly to work and improve their standard of living will also help increase our national prosperity.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that—

(1) the Social Security earnings test should be repealed immediately; and

(2) the Senate Finance Committee should include a full repeal of the Social Security Earnings Test in any Social Security reform legislation.

• Mr. McCAIN. Mr. President, today I am offering an amendment to the Budget Resolution which would help our nation's senior citizens by requiring the repeal of the Social Security earnings test.

As many of my colleagues know, the Social Security earnings test penalizes Americans between the ages of 65 and 70 for working and remaining productive after retirement. Under this unfair law, a senior citizen loses $1 of Social Security benefits for every $3 earned over the established limit, which is $15,500 in 1999.

Due to this cap on earnings, our senior citizens are burdened with a 33.3 percent tax on their earned income. Combined with Federal, State, local and other Social Security taxes, this amounts to an outrageous 55 to 65 percent tax bite, and sometimes it can be even higher.

What is most disturbing about the earnings test is the tremendous burden it places upon our low-income senior citizens. Most of the older Americans penalized by the earnings test need to work in order to cover basic expenses: food, housing and health care. Our nation's low-income seniors are hit hardest by the earnings test, while most wealthy seniors escape unscathed. This is because supplemental ''unearned'' income from stocks, investments and savings is not affected by the earnings test.

This is simply wrong and must be stopped.

In 1996, Congress took a step in the right direction when we passed the ''Senior Citizens Right to Work Act'' increasing the earnings threshold for senior citizens from $11,520 to $30,000 by the year 2002. I was proud to be the sponsor of this legislation which helped alleviate the unfair economic penalties placed on hard working senior citizens.

While raising the limit was important it is time that we finally eliminate the Social Security earnings test and permit our nation's elderly to work and improve their standard of living while increasing our national prosperity.•

AMENDMENT NO. 180

At the end of title III, insert the following:

SEC. ___. SENSE OF THE SENATE ON SOCIAL SECURITY EARNINGS TEST.

(a) FINDINGS.—Congress finds that—

(1) the Social Security Earnings Test is unfair and discriminates against America's senior citizens;

(2) low-income senior citizens who do not have significant savings or a private pension plan are hit hardest by the Social Security earnings test while wealthier senior citizens are not affected by this unfair penalty;

(3) according to the U.S. Chamber of Commerce, ''retaining older workers is a priority in labor intensive industries, and will become even more critical as we approach the year 2000'' and yet our Nation foolishly prevents diligent, knowledgeable and experienced workers out of the American work force just because they are 65 years old;

(4) our laws should encourage work, not discourage individual productivity; and

(5) eliminating the earnings test and permitting our Nation's elderly to work and improve their standard of living will also help increase our national prosperity.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that—

(1) the Social Security earnings test should be repealed immediately; and

(2) the Senate Finance Committee should include a full repeal of the Social Security Earnings Test in any Social Security reform legislation.

AMENDMENT NO. 181

At the end of title III, add the following:

SEC. ___. BUDGET FOR EMBASSY SECURITY.

(a) FINDINGS.—Congress finds that—

(1) terrorism, both foreign and domestic, poses a grave threat to United States interests abroad and to the well-being of United States citizens at home;

(2) since the bombing of United States Embassies in Lebanon and Kuwait in 1983 and the truck bomb destruction of the United States facility in Saudi Arabia in 1996, the issue of physical security of United States diplomatic missions and military facilities abroad has been a growing concern to the United States Government and to the public it represents;

(3) the August 1998 bombings of the United States Embassies in Nairobi, Kenya, and Dar es Salaam, Tanzania, further illuminated the vulnerability of United States diplomatic missions to acts of terrorism directed against the United States;

(4) the report of the Secretary of State's Advisory Panel on Overseas Security of June 1985 specified certain measures that the United States should take to reduce the prospects of repeated bombings of United States Embassies abroad such as occurred in Lebanon and Kuwait in 1983;

(5) the Accountability Review Boards chaired by Admiral William J. Crowe, Jr. warned of continuing vulnerabilities to United States diplomatic missions cause by the failure of the United States Government to take necessary actions to reduce that vulnerability;

(6) the Accountability Review Boards recommended that the United States Government allocate the sum of $15,000,000,000 be spent over 10 years to address the vulnerabilities of United States diplomatic missions abroad; and

(7) the Administration has budgeted less than half the amount recommended by the Accountability Review Boards for improving the security of United States diplomatic missions abroad.

(b) SENSE OF CONGRESS.—It is the sense of Congress that budget levels in this concurrent resolution assume that—

(1) the President should propose a budget for embassy security consistent with the recommendations set forth by the Accountability Review Boards and including measures recommended by the 1985 Advisory Panel on Overseas Security; and

(2) the Secretary of State should provide Congress within 60 days of adoption of this concurrent resolution a comprehensive report on the Secretary's plans for implementing the recommendations of the Accountability Review Boards and the 1985 Advisory Panel on Overseas Security.

• Mr. McCAIN. Mr. President, I rise today to offer an amendment to the Budget Resolution that expresses the sense of Congress that the President should propose a budget for embassy security consistent with the recommendations set forth by the Accountability Review Boards, otherwise known as the Crowe Commission, and include measures recommended by the 1985 Advisory Panel on Overseas Security, also known as the Inman Commission. It further directs the Secretary of State to provide to Congress within 60 days of passage of the resolution a comprehensive report on its plans for implementing the recommendations of these two commissions.

Our embassies and consulates abroad are sovereign United States territory, representing our country's presence around the world, advancing our foreign policy interests, and protecting American citizens traveling overseas on business and pleasure. The people who work in and visit our embassies

deserve a level of physical security commensurate with the threat they face from terrorist organizations and individuals seeking to express their hostility to the United States through destruction of the most visible symbol of U.S. global presence. Their destruction, as occurred in Beirut and Kuwait City in 1983 and in Nairobi and Dar es Salaam in 1998, as well as the targeting of other U.S. military and diplomatic facilities overseas, is a direct attack on the United States.

It is for this reason that the Administration's five-year budget proposal for embassy security is so disappointing and irresponsible. Representing less than one-half the amount recommended by the Crowe Commission, it sends a worrisome signal to our representatives around the world about how we view their physical well-being, and invites further attacks on soft targets. The threat of terrorist attack on our embassies is very real. Such attacks not only result in the death of U.S. and host country citizens, but also carry with them the potential for destabilization of countries in which the attack occurs. My amendment seeks to address the large disparity between what is required and what is provided. I urge my colleagues to support its passage.●

ROBB (AND GRAHAM) AMENDMENT NO. 182

Mr. ROBB (for himself and Mr. GRAHAM) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

On page 46, strike section 204.

On page 42, strike lines 1 through 5, and strike lines 15 through 19. Insert at the appropriate place the following:

SEC. . SENSE OF THE SENATE.

It is the sense of the Senate that the provisions of this resolution assume that the savings from this amendment shall be used to reduce publicly held debt and to strengthen and extend the solvency of the Medicare program.

LAUTENBERG (AND OTHERS) AMENDMENT NO. 183

Mr. LAUTENBERG (for himself, Mr. ROBB, Mr. HARKIN, Mr. KENNEDY, Mr. LEVIN, Ms. MIKULSKI, Mr. DODD, Mr. TORRICELLI, Mrs. MURRAY, Ms. LANDRIEU, and Mr. REID) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

At the end of title III, add the following:

SEC. ___. SENSE OF THE SENATE ON MODERNIZING AMERICA'S SCHOOLS.

(a) FINDINGS.—The Senate finds the following:

(1) The General Accounting Office has performed a comprehensive survey of the Nation's public elementary and secondary school facilities and has found severe levels of disrepair in all areas of the United States.

(2) The General Accounting Office has concluded that more than 14,000,000 children attend schools in need of extensive repair or replacement; 7,000,000 children attend schools with life safety code violations; and 12,000,000 children attend schools with leaky roofs.

(3) The General Accounting Office has found that the problem of crumbling schools transcends demographic and geographic boundaries. At 38 percent of urban schools, 30 percent of rural schools, and 29 percent of suburban schools, at least 1 building is in need of extensive repair or should be completely replaced.

(4) The condition of school facilities has a direct effect on the safety of students and teachers and on the ability of students to learn. Academic research has provided a direct correlation between the condition of school facilities and student achievement. At Georgetown University, researchers have found the test scores of students assigned to schools in poor condition can be expected to fall 10.9 percentage points below the test scores of students in buildings in excellent condition. Similar studies have demonstrated up to a 20 percent improvement in test scores when students were moved from a poor facility to a new facility.

(5) The General Accounting Office has found most schools are not prepared to incorporate modern technology in the classroom. 46 percent of schools lack adequate electrical wiring to support the full-scale use of technology. More than a third of schools lack the requisite electrical power. 56 percent of schools have insufficient phone lines for modems.

(6) The Department of Education has reported that elementary and secondary school enrollment, already at a record high level, will continue to grow over the next 10 years, and that in order to accommodate this growth, the United States will need to build an additional 6,000 schools.

(7) The General Accounting Office has determined that the cost of bringing schools up to good, overall condition to be $112,000,000,000, not including the cost of modernizing schools to accommodate technology, or the cost of building additional facilities needed to meet record enrollment levels.

(8) Schools run by the Bureau of Indian Affairs (BIA) for Native American children are also in dire need of repair and renovation. The General Accounting Office has reported that the cost of total inventory repairs needed for BIA facilities is $754,000,000. The December 1997 report by the Comptroller General of the United States states that, ''Compared with other schools nationally, BIA schools are generally in poorer physical condition, have more unsatisfactory environmental factors, more often lack key facilities requirements for education reform, and are less able to support computer and communications technology.

(9) State and local financing mechanisms have proven inadequate to meet the challenges facing today's aging school facilities. Large numbers of local educational agencies have difficulties securing financing for school facility improvement.

(10) The Federal Government has provided resources for school construction in the past. For example, between 1933 and 1939, the Federal Government assisted in 70 percent of all new school construction.

(11) The Federal Government can support elementary and secondary school facilities without interfering in issues of local control, and should help communities leverage additional funds for the improvement of elementary and secondary school facilities.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the budgetary levels in this budget resolution assume that Congress will enact measures to assist school districts in modernizing their facilities, including—

(1) legislation to allow States and school districts to issue at least $24,800,000,000 worth of zero-interest bonds to rebuild and modernize our Nation's schools, and to provide Federal income tax credits to the purchasers of those bonds in lieu of interest payments; and

(2) appropriate funding for the Education Infrastructure Act of 1994 during the period 2000 through 2004, which would provide grants to local school districts for the repair, renovation and construction of public school facilities.

LAUTENBERG AMENDMENT NO. 184

Mr. LAUTENBERG proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

At the appropriate place, insert the following:

SEC. . BUDGET-NEUTRAL RESERVE FUND FOR ENVIRONMENTAL AND NATURAL RESOURCES.

(a) IN GENERAL.—In the Senate, revenue and spending aggregates and other appropriate budgetary levels and limits may be adjusted and allocations may be revised for legislation to improve the quality of our nation's air, water, land, and natural resources, provided that, to the extent that this concurrent resolution on the budget does not include the costs of that legislation, the enactment of that legislation will not (by virtue of either contemporaneous or previously-passed reinstatement or modification of expired excise or environmental taxes) increase the deficit or decrease the surplus for—

(1) fiscal year 2000;

(2) the period of fiscal years 2000 through 2004; or

(3) the period of fiscal years 2005 through 2009.

(b) REVISED ALLOCATIONS.—

(1) Adjustments for legislation.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately-revised allocations under section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this resolution.

(2) Adjustments for amendments.—If the Chairman of the Committee on the Budget of the Senate submits an adjustment under this section for legislation in furtherance of the purpose described in subsection (a), upon the offering of an amendment to that legislation that would necessitate such submission, the Chairman shall submit to the Senate appropriately-revised allocations under section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this resolution.

(c) REPORTING REVISED ALLOCATIONS.—The appropriate committees shall report appropriately-revised allocations pursuant to section 302(b) of the Congressional Budget Act of 1974 to carry out this section.

DURBIN (AND OTHERS) AMENDMENT NO. 185

Mr. LAUTENBERG (for Mr. DURBIN for himself, Mr. BYRD, and Mr. DOMENICI) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

On page 47, strike section 205 and insert the following:

SEC. 205. EMERGENCY DESIGNATION POINT OF ORDER.

(a) DESIGNATIONS.—

(1) GUIDANCE.—In making a designation of a provision of legislation as an emergency requirement under section 251(b)(2)(A) or 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985, the committee report and any statement of managers accompanying that legislation shall analyze whether a proposed emergency requirement meets all the criteria in paragraph (2).

(2) CRITERIA.—

(A) IN GENERAL.—The criteria to be considered in determining whether a proposed expenditure or tax change is an emergency requirement are whether it is—

(i) necessary, essential, or vital (not merely useful or beneficial);

(ii) sudden, quickly coming into being, and not building up over time;

(iii) an urgent, pressing, and compelling need requiring immediate action;

(iv) subject to subparagraph (B), unforeseen, unpredictable, and unanticipated; and

(v) not permanent, temporary in nature.

(B) UNFORESEEN.—An emergency that is part of an aggregate level of anticipated emergencies, particularly when normally estimated in advance, is not unforeseen.

(3) JUSTIFICATION FOR FAILURE TO MEET CRITERIA.—If the proposed emergency requirement does not meet all the criteria set forth in paragraph (2), the committee report or the statement of managers, as the case may be, shall provide a written justification of why the requirement should be accorded emergency status.

(b) POINT OF ORDER.—

(1) IN GENERAL.—When the Senate is considering a bill, resolution, amendment, motion, or conference report, upon a point of order being made by a Senator against any provision in that measure designated as an emergency requirement pursuant to section 251(b)(2)(A) or 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 and the Presiding Officer sustains that point of order, that provision along with the language making the designation shall be stricken from the measure and may not be offered as an amendment from the floor.

(2) GENERAL POINT OF ORDER.—A point of order under this subsection may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(3) CONFERENCE REPORTS.—If a point of order is sustained under this subsection against a conference report the report shall be disposed of as provided in section 313(d) of the Congressional Budget Act of 1974.

DURBIN AMENDMENTS NOS. 186–187

Mr. LAUTENBERG (for Mr. DURBIN) proposed two amendments to the concurrent resolution, S. Con. Res. 20, supra; as follows:

AMENDMENT NO. 186

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE THAT THE PROVISIONS OF THIS RESOLUTION ASSUME THAT IT IS THE POLICY OF THE UNITED STATES TO PROVIDE AS SOON AS IS TECHNOLOGICALLY POSSIBLE AN EDUCATION FOR EVERY AMERICAN CHILD THAT WILL ENABLE EACH CHILD TO EFFECTIVELY MEET THE CHALLENGES OF THE 21st CENTURY.

(a) FINDINGS.—The Senate finds that—

(1) Pell Grants require an increase of $5 billion per year to fund the maximum award established in the Higher Education Act Amendments of 1998;

(2) IDEA needs at least $13 billion more per year to fund the federal commitment to fund 40% of the excess costs for special education services;

(3) Title I needs at least $4 billion more per year to serve all eligible children;

(4) over $11 billion over the next six years will be required to hire 100,000 teachers to reduce class size to an average of 18 in grades 1–3;

(5) according to the General Accounting Office, it will cost $112 billion just to bring existing school buildings up to good overall condition. According to GAO, one-third of schools serving 14 million children require extensive repair or replacement of one or more of their buildings. GAO also found that almost half of all schools lack even the basic electrical wiring needed to support full-scale use of computers;

(6) the federal share of education spending has declined from 11.9% in 1980 to 7.6% in 1998;

(7) federal spending for education has declined from 2.5% of all federal spending in FY 1980 to 2.0% in FY 1999;

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that the provisions of this resolution assume that it is the policy of the United States to provide as soon as is technologically possible an education for every American child that will enable each child to effectively meet the challenges of the 21st century.

AMENDMENT NO. 187

At the end of Title II, insert the following:

"SEC. . DEFICIT-NEUTRAL RESERVE FUND TO FOSTER THE EMPLOYMENT AND INDEPENDENCE OF INDIVIDUALS WITH DISABILITIES.

(a) IN GENERAL.—In the Senate, revenue and spending aggregates and other appropriate budgetary levels and limits may be adjusted and allocations may be revised for legislation that finances disability programs designed to allow individuals with disabilities to become employed and remain independent, provided that, to the extent that this concurrent resolution on the budget does not include the costs of that legislation, the enactment of that legislation will not increase (by virtue of either contemporaneous or previously-passed deficit reduction) the deficit in this resolution for—

(1) fiscal year 2000;

(2) the period of fiscal years 2000 through 2004; or

(3) the period of fiscal years 2005 through 2009.

(b) REVISED ALLOCATIONS.—

(1) ADJUSTMENTS FOR LEGISLATION.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately-revised allocations under section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this resolution.

(2) ADJUSTMENTS FOR AMENDMENTS.—If the Chairman of the Committee on the Budget of the Senate submits an adjustment under this section for legislation in furtherance of the purpose described in subsection (a), upon the offering of an amendment to that legislation that would necessitate such submission, the Chairman shall submit to the Senate appropriately-revised allocations under section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this resolution.

(c) REPORTING REVISED ALLOCATIONS.—The appropriate committees shall report appropriately-revised allocations pursuant to section 302(b) of the Congressional Budget Act of 1974 to carry out this section.''

DORGAN AMENDMENT NO. 188

Mr. LAUTENBERG (for Mr. DORGAN) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

At the end of title III, add the following:

SEC. 3___. SENSE OF THE SENATE CONCERNING EXEMPTION OF AGRICULTURAL COMMODITIES AND PRODUCTS, MEDICINES, AND MEDICAL PRODUCTS FROM UNILATERAL ECONOMIC SANCTIONS.

(a) FINDINGS.—The Senate finds that—

(1) prohibiting or otherwise restricting the donation or sale of agricultural commodities or products, medicines, or medical products in order to unilaterally sanction a foreign government for actions or policies that the United States finds objectionable unnecessarily harms innocent populations in the targeted country and rarely causes the sanctioned government to alter its actions or policies;

(2) for the United States as a matter of policy to deny access to agricultural commodities or products, medicines, or medical products by innocent men, women, and children in other countries weakens the international leadership and moral authority of the United States; and

(3) unilateral sanctions on the sale or donation of agricultural commodities or products, medicines, or medical products needlessly harm agricultural producers and workers employed in the agricultural or medical sectors in the United States by foreclosing markets for the commodities, products, or medicines.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution and legislation enacted pursuant to this resolution assume that the President should—

(1) subject to paragraph (2), exempt agricultural commodities and products, medicines, and medical products from any unilateral economic sanction imposed on a foreign government; and

(2) apply the sanction to the commodities, products, or medicines if the application is necessary—

(A) for health or safety reasons; or

(B) due to a domestic shortage of the commodities, products, or medicines.

DORGAN AMENDMENT NO. 189

Mr. LAUTENBERG (for Mr. DORGAN) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

At the end of title III, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING CAPITAL GAINS TAX FAIRNESS FOR FAMILY FARMERS.

(a) FINDINGS.—The Senate finds that—

(1) one of the most popular provisions included in the Taxpayer Relief Act of 1997 permits many families to exclude from Federal income taxes up to $500,000 of gain from the sale of their principal residences;

(2) under current law, family farmers are not able to take full advantage of this $500,000 capital gains exclusion that families living in urban or suburban areas enjoy on the sale of their homes;

(3) for most urban and suburban residents, their homes are their major financial asset and as a result such families, who have owned their homes through many years of

appreciation, can often benefit from a large portion of this new $500,000 capital gains exclusion;

(4) most family farmers plow any profits they make back into the whole farm rather than into the house which holds little or no value;

(5) unfortunately, farm families receive little benefit from this capital gains exclusion because the Internal Revenue Service separates the value of their homes from the value of the land the homes sit on;

(6) we should recognize in our tax laws the unique character and role of our farm families and their important contributions to our economy, and allow them to benefit more fully from the capital gains tax exclusion that urban and suburban homeowners already enjoy; and

(7) we should expand the $500,000 capital gains tax exclusion to cover sales of the farmhouse and the surrounding farmland over their lifetimes.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that if we pass tax relief measures in accordance with the assumptions in the budget resolution, we should ensure that such legislation removes the disparity between farm families and their urban and suburban counterparts with respect to the new $500,000 capital gains tax exclusion for principal residence sales by expanding it to cover gains from the sale of farmland along with the sale of the farmhouse.

KERRY (AND OTHERS) AMENDMENT NO. 190

Mr. LAUTENBERG (for Mr. KERRY for himself, Mr. LAUTENBERG, Mr. REED, Mr. JOHNSON, Mr. HOLLINGS, Mr. KERREY, and Mr. CONRAD) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

At the end of title II, insert the following:

SEC. ___. 1-YEAR DELAY OF PORTION OF CERTAIN TAX PROVISIONS NECESSARY TO AVOID FUTURE BUDGET DEFICITS.

(a) IN GENERAL.—The Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate shall provide in any reconciliation legislation provided pursuant to sections 104 and 105—

(1) a provision requiring the Congressional Budget Office to report to Congress on June 30 of each year (beginning in 2000) on the estimated Federal budget revenue impact over the next 1, 5, and 10-fiscal year period of that portion of any tax provision included in such reconciliation legislation which has not gone into effect in the taxable year in which such report is made, and

(2) in any tax provision to be included in such reconciliation legislation a provision delaying for 1 additional taxable year that portion of such provision which did not go into effect before a trigger year.

(b) TRIGGER YEAR.—For purposes of subsection (a)(2), the term ''trigger year'' means the 1st fiscal year in which the projected Federal on-budget surplus for the 1, 5, or 10-fiscal year period, as determined by the report under subsection (a)(1), is exceeded by the amount of the aggregate reduction in revenues for such period resulting from the enactment of all of the tax provisions in the reconciliation legislation described in subsection (a).

TORRICELLI (AND DURBIN) AMENDMENT NO. 191

Mr. LAUTENBERG (for Mr. TORRICELLI, for himself, and Mr. DURBIN) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

At the end of title III, add the following:

SEC. 3___. SENSE OF THE SENATE CONCERNING FUNDING FOR THE URBAN PARKS AND RECREATION RECOVERY (UPARR) PROGRAM.

(a) FINDINGS.—The Senate finds that—

(1) every analysis of national recreation issues in the last 3 decades has identified the importance of close-to-home recreation opportunities, particularly for residents in densely-populated urban areas;

(2) the Land and Water Conservation Fund grants program under the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–4 et seq.) was established partly to address the pressing needs of urban areas;

(3) the National Urban Recreation Study of 1978 and the President's Commission on Americans Outdoors of 1987 revealed that critical urban recreation resources were not being addressed;

(4) older city park structures and infrastructures worth billions of dollars are at risk because government incentives favored the development of new areas over the revitalization of existing resources, ranging from downtown parks established in the 19th century to neighborhood playgrounds and sports centers built from the 1920's to the 1950's;

(5) the Urban Parks and Recreation Recovery (UPARR) program, established under the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 et seq.), authorized $725,000,000 to provide matching grants and technical assistance to economically distressed urban communities;

(6) the purposes of the UPARR program is to provide direct Federal assistance to urban localities for rehabilitation of critically needed recreation facilities, and to encourage local planning and a commitment to continuing operation and maintenance of recreation programs, sites, and facilities; and

(7) funding for UPARR is supported by a wide range of organizations, including the National Association of Police Athletic Leagues, the Sporting Goods Manufacturers Association, the Conference of Mayors, and Major League Baseball.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution and legislation enacted pursuant to this resolution assume that Congress considers the UPARR program to be a high priority, and should appropriate such amounts as are necessary to carry out the Urban Parks and Recreation Recovery (UPARR) program established under the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 et seq.).

KENNEDY (AND OTHERS) AMENDMENT NO. 192

Mr. LAUTENBERG (for Mr. KENNEDY for himself, Mr. DODD, Mr. MURRAY, Mr. HARKIN, Mr. DASCHLE, Ms. MIKULSKI, Mr. TORRICELLI, Mr. REED, Mr. FEINGOLD, Mr. LIEBERMAN, and Mr. LEVIN) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

On page 3, strike beginning with line 5 through page 5, line 14, and insert the following:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution—

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2000: $1,401,979,000,000.
Fiscal year 2001: $1,436,108,000,000.
Fiscal year 2002: $1,467,563,000,000.
Fiscal year 2003: $1,548,594,000,000.
Fiscal year 2004: $1,604,382,000,000.
Fiscal year 2005: $1,668,856,000,000.
Fiscal year 2006: $1,703,047,000,000.
Fiscal year 2007: $1,756,420,000,000.
Fiscal year 2008: $1,826,649,000,000.
Fiscal year 2009: $1,890,274,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2000: $0.
Fiscal year 2001: −$6,539,000,000.
Fiscal year 2002: −$40,713,000,000.
Fiscal year 2003: −$14,724,000,000.
Fiscal year 2004: −$29,767,000,000.
Fiscal year 2005: −$42,040,000,000.
Fiscal year 2006: −$87,666,000,000.
Fiscal year 2007: −$114,980,000,000.
Fiscal year 2008: −$129,560,000,000.
Fiscal year 2009: −$155,436,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2000: $1,426,931,000,000.
Fiscal year 2001: $1,474,165,000,000.
Fiscal year 2002: $1,506,259,000,000.
Fiscal year 2003: $1,580,072,000,000.
Fiscal year 2004: $1,633,179,000,000.
Fiscal year 2005: $1,688,032,000,000.
Fiscal year 2006: $1,717,635,000,000.
Fiscal year 2007: $1,773,679,000,000.
Fiscal year 2008: $1,835,769,000,000.
Fiscal year 2009: $1,896,955,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2000: $1,408,292,000,000.
Fiscal year 2001: $1,436,108,000,000.
Fiscal year 2002: $1,467,563,000,000.
Fiscal year 2003: $1,548,594,000,000.
Fiscal year 2004: $1,601,483,000,000.
Fiscal year 2005: $1,659,025,000,000.
Fiscal year 2006: $1,688,217,000,000.
Fiscal year 2007: $1,736,657,000,000.
Fiscal year 2008: $1,801,829,000,000.
Fiscal year 2009: $1,862,458,000,000.

On page 23, strike beginning with line 14 through page 25, line 3, and insert the following:

Fiscal year 2000:
(A) New budget authority, $67,373,000,000.
(B) Outlays, $63,994,000,000.
Fiscal year 2001:
(A) New budget authority, $84,420,000,000.
(B) Outlays, $66,249,000,000.
Fiscal year 2002:
(A) New budget authority, $86,077,000,000.
(B) Outlays, $78,442,000,000.
Fiscal year 2003:
(A) New budget authority, $92,893,000,000.
(B) Outlays, $86,110,000,000.
Fiscal year 2004:
(A) New budget authority, $78,948,000,000.
(B) Outlays, $91,867,000,000.
Fiscal year 2005:
(A) New budget authority, $99,653,000,000.
(B) Outlays, $96,488,000,000.
Fiscal year 2006:
(A) New budget authority, $98,462,000,000.
(B) Outlays, $98,798,000,000.
Fiscal year 2007:
(A) New budget authority, $106,245,000,000.
(B) Outlays, $98,893,000,000.
Fiscal year 2008:
(A) New budget authority, $102,174,000,000.
(B) Outlays, $100,241,000,000.
Fiscal year 2009:
(A) New budget authority, $103,037,000,000.
(B) Outlays, $100,818,000,000.

On page 42, strike lines 1 through 5 and insert the following:

(1) to reduce revenues by not more than $0 in fiscal year 2000, $91,744,000,000 for the period of fiscal years 2000 through 2004, and $621,426,000,000 for the period of fiscal years 2000 through 2009; and

KENNEDY AMENDMENT NO. 193

Mr. LAUTENBERG (for Mr. KENNEDY) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

On page 43, strike beginning with line 13 through line page 44, line 10, and insert the following: for fiscal year 2000 or increases in the surplus for any of the outyears, the Chairman of the Committee on the Budget shall make the adjustments as provided in subsection (c).

(c) ADJUSTMENTS.—The Chairman of the Committee on the Budget shall take a portion of the amount of increases in the on-budget surplus for fiscal years 2000 through 2004 estimated in the report submitted pursuant to subsection (a) and—

(1) increase the allocation by these amounts to the Committee on Health, Education, Labor and Pensions only for legislation that promotes early educational development and well-being of children for fiscal years 2000 through 2004; and

(2) provide for or increase the on-budget surplus levels used for determining compliance with the pay-as-you-go requirements of section 202 of H. Con. Res. 67 (104th Congress) by those amounts for fiscal year 2000 through 2004.

KENNEDY (AND OTHERS) AMENDMENT NO. 194

Mr. LAUTENBERG (for Mr. KENNEDY for himself, Mr. DODD, Mrs. MURRAY, Mr. HARKIN, Ms. MIKULSKI, Mr. TORRICELLI, Mr. REED, Mr. FEINGOLD, Mr. LIEBERMAN, and Mr. LEVIN) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

On page 3, strike beginning with line 5 through page 5, line 14, and insert the following:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution—

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2000: $1,401,979,000,000.
Fiscal year 2001: $1,436,108,000,000.
Fiscal year 2002: $1,467,563,000,000.
Fiscal year 2003: $1,548,594,000,000.
Fiscal year 2004: $1,604,382,000,000.
Fiscal year 2005: $1,668,856,000,000.
Fiscal year 2006: $1,703,047,000,000.
Fiscal year 2007: $1,756,420,000,000.
Fiscal year 2008: $1,826,649,000,000.
Fiscal year 2009: $1,890,274,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2000: −$0.
Fiscal year 2001: −$6,539,000,000.
Fiscal year 2002: −$40,713,000,000.
Fiscal year 2003: −$14,724,000,000.
Fiscal year 2004: −$29,767,000,000.
Fiscal year 2005: −$42,040,000,000.
Fiscal year 2006: −$87,666,000,000.
Fiscal year 2007: −$114,980,000,000.
Fiscal year 2008: −$129,560,000,000.
Fiscal year 2009: −$155,436,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2000: $1,426,931,000,000.
Fiscal year 2001: $1,474,165,000,000.
Fiscal year 2002: $1,506,259,000,000.
Fiscal year 2003: $1,580,072,000,000.
Fiscal year 2004: $1,633,179,000,000.
Fiscal year 2005: $1,688,032,000,000.
Fiscal year 2006: $1,717,635,000,000.
Fiscal year 2007: $1,773,679,000,000.
Fiscal year 2008: $1,835,769,000,000.
Fiscal year 2009: $1,896,955,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2000: $1,408,292,000,000.
Fiscal year 2001: $1,436,108,000,000.
Fiscal year 2002: $1,467,563,000,000.
Fiscal year 2003: $1,548,594,000,000.
Fiscal year 2004: $1,601,483,000,000.
Fiscal year 2005: $1,659,025,000,000.
Fiscal year 2006: $1,688,217,000,000.
Fiscal year 2007: $1,736,657,000,000.
Fiscal year 2008: $1,801,829,000,000.
Fiscal year 2009: $1,862,458,000,000.

On page 23, strike beginning with line 14 through page 25, line 3, and insert the following:

Fiscal year 2000:
(A) New budget authority, $67,373,000,000.
(B) Outlays, $63,994,000,000.
Fiscal year 2001:
(A) New budget authority, $84,420,000,000.
(B) Outlays, $66,249,000,000.
Fiscal year 2002:
(A) New budget authority, $86,077,000,000.
(B) Outlays, $78,442,000,000.
Fiscal year 2003:
(A) New budget authority, $92,893,000,000.
(B) Outlays, $86,170,000,000.
Fiscal year 2004:
(A) New budget authority, $78,948,000,000.
(B) Outlays, $91,867,000,000.
Fiscal year 2005:
(A) New budget authority, $99,653,000,000.
(B) Outlays, $96,488,000,000.
Fiscal year 2006:
(A) New budget authority, $98,462,000,000.
(B) Outlays, $98,798,000,000.
Fiscal year 2007:
(A) New budget authority, $100,245,000,000.
(B) Outlays, $98,893,000,000.
Fiscal year 2008:
(A) New budget authority, $102,174,000,000.
(B) Outlays, $100,241,000,000.
Fiscal year 2009:
(A) New budget authority, $103,037,000,000.
(B) Outlays, $100,818,000,000.

On page 42, strike lines 1 through 5 and insert the following:

(1) to reduce revenues by not more than $0 in fiscal year 2000, $91,744,000,000 for the period of fiscal years 2000 through 2004, and $621,426,000,000 for the period of fiscal years 2000 through 2009; and

KENNEDY (AND OTHERS) AMENDMENT NO. 195

Mr. LAUTENBERG (for Mr. KENNEDY for himself, Mr. WELLSTONE, and Mr. TORRICELLI) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE CONCERNING AN INCREASE IN THE MINIMUM WAGE.

It is the sense of the Senate that the minimum hourly wage under section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) should be increased by 50 cents on September 1, 1999, and again on September 1, 2000, to bring the minimum hourly wage to $6.15 an hour, and that such section should apply to the Commonwealth of the Northern Mariana Islands.

KENNEDY (AND ROCKEFELLER) AMENDMENT NO. 196

Mr. LAUTENBERG (for Mr. KENNEDY for himself and Mr. ROCKEFELLER) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

At the end of title II, insert the following:

SEC. ___. RESERVE FUND FOR MEDICARE PRESCRIPTION DRUG BENEFITS.

(a) ADJUSTMENT.—If legislation is considered that modernizes and strengthens the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) and includes a benefit under such title providing affordable prescription drug coverage for all medicare beneficiaries, the Chairman of the Committee on the Budget may change committee allocations, revenue aggregates, and spending aggregates if such legislation will not cause an on-budget deficit for—

(1) fiscal year 2000;

(2) the period of fiscal years 2000 through 2004; or

(3) the period of fiscal years 2005 through 2009.

(b) BUDGETARY ENFORCEMENT.—The revision of allocations and aggregates made under this section shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

LIEBERMAN (AND OTHERS) AMENDMENT NO. 197

Mr. LAUTENBERG (for Mr. LIEBERMAN for himself, Mr. SANTORUM, Mr. BINGAMAN, and Mr. ABRAHAM) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

At the end of title III, insert the following:

SEC. ___. SENSE OF SENATE REGARDING ASSET-BUILDING FOR THE WORKING POOR.

(a) FINDINGS.—The Senate finds the following:

(1) 33 percent of all American households and 60 percent of African American households have no or negative financial assets.

(2) 46.9 percent of all children in America live in households with no financial assets, including 40 percent of Caucasian children and 75 percent of African American children.

(3) In order to provide low-income families with more tools for empowerment, incentives which encourage asset-building should be established.

(4) Across the Nation, numerous small public, private, and public-private asset-building incentives, including individual development accounts, are demonstrating success at empowering low-income workers.

(5) Middle and upper income Americans currently benefit from tax incentives for building assets.

(6) The Federal Government should utilize the Federal tax code to provide low-income Americans with incentives to work and build assets in order to escape poverty permanently.

(b) SENSE OF SENATE.—It is the sense of the Senate that the provisions of this resolution assume that Congress should modify the Federal tax law to include provisions which encourage low-income workers and their families to save for buying a first home, starting a business, obtaining an education, or taking other measures to prepare for the future.

FEINSTEIN (AND BOXER) AMENDMENT NO. 198

Mr. LAUTENBERG (for Mrs. FEINSTEIN for herself and Mrs. BOXER) proposed an amendment to the concurrent resolution. S. Con. Res. 20, supra; as follows:

At the end of title III, insert the following:

SEC. ___. SENSE OF THE SENATE ON SCAAP FUNDING.

(a) FINDINGS.—The Senate finds the following:

(1) The Federal Government has the responsibility for ensuring that our Nation's borders are safe and secure.

(2) States and localities, particularly in high immigrant States, face disproportionate costs in implementing our Nation's immigration policies, particularly in the case of incarcerating criminal illegal aliens.

(3) Federal reimbursements have continually failed to cover the actual costs borne by States and localities in incarcerating criminal illegal aliens. In fiscal year 1999, the costs to States and localities for incarcerating criminal aliens reached over $1,700,000,000, but the Federal Government reimbursed States only $585,000,000.

(4) In fiscal year 1998, the State of California spent approximately $577,000,000 for the incarceration and parole supervision of criminal alien felons, but received just $244,000,000 in reimbursements. The State of Texas spent $133,000,000, but the Federal Government provided only a $53,000,000 reimbursement. The State of Arizona incurred $38,000,000 in costs, but only received $15,000,000 in reimbursements. The State of New Mexico incurred $3,000,000 in cost, but only received $1,000,000 in reimbursements.

(5) The current Administration request of $500,000,000 is significantly below last year's Federal appropriation, despite the fact that more aliens are now being detained in State and local jails.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that the State Criminal Alien Assistance program budget proposal should increase to $970,000,000 and that the budget resolution appropriately reflects sufficient funds to achieve this objective.

BINGAMAN (AND OTHERS) AMENDMENT NO. 199

Mr. LAUTENBERG (for Mr. Bingaman for himself, Mr. DEWINE, Mr. KENNEDY, Mrs. HUTCHISON, Mr. GRAHAM, Mr. SANTORUM, Mr. SCHUMER, Mr. CHAFEE, Mr. MOYNIHAN, and Mr. LIEBERMAN) proposed an amendment to the concurrent resolution, S. Con Res. 20, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . BUDGETING FOR THE DEFENSE SCIENCE AND TECHNOLOGY PROGRAM.

''It is the sense of the Senate that the budgetary levels for National Defense (function 050) for fiscal years 2000 through 2008 assume funding for the Defense Science and Technology program that is consistent with Section 214 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999, which expresses a sense of the Congress that for each of those fiscal years it should be an objective of the Secretary of Defense to increase the budget request for the Defense Science and Technology program by at least 2 percent over inflation.''.

WYDEN AMENDMENT NO. 200

Mr. LAUTENBERG (for Mr. WYDEN) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

On page 53, line 4, after ''may change committee allocations'' insert '', revenue aggregates for legislation that increases taxes on tobacco or tobacco products (only),''.

DODD (AND OTHERS) AMENDMENT NO. 201

Mr. LAUTENBERG (for Mr. DODD, for himself, Mrs. MURRAY, Mr. KENNEDY, and Mr. REED) proposed an amendment to the concurrent resolution, S. Con. Res. 20, surpa; as follows:

On page 3, strike beginning with line 5 through page 5, line 14, and insert the following:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution—

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2000: $1,401,979,000,000.
Fiscal year 2001: $1,436,033,000,000.
Fiscal year 2002: $1,466,653,000,000.
Fiscal year 2003: $1,547,102,000,000.
Fiscal year 2004: $1,602,574,000,000.
Fiscal year 2005: $1,666,629,000,000.
Fiscal year 2006: $1,700,594,000,000.
Fiscal year 2007: $1,755,630,000,000.
Fiscal year 2008: $1,826,369,000,000.
Fiscal year 2009: $1,890,274,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2000: $0.
Fiscal year 2001: −$6,614,000,000.
Fiscal year 2002: −$41,623,000,000.
Fiscal year 2003: −$16,216,000,000.
Fiscal year 2004: −$31,574,000,000.
Fiscal year 2005: −$44,267,000,000.
Fiscal year 2006: −$90,119,000,000.
Fiscal year 2007: −$115,770,000,000.
Fiscal year 2008: −$129,840,000,000.
Fiscal year 2009: −$155,436,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2000: $1,426,931,000,000.
Fiscal year 2001: $1,472,665,000,000.
Fiscal year 2002: $1,504,559,000,000.
Fiscal year 2003: $1,578,337,000,000.
Fiscal year 2004: $1,630,879,000,000.
Fiscal year 2005: $1,685,232,000,000.
Fiscal year 2006: $1,717,635,000,000.
Fiscal year 2007: $1,773,679,000,000.
Fiscal year 2008: $1,835,769,000,000.
Fiscal year 2009: $1,896,955,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2000: $1,408,292,000,000.
Fiscal year 2001: $1,436,033,000,000.
Fiscal year 2002: $1,466,653,000,000.
Fiscal year 2003: $1,547,102,000,000.
Fiscal year 2004: $1,599,675,000,000.
Fiscal year 2005: $1,656,798,000,000.
Fiscal year 2006: $1,685,764,000,000.
Fiscal year 2007: $1,735,867,000,000.
Fiscal year 2008: $1,801,549,000,000.
Fiscal year 2009: $1,862,458,000,000.

On page 23, strike beginning with line 14 through page 25, line 3, and insert the following:

Fiscal year 2000:
(A) New budget authority, $67,373,000,000.
(B) Outlays, $63,994,000,000.
Fiscal year 2001:
(A) New budget authority, $82,920,000,000.
(B) Outlays, $66,174,000,000.
Fiscal year 2002:
(A) New budget authority, $84,377,000,000.
(B) Outlays, $77,532,000,000.
Fiscal year 2003:
(A) New budget authority, $91,158,000,000.
(B) Outlays, $84,618,000,000.
Fiscal year 2004:
(A) New budget authority, $95,249,000,000.
(B) Outlays, $90,059,000,000.
Fiscal year 2005:
(A) New budget authority, $96,853,000,000.
(B) Outlays, $94,261,000,000.
Fiscal year 2006:
(A) New budget authority, $98,462,000,000.
(B) Outlays, $96,345,000,000.
Fiscal year 2007:
(A) New budget authority, $100,245,000,000.
(B) Outlays, $98,103,000,000.
Fiscal year 2008:
(A) New budget authority, $102,174,000,000.
(B) Outlays, $99,961,000,000.
Fiscal year 2009:
(A) New budget authority, $103,037,000,000.
(B) Outlays, $100,818,000,000.

On page 42, strike lines 1 through 5 and insert the following:

(1) to reduce revenues by not more than $0 in fiscal year 2000, $96,028,000,000 for the period of fiscal years 2000 through 2004, and $631,461,000,000 for the period of fiscal years 2000 through 2009; and

BIDEN AMENDMENT NO. 202

Mr. LAUTENBERG (for Mr. BIDEN) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

At the appropriate place in the bill, insert the following new section

SEC. . SENSE OF THE SENATE ON IMPORTANCE OF FUNDING FOR EMBASSY SECURITY.

(a) FINDINGS.—The Senate finds that—

(1) Enhancing security at U.S. diplomatic missions overseas is essential to protect U.S. government personnel serving on the front lines of our national defense;

(2) 80 percent of U.S. diplomatic missions do not meet current security standards;

(3) the Accountability Review Boards on the Embassy Bombings in Nairobi and Dar Es Salaam recommended that the Department of State spend $1.4 billion annually on embassy security over each of the next ten years;

(4) the amount of spending recommended for embassy security by the Accountability Review Boards is approximately 36 percent of the operating budget requested for the Department of State in Fiscal Year 2000; and

(5) the funding requirements necessary to improve security for United States diplomatic missions and personnel abroad cannot be borne within the current budgetary resources of the Department of State;

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that the budgetary levels in this budget resolution assume that as the Congress contemplates changes in the Congressional Budget Act of 1974 to reflect projected on-budget surpluses, provisions similar to those set forth in Section 314(b) of that Act should be considered to ensure adequate funding for enhancements to the security of U.S. diplomatic missions.

HARKIN (AND SPECTER) AMENDMENT NO. 203

Mr. LAUTENBERG (for HARKIN for himself and Mr. SPECTER) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

Page 3, line 9: reduce the figure by $1,400,000,000.
Page 3, line 10: reduce the figure by $1,400,000,000.
Page 3, line 11: reduce the figure by $1,400,000,000.
Page 3, line 12: reduce the figure by $1,400,000,000.
Page 3, line 13: reduce the figure by $1,400,000,000.
Page 3, line 14: reduce the figure by $1,400,000,000.
Page 3, line 15: reduce the figure by $1,400,000,000.
Page 3, line 16: reduce the figure by $1,400,000,000.
Page 3, line 17: reduce the figure by $1,400,000,000.
Page 3, line 18: reduce the figure by $1,400,000,000.

Page 4, line 4: change the figure by −$1,400,000,000.
Page 4, line 5: reduce the figure by $1,400,000,000.
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Page 26, line 15: increase the figure by $1,400,000,000.
Page 26, line 18: increase the figure by $1,400,000,000.
Page 26, line 19: increase the figure by $1,400,000,000.

BIDEN (AND HATCH) AMENDMENT NO. 204

Mr. LAUTENBERG (for Mr. BIDEN, for himself and Mr. HATCH) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

At the end of title II, insert the following:

SEC. ___. EXTENSION OF VIOLENT CRIME REDUCTION TRUST FUND.

(a) DISCRETIONARY LIMITS.—In the Senate, in this section, and for the purposes of allocations made for the discretionary category pursuant to section 302(a) of the Congressional Budget Act of 1974,

(1) with respect to fiscal year 2001—

(A) the Chairman of the Budget Committee shall make the necessary adjustments in the discretionary spending limits to reflect the changes in (B); and

(B) for the violent crime reduction category: $6,025,000,000 in new budget authority and $5,718,000,000 in outlays;

(2) with respect to fiscal year 2002—

(A) the Chairman of the Budget Committee shall make the necessary adjustments in the discretionary spending limits to reflect the changes in (B); and

(B) for the violent crime reduction category: $6,169,000,000 in new budget authority and $6,020,000,000 in outlays; and

(3) with respect to fiscal year 2003—

(A) the Chairman of the Budget Committee shall make the necessary adjustments in the discretionary spending limits to reflect the changes in (B); and

(B) for the violent crime reduction category: $6,316,000,000 in new budget authority and $6,161,000,000 in outlays;

(4) with respect to fiscal year 2004—

(A) the Chairman of the Budget Committee shall make the necessary adjustments in the discretionary spending limits to reflect the changes in (B); and

(B) for the violent crime reduction category: $6,458,000 in new budget authority and $6,303,000,000 in outlays; and

(5) with respect to fiscal year 2005—

(A) the Chairman of the Budget Committee shall make the necessary adjustments in the discretionary spending limits to reflect the changes in (B); and

(B) for the violent crime reduction category: $6,616,000 in new budget authority and $6,452,000,000 in outlays;

as adjusted in strict conformance with section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 and section 314 of the Congressional Budget Act of 1974.

(b) POINT OF ORDER IN THE SENATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), it shall not be in order in the Senate to consider—

(A) a revision of this resolution or any concurrent resolution on the budget for any of the fiscal years 2000 through 2005 (or amendment, motion, or conference report on such a resolution) that provides discretionary spending in excess of the discretionary spending limit or limits for such fiscal year; or

(B) any bill or resolution (or amendment, motion, or conference report on such bill or resolution) for any of the fiscal years 2000 through 2005 that would cause any of the limits in this section (or suballocations of the discretionary limits made pursuant to section 302(b) of the Congressional Budget Act of 1974) to be exceeded.

(2) EXCEPTION.—This section shall not apply if a declaration of war by Congress is in effect or if a joint resolution pursuant to section 258 of the Balanced Budget and Emergency Deficit Control Act of 1985 has been enacted.

(c) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(d) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the concurrent resolution, bill, or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(e) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of new budget authority, outlays, new entitlement authority, revenues, and deficits for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

LANDRIEU AMENDMENT NO. 205

Mr. LAUTENBERG (for Ms. LANDRIEU) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

On page 46, after line 10, add a new subsection (c) that reads as follows:

(c) LIMITATION.—This reserve fund will only be available for the following types of tax relief:

(1) Tax relief to help working families afford child care, including assistance for families with a parent staying out of the workforce in order to care for young children;

(2) Tax relief to help individuals and their families afford the expense of long-term health care;

(3) Tax relief to ease the tax code's marriage penalties on working families;

(4) Any other individual tax relief targeted exclusively for families in the bottom 90 percent of the family income distribution;

(5) The extension of the Research and Experimentation tax credit, the Work Opportunity tax credit, and other expiring tax provisions, a number of which are important to help American businesses compete in the modern international economy and to help bring the benefits of a strong economy to disadvantaged individuals and communities; and,

(6) Tax incentives to help small businesses offer pension plans to their employees, and other proposals to increase pension access, portability, and security.''

HATCH (AND OTHERS) AMENDMENT NO. 206

Mr. DOMENICI (for Mr. HATCH for himself, Mr. BIDEN, Mr. KENNEDY, and Mr. THURMOND) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

At the appropriate place, insert the following:

''SEC. . SENSE OF THE SENATE REGARDING SUPPORT FOR FEDERAL, STATE AND LOCAL LAW ENFORCEMENT AND FOR THE VIOLENT CRIME REDUCTION TRUST FUND

''(a) FINDINGS.—The Senate finds that:—

''(1) Our Federal, State and local law enforcement officers provide essential services that preserve and protect our freedom and safety, and with the support of federal assistance such as the Local Law Enforcement Block Grant program, the Juvenile Accountability Incentive Block Grant Program, the COPS Program, and the Byrne Grant program, state and local law enforcement officers have succeeded in reducing the national scourge of violent crime, illustrated by a violent crime rate that has dropped in each of the past four years;

''(2) Assistance, such as the Violent Offender Incarceration/Truth in Sentencing Incentive Grants, provided to State corrections systems to encourage truth in sentencing laws for violent offenders has resulted in longer time served by violent criminals and safer streets for law abiding people across the Nation;

''(3) Through a comprehensive effort by state and local law enforcement to attack violence against women, in concert with the efforts of dedicated volunteers and professionals who provide victim services, shelter, counseling and advocacy to battered women and their children, important strides have been made against the national scourge of violence against women;

''(4) Despite recent gains, the violent crime rate remains high by historical standards;

''(5) Federal efforts to investigate and prosecute international terrorism and complex interstate and international crime are vital aspects of a National anticrime strategy, and should be maintained;

''(6) The recent gains by Federal, State and local law enforcement in the fight against violent crime and violence against women are fragile, and continued financial commitment from the Federal Government for funding and financial assistance is required to sustain a build upon these gains; and

''(7) The Violent Crime Reduction Trust Fund, enacted as a part of the Violent Crime Control and Law Enforcement Act of 1994, funds the Violent Crime Control and Law Enforcement Act of 1994, the Violence Against Women Act of 1994, and the Antiterrorism and Effective Death Penalty Act of 1996, without adding to the federal budget deficit.

''(B) SENSE OF THE SENATE.—It is the Sense of the Senate that the provisions and the functional totals underlying this resolution assume that the Federal Government's commitment to fund Federal law enforcement programs and programs to assist State and local efforts to combat violent crime, such as the Local Law Enforcement Block Grant Program, the Juvenile Accountability Incentive Block Grant Program, the Violent Offender Incarceration/Truth in Sentencing Incentive Grants program, the Violence Against Women Act, the COPS Program, and the Byrne Grant program, shall be maintained, and that funding for the Violent Crime Reduction Trust Fund shall continue to at least fiscal year 2005.''

HATCH AMENDMENT NO. 207

Mr. DOMENICI (for Mr. HATCH) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

At the appropriate place, insert the following new section:

''SEC. . SENSE OF THE SENATE ON MERGER ENFORCEMENT BY DEPARTMENT OF JUSTICE.

''(a) FINDINGS.—Congress find that—

''(1) The Antitrust Division of the Department of Justice is charged with the civil and criminal enforcement of the antitrust laws, including review of corporate mergers likely to reduce competition in particular markets, with a goal to promote and protect the competitive process;

''(2) the Antitrust Division requests a 16 percent increase in funding for fiscal year 2000;

''(3) justification for such an increase is based, in part, increasingly numerous and complex merger filings pursuant to the Hart-Scott-Rodino Antitrust Improvements Act of 1976;

''(4) the Hart-Scott-Rodino Antitrust Improvements Act of 1976 sets value threshold which trigger the requirement for filing premerger notification;

''(5) the number of merger filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976, which the Department, in conjunction with the Federal Trade Commission, is required to review, increased by 38 percent in fiscal year 1998;

''(6) the Department expects the number of merger filings to increase in fiscal years 1999 and 2000;

''(7) the value thresholds, which relate to both the size of the companies involved and the size of the transaction, under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 have not been adjusted since passage of that Act.

''(b) SENSE OF THE SENATE.—It is the Sense of the Senate that the levels in this resolution assume that the Antitrust Division will have adequate resources to enable it to meet its statutory requirements, including those related to reviewing and investigating increasingly numerous and complex mergers, but that Congress should make modest, budget neutral, adjustments to the Hart-Scott-Rodino Antitrust Improvements Act of 1976 to account for inflation in the value thresholds of the Act, and in so doing, ensure that the Antitrust Division's resources are focused on matters and transactions most deserving of the Division's attention.

ENZI AMENDMENT NO. 208

Mr. DOMENICI (for Mr. ENZI) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

SEC. . SENSE OF THE SENATE ON ELIMINATING THE MARRIAGE PENALTY AND ACROSS THE BOARD INCOME TAX RATE CUTS.

(a) FINDINGS.—THE SENATE FINDS THAT—

(1) The institution of marriage is the cornerstone of the family and civil society;

(2) Strengthening of the marriage commitment and the family is an indispensable step in the renewal of America's culture;

(3) The Federal income tax punishes marriage by imposing a greater tax burden on married couples than on their single counterparts;

(4) America's tax code should give each married couple the choice to be treated as one economic unit, regardless of which spouse earns the income; and

(5) All American taxpayers are responsible for any budget surplus and deserve broad-based tax relief after the Social Security Trust fund has been protected.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that—

(1) Congress should eliminate the marriage penalty in a manner that treats all married couples equally, regardless of which spouse earns the income; and

(2) Congress should implement an equal; across the board reduction in each of the current federal income tax rates as soon as there is a non-Social Security surplus.

SHELBY AMENDMENT NO. 209

Mr. DOMENICI (for Mr. SHELBY) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

At the end of title III, add the following:

SEC. ___. SENSE OF THE SENATE REGARDING REFORM OF THE INTERNAL REVENUE CODE OF 1986.

(a) FINDINGS.—The Senate finds that—

(1) the Internal Revenue Code of 1986 (referred to in this section as the ''tax code'') is unnecessarily complex and burdensome, consisting of 2,000 pages of tax code, and resulting in 12,000 pages of regulations and 200,000 pages of court proceedings;

(2) the complexity of the tax code results in taxpayers spending approximately 5,400,000,000 hours and $200,000,000,000 on tax compliance each year;

(3) the impact of the complexity of the tax code is inherently inequitable, rewarding taxpayers which hire professional tax preparers and penalizing taxpayers which seek to comply with the tax code without professional assistance;

(4) the percentage of the income of an average family of four that is paid for taxes has grown significantly, comprising nearly 40 percent of the family's earnings, a percentage which represents more than a family spends in the aggregate on food, clothing, and housing;

(5) the total amount of Federal, State, and local tax collections in 1998 increased approximately 5.7 percent over such collections in 1997;

(6) the tax code penalizes saving and investment by imposing tax on these important activities twice while promoting consumption by only taxing income used for consumption once;

(7) the tax code stifles economic growth by discouraging work and capital formation through high tax rates;

(8) Congress and the President have found it necessary on several occasions to enact laws to protect taxpayers from abusive actions and procedures of the Internal Revenue Service in enforcement of the tax code; and

(9) the complexity of the tax code is largely responsible for the growth in size of the Internal Revenue Service.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that —

(1) the Internal Revenue Code of 1986 needs comprehensive reform; and

(2) Congress should move expeditiously to consider comprehensive proposals to reform the Internal Revenue Code of 1986.

SESSIONS (AND OTHERS) AMENDMENT NO. 210

Mr. DOMENICI (for Mr. SESSIONS for himself, Mr. ABRAHAM, and Mr. GRAHAM) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

At the end of title III, add the following:

SEC. ___. SENSE OF THE SENATE REGARDING TAX INCENTIVES FOR EDUCATION SAVINGS.

(a) FINDINGS.—The Senate finds that—

(1) families in the United States have accrued more college debt in the 1990s than during the previous 3 decades combined; and

(2) families should have every resource available to them to meet the rising cost of higher education.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution and legislation enacted pursuant to this resolution assume that additional tax incentives should be provided for education savings, including—

(1) excluding from gross income distributions from qualified State tuition plans; and

(2) providing a tax deferral for private prepaid tuition plans in years 2000 through 2003 and excluding from gross income distributions from such plans in years 2004 and after.

SANTORUM AMENDMENT NO. 211

Mr. DOMENICI (for Mr. SANTORUM) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

At the appropriate place, insert:

SEC. . SENSE OF THE SENATE REGARDING DAVIS-BACON.

It is the Sense of the Senate that in carrying out the assumptions in this budget resolution, the Senate will consider reform of the Davis-Bacon Act as an alternative to repeal.

SANTORUM (AND OTHERS) AMENDMENT NO. 212

Mr. DOMENICI (for Mr. SANTORUM for himself, Mr. LEAHY, and Mr. TORRICELLI) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

At the appropriate place, insert:

SEC. . SENSE OF THE SENATE THAT THE 106TH CONGRESS, 1ST SESSION SHOULD REAUTHORIZE FUNDS FOR THE FARMLAND PROTECTION PROGRAM.

(a) FINDINGS.—The Senate makes the following findings—

(1) Nineteen states and dozens of localities have spent nearly $1 billion to protect over 600,000 acres of important farmland;

(2) The Farmland Protection Program has provided cost-sharing for nineteen states and dozens of localities to protect over 123,000 acres on 432 farms since 1996;

(3) The Farmland Protection Program has generated new interest in saving farmland in communities around the country;

(4) The Farmland Protection Program represents an innovative and voluntary partnership, rewards local ingenuity, and supports local priorities;

(5) The Farmland Protection Program is a matching grant program that is completely voluntary in which the federal government does not acquire the land or easement;

(6) Funds authorized for the Farmland Protection Program were expended at the end of Fiscal Year 1998, and no funds were appropriated in Fiscal Year 1999;

(7) The United States is losing two acres of our best farmland to development every minute of every day;

(8) These lands produce three quarters of the fruits and vegetables and over one half of the dairy in the United States;

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the functional totals contained in this resolution assume that the 106th Congress, 1st Session will reauthorize funds for the Farmland Protection Program.

DEWINE (AND OTHERS) AMENDMENT NO. 213

Mr. DOMENICI (for Mr. DEWINE for himself, Mr. COVERDELL, Mr. SESSIONS, and Mr. ABRAHAM) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING SUPPORT FOR STATE AND LOCAL LAW ENFORCEMENT.

(a) FINDINGS.—The Senate finds that—

(1) the President's budget request for fiscal year 2000 proposes significant reductions in Federal support for State and local law enforcement efforts to combat crime by eliminating more than $1,000,000,000 from State and local law enforcement programs that directly support the Nation's communities, including—

(A) zero funding for Local Law Enforcement Block Grants, for which $523,000,000 was made available for fiscal year 1999;

(B) a reduction from the amount made available for fiscal year 1999 of $645,000,000 for State prison grants (including Violent Offender Incarceration Grants and Truth-in-Sentencing Incentive Grants);

(C) a reduction from the amount made available for fiscal year 1999 of more than $85,000,000 from the State Criminal Alien Incarceration Program, which reimburses States for the incarceration of illegal aliens;

(D) a reduction in funding for the popular Byrne grant program under part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968; and

(E) elimination of funding for Juvenile Accountability Block Grants, which have provided $500,000,000 over the last 2 years to communities attempting to control the plague of youth violence;

(2) as national crime rates are beginning to fall as a result of State and local efforts, with Federal support, it is unwise to ignore the responsibility of the Federal Government to communities still overwhelmed by crime;

(3) Federal support is crucial to the provision of critical crime fighting services and the effective administration of justice in the States, such as the approximately 600 qualified State and local crime laboratories and medical examiners' offices, which deliver over 90 percent of the forensic services in the United States;

(4) dramatic increases in crime rates over the last decade have generally exceeded the capacity of State and local crime laboratories to process their forensic examinations, resulting in tremendous backlogs that prevent the swift administration of justice and impede fundamental individual rights, such as the right to a speedy trial and to exculpatory evidence;

(5) last year, Congress passed the Crime Identification Technology Act of 1998, which authorizes $250,000,000 each year for 5 years to assist State and local law enforcement agencies in integrating their anticrime technology systems into national databases, and in upgrading their forensic laboratories and information and communications infrastructures upon which these crime fighting systems rely; and

(6) the Federal Government must continue efforts to significantly reduce crime by at least maintaining Federal funding for State and local law enforcement, and wisely targeting these resources.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions of this resolution assume that—

(1) the amounts made available for fiscal year 2000 to assist State and local law enforcement efforts will be—

(A) greater than the amounts proposed in the President's budget request for fiscal year 2000; and

(B) comparable to amounts made available for that purpose for fiscal year 1999;

(2) the amounts made available for fiscal year 2000 for crime technology programs should be used to further the purposes of the program under section 102 of the Crime Identification Technology Act of 1998 (42 U.S.C. 14601); and

(3) Congress should consider legislation that specifically addresses the backlogs in State and local crime laboratories and medical examiners' offices.

DEWINE (AND OTHERS) AMENDMENT NO. 214

Mr. DOMENICI (for Mr. DEWINE for himself, Mr. ABRAHAM, Mr. COVERDELL, Mr. SMITH of Oregon, Mr. SANTORUM, Mr. GRAMS, Mr. BURNS, and Mr. HUTCHINSON) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

At the end of title III, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING FUNDING FOR COUNTER-NARCOTICS INITIATIVES.

(a) FINDINGS.—The Senate finds that—

(1) from 1985–1992, the Federal Government's drug control budget was balanced among education, treatment, law enforcement, and international supply reduction activities and this resulted in a 13-percent reduction in total drug use from 1988 to 1991;

(2) since 1992, overall drug use among teens aged 12 to 17 rose by 70 percent, cocaine and marijuana use by high school seniors rose 80 percent, and heroin use by high school seniors rose 100 percent;

(3) during this same period, the Federal investment in reducing the flow of drugs outside our borders declined both in real dollars and as a proportion of the Federal drug control budget;

(4) while the Federal Government works with State and local governments and numerous private organizations to reduce the demand for illegal drugs, seize drugs, and break down drug trafficking organizations within our borders, only the Federal Government can seize and destroy drugs outside of our borders;

(5) in an effort to restore Federal international eradication and interdiction efforts, in 1998, Congress passed the Western Hemisphere Drug Elimination Act which authorized an additional $2,600,000,000 over 3 years for international interdiction, eradication, and alternative development activities;

(6) Congress appropriated over $800,000,000 in fiscal year 1999 for anti-drug activities authorized in the Western Hemisphere Drug Elimination Act;

(7) the President's Budget Request for fiscal year 2000 would invest $100,000,000 less than what Congress appropriated in fiscal year 1999;

(8) the President's Budget Request for fiscal year 2000 contains no funding for the Western Hemisphere Drug Elimination Act's top 5 priorities, namely, including funds for an enhanced United States Customs Service air interdiction program, counter-drug intelligence programs, security enhancements for our United States-Mexico border, and a promising eradication program against coca, opium, poppy, and marijuana; and

(9) the proposed Drug Free Century Act would build upon many of the initiatives authorized in the Western Hemisphere Drug Elimination Act, including additional funding for the Department of Defense for counter-drug intelligence and related activities.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions of this resolution assume that—

(1) funding for Federal drug control activities should be at a level higher than that proposed in the President's budget request for fiscal year 2000; and

(2) funding for Federal drug control activities should allow for investments in programs authorized in the Western Hemisphere Drug Elimination Act and in the proposed Drug Free Century Act.

GORTON AMENDMENT NO. 215

Mr. DOMENICI (for Mr. GORTON) proposed an amendment to the concurrent

resolution, S. Con. Res. 20, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE CONCERNING AUTISM.

(a) FINDINGS.—Congress makes the following findings:

(1) Infantile autism and autism spectrum disorders are biologically-based neurodevelopmental diseases that cause severe impairments in language and communication and generally manifest in young children sometime during the first two years of life.

(2) Best estimates indicate that 1 in 500 children born today will be diagnosed with an autism spectrum disorder and that 400,000 Americans have autism or an autism spectrum disorder.

(3) There is little information on the prevalence of autism and other pervasive developmental disabilities in the United States. There have never been any national prevalence studies in the United States, and the two studies that were conducted in the 1980s examined only selected areas of the country. Recent studies in Canada, Europe, and Japan suggest that the prevalence of classic autism alone may be 300 percent to 400 percent higher than previously estimated.

(4) Three quarters of those with infantile autism spend their adult lives in institutions or group homes, and usually enter institutions by the age of 13.

(5) The cost of caring for individuals with autism and autism spectrum disorder is great, and is estimated to be $13.3 billion per year solely for direct costs.

(6) The rapid advancements in biomedical science suggest that effective treatments and a cure for autism are attainable if—

(A) there is appropriate coordination of the efforts of the various agencies of the Federal Government involved in biomedical research on autism and autism spectrum disorders;

(B) there is an increased understanding of autism and autism spectrum disorders by the scientific and medical communities involved in autism research and treatment; and

(C) sufficient funds are allocated to research.

(7) The discovery of effective treatments and a cure for autism will be greatly enhanced when scientists and epidemiologists have an accurate understanding of the prevalence and incidence of autism.

(8) Recent research suggests that environmental factors may contribute to autism. As a result, contributing causes of autism, if identified, may be preventable.

(9) Finding the answers to the causes of autism and related developmental disabilities may help researchers to understand other disorders, ranging from learning problems, to hyperactivity, to communications deficits that affect millions of Americans.

(10) Specifically, more knowledge is needed concerning—

(A) the underlying causes of autism and autism spectrum disorders, how to treat the underlying abnormality or abnormalities causing the severe symptoms of autism, and how to prevent these abnormalities from occurring in the future;

(B) the epidemiology of, and the identification of risk factors for, infantile autism and autism spectrum disorders;

(C) the development of methods for early medical diagnosis and functional assessment of individuals with autism and autism spectrum disorders, including identification and assessment of the subtypes within the autism spectrum disorders, for the purpose of monitoring the course of the disease and developing medically sound strategies for improving the outcomes of such individuals;

(D) existing biomedical and diagnostic data that are relevant to autism and autism spectrum disorders for dissemination to medical personnel, particularly pediatricians, to aid in the early diagnosis and treatment of this disease; and

(E) the costs incurred in educating and caring for individuals with autism and autism spectrum disorders.

(11) In 1998, the National Institutes of Health announced a program of research on autism and autism spectrum disorders. A sufficient level of funding should be made available for carrying out the program.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying this resolution assume that additional resources will be targeted towards autism research through the National Institutes of Health and the Centers for Disease Control and Prevention.

ROBERTS (AND OTHERS) AMENDMENT NO. 216

Mr. DOMENICI (for Mr. ROBERTS for himself, Mr. SMITH of Oregon, and Mr. SANTORUM) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

At the end of title III, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING ACCESS TO ITEMS AND SERVICES UNDER MEDICARE PROGRAM.

(a) FINDINGS.—The Senate finds the following:

(1) Total hospital operating margins with respect to items and services provided to medicare beneficiaries are expected to decline from 4.3 percent in fiscal year 1997 to 0.1 percent in fiscal year 1999.

(2) Total operating margins for small rural hospitals are expected to decline from 4.2 percent in fiscal year 1998 to negative 5.6 percent in fiscal year 2002, a 233 percent decline.

(3) The Congressional Budget Office recently has estimated that the amount of savings to the medicare program in fiscal years 1998 through 2002 by reason of the amendments to that program contained in the Balanced Budget Act of 1997 is $88,500,000 more than the amount of savings to the program by reason of those amendments that the Congressional Budget Office estimated for those fiscal years immediately prior to the enactment of that Act.

(b) SENSE OF SENATE.—It is the sense of the Senate that the provisions contained in this budget resolution assume that the Senate should—

(1) consider whether the amendments to the medicare program contained in the Balanced Budget Act of 1997 have had an adverse impact on access to items and services under that program; and

(2) if it is determined that additional resources are available, additional budget authority and outlays shall be allocated to address the unintended consequences of change in medicare program policy made by the Balanced Budget Act, including inpatient and outpatient hospital services, to ensure fair and equitable access to all items and services under the program.

FITZGERALD AMENDMENT NO. 217

Mr. DOMENICI (for Mr. FITZGERALD) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

At the end of title III, add the following:

SEC. ____HONEST REPORTING OF THE DEFICIT.

It is the sense of the Senate that the levels in this resolution assume the following:

(1) IN GENERAL.—Effective for fiscal year 2001, the President's budget and the budget report of CBO required under section 202(e) of the Congressional Budget Act of 1974 and the concurrent resolution on the budget should include—

(A) the receipts and disbursements totals of the on-budget trust funds, including the projected levels for at least the next 5 fiscal year; and

(B) the deficit or surplus excluding the on budget trust funds, including the projected levels for at least the next 5 fiscal years.

(2) ITEMIZATION.—Effective for fiscal year 2001, the President's budget and the budget report of CBO required under section 202(e) of the Congressional Budget Act of 1974 should include an itemization of the on-budget trust funds for the budget year, including receipts, outlays, and balances.

HELMS AMENDMENT NO. 218

Mr. DOMENICI (for Mr. HELMS) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

At the appropriate place in the concurrent resolution, insert the following:

SEC. ___. INTERNATIONAL AFFAIRS BUDGET.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Administration has attacked the Senate budget resolution which stays within the caps set in the Balanced Budget Agreement reached with the President in 1997. The Administration accuses the Senate of taking a ''meat axe'' to American leadership, and placing a ''foreign policy straitjacket'' on the United States. In fact, the fiscal year 2000 budget continues to fund programs and projects that advance United States interests, while eliminating funding for wasteful or duplicative programs and activities.

(2) The Administration claims that the Senate resolution would cut funds for international affairs in fiscal year 2000 by 15.3 percent. The reality is that the reduction is a five percent decrease from spending in fiscal year 1999. Much of the decrease is a result of savings from reductions assumed by the President in his budget: the President assumes savings from ''one time costs'' in the fiscal year 1999 budget, as well as fiscal year 2000 budget reductions for OPIC, P.L. 480 Programs, and historic levels of foreign assistance to Israel and Egypt . When adjusted for arrearages, the Senate Resolution is only a decrease of $.9 billion in budget authority and $.02 billion in outlays from the fiscal year 1999 levels.

(3) The Administration threatens the budget will hinder consular services and abandon our citizens who travel abroad and leave them to fend for themselves. The reality is that most consular services today are supplemented heavily by machine readable visa, expedited passport, and other fees. The State Department is able to retain these fees due to congressional authorization for the retention of these fees rather then returning them to the general fund of the Treasury. Due to this authority, in fiscal year 2000, the State Department expects to have at least $374,000,000 to expend from fee collections. These funds are in addition to the budget authority provided by the Senate budget resolution.

(4) The Administration argues that this budget will pull the plug on U.S. contributions to UNICEF and Child Survival. In fact, the United States provided more than $122,000,000 or 27 percent of all UNICEF funding in 1997, according to the State Department's most recent statistics (of course, this does not include private donations of United States citizens). At the same time, the United States Agency for International Development is requesting a funding increase

of $119,000,000 for development assistance and $15,000,000 for operating expenses even as the General Accounting Office reports that the Agency for International Development cannot explain how its programs are performing or whether they are achieving their intended goals.

(5) The Administration argues that this budget will reduce the United States commitment to the war on drugs. In fiscal year 1999, Congress appropriated funds for drug interdiction programs far exceeding the Administration's request; moreover, the comprehensive Western Hemisphere Drug Elimination Act enacted in October 1998 authorizes nearly $1,000,000,000 in new funds, equipment, and technology to correct the dangerous imbalance in the Administration's anti-drug strategy that has underfunded and continues to underfund interdiction programs. (The President's fiscal year 2000 budget continues to short-change anti-drug activities by the Customs Service and the Coast Guard.)

(6) The Administration argues that this budget will erode support for peace in the Middle East, Bosnia, and Northern Ireland. However, funding for peacekeeping continues to skyrocket. However, the cost of peacekeeping has become a burden on the 050 defense budget rather than the 150 foreign affairs budget since the failure of the United Nations mission in Bosnia. Last year, the United States expended $4,277,500,000 on peacekeeping and related activities in Bosnia, Iraq, other Middle East peacekeeping, and in Africa. This amount does not include funds for humanitarian and development activities.

(7) The Administration argues that this budget will force the United States to close its embassies and turn its back on American interests. The budget will instead force the Executive branch to take on greater cost-based decisionmaking. According to the General Accounting Office, "more needs to be done to create a well-tuned platform for conducting foreign affairs. Achieving this goal will require the State Department to make a strong commitment to management improvement, modernization, and 'cost-based' decisionmaking." The General Accounting Office reports that "one of State's long-standing shortcomings has been the absence of an effective financial management system that can assist managers in making 'cost-based' decisions."

(8) Prior to the start of fiscal year 2000, the United States Information Agency and the Arms Control and Disarmament Agency will be integrated into the State Department. In addition the Secretary of State will have more direct oversight over the Agency for International Development, and certain functions of that agency will be merged into the State Department. To date, no savings have been identified as a result of this merger. The General Accounting Office identifies potential areas for reduction of duplication as a result of integration in the areas of legal affairs, congressional liaison, press and public affairs, and management. In addition the General Accounting Office notes that in the State Department strategic plan, it has not adequately reviewed overlapping issues performed by State Department functional bureaus and other United States agencies.

(b) SENSE OF SENATE.—It is the sense of the Senate that the budget levels of this resolution assume that enactment of the Foreign Affairs Reform and Restructuring Act of 1998 provides a unique opportunity for the State Department to achieve management improvements and cost reductions, and that:

(1) The Senate believes that savings can be achieved by simply eliminating wasteful and duplicative programs, not the programs cited by the Administration, which generally receive broad bipartisan support. Just a few abuses that could be eliminated to achieve reductions include the following:

(A) $25,000,000 for UNFPA while UNFPA works hand-in-glove with the brutal Communist Chinese dictators to abuse women and children under the coercive one-child-per-family population control policy.

(B) $35,000,000 for the Inter-American Foundation, which funded groups in Ecuador clearly identified by the State Department as terrorist organizations that kidnaped Americans and threatened their lives, as well as the lives and safety of other United States citizens, while extorting money from them.

(C) $105,000,000 proposed for Haiti, which has abandoned democracy in favor of dictatorship and where United States taxpayer funds have been used, according to the International Planned Parenthood Federation's annual report, for "a campaign to reach voodoo followers with sexual and reproductive health information..by performing short song-prayers about STDs [sexually transmitted diseases] and the benefits of family planning during voodoo ceremonies".

(D) $60,000,000 over ten years to the American Center for International Labor Solidarity (ACILS), which is AFL-CIOs international nongovernment division. 100% of ACILS's funding is from taxpayers while AFL-CIO contributed $40,956,828 exclusively to Democratic candidates in the 1998 Federal election cycle.

(E) In fiscal year 1999, $200,000 in foreign aid to Canada to underwrite seminars on gender sensitivity for peacekeepers.

(F) In fiscal year 1999, the United States provided the International Labor Organization with $54,774,408. Work produced by that organization included a report advocating recognition of the sex trade as a flourishing economic enterprise and called for recognition of the trade in official statistics.

(G) According to the General Accounting Office, "USAID has spent, by its own account, $92,000,000 to develop and maintain the NMS [new management system], the system does not work as intended and has created problems in mission operations and morale."

(H) In fiscal year 1999, the State Department is attempting to send $28,000,000 to fund the Comprehensive Test Ban Treaty Organization, which is an organization established by a treaty the United States has not ratified.

(I) Despite sensitive deadlines in the Middle East Peace Process looming, the United Nations is calling for a conference under the auspices of the Fourth Geneva Convention. No conference has been held under that Convention since its inception in 1947. The topic for discussion is Israeli Settlements in the West Bank and Gaza. The United States opposes this conference yet contributes 25 percent of the United Nations budget.

(J) The United States has spent more than $3,000,000,000 to "restore democracy in Haiti." The reality is that there has been no Prime Minister or Cabinet in Haiti for 19 months; the Parliament has been effectively dissolved; local officials serve at the whim of President Preval; the privatization process is stalled; political murders remain unsolved; drug trafficking is rampant. In short, billions of dollars in foreign aid have bought us no leverage with the Haitians.

(K) As a result of consolidation of United States foreign affairs agencies, 1,943 personnel will be transferred into the State Department prior to the start of fiscal year 2000. The fiscal year 2000 budget does not identify a reduction in a single staff position.

(2) Additional funds that may become available from elimination of some foreign assistance programs, management efficiencies as a result of reorganization of the foreign affairs agencies, and new estimates on the size of the budget surplus should be designated for United States embassy upgrades.

SPECTER (AND OTHERS) AMENDMENT NO. 219

Mr. DOMENICI (for Mr. SPECTER for himself, Mr. THURMOND, Mr. HATCH, Mr. SESSIONS, and Mr. ASHCROFT) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

At the appropriate place insert the following:

SEC. . SENSE OF THE SENATE REGARDING FUNDING FOR INTENSIVE FIREARMS PROSECUTION PROGRAMS.

(a) FINDINGS.—Congress finds that—

(1) gun violence in America, while declining somewhat in recent years, is still unacceptably high;

(2) keeping firearms out of the hands of criminals can dramatically reduce gun violence in America;

(3) States and localities often do not have the investigative or prosecutorial resources to locate and convict individuals who violate their firearms laws. Even when they do win convictions, states and localities often lack the jail space to hold such convicts for their full prison terms;

(4) there are a number of federal laws on the books which are designed to keep firearms out of the hands of criminals. These laws impose mandatory minimum sentences upon individuals who use firearms to commit crimes of violence and convicted felons caught in possession of a firearm;

(5) the federal government does have the resources to investigate and prosecute violations of these federal firearms laws. The federal government also has enough jail space to hold individuals for the length of their mandatory minimum sentences;

(6) an effort to aggressively and consistently apply these federal firearms laws in Richmond, Virginia, has cut violent crime in that city. This program, called Project Exile, has produced 288 indictments during its first two years of operation and has been credited with contributing to a 15% decrease in violent crimes in Richmond during the same period. In the first three-quarters of 1998, homicides with a firearm in Richmond were down 55% compared to 1997;

(7) the Fiscal Year 1999 Commerce-State-Justice Appropriations Act provided $1.5 million to hire additional federal prosecutors and investigators to enforce federal firearms laws in Philadelphia. The Philadelphia project—called Operation Cease Fire—started on January 1, 1999. Since it began, the project has resulted in 31 indictments of 52 defendants on firearms violations. The project has benefited from help from the Philadelphia Police Department and the Bureau of Alcohol, Tobacco and Firearms which was not paid for out of the $1.5 million grant;

(8) Senator Hatch has introduced legislation to authorize Project CUFF, a federal firearms prosecution program;

(9) the Administration has requested $5 million to conduct intensive firearms prosecution projects on a national level;

(10) given that at least $1.5 million is needed to run an effective program in one American city—Philadelphia—$5 million is far from enough funding to conduct such programs nationally.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Function 750 in the budget resolution assumes that $50,000,000 will be provided in fiscal year 2000 to conduct intensive firearms prosecution projects to combat

violence in the twenty-five American cities with the highest crime rates.

SPECTER (AND GRAHAM) AMENDMENT NO. 220

Mr. DOMENICI (for Mr. SPECTER for himself and Mr. GRAHAM) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

At the appropriate place, insert:

SEC. . SENSE OF THE SENATE ON WOMEN'S ACCESS TO OBSTETRIC AND GYNECOLOGICAL SERVICES.

(A) FINDINGS.—Congress finds that—

In the 105th Congress, the House of Representatives acted favorably on The Patient Protection Act (H.R. 4250), which included provisions which required health plans to allow women direct access to a participating physician who specializes in obstetrics and gynecological services.

Women's health historically has received little attention.

Access to an obstetrician-gynecologist improves the health care of a woman by providing routine and preventive health care throughout the women's lifetime, encompassing care of the whole patient, while also focusing on the female reproductive system.

60 percent of all office visits to obstetrician-gynecologists are for preventive care.

Obstetrician-gynecologists are uniquely qualified on the basis of education and experience to provide basic women's health care services.

While more than 36 States have acted to promote residents' access to obstetrician-gynecologists, patients in other States or in Federally-governed health plans are not protected from access restrictions or limitations.

(B) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions in this concurrent resolution on the budget assume that the Congress shall enact legislation that requires health plans to provide women with direct access to a participating provider who specializes in obstetrics and gynecological services.

JEFFORDS (AND OTHERS) AMENDMENT NO. 221

Mr. DOMENICI (for Mr. JEFFORDS for himself, Mr. KENNEDY, Mr. ROTH, Mr. MOYNIHAN, and Mr. GRAMS) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE CONCERNING FOSTERING THE EMPLOYMENT AND INDEPENDENCE OF INDIVIDUALS WITH DISABILITIES.

(a) FINDINGS.—The Senate makes the following findings:

(1) Health care is important to all Americans.

(2) Health care is particularly important to individuals with disabilities and special health care needs who often cannot afford the insurance available to them through the private market, are uninsurable by the plans available in the private sector, or are at great risk of incurring very high and economically devastating health care costs.

(3) Americans with significant disabilities often are unable to obtain health care insurance that provides coverage of the services and supports that enable them to live independently and enter or rejoin the workforce. Coverage for personal assistance services, prescription drugs, durable medical equipment, and basic health care are powerful and proven tools for individuals with significant disabilities to obtain and retain employment.

(4) For individuals with disabilities, the fear of losing health care and related services is one of the greatest barriers keeping the individuals from maximizing their employment, earning potential, and independence.

(5) Individuals with disabilities who are beneficiaries under title II or XVI of the Social Security Act (42 U.S.C. 401 et seq., 1381 et seq.) risk losing medicare or medicaid coverage that is linked to their cash benefits, a risk that is an equal, or greater, work disincentive than the loss of cash benefits associated with working.

(6) Currently, less than ½ of 1 percent of social security disability insurance (SSDI) and supplemental security income (SSI) beneficiaries cease to receive benefits as a result of employment.

(7) Beneficiaries have cited the lack of adequate employment training and placement services as an additional barrier to employment.

(8) If an additional ½ of 1 percent of the current social security disability insurance (SSDI) and supplemental security income (SSI) recipients were to cease receiving benefits as a result of employment, the savings to the Social Security Trust Funds in cash assistance would total $3,500,000,000 over the worklife of the individuals.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions of this resolution assume that the Work Incentives Improvement Act of 1999 (S. 331, 106th Congress) will be passed by the Senate and enacted early this year, and thereby provide individuals with disabilities with the health care and employment preparation and placement services that will enable those individuals to reduce their dependency on cash benefit programs.

JEFFORDS (AND OTHER) AMENDMENT NO. 222

Mr. DOMENICI (for Mr. JEFFORDS for himself, Mr. MOYNIHAN, Mr. CHAFEE, Ms. COLLINS, Mr. DODD, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. LEAHY, Mr. LEVIN, Mr. REID, Ms. SNOWE, Mr. WELLSTONE, and Mr. BINGAMAN) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . SENSE OF THE SENATE ON LIHEAP.

(a) FINDINGS.—The Senate finds that:

(1) Home energy assistance for working and low-income families with children, the elderly on fixed incomes, the disabled, and others who need such aid is a critical part of the social safety net in cold-weather areas during the winter, and a source of necessary cooling aid during the summer.

(2) LIHEAP is a highly targeted, cost-effective way to help millions of low-income Americans pay their home energy bills. More than two-thirds of LIHEAP-eligible households have annual incomes of less than $8,000, approximately one-half have annual incomes below $6,000; and

(3) LIHEAP funding has been substantially reduced in recent years, and cannot sustain further spending cuts if the program is to remain a viable means of meeting the home heating and other energy-related needs of low-income families, especially those in cold-weather states.

(b) SENSE OF THE SENATE.—The assumptions underlying this budget resolution assume that it is the sense of the Senate that the funds made available for LIHEAP for Fiscal Year 2000 will not be less than the current services for LIHEAP in Fiscal Year 1999.

HUTCHISON (AND OTHERS) AMENDMENT NO. 223

Mr. DOMENICI (for Mrs. HUTCHISON for herself, Mr. KYL, Mrs. FEINSTEIN, Ms. SNOWE, and Mr. GRAMM) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

At the end of title III, insert the following:

SEC. . SENSE OF THE SENATE ON SOUTHWEST BORDER LAW ENFORCEMENT FUNDING.

(A) FINDINGS.—

(1) The Federal Government has not effectively secured the Southwest Border of the United States. According to the Drug Enforcement Administration, 50 to 70 percent of illegal drugs enter the United States through Texas, New Mexico, Arizona, and California. According to the State Department's 1999 International Narcotics Strategy Report, 60 percent of the Columbian cocaine sold in the United States passes through Mexico before entering the United States.

(2) General Barry McCaffrey, Director of the Office of National Drug Control Policy, has stated that 20,000 Border Patrol agents are needed to secure the United States' southern and northern borders. Currently, the Border Patrol has approximately 8,000 agents.

(3) The Illegal Immigration Reform and Immigrant Responsibility Act of 1996, requires the Attorney General to increase by not less than 1,000 the number of positions for full-time, active duty Border Patrol agents in fiscal years 1997, 1998, 1999, 2000, and 2001. The Administration's fiscal year 2000 budget provides no funding to hire additional full-time Border Patrol agents.

(4) The U.S. Customs Service plays an integral role in the detection, deterrence, disruption and seizure of illegal drugs as well as the facilitation of trade across the Southwest Border of the United States. Customs requested 506 additional inspectors in its fiscal year 2000 budget submission to the Office of Management and Budget. In their fiscal year 2000 budget request to Congress, however, the Administration provides no funding to hire additional, full-time Customs Service inspectors.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the budgetary levels in this budget resolution assume full funding for the Immigration and Naturalization Service to hire 1,000 full-time, active-duty Border Patrol agents in fiscal year 2000, as authorized by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. Further, it is the sense of the Senate that the budgetary levels in this budget resolution assume funding for the Customs Service to hire necessary staff and purchase equipment for drug interdiction and traffic facilitation at United States land border crossings, including 506 full-time, active-duty Customs inspectors.

ASHCROFT (AND OTHERS) AMENDMENT NO. 224

Mr. DOMENICI (for Mr. ASHCROFT, Mr. BAUCUS, and Mr. BOND) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE CONGRESS REGARDING SOUTH KOREA'S INTERNATIONAL TRADE PRACTICES ON PORK AND BEEF.

FINDINGS.—The Congress finds that:

Asia is the largest regional export market for America's farmers and ranchers, traditionally purchasing approximately 40 percent of all U.S. agricultural exports;

The Department of Agriculture forecasts that over the next year American agricultural exports to Asian countries will decline by several billion dollars due to the Asian financial crisis;

The United States is the producer of the safest agricultural products from farm to table, customizing goods to meet the needs of customers worldwide, and has established the image and reputation as the world's best provider of agricultural products;

American farmers and ranchers, and more specifically, American pork and beef producers, are dependent on secure, open, and competitive Asian export markets for their products;

United States pork and beef producers not only have faced the adverse effects of depreciated and unstable currencies and lowered demand due to the Asian financial crisis, but also have been confronted with South Korea's pork subsidies and its failures to keep commitments on market access for beef;

It is the policy of the United States to prohibit South Korea from using United States and International Monetary Fund assistance to subsidize targeted industries and compete unfairly for market share against U.S. products;

The South Korean Government has been subsidizing its pork exports to Japan, resulting in a 973 percent increase in its exports to Japan since 1992, and a 71 percent increase in the last year;

Pork already comprises 70 percent of South Korea's agriculture exports to Japan, yet the South Korean Government has announced plans to invest 100,000,000,000 won in its agricultural sector in order to flood the Japanese market with even more South Korean pork;

The South Korean Ministry of Agriculture and Fisheries reportedly has earmarked 25,000,000,000 won for loans to Korea's pork processors in order for them to purchase more Korean pork and to increase exports to Japan;

Any export subsidies on pork, including those on exports from South Korea to Japan, would violate South Korea's international trade agreements and may be actionable under the World Trade Organization;

South Korea's subsidiaries are hindering U.S. pork and beef producers from capturing their full potential in the Japanese market, which is the largest export market for U.S. pork and beef, importing nearly $700,000,000 of U.S. pork and over $1,500,000,000 of U.S. beef last year alone;

Under the United States-Korea 1993 Record of Understanding on Market Access for Beef, which was negotiated pursuant to a 1989 GATT Panel decision against Korea, South Korea was allowed to delay full liberalization of its beef market (in an exception to WTO rules) if it would agree to import increasing minimum quantities of beef each year until the year 2001;

South Korea fell woefully short of its beef market access commitment for 1998; and,

United States pork and beef producers are not able to compete fairly with Korean livestock producers, who have a high cost of production, because South Korea has violated trade agreements and implemented protectionist policies: Now, therefore, be it

It is the sense of the Congress that Congress:

(1) Believes strongly that while a stable global marketplace is in the best interest of America's farmers and ranchers, the United States should seek a mutually beneficial relationship without hindering the competitiveness of American agriculture;

(2) Calls on South Korea to abide by its trade commitments;

(3) Calls on the Secretary of the Treasury to instruct the United States Executive Director of the International Monetary Fund to promote vigorously policies that encourage the opening of markets for beef and pork products by requiring South Korea to abide by its existing international trade commitments and to reduce trade barriers, tariffs, and export subsidies;

(4) Calls on the President and the Secretaries of Treasury and Agriculture to monitor and report to Congress that resources will not be used to stabilize the South Korean market at the expense of U.S. agricultural goods or services; and

(5) Requests the United States Trade Representative and the U.S. Department of Agriculture to pursue the settlement of disputes with the Government of South Korea on its failure to abide by its international trade commitments on beef market access, to consider whether Korea's reported plans for subsidizing its pork industry would violate any of its international trade commitments, and to determine what impact Korea's subsidy plans would have on U.S. agricultural interests, especially in Japan.

SHELBY (AND DOMENICI) AMENDMENT NO. 225

Mr. DOMENICI (for Mr. SHELBY for himself and Mr. DOMENICI) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

At the end of title III, add the following:

SEC. ___. SENSE OF THE SENATE ON TRANSPORTATION FIREWALLS.

(a) FINDINGS.—The Senate finds that—

(1) domestic firewalls greatly limit funding flexibility as Congress manages budget priorities in a fiscally constrained budget;

(2) domestic firewalls inhibit congressional oversight of programs and organizations under such artificial protections;

(3) domestic firewalls mask mandatory spending under the guise of discretionary spending, thereby presenting a distorted picture of overall discretionary spending;

(4) domestic firewalls impede the ability of Congress to react to changing circumstances or to fund other equally important programs;

(5) the Congress implemented ''domestic discretionary budget firewalls'' for approximately 70 percent of function 400 spending in the 105th Congress;

(6) if the aviation firewall proposal circulating in the House of Representatives were to be enacted, over 100 percent of function 400 spending would be firewalled; and

(7) if the aviation firewall proposal circulating in the House of Representatives were to be enacted, drug interdiction activities by the Coast Guard, National Highway Traffic Safety Administration activities, rail safety inspections, Federal support for Amtrak, all National Transportation Safety Board activities, Pipeline and Hazardous materials safety programs, and Coast Guard search and rescue activities would be drastically cut or eliminated from function 400.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that no additional firewalls should be enacted for function 400 transportation activities.

ENZI AMENDMENT NO. 226

Mr. DOMENICI (for Mr. ENZI) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

At the appropriate place, insert:

SEC. 316. . Sense of the Senate on funding existing, effective public health programs before creating new programs.

(a) FINDINGS.—the Senate finds that—

(1) the establishment of new categorical funding programs has led to proposed cuts in the Preventive Health and Health Services Block Grant to states for broad, public health missions;

(2) Preventive Health and Health Services Block Grant dollars fill gaps in the otherwise-categorical funding states and localities receive, funding such major public health threats as cardiovascular disease, injuries, emergency medical services and poor diet, for which there is often no other source of funding;

(3) in 1981, Congress consolidated a number of programs, including certain public health programs, into block grants for the purpose of best advancing the health, economics and well-being of communities across the country;

(4) The Preventive Health and Health Services Block Grant can be used for programs for screening, outreach, health education and laboratory services;

(5) The Preventive Health and Health Services Block Grant gives states the flexibility to determine how funding available for this purpose can be used to meet each state's preventive health priorities;

(6) The establishment of new public health programs that compete for funding with the Preventive Health and Health Services Block Grant could result in the elimination of effective, localized public health program in every state.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution and legislation enacted pursuant to this resolution assume that there shall be a continuation of the level of funding support for existing public health programs, specifically the Prevention Block Grant, prior to the funding of new public health programs.

ABRAHAM (AND OTHERS) AMENDMENT NO. 227

Mr. DOMENICI (for Mr. ABRAHAM for himself and Mr. CRAPO, Mr. HAGEL, Mr. SANTORUM, Mr. INHOFE, and Ms. COLLINS) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

At the appropriate place, insert the following:

SEC. . FINDINGS; SENSE OF CONGRESS ON THE PRESIDENT'S FY 2000 BUDGET PROPOSAL TO TAX ASSOCIATION INVESTMENT INCOME.

(a) The Congress finds that—

(1) The President's fiscal year 2000 federal budget proposal to impose a tax on the interest, dividends, capital gains, rents, and royalties in excess of $10,000 of trade associations and professional societies exempt under sec. 501(c)(6) of the IRC of 1986 represents an unjust and unnecessary penalty on legitimate association activities.

(2) At a time when the government is projecting on-budget surpluses of more than $800,000,000,000 over the next ten years, the President proposes to increase the tax burden on trade and professional association by $1,440,000,000 over the next five years.

(3) The Presidents association tax increase proposal will impose a tremendous burden on thousands of small and mid-sized trade associations and professional societies.

(4) Under the President's association tax increase proposal, most associations with annual operating budgets of as low as $200,000 or more will be taxed on investment income and as many as 70,000 associations nationwide could be affected by this proposal.

(5) Associations rely on this targeted investment income to carry out tax-exempt status related activities, such as training individuals to adapt to the changing workplace, improving industry safety, providing

statistical data, and providing community services.

(6) Keeping investment income free from tax encourages associations to maintain modest surplus funds that cushion against economic and fiscal downturns.

(7) Corporations can increase prices to cover increased costs, while small and medium sized local, regional, and State-based associations do not have such an option, and thus increased costs imposed by the President's association tax increase would reduce resources available for the important standard setting, educational training, and professionalism training performed by association.

(b) It is the sense of Congress that the functional totals in this concurrent resolution on the budget assume that Congress shall reject the President's proposed tax increase on investment income of associations as defined under section 501(c)(6) of the Internal Revenue Code of 1986.

ABRAHAM (AND OTHERS) AMENDMENT NO. 228

Mr. DOMENICI (for Mr. ABRAHAM for himself, Mr. COVERDELL, and Mr. ASHCROFT) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

At the appropriate place, insert the following:

SEC. . FINDINGS; SENSE OF CONGRESS ON THE USE OF FEDERAL FUNDS FOR NEEDLE EXCHANGE PROGRAMS.

(a) The Congress finds that—

(1) Deaths from drug overdoses have increased over five times since 1988.

(2) A Montreal study published in the American Journal of Epidemiology, found that IV addicts who used a needle exchange program were over twice as likely to become infected with HIV as those who did not.

(3) A Vancouver study published in the Journal of AIDS, showed a stunning increase in HIV in drug addicts, from 1 to 2 percent to 23 percent, since that city's needle exchange program was begun in 1988. Deaths from drug overdoses have increased over five times since 1988 and Vancouver now has the highest death rate from heroin in North America.

(4) In November of 1995 the Manhattan Lower East Side Community Board #3 passed a resolution to terminate their needle exchange program due to the fact that ''the community has been inundated with drug dealers, . . . Law-abiding businesses are being abandoned; and much needed law enforcement is being withheld by the police.''

(5) The New York Times Magazine in 1997 reported that one New York City needle exchange program gave out 60 syringes to a single person, little pans to ''cook'' the heroin, instructions on how to inject the drug and a card exempting the user from arrest for possession of drug paraphernalia.

(6) Alcoholism and Drug Abuse Weekly reports that heroin use by American teenagers had doubled in the last five years.

(b) It is the sense of Congress that the functional totals in this concurrent resolution on the budget assume that Congress shall continue the statutory ban on the use of federal funds to implement or support any needle exchange program for drug addicts.

COLLINS (AND GREGG) AMENDMENT NO. 229

Mr. DOMENICI (for Ms. COLLINS for herself and Mr. GREGG) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE CONCERNING FUNDING FOR SPECIAL EDUCATION.

(a) FINDINGS.—Congress makes the following findings:

(1) In the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) (referred to in this resolution as the ''Act''), Congress found that improving educational results for children with disabilities is an essential element of our national policy of ensuring equality of opportunity, full participation, independent living, and economic self-sufficiency for individuals with disabilities.

(2) In the Act, the Secretary of Education is instructed to make grants to States to assist them in providing special education and related services to children with disabilities.

(3) The Act represents a commitment by the Federal Government to fund 40 percent of the average per-pupil expenditure in public elementary and secondary schools in the United States.

(4) The budget submitted by the President for fiscal year 2000 ignores the commitment by the Federal Government under the Act to fund special education and instead proposes the creation of new programs that limit the manner in which States may spend the limited Federal education dollars received.

(5) The budget submitted by the President for fiscal year 2000 fails to increase funding for special education, and leaves States and localities with an enormous unfunded mandate to pay for growing special education costs.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the budgetary levels in this resolution assume that part B of the Individuals with Disabilities Act (20 U.S.C. 1400 et seq.) should be fully funded at the originally promised level before any funds are appropriated for new education programs.

STEVENS AMENDMENT NO. 230

Mr. DOMENICI (for Mr. STEVENS) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

At the end of section 205 of the resolution, add the following:

''(f) EXCEPTION FOR DEFENSE SPENDING.—This section shall not apply to a provision making discretionary appropriations in the defense category.''.

GRAMS (AND OTHERS) AMENDMENT NO. 231

Mr. DOMENICI (for Mr. GRAMS for himself, Mr. ROTH, Mr. COVERDELL, Mr. ABRAHAM, Mr. HAGEL, Mr. BURNS, Mr. MCCAIN, and Mr. CRAIG) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

At the appropriate place, insert:

SEC. ___. SENSE OF SENATE ON PROVIDING TAX RELIEF TO ALL AMERICANS BY RETURNING NON-SOCIAL SECURITY SURPLUS TO TAXPAYERS.

(a) FINDINGS.—The Senate finds the following:

(1) Every cent of Social Security surplus should be reserved to pay Social Security benefits, for Social Security reform, or to pay down the debt held by the public and not be used for other purposes.

(2) Medicare should be fully funded.

(3) Even after safeguarding Social Security and Medicare, a recent Congressional Research Service study found that an average American family will pay $5,307 more in taxes over the next 10 years than the government needs to operate.

(4) The Administration's budget returns none of the excess surplus back to the taxpayers and instead increases net taxes and fees by $96,000,000,000 over 10 years.

(5) The burden of the Administration's tax increases falls disproportionately on low- and middle-income taxpayers. A recent Tax Foundation study found that individuals with incomes of less than $25,000 would bear 38.5 percent of the increased tax burden, while taxpayers with incomes between $25,000 and $50,000 would pay 22.4 percent of the new taxes.

(6) The budget resolution returns most of the non-Social Security surplus to those who worked so hard to produce it by providing $142,000,000,000 in real tax relief over 5 years and almost $800,000,000,000 in tax relief over 10 years.

(7) The budget resolution builds on the following tax relief that Republicans have provided since 1995:

(A) In 1995, Republicans proposed the Balanced Budget Act of 1995 which included tax relief for families, savings and investment incentives, health care-related tax relief, and relief for small business—tax relief that was vetoed by President Clinton.

(B) In 1996, Republicans provided, and the President signed, tax relief for small business and health care-related tax relief.

(C) In 1997, Republicans once again pushed for tax relief in the context of a balanced budget, and this time President Clinton signed into law a $500 per child tax credit, expanded individual retirement accounts and the new Roth IRA, a cut in the capital gains tax rate, education tax relief, and estate tax relief.

(D) In 1998, Republicans (initially opposed by the Administration) pushed for reform of the Internal Revenue Service, and provided tax relief for America's farmers.

(8) Americans deserve further tax relief because they are still overpaying. They deserve a refund. Federal taxes currently consume nearly 21 percent of national income, the highest percentage since World War II. Families are paying more in Federal, State, and local taxes than for food, clothing, and shelter combined.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the levels in this resolution assume that the Senate not only puts a priority on protecting Social Security and Medicare and reducing the Federal debt, but also on middle-class tax relief by returning some of the non-Social Security surplus to those from whom it was taken; and

(2) such middle-class tax relief could include broad-based tax relief, marriage penalty relief, retirement savings incentives, death tax relief, savings and investment incentives, health care-related tax relief, education-related tax relief, and tax simplification proposals.

SNOWE (AND OTHERS) AMENDMENT NO. 232

Mr. DOMENICI (for Ms. SNOWE for herself, Mr. WYDEN, and Mr. SMITH of Oregon) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

On page 53, line 4, after ''may change committee allocations'' insert '', revenue aggregates for legislation that increases taxes on tobacco or tobacco products (only),''.

COVERDELL (AND OTHERS) AMENDMENT NO. 233

Mr. DOMENICI (for Mr. COVERDELL for himself, Mr. INHOFE, and Mr. ENZI) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

At the end of title III, add the following:

SEC. ____. RESTRICTION ON RETROACTIVE INCOME AND ESTATE TAX RATE INCREASES.

(a) PURPOSE.—The Senate declares that it is essential to ensure taxpayers are protected against retroactive income and estate tax rate increases.

(b) POINT OF ORDER.—

(1) IN GENERAL.—It shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report, that includes a retroactive Federal income tax rate increase.

(2) DEFINITION.—In this section—

(A) the term ''Federal income tax rate increase'' means any amendment to subsection (a), (b), (c), (d), or (e) of section 1, or to section 11(b) or 55(b), of the Internal Revenue Code of 1986, that imposes a new percentage as a rate of tax and thereby increases the amount of tax imposed by any such section; and

(B) a Federal income tax rate increase is retroactive if it applies to a period beginning prior to the enactment of the provision.

(c) SUPERMAJORITY WAIVER.—

(1) WAIVER.—The point of order in subsection (b) may be waived or suspended only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEALS.—An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (b).

(d) EFFECTIVE DATE.—This section takes effect on January 1, 1999.

COVERDELL (AND OTHERS) AMENDMENT NO. 234

Mr. DOMENICI (for Mr. COVERDELL for himself, Mr. TORRICELLI, and Mr. ABRAHAM) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

At the end of title III, add the following:

SEC. _____. SENSE OF THE SENATE REGARDING INCENTIVES FOR SMALL SAVERS.

(a) FINDINGS.—The Senate finds that—

(1) in general, the Federal budget will accumulate nearly $800,000,000,000 in non-Social Security surpluses through 2009;

(2) such a level of surplus affords Congress the opportunity to return a portion to the taxpayers in the form of tax relief;

(3) the Federal tax burden is at its highest level in over 50 years;

(4) personal bankruptcy filings reached a record high in 1998 with $40,000,000,000 in debts discharged;

(5) the personal savings rate is at record lows not seen since the Great Depression;

(6) the personal savings rate was 9 percent of income in 1982;

(7) the personal savings rate was 5.7 percent of income in 1992;

(8) the personal savings rate plummeted to 0.5 percent in 1998;

(9) the personal savings rate could plummet to as low as negative 4.5 percent if current trends do not change;

(10) personal saving is important as a means for the American people to prepare for crisis, such as a job loss, health emergency, or some other personal tragedy, or to prepare for retirement;

(11) President Clinton recently acknowledged the low rate of personal savings as a concern;

(12) raising the starting point for the 28 percent personal income tax bracket by $10,000 over 5 years would move 7,000,000 middle-income taxpayers into the lowest income tax bracket;

(13) excluding the first $500 from interest and dividends income, or $250 for singles, would enable 30,000,000 low- and middle-income taxpayers to save tax-free and would translate into approximately $1,000,000,000,000 in savings;

(14) exempting the first $5,000 in capital gains income from capital gains taxation would mean 10,000,000 low- and middle-income taxpayers would no longer pay capital gains tax;

(15) raising the deductible limit for Individual Retirement Account contributions from $2,000 to $3,000, would mean over 5,000,000 taxpayers will be better equipped for retirement; and

(16) tax relief measures to encourage savings and investments for low- and middle-income savers would mean tax relief for nearly 112,000,000 individual taxpayers by—

(A) raising the starting point for the 28 percent personal income tax bracket by $10,000 over 5 years;

(B) excluding from income the first $500 in interest and dividend income ($250 for singles);

(C) exempting from capital gains taxation the first $5,000 in capital gains taxes; and

(D) raising the deductible limit for Individual Retirement Account contributions from $2,000 to $3,000.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this budget resolution and legislation enacted pursuant to this resolution assume that—

(1) Congress will adopt tax relief that provides incentives for savings and investment for low- and middle-income working families that assist in preparing for unexpected emergencies and retirement, such as—

(A) raising the starting point for the 28 percent personal income tax bracket by $10,000 over 5 years;

(B) excluding from income the first $500 in interest and dividend income ($250 for singles);

(C) exempting from capital gains taxation the first $5,000 in capital gains taxes; and

(D) raising the deductible limit for Individual Retirement Account contributions from $2,000 to $3,000; and

(2) tax relief as described in this subsection is fully achievable within the parameters set forth under this budget resolution.

CHAFEE AMENDMENTS NOS. 235–237

Mr. DOMENICI (for Mr. CHAFEE) proposed three amendments to the concurrent resolution, S. Con. Res. 20, supra; as follows:

AMENDMENT NO. 235

On page 3, line 10, increase the amount by $3,717,000,000.

On page 3, line 11, increase the amount by $26,559,000,000.

On page 3, line 12, increase the amount by $16,152,000,000.

On page 3, line 13, increase the amount by $24,590,000,000.

On page 3, line 14, increase the amount by $31,319,000,000.

On page 3, line 15, increase the amount by $54,638,000,000.

On page 3, line 16, increase the amount by $67,877,000,000.

On page 3, line 17, increase the amount by $75,346,000,000.

On page 3, line 18, increase the amount by $88,598,000,000.

On page 4, line 5, increase the amount by $3,717,000,000.

On page 4, line 6, increase the amount by $26,559,000,000.

On page 4, line 7, increase the amount by $16,152,000,000.

On page 4, line 8, increase the amount by $24,590,000,000.

On page 4, line 9, increase the amount by $31,319,000,000.

On page 4, line 10, increase the amount by $54,638,000,000.

On page 4, line 11, increase the amount by $67,877,000,000.

On page 4, line 12, increase the amount by $75,346,000,000.

On page 4, line 13, increase the amount by $88,598,000,000.

On page 4, line 18, decrease the amount by $83,000,000.

On page 4, line 19, decrease the amount by $783,000,000.

On page 4, line 20, decrease the amount by $1,946,000,000.

On page 4, line 21, decrease the amount by $3,057,000,000.

On page 4, line 22, decrease the amount by $4,616,,000,000.

On page 4, line 23, decrease the amount by $6,699,000,000.

On page 4, line 24, decrease the amount by $10,401,000,000.

On page 4, line 25, decrease the amount by $14,557,000,000.

On page 5, line 1, decrease the amount by $19,436,000,000.

On page 5, line 6, decrease the amount by $83,000,000.

On page 5, line 7, decrease the amount by $783,000,000.

On page 5, line 8, decrease the amount by $1,946,000,000.

On page 5, line 9, decrease the amount by $3,057,000,000.

On page 5, line 10, decrease the amount by $4,616,000,000.

On page 5, line 11, decrease the amount by $6,966,000,000.

On page 5, line 12, decrease the amount by $10,401,000,000.

On page 5, line 13, decrease the amount by $14,557,000,000.

On page 5, line 14, decrease the amount by $19,436,000,000.

On page 5, line 19, increase the amount by $3,800,000,000.

On page 5, line 20, increase the amount by $27,342,000,000.

On page 5, line 21, increase the amount by $18,098,000,000.

On page 5, line 22, increase the amount by $27,647,000,000.

On page 5, line 23, increase the amount by $35,935,000,000.

On page 5, line 24, increase the amount by $61,604,000,000.

On page 5, line 25, increase the amount by $78,278,000,000.

On page 6, line 1, increase the amount by $89,903,000,000.

On page 6, line 2, increase the amount by $108,034,000,000.

On page 6, line 6, decrease the amount by $3,800,000,000.

On page 6, line 7, decrease the amount by $31,142,000,000.

On page 6, line 8, decrease the amount by $49,240,000,000.

On page 6, line 9, decrease the amount by $76,887,000,000.

On page 6, line 10, decrease the amount by $112,822,000,000.

On page 6, line 11, decrease the amount by $174,426,000,000.

On page 6, line 12, decrease the amount by $252,704,000,000.

On page 6, line 13, decrease the amount by $342,607,000,000.

On page 6, line 14, decrease the amount by $450,641,000,000.

On page 6, line 18, decrease the amount by $3,800,000,000.

On page 6, line 19, decrease the amount by $31,142,000,000.

On page 6, line 20, decrease the amount by $49,240,000,000.

On page 6, line 21, decrease the amount by $76,887,000,000.

On page 6, line 22, decrease the amount by $112,822,000,000.

On page 6, line 23, decrease the amount by $174,426,000,000.

On page 6, line 24, decrease the amount by $252,704,000,000.

On page 6, line 25, decrease the amount by $342,607,000,000.

On page 7, line 1, decrease the amount by $450,641,000,000.

On page 37, line 2, decrease the amount by $83,000,000.

On page 37, line 3, decrease the amount by $83,000,000.

On page 37, line 6, decrease the amount by $783,000,000.

On page 37, line 7, decrease the amount by $783,000,000.

On page 37, line 10, decrease the amount by $1,946,000,000.

On page 37, line 11, decrease the amount by $1,946,000,000.

On page 37, line 14, decrease the amount by $3,057,000,000.

On page 37, line 15, decrease the amount by $3,057,000,000.

On page 37, line 18, decrease the amount by $4,616,000,000.

On page 37, line 19, decrease the amount by $4,616,000,000.

On page 37, line 22, decrease the amount by $6,966,000,000.

On page 37, line 23, decrease the amount by $6,966,000,000.

On page 38, line 2, decrease the amount by $10,401,000,000.

On page 38, line 3, decrease the amount by $10,401,000,000.

On page 38, line 6, decrease the amount by $14,557,000,000.

On page 38, line 7, decrease the amount by $14,557,000,000.

On page 38, line 10, decrease the amount by $19,436,000,000.

On page 38, line 11, decrease the amount by $19,436,000,000.

On page 42, line 2, strike the amount and insert ''$71,016,000,000''.

On page 42, line 4, strike the amount and insert ''$388,791,000,000''.

On page 42, line 16, strike the amount and insert ''$71,016,000,000''.

On page 42, line 18, strike the amount and insert ''$388,791,000,000''.

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE ON THE IMPORTANCE OF SOCIAL SECURITY FOR INDIVIDUALS WHO BECOME DISABLED.

(a) FINDINGS.—The Senate finds that—

(1) in addition to providing retirement income, Social Security also protects individuals from the loss of income due to disability;

(2) according to the most recent report from the Social Security Board of Trustees nearly 1 in 7 Social Security beneficiaries, 6,000,000 individuals in total, were receiving benefits as a result of disability;

(3) more than 60 percent of workers have no long-term disability insurance protection other than that provided by Social Security;

(4) according to statistics from the Society of Actuaries, the odds of a long-term disability versus death are 2.7 to 1 at age 27, 3.5 to 1 at age 42, and 2.2 to 1 at age 52; and

(5) in 1998, the average monthly benefit for a disabled worker was $722.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that levels in the resolution assume that—

(1) Social Security plays a vital role in providing adequate income for individuals who become disabled;

(2) individuals who become disabled face circumstances much different than those who rely on Social Security for retirement income;

(3) Social Security reform proposals that focus too heavily on retirement income may adversely affect the income protection provided to individuals with disabilities; and

(4) Congress and the President should take these factors into account when considering proposals to reform the Social Security program.

CHAFEE (AND OTHERS) AMENDMENT NO. 238

Mr. DOMENICI (for Mr. CHAFEE for himself, Mr. SMITH of New Hampshire, Mr. LEAHY, Mr. FEINGOLD, Mr. JEFFORDS, Mr. MOYNIHAN, Mr. ROTH, Mr. ALLARD, Ms. COLLINS, and Ms. SNOWE) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

On page 15, line 8, increase the amount by $200,000,000.

On page 15, line 9, increase the amount by $200,000,000.

On page 18, line 15, decrease the amount by $200,000,000.

On page 18, line 16, decrease the amount by $200,000,000.

At the end of title III, add the following:

SEC. 3___. SENSE OF THE SENATE CONCERNING FUNDING FOR THE LAND AND WATER CONSERVATION FUND.

(a) FINDINGS.—The Senate finds that—

(1) amounts in the land and water conservation fund finance the primary Federal program for acquiring land for conservation and recreation and for supporting State and local efforts for conservation and recreation;

(2) Congress has appropriated only $10,000,000,000 out of the more than $21,000,000,000 covered into the fund from revenues payable to the United States under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.); and

(3) 38 Senators cosigned 2 letters to the Chairman and Ranking Member of the Committee on the Budget urging that the land and water conservation fund be fully funded.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution and legislation enacted pursuant to this resolution assume that Congress should appropriate $200,000,000 for fiscal year 2000 to provide financial assistance to the States under section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C 460*l*–8), in addition to such amounts as are made available for Federal land acquisition under that Act for fiscal year 2000.

ASHCROFT AMENDMENT NO. 239

Mr. DOMENICI (for Mr. ASHCROFT) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE THAT THE SOCIAL SECURITY TRUST FUND SHALL BE MANAGED IN THE BEST INTEREST OF CURRENT AND FUTURE BENEFICIARIES.

It is the sense of the Senate that the Social Security Trust Fund surplus shall be invested in interest-bearing obligations of the United States in a manner consistent with the best interest of, and payment of benefits to, current and future Social Security beneficiaries.

ASHCROFT AMENDMENT NO. 240

Mr. DOMENICI (for Mr. ASHCROFT) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE CONCERNING FEDERAL TAX RELIEF.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Congressional Budget Office has reported that payroll taxes will exceed income taxes for 74 percent of all taxpayers in 1999.

(2) The federal government will collect nearly $50 billion in income taxes this year through its practice of taxing the income Americans sacrifice to the government in the form of social security payroll taxes.

(3) American taxpayers are currently shouldering the heaviest tax burden since 1944.

(4) According to the non-partisan Tax Foundation, the median dual-income family sacrificed a record 37.6 percent of its income to the government in 1997.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying the functional totals in this resolution assume that a significant portion of the tax relief will be devoted to working families who are double-taxed by—

(1) providing taxpayers with an above-the-line income tax deduction for the social security payroll taxes they pay so that they no longer pay income taxes on such payroll taxes, and/or

(2) gradually reducing the lowest marginal income tax rate from 15 percent to 10 percent, and/or

(3) other tax reductions that do not reduce the tax revenue devoted to the social security trust fund.

GRASSLEY AMENDMENT NO. 241

Mr. DOMENICI (for Mr. GRASSLEY) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

At the appropriate place, insert:

SENSE OF THE SENATE REGARDING THE CLOSURE OF HOWARD AIR FORCE BASE AND REPOSITIONING OF ASSETS AND OPERATIONAL CAPABILITIES IN FORWARD OPERATING LOCATIONS.

(A) FINDINGS.—The Senate finds the following—

(1) at noon on the last day of 1999, the Panama Canal and its adjacent lands will revert from U.S. control to that of the government of Panama, as prescribed by the Cater-Torrijos treaties concluded in 1978.

(2) with this act, nearly ninety years of American presence in the Central American isthmus will come to an end.

(3) on September 25, 1998, the United States and Panama announced that talks aimed at establishing a Multinational Counter-narcotics Center (MCC) were ended through mutual agreement. The two countries had been engaged in discussions for two years.

(4) plans to meet the deadline are going forward and the U.S. is withdrawing all forces and proceeding with the return of all military installations to Panamanian control.

(5) Howard Air Force Base is scheduled to return to Panamanian control by May 1, 1999. Howard AFB provides a secure staging for detection, monitoring and intelligence collecting assets on counter-narcotics drug trafficking. Howard Air Force Base was the proposed location for the Multinational Counter-narcotics Center.

(6) AWACS (E–3) aircraft used for counter-drug surveillance is scheduled for relocation from Howard AFB to MacDill AFB in April. The E3's are scheduled to resume this mission in May from MacDill.

(7) USSOUTHCOM and the Department of State have been examining the potential for

alternative forward operating locations (FOLs). A potential location would require the operational capacity to house E–3 AWACS KC–135 tankers, Night Hawk F–16s/F–15s, Navy P–3s, U.S. Customs P–3s and Citations, Army Airborne Reconnaissance Low, and Senior Scout C–130s. No agreement has been reached regarding the number of FOLs required, cost of relocating these assets, time to build ensuing facilities, or plans for housing these assets for long-term stays.

(B) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions of this resolution assume that—

(1) the United States is obligated to protect its citizens from the threats posed by illegal drugs crossing our borders. Interdiction in the transit and arrival zones disrupt the drug flow, increases risk to traffickers, drives them to less efficient routes and methods, and prevents significant amounts of drugs from reaching the United States.

(2) there has been an inordinate delay in identifying and securing appropriate alternate sites.

(3) the Senate must pursue every effort to explore, urge the President to arrange long-term agreements with countries that support reducing the flow of drugs, and fully fund forward operating locations so that we continue our balanced strategy of attacking drug smugglers before their deadly cargos reach our borders.

ASHCROFT (AND OTHERS) AMENDMENT NO. 242

Mr. DOMENICI (for Mr. ASHCROFT for himself, Mr. SESSIONS, Mr. GORTON, Mr. ABRAHAM, Mr. BOND, Mr. GREGG, and Mr. HELMS) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

On page 73, after line 10, insert the following:

(c) ADDITIONAL FINDINGS.—Congress makes the following findings:

(1) Children should be the primary beneficiaries of education spending, not bureaucrats.

(2) Parents have the primary responsibility for their children's education. Parents are the first and best educators of their children. Our Nation trusts parents along with teachers and State and local school officials to make the best decisions about the education of our Nation's children.

(3) Congress supports the goal of ensuring that the maximum amount of Federal education dollars are spent directly in the classrooms.

(4) Education initiatives should boost academic achievement for all students. Excellence in American classrooms means having high expectations for all students, teachers, and administrators, and holding schools accountable to the children and parents served by such schools.

(5) Successful schools and school systems are characterized by parental involvement in the education of their children, local control, emphasis on basic academics, emphasis on fundamental skills, and exceptional teachers in the classroom.

(6) Congress rejects a one-size-fits-all approach to education which often creates barriers to innovation and reform initiatives at the local level. America's rural schools face challenges quite different from their urban counterparts. Parents, teachers, and State and local school officials should have the freedom to tailor their education plans and reforms according to the unique educational needs of their children.

(7) The funding levels in this resolution assume that Congress will provide an additional $2,800,000,000 for fiscal year 2000 and an additional $33,000,000,000 for the period beginning with fiscal year 2000 and ending with fiscal year 2005 for elementary and secondary education.

(d) ADDITIONAL SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that—

(1) increased Federal funding for elementary and secondary education should be directed to States and local school districts; and

(2) decisionmaking authority should be placed in the hands of States, localities, and families to implement innovative solutions to local educational challenges and to increase the performance of all students, unencumbered by unnecessary Federal rules and regulations.

HUTCHISON AMENDMENT NO. 243

Mr. DOMENICI (for Mrs. HUTCHISON) proposed an amendment to the concurrent resolution, S. Con, Res. 20, supra; as follows:

At the appropriate place, insert:

It is the sense of the Senate that a task force be created for the purpose creating a reserve fund for natural disasters. The Task Force should be composed of three Senators appointed by the majority leader, and two Senators appointed by the minority leader. The task force should also be composed of three members appointed by the Speaker of the House, and two members appointed by minority leader in the House.

It is the sense of the Senate that the task force make a report to the appropriate committees in Congress within 90 days of being convened. The report should be available for the purposes of consideration during comprehensive overhaul of budget procedures

MOYNIHAN AMENDMENT NO. 244

Mr. DOMENICI (for Mr. MOYNIHAN) proposed an amendment to the concurrent resolution, S. Con. Res. 20, supra; as follows:

On page 71, strike lines 3 through 7.

NOTICES OF HEARINGS

COMMITTEE ON SMALL BUSINESS

Mr. BOND. Mr. President, I wish to announce that the Committee on Small Business will hold a hearing entitled ''Buried Alive: Small Business Consumed by Tax Filing Burdens.'' The hearing will be held on Monday, April 12, 1999, beginning at 1:00 p.m. in room 428A of the Russell Senate Office Building.

The hearing will be broadcast live on the Internet from our homepage address http://www.senate.gov/sbc

For further information, please contact Mark Warren at 224–5175.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Full Committee on Energy and Natural Resources. The purpose of this hearing is to receive testimony on S. 501, a bill to address resource management issues in Glacier Bay National Park, Alaska; S. 698, a bill to review the suitability and feasibility of recovering costs of high altitude rescues at Denali National Park and Preserve in Alaska, and for other purposes; S. 711, to allow for the investment of joint Federal and State funds from the civil settlement of damages from the *Exxon Valdez* oil spill, and for other purposes; and two bills I will be introducing today, a bill to improve Native hiring and contracting by the Federal Government within the State of Alaska, and for other purposes; and bill to provide for the continuation of higher education through the conveyance of certain lands in the State of Alaska to the University of Alaska, and for other purposes.

The hearing will take place on Thursday, April 15, 1999 at 9:30 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD–364, Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Jim O'Toole or Shawn Taylor of the committee staff at (202) 224–6969.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources. The purpose of this hearing is to receive testimony on S. 109, a bill to improve protection and management of the Chattahoochee River National Recreation Area in the State of Georgia; S. 340, a bill to amend the Cache La Poudre River Corridor Act to make technical corrections, and for other purposes; S. 582, a bill to authorize the Secretary of the Interior to enter into an arrangement for the construction and operation of the Gateway Visitor Center at Independence National Historical Park; S. 589, a bill to require the National Park Service to undertake a study of the Loess Hills Area in western Iowa to review options for the protection and interpretation of the area's natural, cultural, and historical resources; S. 591, a bill to authorize a feasibility study for the preservation of the Loess Hills in western Iowa; and H.R. 149, a bill 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.

The hearing will take place on Thursday, April 15, 1999 at 2:00 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two

copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD–364 Dirksen Senate Office Building, Washington, DC 20510—6150.

For further information, please contact Jim O'Toole or Shawn Taylor of the committee staff at (202) 224–6969.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources. The purpose of this hearing is to receive testimony on S. 441, a bill 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; S. 548, a bill to establish the Fallen Timbers Battlefield and Fort Miamis National Historical Site in the State of Ohio; S. 581, a bill to protect the Paoli and Brandywine Battlefields in Pennsylvania, to authorize a Valley Forge Museum of the American Revolution at Valley Forge National Historical Park, and for other purposes; and S. 700, a bill to amend the National Trails System Act to designate the Ala Kahakai Trail as a National Historic Trail.

The hearing will take place on Thursday, April 22, 1999 at 2:00 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD–364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Jim O'Toole or Shawn Taylor of the committee staff at (202) 224–6969.

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION, AND RECREATION AND THE SUBCOMMITTEE ON INTERIOR APPROPRIATIONS

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that a joint oversight hearing has been scheduled before the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources and the Subcommittee on Interior Appropriations of the Appropriations Committee. The purpose of this hearing is to review the report of the Government Accounting Office on the Everglades National Park Restoration Project.

The hearing will take place on Thursday, April 29, 1999 at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD–364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Jim O'Toole or Shawn Taylor of the committee staff at (202) 224–6969.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on March 25, 1999, to conduct a hearing on ''Bankruptcy Reform: Financial Services Issues.''

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, March 25, for purposes of conducting a full committee hearing which is scheduled to begin at 9:30 a.m. The purpose of this oversight hearing is to receive testimony on the economic impacts of the Kyoto Protocol to the Framework Convention on Climate Change.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, March 25, 1999 at 10:00 am to hold a hearing.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. DOMENICI. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia to meet on Thursday, March 25, 1999, at 10:00 a.m. for a hearing on Multiple Program Coordination in Early Childhood Education.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcommittee on Public Health, be authorized to meet for a hearing on Bioterrorism during the session of the Senate on Thursday, March 25, 1999, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered

COMMITTEE ON THE JUDICIARY

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on the Judiciary, be authorized to hold an Executive business meeting during the session of the Senate on Thursday, March 25, 1999, at 10:00 a.m. in Room 226 of the Senate Dirksen Office Building.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, March 25, 1999 at 2:00 p.m. to hold a closed hearing on Intelligence matters.

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

SPECIAL COMMITTEE ON THE YEAR 2000 TECHNOLOGY PROBLEM

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Special Committee on the Year 2000 Technology Problem be permitted to meet on March 25, 1999 at 2:00 p.m. for the purpose of conducting a hearing.

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

SUBCOMMITTEE ON AVIATION

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Aviation Subcommittee on the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, March 25, 1999, at 10:00 a.m. on Air Traffic Control Modernization in Room SR–253 in the Russell Senate Office Building.

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

SUBCOMMITTEE ON COMMUNICATIONS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Communications Subcommittee on the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, March 25, 1999, at 2:00 p.m. on Satellite Reform in Room SR–253 in the Russell Senate Office Building.

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

SUMBOMMITTEE ON HOUSING AND TRANSPORTATION

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on Housing and Transportation of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on March 25, 1999, to conduct a hearing on ''Challenges Facing the FHA Single Family Insurance Fund.''

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

SUBCOMMITTEE ON SURFACE TRANSPORTATION/ MERCHANT MARINE

Mr. DOMENICI. Mr. President, I ask unanimous consent that the surface Transportation/Merchant Marine Subcommittee of the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, March 25, 1999, at 10:00 A.M. on grade crossing safety in room SD–106.

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

SUBCOMMITTEE ON YOUTH VIOLENCE

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on Youth Violence, of the Senate Judiciary Committee, be authorized to meet during the session of the Senate on Thursday, March 25, 1999 at 2:00 P.M. to hold a hearing in room 226, of the Senate Dirksen Office Building on: ''The President's FY2000 OJP Budget: Undercutting Local Law Enforcement in the 21st Century.''

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

ADDITIONAL STATEMENTS

DISASTER MITIGATION PILOT PROGRAM

• Mr. BOND. Mr. President, for the second time in less than a year, the Senate is considering legislation to establish a pilot disaster mitigation loan program at the Small Business Administration (SBA). Last year, the Committee on Small Business voted unanimously to include a proposal to establish a disaster mitigation pilot program introduced by my colleague from Georgia, Senator CLELAND, as an amendment to H.R. 3412, the ''Year 2000 Readiness and Small Business Programs Restructuring and Reform Act of 1998.'' H.R. 3412 passed the Senate on September 30, 1998; however, the House of Representatives was not able to consider the bill before Congress adjourned last fall.

As the Chairman of Appropriations Subcommittee on VA, HUD and Independent Agencies, I have been concerned about our Nation's disaster relief program. I have worked at length with FEMA Director Witt and other Administration officials over the past several years to address the escalating costs of disaster relief and the need to tighten up this program. Since 1989, we have spent $25 billion on FEMA disaster relief, and there remains more than $2.6 billion in anticipated costs associated with open disasters. Much work needs to be accomplished to tighten the criteria for declaring disasters and eligibility for disaster relief funding, as well as stronger insurance requirements, so that we can bring these ever-escalating costs under control.

One way to mitigate against future disaster losses is to undertake preventive measures. Preventive measures to mitigate against future disaster losses, rather than the current strategy of response and recovery, could save as much as 50 percent of projected disaster relief loan costs.

S. 388 would create the Disaster Mitigation Pilot Program, which will permit SBA to establish a pilot program using up to $15 million of disaster loans annually from FY 2000–2004 to provide small businesses located in disaster prone areas with low interest, long-term disaster loans to finance preventive measures to mitigate against future disaster losses. The pilot program would operate in disaster prone areas designated by the Federal Emergency Management Agency (FEMA). FEMA has launched ''Project Impact,'' which emphasizes emergency preparedness, in response to the problem of increased costs and personal devastation caused by repeated natural disasters. I continue to have concerns about the criteria under Project Impact and urge FEMA to work to strengthen the criteria. I expect that SBA will develop the appropriate criteria for this new loan program that is consistent with FEMA's efforts to make improvements in this area. In the end, I do not believe we should have a proliferation of independent mitigation programs housed in numerous Federal agencies, and we should be working to develop a cohesive national strategy to deliver disaster relief assistance.

Under current law, SBA disaster loans may be used for mitigation purposes only to the extent that includes repairing or replacing existing protective devices that are destroyed or damaged in an area that has recently suffered a natural disaster. In addition, up to 20 percent of the disaster loan amount may be used to install new mitigation devices that will prevent future damage. Under S. 388, the Disaster Mitigation Pilot Program, a small business borrower would be allowed to use 100 percent of an SBA disaster loan for disaster mitigation purposes within an area designated by FEMA.

Mr. President, S. 388, the Disaster Mitigation Pilot Program, makes sense. It is a worthy program that needs to be tested, and I urge my colleagues to vote in favor of this bill.•

OPEN-MARKET REORGANIZATION FOR THE BETTERMENT OF INTERNATIONAL TELECOMMUNICATIONS ACT

• Mr. ROCKEFELLER. Mr. President, I rise to comment on the issue of international satellite reform. First I want to thank Senator BURNS for holding this important hearing. International satellite reform is critical to consumers across the United States.

Yesterday I agreed to become a cosponsor of this bill—along with Senators BURNS, MCCAIN, BRYAN, BROWNBACK, CLELAND, FRIST and DORGAN. I support Senator BURNS' bill because I believe that it is in the consumer interest to have a private INTELSAT. Such a competitive entity will lead to lower prices, better service, and more efficiency across the globe.

Additionally, removing ownership restrictions on COMSAT will help to bring new services to American consumers. I believe that broadband satellite services will play a very important role in West Virginia's future, and this bill will lead to further deployment of these services by lifting the ownership restriction on COMSAT. I am excited by the possibility of a new competitor in domestic satellite services, and the resulting advances in these satellite services. Our mountainous terrain and the high cost of providing traditional telecommunications services make satellite services particularly important to West Virginia.

Furthermore, INTELSAT has a history of serving all parts of the world at reasonable prices. We have an interest in making sure that developing nations are part of the global information infrastructure. I will work to make sure that this bill will allow a privatized INTELSAT to continue to serve these areas at reasonable prices.

I must state, however, that while I support this bill, we are still in the middle of the legislative process. I am eager to continue working with Senators HOLLINGS, BREAUX, and other Senators who are working on important ideas with great promise. I want to stress that while I agree that this bill is the right platform for international satellite reform, I intend to keep working hard on this issue.•

NATIONAL INHALANTS AND POISONS AWARENESS WEEK

• Mr. GRAMS. Mr. President, I rise today to express my support for increasing public awareness about the dangers of inhalant abuse. I am proud to be a cosponsor of S. Res. 47, recently passed by the Senate, which designates this week as ''National Inhalants and Poisons Awareness Week.''

Our nation's drug control policy correctly places emphasis upon finding solutions for combating the illegal sale, manufacture and trafficking of well-known abused substances such as cocaine and methamphetamine. However, I believe Congress and the President should do more to focus attention on an emerging but equally dangerous threat—inhalant abuse.

As my colleagues may know, inhalant abuse is the intentional breathing of gas or vapors for the purpose of reaching a high. Most people are familiar with common household products such as furniture polish, paint thinner, glue, felt tip markers, and deodorants. However, many families are not aware of how misuse of these inhalants by children can result in sickness or death.

Far too often, these inhalants have caused heart, brain, and liver damage in thousands of children across the country. Sadly, many children have died as a result of inhalant abuse, a condition known as Sudden Sniffing Death Syndrome. In 1990, four young people in my home state of Minnesota died in separate incidents after experimenting with inhalants. Continued misuse of these products may also lead to additional illicit drug use.

Additionally, the National Institute on Drug Abuse reported in 1996 that one in five American teenagers have used inhalants to get high. Over the

last few years, our nation has witnessed an increase in new inhalant abusers from 382,000 in 1991 to an estimated 805,000 in 1996. In my view, these troubling trends can be reversed by educating the public about the dangers of this abuse and encouraging communities to develop effective treatment and prevention programs.

In my view, greater awareness of inhalant abuse can best be achieved through passage of S. 609, legislation introduced by Senator FRANK MURKOWSKI that would amend the Safe and Drug Free Schools and Communities Act of 1994 to include inhalant abuse among the Act's definition of ''substance abuse.'' Passage of this bill will give Minnesota and other states the opportunity to develop federally-funded inhalant abuse prevention and education programs. Importantly, these programs will be based on the active involvement of parents, teachers and local communities. I am proud to be a cosponsor of this legislation which is an important element of our war on drugs.

Mr. President, the federal government should not regulate the sale of these legal and inexpensive products which are found in almost every household. Instead, communities, parents and teachers should be encouraged to develop local solutions to this problem. A united effort toward this epidemic will help the United States make significant progress in our fight against drug abuse.●

SPRINGTIME

● Mrs. BOXER. Mr. President, I rise to salute the Springtime and the birth of Caroline Byrd Fatemi, great-granddaughter of the distinguished Senator from West Virginia.

Last week, Senator BYRD took the floor to bring us glad tidings of spring and of Caroline's birth. Today, before we fly to the four corners of America, I would like to salute our beloved colleague and his progeny.

Time and again, Senator BYRD has graced this chamber with the lessons of history and the sweet music of poetry. Last week he ushered in Springtime with a stanza from Algernon Charles Swinburne. Let me quote the same poet to welcome Caroline to the world:

Where shall we find her, how shall we sing to her,
Fold our hands round her knees, and cling?
O that man's heart were as fire and could spring to her,
Fire, or the strength of the streams that spring!

For the stars and the winds are unto her
As raiment, as songs of the harp-player;
For the risen stars and the fallen cling to her,
And the south-west wind and the west-wind sing.

For winter's rains and ruins are over,
And all the season of snows and sins;
The days dividing lover and lover,
The light that loses, the night that wins;
And time remember'd is grief forgotten,
And frosts are slain and flowers begotten,
And in green underwood and cover
Blossom by blossom the Spring begins.

Mr. President, the link between the elder BYRD and the younger symbolizes for me what our job here is all about: Looking forward every day, every month, every year to the eternal Spring that is America—and keeping faith with every generation of American.

Whether we are working to improve education or save Social Security, we who are privileged to serve in the United States Senate can, by our actions, strengthen the bonds that unite our nation from generation to generation.

As we strive to make the world a better place for Caroline and every child of her generation, let us follow the advice in Laurence Binyon's poem ''O World, be Nobler''—

O World, be nobler, for her sake!
If she but knew thee what thou art,
What wrongs are borne, what deeds are done
In thee, beneath thy daily sun,
Know'st thou not that her tender heart
For pain and very shame would break?
O world, be nobler, for her sake!●

''BEST GRADUATE SCHOOLS'' IN THE NATION

● Mr. FRIST. Mr. President, when East Tennessee State University opened its doors in 1911, it had 29 students and one primary mission: the education of future teachers. A lot has changed in 85 years.

While teacher preparation is still a crucial part of its mission, ETSU today consists of nine schools and colleges that offer over 125 different programs of study to more than 12,000 students every year—including some fairly unique offerings such as its one-of-a-kind master's degree in reading and storytelling, and the only bluegrass and country music program offered at a four-year institution.

Over the last two decades, there has been an increasing emphasis on the health sciences at ETSU—an emphasis that began in 1974 with the establishment of the James H. Quillen College of Medicine which was created to help alleviate a critical shortage of primary care physicians in East Tennessee.

Mr. President, this year the Quillen College of Medicine celebrates its 25th anniversary. But that proud accomplishment, although noteworthy, is not the basis for my remarks this morning. Rather, I rise to commend its recent listing in U.S. News and World Report as one of the ''Best Graduate Schools'' in the Nation—a ranking well-deserved and well-earned.

According to the magazine, Quillen College earned the distinction of placing third among all the schools in the Nation for its programs in rural medicine. Last year, it placed sixth in the same category.

I also rise, Mr. President, to commend the ETSU College of Nursing—which was also ranked among the Nation's best. And, like Quillen College, this is also the second year in a row it was so honored.

Both these schools, Mr. President, embrace the values of the people of Tennessee. Both are community oriented, both provide a valuable resource to local citizens and businesses, and both are making valuable and needed contributions to the practice and the quality of medicine.

My heartiest congratulations to the entire staff, faculty, students and alumni of both East Tennessee State University School of Nursing and the James H. Quillen College of Medicine for their splendid accomplishment.●

ANNIVERSARY OF GREEK INDEPENDENCE

● Mr. REED. Mr. President, today we celebrate the 178th Anniversary of the revolution that won Greece's independence from the Ottoman Empire. I am proud to join with forty-nine of my colleagues in sponsoring Senate Resolution 20 which designates today ''Greek Independence Day: A National Day of Celebration of Greek and American Democracy.''

The Greeks have been members of the community in Rhode Island for over one hundred years. Over 6,000 residents of the state claimed Greek heritage in the last Census. When the Greeks first came to the New England, they worked in factories and on the waterfront. The descendants of these first immigrants continue to prosper and enrich the Northeast and the rest of the country through their contributions to banking, medicine, the tourism industry, and the arts.

Edith Hamilton praised Greeks in this quote, ''to rejoice in life, to find the world beautiful and delightful to live in, was a mark of the Greek spirit which distinguished it from all that had gone before. It is a vital distinction.''

I have been grateful for this spirit, energy, and support in the Rhode Island Greek community, and, for a very long time, I wished to visit Greece and Cyprus. This summer, I finally had that opportunity. On my trip, I had the pleasure of meeting Ambassador Burns and the U.S. Ambassador to Cyprus, Kenneth Brill. I also met and had candid conversations with Greece's Minister of Foreign Affairs and the Greek Defense Minister. In addition, I had the chance to tour the Green Line in Cyprus and speak with Dame Ann Hercus, the newly appointed Chief of the United Nations mission and General De Vagera, the force commander.

During my visit, I was impressed by the beauty of these countries and the hospitality of the people of Cyprus and Greece. However, I was also overwhelmed by the consequences of Turkey's 1974 invasion of Cyprus. The division of the island saps the economic vitality of a region rich in resources. The inability to move goods, people, or services between the two parts of the island stymies growth.

We must continue to work to resolve the Cyprus problem and reduce the tensions that exist between Greece and Turkey. When I was a member of the House of Representatives, I cosponsored numerous legislative initiatives to this end, and I will continue to advocate for such solutions as a Senator.

For today, let us celebrate the anniversary of Greek Independence, the richness of the Greek heritage and legacy of democracy that country gave to the world.●

TRIBUTE TO CONTOOCOOK VALLEY REGIONAL HIGH SCHOOL

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Contoocook Valley Regional High School for winning the regional competition of the Second Annual Ocean Sciences Bowl. I commend them for their accomplishment.

The regional competition included teams from fifteen other schools in New Hampshire, Vermont and Maine. Their final match, which was held at the University of New Hampshire, was played against high school students from Bridgeton Maine. It was a close call and Contoocook Valley won by the narrow margin of two points!

Contoocook Valley's team consists of five students. The team members are Amber Carter, Megan Cahill, Sonja Fritz, Cissy Courtemanche, and Emily Dark. Jon Manley, science teacher at the Contoocook Valley, is the coach for the team.

The students train very hard every year for this competition. This is the second year in a row that Contoocook Valley Regional High School has won this competition. They will soon be traveling to Washington, D.C. to compete in the nationals.

As a former high school teacher, I appreciate the hard work the students and the coach have dedicated to this team effort. I look forward to their visit to Washington and wish them the best of luck. It is an honor to represent them in the United States Senate.●

RECOGNITION OF THE WAYNE COUNTY MEDICAL SOCIETY

● Mr. LEVIN. Mr. President, I rise today to pay tribute to the Wayne County Medical Society, which is celebrating its sesquicentennial anniversary on April 14, 1999. The Wayne County Medical Society has been an important part of the Metro Detroit community for the past 150 years.

The Wayne County Medical Society was formed in 1849 with 50 physicians, who committed themselves to providing the best quality medical care to the people of Wayne County. The Society has been engaged in many important public health campaigns throughout its history. One of the most notable examples was the Society's massive polio immunization drive of 1964, led by Dr. Francis P. Rhoades, which virtually eliminated the disease from the City of Detroit.

Today, the 4,200 members of the Wayne County Medical Society work together to provide free health care services for people in need. The Society maintains a free medical and dental clinic in Detroit, where needy children receive physical exams, health education and dental treatment. The Society also sponsors an annual Christmas party for children in foster care. In 1998, the Wayne County Medical Society held a conference for more than 500 Detroit Public School children on the subject of teen pregnancy. In addition to its public service endeavors, the Society encourages excellence in health care by offering Continuing Medical Education credits to its members and by joining with the Michigan State Medical Society and the American Medical Association to promote issues of importance to the medical community at large.

Mr. President, the Wayne County Medical Society has been a valued member of the Metro Detroit community since 1849. I invite my colleagues to join me in thanking the members of the Society for their commitment, and in wishing them continued success as they address the health needs of the 21st century.●

SUBMISS: PART III

● Mr. MOYNIHAN. Mr. President, today I wish to have printed in the RECORD the final portion of Mark A. Bradley's award winning article on the disappearance of the U.S.S. *Scorpion*. I have had the previous two parts of this article printed in the last two RECORDS. I would like to applaud Mr. Bradley once more for his outstanding achievements, and thank him for serving as a loyal and valued member of my staff.

The material follows:

SUBMISS: THE MYSTERIOUS DEATH OF THE U.S.S. ''SCORPION'' (SSN 589), PART III

(By Mark A. Bradley)

Such dire predictions prompted Admiral David McDonald, then Chief of Naval Operations, to follow Admiral Schade's request and approve the development and testing of the experimental ''Planned or Reduced Availability'' overhaul concept in the submarine fleet. In a June 17, 1966, message to the commanders of both the Navy's Atlantic and Pacific fleets, he wrote that in response to ''concerns about [the] percent [of] SSN off-line time due to length of shipyard overhauls, [I have] requested NAVSHIPS develop [a] program to test 'Planned Availability' concept with U.S.S. *Scorpion* (SSN 589) and U.S.S. *Tinosa* (SSN 606). On July 20, 1966, he officially approved the *Scorpion's* participation in this program which aimed at providing the service's submarines with shorter and cheaper but more frequent overhauls between missions. An undated and unsigned confidential memorandum entitled ''Submarine Safety Program Status Report'' summarizes what lay behind the creation of this new concept: ''The deferral of SUBSAFE certification work during certain submarine overhauls was necessitated by the need to reduce submarine off-line time by minimizing the time spent in overhaul and to achieve a more timely delivery of submarines under construction by making more of the industrial capacity available to new construction.''

Admiral Moorer, who succeeded Admiral McDonald as CNO, expanded upon what he hoped this new plan would accomplish in a September 6, 1967, letter to Congressman William Bates. In that letter, he stated that ''it is the policy of the Navy to provide submarines that have been delivered without certification with safety certification modifications during regular overhauls. However, urgent operational commitments sometimes dictate that some items of the full safety certification package be deferred until a subsequent overhaul in order to reduce the time spent in overhaul, thus shortening off-line time and increasing operational availability. In these cases, a minimum package of submarine safety work items is authorized which provides enhanced safety but results in certification for unrestricted operations to a depth shallower than the designed test depth.'' According to an April 5, 1968 confidential memorandum, the Navy did not expect the *Scorpion* to be fully certified under SUBSAFE until 1974, six years after she was lost.

On February 1, 1967, the *Scorpion* entered the Norfolk yard and began her ''Reduced Availability'' overhaul. By the time she sailed out on October 6, she had received the cheapest submarine overhaul in United States Navy history. Originally scheduled for more extensive reconditioning, the *Scorpion* was further hurt by manpower and material shortages in the yard because of the overhaul of the U.S.S. *Skate* (SSN 578), Norfolk's first of a nuclear submarine. This retrofit had gobbled up both workmen and resources at an unprecedented rate. This meant that a submarine tender—a maintenance ship—and the *Scorpion's* own crew had to perform most of the work normally done by yard workers. She received little more than the emergency repairs required to get her back to sea and the refueling of her reactor. Out of the $3.2 million spent on her during these eight months, $2.3 million went into refueling and altering her nuclear reactor. A standard submarine overhaul of this era lasted almost two years and cost over $20 million.

When the *Scorpion* left Norfolk on February 15, 1968, on her Mediterranean deployment she was a last minute replacement for the U.S.S. *Sea Wolf* (SSN 575), which had collided with another vessel in Boston Harbor. During her last deployment, the *Scorpion* had 109 work orders still unfilled—one was for a new trash disposal unit latch—and she still lacked a working emergency blow system and decentralized emergency sea water shutoff valves. She also suffered from chronic problems in her hydraulics. This system operated both her stern and sail planes, winglike structures that controlled her movement. This problem came to the forefront in early and mid-November 1967 during the *Scorpion* test voyage to Puerto Rico and the U.S. Virgin Islands as she began violently to corkscrew in the water. Although she was put back in dry dock, this problem remained unsolved. On February 16, 1968, she lost over 1,500 gallons of oil from her conning tower as she sailed out of Hampton Roads toward the Mediterranean. By that time, she was called ''U.S.S. Scrapiron'' by many of her crew.

On May 23, 1993, the Houston Chronicle published an article that highlighted these mechanical problems. The article quoted from letters mailed home from doomed crew members who complained about these deficiencies. In one of these, Machinist's Mate Second Class David Burton Stone wrote that the crew had repaired, replaced or jury-

rigged every piece of the *Scorpion* equipment. Commander Slattery also was worried about her mechanical reliability. On March 23, 1968, he drafted an emergency request for repairs that warned, among other things, that ''the hull was in a very poor state of preservation''—the *Scorpion* had been forced to undergo an emergency drydocking in New London immediately after her reduced overhaul because of this—and bluntly stated that ''[d]elay of the work an additional year could seriously jeopardize the *Scorpion* material readiness.'' He was particularly concerned about a series of leaking valves that caused the *Scorpion* to be restricted to an operating depth of just 300 feet, 200 less than SUBSAFE restrictions and 400 less than her pre-*Thresher* standards.

This portrait is sharply at odds with the one the Navy painted after the *Scorpion* was lost. From the outset, the service claimed the submarine was in excellent mechanical condition. At his first press conference on May 27, 1968, Admiral Moorer told the gathered newsmen that the *Scorpion* had not reported any mechanical problems and that she was not headed home for any repairs. This was followed by other Navy statements that claimed the *Scorpion* suffered only from a minor hydraulic leak and scarred linoleum on her deck before her Mediterranean deployment. On May 29, however, then Secretary of Defense Clark Clifford pointedly asked the Navy's high command for information about the *Scorpion's* participation in SUBSAFE, her overhaul status in general and any known mechanical deficiencies.

The Court of Inquiry did not ignore these questions and asked several of its witnesses what they knew about the *Scorpion's* mechanical condition and her maintenance history. Vice Admiral Schade told the Court that her overall condition was above average and that her problems were normal reoccurring maintenance items. He added that the *Scorpion* suffered from no known material problems that affected her ability to operate effectively. Schade's testimony was supported by Captain C.N. Mitchell, the Deputy Chief of Staff for Logistics and Management and a member of the Vice Admiral's staff. Mitchell testified about the *Scorpion's* Reduced Availability overhaul and stated that she was in ''good material condition.''

Captain Jared E. Clarke, III, the commander of Submarine Squadron 6, also told the Court the *Scorpion* was sound and ''combat ready.'' In his testimony he said, ''I know of nothing about her material condition upon her departure for the Mediterranean that in any way represented an unsafe condition.'' When asked about the *Scorpion's* lack of an operable emergency blow system, Clarke replied that this was not a concern because her other blow systems were more than adequate to meet the depth restrictions she was operating under.

Admiral Austin also summoned the two surviving crew members the *Scorpion* had offloaded for medical and family reasons on the night of May 16, 1968. When asked about any material problems, crewman Joseph W. Underwood told the Court that he knew of no deficiencies other than ''a couple of hydraulic problems.'' Similarly, crewman Bill G. Elrod testified the submarine was operating smoothly with high morale. When asked to speculate on what did happen, Elrod could not. After hearing all this testimony, the Court determined that the *Scorpion's* loss had nothing to do with her lack of a full SUBSAFE package and that both here ability to overcome flooding and her material condition were ''excellent.'' Although at least one of the dead crewmen's families sent their son's letters spelling out the *Scorpion's* poor state of repair to the Navy, there is no evidence the Court ever received or considered them.

Whatever the truth, the *Scorpion's* loss triggered neither the klieg lights of the national media nor the congressional investigations that followed the *Thresher's* demise. Lost somewhere in the murky twilight among the North Koreans' seizure of the U.S.S. *Pueblo* and the Tet offensive that January and the assassinations of Martin Luther King that April and Robert Kennedy that June, the *Scorpion's* death failed to arouse much interest in a nation whose streets were on fire and whose very fiber was being ripped apart by an increasingly unpopular and bloody war in Vietnam. With phrases like ''body count'' and acronyms like ''MIA'' and ''KIA'' becoming part of the national vernacular, the loss of one nuclear submarine and her crew of 99 men hardly made a ripple.

The Navy added to the country's amnesia by conducting its inquiries under a cloak of extraordinary secrecy. Even now, much about the *Scorpion's* fate remains highly classified and beyond the public's reach, and the crew's 64 windows and over 100 children know little more today about what happened to their husbands and fathers than they did 30 years ago. This gap between what is known and what is not has spawned many conspiracy theories. The most popular is that the Soviets finished the *Scorpion* in an underwater dogfight.

This theory had some credibility after the Federal Bureau of Investigation arrested master spy John Walker on May 20, 1985. Walker, a U.S. Navy warrant officer and the leader of a Soviet-sponsored spy right for almost 20 years, did enormous damage to America's security by giving his KGB masters many of the Navy's most closely guarded secrets. On May 20, 1968, he was working as a watch officer in the Navy's closely guarded submarine message center in Norfolk. Although there is evidence to believe that Walker gave the Soviets intelligence about the Atlantic Submarine Force, particularly about its coded communications, there is nothing to suggest that he played any direct in the *Scorpion's* demise.

He appears to have played a much more important role when he passed on to his Russian handlers much of the top secret traffic that came through the message center immediately after the submarine was reported lost. This highly classified information included how the Navy conducted its search, what the U.S. intelligence community knew about the Soviet vessels operating off the Canary Islands, what part SOSUS had played in detecting the disaster and what the service's main theories were for the *Scorpion's* loss. While it is tempting to blame the Soviets and Walker for this disaster, the probable truth is far different but no less disturbing.

Although the theory of a weapons accident on board the *Scorpion* has officially never been discounted, the physical evidence does not seem to support it. None of the thousands of photographs taken of the wreckage show any torpedo damage nor does the *Scorpion's* approximately 3,000 feet by 1,800 feet debris field contain any items from her torpedo room as would be expected if that area had suffered a major explosion. All the debris is from her operations center, the locus of her galley and above her huge battery.

The more likely cause of the *Scorpion's* death lies in the Navy's failure to absorb the lessons learned from the *Thresher*. Hyman Rickover, the father of the Navy's nuclear program, warned after that disaster that another would occur if the service did not correct the inadequate design, poor fabrication methods and inadequate inspections that caused it. Through SUBSAFE, the Navy instituted a program to correct these and maintain and build a nuclear submarine fleet that was both safe and effective. Unfortunately, the strains of competing with the Soviets in the Cold War while fighting an actual one in Vietnam derailed this concept and forced the service to look for ways to decrease the off-line time of the submarines it already had while freeing its already choked yards to build more.

The Reduced Availability concept arose from these pressures and allowed the Navy to defer what the *Thresher* taught could not be delayed. Through an accident of timing, the *Scorpion* was the first nuclear submarine chosen for this program. She was selected because her next regulatory scheduled overhaul was predicted to set a record in duration, and the Navy's high command believed that the work she received during her 1963–1964 reconditioning in Charleston provided enough of a safety margin to see her through until her next overhauls. She also was chosen because her 1967 overhaul came due during a time when the service was feeling enormous pressure to compete with the Soviets and reduce the amount of time its submarines and yards were tied up with safety retrofits.

Rushed to the Mediterranean after the cheapest overhaul in U.S. nuclear submarine history and lacking full SUBSAFE certification, the *Scorpion's* mechanical condition and safety capabilities were far from what the Navy advertised. A trash disposal unit flood could have set into train a deadly chain of events that triggered a succession of material and systemic failures in an already weakened submarine that left her unable to recover. Although the Court doubted that a hydrogen gas explosion from the *Scorpion's* battery could have generated enough force to rupture her hull, it did not consider its exploding after being swamped with cold sea water from uncontrollable flooding and filling her with deadly chlorine gas.

Even under the best of circumstances, the submarine force was a dangerous place to serve in the 1960s. Its sailors and officers often were engaged in extremely hazardous missions in warships that were like no others that had come before them. With far greater speeds, diving capabilities and complex operating systems, nuclear submarines required far greater care in their construction and maintenance than their diesel predecessors. This was the key lesson from the *Thresher* and if may well have taken the loss of the *Scorpion* finally to hammer home this point to the Navy's high command.

After this tragedy, the Navy quietly dropped the Reduced Availability concept. In a May 21, 1995, article published by the Houston Chronicle, the Naval Sea Systems Command stated that it had no record of any such maintenance program. The reason for this may lie in a March 25, 1966, confidential memorandum from the Submarine Force: [The] ''success of this 'major-minor' overhaul concept depends essentially on the results of our first case at hand: *Scorpion*.'' Although the cause of her death is still officially listed as unknown, the United States has never lost another nuclear submarine.

A NOTE ON SOURCES

In the 30 years since the *Scorpion's* loss, not one book has been written on her. The only newspaper articles written about her are eight by Ed Offley for the Virginian-Pilot & Ledger-Star and the Seattle Post-Intelligencer and four written by Stephen Johnson for the Houston Chronicle. The most important primary sources are the U.S. Navy Court of Inquiry Record of Proceedings and the Supplementary Record of Proceedings. In addition, the Naval Historical Center has over 11 boxes of *Scorpion* material currently available to researchers and expects to have more as already declassified material is cataloged. These boxes include the sanitized

testimony of many of the witnesses who appeared before the two courts of inquiry. Although the Chief of Naval Operations currently is considering releasing more of the Navy's *Scorpion* material, much still remains beyond the reach of researchers and the Freedom of Information Act. On December 19, 1997, the Navy denied my attempt to get copies of the first Court of Inquiry's Annex. Those documents still retain their top secret rating and are withheld because ''of information that is classified in the interest of national defense and foreign policy.''

The most useful books for this article have been the following:

On submarines, Modern Submarine Warfare by David Miller and John Jordan, New York: Military Press (1987); Jane's Pocket Book of Submarine Development, ed. By John Moore, New York: MacMillan (1976); The American Submarine by Norman Polmar, Annapolis: The Nautical & Aviation Publishing Co., (1981); and Nuclear Navy 1946–1962 by Richard Hewlett and Francis Duncan, Chicago: The University of Chicago Press (1974).

On intelligence matters, Jeffrey Richelson, The U.S. Intelligence Community, Cambridge: Ballenger Publishing Company (1989) and Pete Early, Family of Spies, New York: Bantam Books (1988).

Stephen Johnson, a reporter for the Houston Chronicle, was the first to concentrate on the *Scorpion's* maintenance and overhaul history and was very generous with both his time and research. Vice Admiral Robert F. Fountain (Ret), a former executive officer on the *Scorpion*, very kindly consented to an interview as did Rear Admiral Hank McKinney (Ret), the former commander of the U.S. Navy's Pacific Submarine Force.

In May 1998, the Chief of Naval Operations declassified a 1970 study undertaken by a specially appointed Structural Analysis Group that pointed to a battery casualty as the most likely cause for the *Scorpion's* loss.●

SENATOR KENNEDY AND THE AMERICAN IRELAND FUND AWARD

● Mr. LEAHY. Mr. President, on March 16, the American Ireland Fund hosted a dinner to honor Senator EDWARD KENNEDY and his longstanding efforts to promote peaceful and constructive change throughout Ireland. The individuals that gathered together that night—Taoiseach Bertie Ahearn, Nobel Prize Winners John Hume and David Trimble, Sinn Fein Leader Gerry Adams, Secretary of State for Northern Ireland Mo Mowlan, among many others—are the best indication of the significant progress that has been made to replace violence and mistrust with cooperation and dialogue. It is also an indication of the Irish community's high esteem for Senator KENNEDY and his key role in bringing the parties to the negotiating table. While differences still impede full implementation of the Good Friday Agreement, pride in Ireland's past and present, and a strong commitment to a peaceful and prosperous future was the common bond that united all of those in attendance on the eve of Saint Patrick's Day.

Mr. President, Senator CHRISTOPHER DODD was among those who introduced Senator KENNEDY that night, and I ask that Senator DODD's insightful remarks from the evening be printed in the RECORD.

The remarks follow:

Members of the clergy, leaders of Ireland—both north and south—with a particularly warm welcome to the Taoiseach, Bertie Ahern, my colleagues from Congress, members of the diplomatic corps, members of the Kennedy family—Eunice Kennedy Shriver, Ethel Kennedy, my colleague in the House of Representatives, Patrick Kennedy, and a special welcome to the former American Ambassador, Jean Kennedy Smith, and a warm welcome to the light of our honoree's eyes, Vicki Kennedy; distinguished guests and friends, and, while he is not with us this evening, a particularly warm greeting to the President of the United States, William Jefferson Clinton; and, last but not least, our honoree, the recipient of the National Leadership Award, my colleague and best friend in the Senate, Ted Kennedy.

At the outset, I want to commend the American Ireland Fund for the marvelous work it has done on behalf of the people of Ireland;

Secondly, I want to pay a special tribute to the two most recent recipients of the Nobel Peace Prize who are with us this evening and ask you to join me in expressing our admiration for the work that these two men have done for peace in Northern Ireland and will continue to do—John Hume and David Trimble.

As we gather here tonight on the Eve of Saint Patrick's Day to honor Ted Kennedy with the International Leadership Award, I want to begin by recalling the ancient Kennedy/Fitzgerald Gaelic Prayer:

For you who are with us, may God turn your fortunes bright;
For you who are against us, may God turn your hearts toward us;
And if God cannot turn your hearts, may He at least turn your ankles,
So we may know you by your limp!

I have the unique pleasure of presenting to you tonight a man with whom I have served in the United States Senate for nearly twenty years.

Most of you know the classic story of success in American politics:

Born of a poor and obscure family; deprived of all but the barest necessities; forced to quit school to support the family and finally overcoming all odds working his way through College by waiting tables in the cafeteria.

You know that story. So does Ted Kennedy. But he never let it get in the way. He knew there was another way to do things. And somehow even through he did none of those things, he got elected to the Senate in 1962 when the previous Senator changed his address. And for these past 37 years what a record he has compiled.

He was a friend of Ireland when friends of Ireland were few. In fact, he—and his family—have presided so long and so firmly at the confluence of Ireland and America that a writer in the Irish Times recently observed that it was sometimes difficult to tell whether Senator Kennedy's distinguished sister was the United States' Ambassador to Ireland or Ireland's Ambassador to the United States.

There is a reason for this, and it's quite simple. Throughout the adult lives of most people in this room, Ted Kennedy has worked unremittingly, day in and day out, to better the lot of the least fortunate of our fellow men and women. Ted Kennedy's efforts regularly reach across the borders of nation, race and religion.

It was only natural, then, that the conflict and injustice in Northern Ireland would make a claim on Senator Kennedy's conscience. His unceasing interest in achieving peace in Northern Ireland was, and is, the one constant over the many ups and downs on the still fragile road to resolving that conflict.

Ted Kennedy's efforts to find the path to peace have not been limited by the category of nationality. He labors not only as a distinguished representative of the United States, and a loyal son of Ireland, but as an ambassador from what the Irish poet Seamus Heaney refers to as ''the Republic of Conscience.''

''The Republic of Conscience'', according to Heaney's poem of that name, is a quiet place, and one where you might meet some of your ancestors. According to Heaney's narrator:

When I landed in the Republic of Conscience;
It was so noiseless when the engines stopped;
I could hear a curlew high above the runway.
At Immigration, the clerk was an old man;
Who produced a wallet from his homespun coat;
And showed me a photograph of my grandfather.

When Heaney's narrator was leaving the republic, that old man told him what all of us here tonight would tell Senator Kennedy, namely that he is a ''dual citizen'' and, therefore, on permanent assignment. Heaney's narrator put it this way: The Republic of Conscience

. . . Desired me when I got home;
To consider myself a representative;
And to speak on their behalf in my own tongue.
Their embassies, he said, were everywhere;
But operated independently;
And no Ambassador would ever be relieved.

Teddy, you will never be relieved of your portfolio to speak on behalf of the ''Republic of Conscience'' for the rights of those least able to speak for themselves, and to continue your splendid work in furthering peace and reconciliation in Ireland and in the United States.

Reflecting on the way you have led so many of your colleagues over so many years—many of whom are here tonight—down the tortured path that must inevitably lead to peace, I am reminded of the figure of the great Irish poet, William Butler Yeats, standing amidst the portraits of his contemporaries in the Dublin Municipal Gallery of Art, and urging history to judge him not on this or that isolated deed but to:

Think where man's glory most begins and ends;
And say my glory was I had such friends.

I know that all of us here tonight are proud to say that it is our glory to have you, Teddy, as our friend, and unstinting friend of the United States, an unwavering friend of Ireland, and an Ambassador from the ''Republic of Conscience'' who will never be relieved.●

SUPPORT FOR U.S. TROOPS IN KOSOVO

● Mr. JOHNSON. Mr. President, yesterday, American men and women joined their military counterparts from 18 NATO countries in attacking the forces of Slobodan Milosevic in Yugoslavia. I had hoped that recent diplomatic efforts by the United States and others would have led instead to a peace agreement in the Balkans. However, Slobodan Milosevic's continued aggression toward Kosovar Albanians and his unwillingness to seek a lasting peace could no longer go unchecked.

My wife and I know first hand what thousands of American families are

feeling today, seeing their husbands, wives, sons, or daughters in the military travel overseas to face combat. My son, Brooks, recently returned from a tour of duty with the U.S. Army in Bosnia where he was part of the multi-national effort to maintain peace in that war-torn country. The decision to commit U.S. troops overseas is never easy, nor should it be done without a clear understanding of our country's interests and goals. In the case of Kosovo, our country's interests are clear and warrant the current military action. A lasting peace is directly linked with stability in Europe, and it is our duty to participate in a multinational effort to prevent the ethnic cleansing currently occurring in Kosovo.

This century's major wars started in the Balkans. Hundreds of thousands of Americans and millions of others around the world died as a result of conflict in this region. Slobodan Milosevic directly threatens the current political and economic stability of Europe, and today's military action against Milosevic is necessary to prevent an inevitable escalation of violence. The fighting in Kosovo could easily spread to neighboring Montenegro, Macedonia, and Albania, and has already destabilized the region. A sea of ethnic Albanian refugees have attempted to flee Kosovo, only to be denied entry in some countries while further straining age-old tensions in others. There is an undeniable possibility for widespread conflict among Kosovo's neighbors, Bulgaria, Turkey, and Greece, and it is in our national strategic interest to prevent a fourth Balkan war.

The United States and NATO have an opportunity to stop the cold blooded murders of thousands of ethnic Albanians in Kosovo. Since Slobodan Milosevic began his reign of terror against Albanians in Kosovo, over 250,000 people—10 percent of the population—have been forced from their homes. Another 170,000 have fled the Yugoslav province in the past year. Milosevic's police forces and military have burned homes, preventing the return of entire villages. The reports of atrocities by Milosevic against the ethnic Albanians are sickening and invoke images of Bosnia and Nazi Germany. Since the first massacre of ethnic Albanians at Drenica, last year, thousands more ethnic Albanians have been killed by Serb paramilitary units and the Yugoslav Army, including the January 16 discovery of 45 slaughtered ethnic Albanians in the Kosovo village of Racak.

While I support air strikes now to prevent further bloodshed, I will continue to promote diplomatic efforts to ultimately resolve this crisis in Kosovo. This multi-national military action will illustrate to Slobodan Milosevic the resolve of all democratic nations in the world to reject oppression, and it is my hope that Slobodan Milosevic will bring the people of Yugoslavia back from the brink of one man's madness.

My thoughts and prayers are with our men and women overseas and their families here at home. I fully support their efforts to bring peace and stability to the region and wish them all a quick and safe return home.●

RECOGNITION OF THE KNIGHTS OF COLUMBUS COUNCIL 414

●Mr. LEVIN. Mr. President, I rise today to recognize the Knights of Columbus Council 414, of Bay City, Michigan. Council 414 is celebrating its 100th anniversary on April 16, 1999.

The history of the Knights of Columbus stretches back 117 years, when Father Michael J. McGivney founded the fraternal order in 1882. Since the order's founding, Knights of Columbus have promoted the Catholic faith and have practiced the principles of charity, unity and fraternity. When Father McGivney passed away in 1890, there were 5,000 Knights of Columbus located in 57 councils in Connecticut and Rhode Island. Just 15 years after his death, the Knights of Columbus was established in every state of the union, as well as in Canada, Mexico and the Philippines.

Bay City Council 414, known then as Valley Council 414, was established in 1899, 17 years after the founding of the order by Father McGivney. It is the third oldest Knights of Columbus council in the State of Michigan. The driving force behind the founding of Council 414 was Edward J. Schreiber. He and 48 other men were responsible for establishing Council 414's charter, which was issued on April 16, 1899.

Since its chartering, Council 414 has helped to establish other Knights of Columbus councils in the area, and has participated in the many community service activities for which the Knights of Columbus are renowned. Perhaps most notably, Council 414's members raise money each year in ''Tootsie Roll Drives'' to support organizations like Special Olympics, the Bay Arenac School District and special education programs.

Mr. President, the members of the Knights of Columbus Council 414 of Bay City, Michigan, are truly deserving of recognition for their century-long dedication to promoting the teachings of the Catholic Church, and for living those teachings by serving those in need in their community. I hope my colleagues will join me in offering congratulations to Council 414's members on its 100th anniversary, and in wishing them continued success in their next 100 years.●

TRIBUTE TO THE MIDDLEBURY COLLEGE MEN'S AND WOMEN'S ICE HOCKEY TEAMS FOR THEIR OUTSTANDING SEASONS

● Mr. JEFFORDS. Mr. President, today I rise to honor the men's and women's ice hockey teams of Middlebury College. This small school nestled in the heart of the Green Mountains boasts not only extremely talented and motivated students, but some of the finest winter athletes in the country. On behalf of the Vermonters who are proud to call Middlebury College their own, I wish to congratulate both the men's and women's ice hockey teams for a most outstanding season.

This year, the top-ranked Middlebury College women's ice hockey team finished the season with a record of 23–2–1, won their fourth straight Eastern College Athletic Conference Championship and set the school record for most wins in one season.

The men's ice hockey team, with a record of 21–5–1, won their fifth straight NCAA Division III National Championship, an accomplishment never before achieved in college hockey at any level.

Mr. President, again I wish to honor these outstanding student athletes who have devoted themselves to excellence in play, sportsmanship, and academics. I also commend those who have supported them on and off the ice: men's coach Bill Beaney, women's coach Bill Mandigo, and their many friends and family.●

NEW YORK YANKEE MANAGER JOE TORRE'S BATTLE WITH PROSTATE CANCER

● Mr. SCHUMER. Mr. President, last year the New York Yankees set a new baseball record—125 wins in a single season, the most ever in major league history. Today, I want to speak about another—sadder and more tragic—legacy that has befallen current and former members of this great baseball team. That legacy is cancer.

We remember that the house that Ruth built lost its founder, the great Bambino, ''the sultan of swat,'' to cancer. During last year's season, Darryl Strawberry was stricken with colon cancer. Former General Manager Bob Watson is battling prostate cancer. Earlier this month, Joe DiMaggio lost his life to lung cancer. And recently we learned that Yankee manager, Joe Torre, is another victim of prostate cancer.

I join millions of New Yorkers—and millions of Americans—in wishing Joe Torre a continued recovery, who joins a team of almost 200,000 American men who will learn they have prostate cancer in 1999. It is the most commonly diagnosed non-skin cancer in this country. And, like other cancers, prostate cancer must be stopped. For, it will claim the lives of nearly 40,000 Americans this year. My own state, New York, has the third highest rate of diagnoses and deaths due to prostate cancer.

Unfortunately, this country invests only about one of every twenty cancer research dollars trying to stem the epidemic of prostate cancer, which accounts for about one in every six cancer cases. It is a disproportion that

must be corrected, Mr. President. On behalf of Joe Torre, Bob Watson, Senator Bob Dole, General Norman Schwarzkopf, Andy Grove, Harry Belafonte—and millions of other men and their families whose lives have been affected by prostate cancer—now is the time to renew those efforts.

I am pleased that Congress established a prostate cancer research program in the Department of Defense in 1996. I supported the establishment of that program, just as I supported last year's increase in funding of the National Institutes of Health, with strong language to assure that $175 million become dedicated to prostate cancer research in 1999.

We must continue to develop these critical research initiatives. I congratulate Senators STEVENS, INOUYE and many others in the Senate for their championship of the important program at the Department of Defense, and I hope to work with you to help fully fund this program over the next three years. We must work collaboratively with NIH to accelerate their sponsorship of clinical prostate cancer research, and I look forward to reports, due next month, by the NCI and NIH directors about their five-year investment strategy for prostate cancer research. Even though this year promises some daunting budget challenges, we must not let our commitment to end the war on cancer waver.

One in six American men will develop prostate cancer in his lifetime. As frightening as that statistic may be for the general population, it is even more pointed in the African-American community. African-Americans have the highest rates of prostate cancer incidence and mortality in the world, with occurrences 35% higher than among Caucasians and death rates twice higher than white males.

The battle that Joe Torre faced gives testimony to the fact that prostate cancer does not affect men only in their retirement years. About 25% of cases occur in men younger than 65 years old, and, with the aging of our baby boom generation, we can fully expect both incidence and mortality to increase if the disease is unchecked.

Mr. President, I call on our membership to join with national organizations, like the National Prostate Cancer Coalition, CaP CURE, the American Cancer Society and 100 Black Men, and take action to end the toll prostate cancer takes on American men and their families.●

STRENGTHENING OUR FRONTLINES

● Mr. GRASSLEY. Mr. President, earlier this week, Senator GRAHAM of Forida and I introduced a bill to revitalize and modernize our efforts to defend U.S. borders from drug traffickers. This bill, the ''Comprehensive Border Protection Act'', S. 689, is part of a bipartisan effort by Congress to provide the resources for this critical effort. Its goal is to stop dangerous drugs and other contraband from reaching our streets. Last year, we took an important step in this direction with increased funding for our counter-drug efforts in the Western Hemisphere Drug Elimination Act. As needed as that funding was, we left something undone.

One of the critical frontline agencies in our counter-drug efforts in the U.S. Customs Service. Despite the fact that trade has increased exponentially in the last several years, we have not provided the resources to expand the ability of Customs to manage this increased volume. Every year, more than the total population of the United States crosses our borders. In practice, that means more than 400 million people annually coming into our airports, across our land borders, and into our seaports. Nearly 15 million containers enter our ports. Some 125 million privately owned vehicles come into the country. That is every year. To deal with this volume, Customs has fewer than 20,000 employees and equipment that is outdated.

Most of this traffic is legal. But criminal gangs, terrorists, and drug traffickers willfully and cynically seek to hide their illegal acts in this flow. They use every means that vast resources and ruthless intent puts into their hands to commit their crimes. And they have increasingly sophisticated means to conceal their illegal activities. Short of sealing our borders to all trade and financial transactions, we must depend upon agencies like Customs to secure our borders We must, however, do this while facilitating the flow of people and legitimate trade. It is a daunting task.

Recognizing that our borders were under intense pressure from illegal alien smuggling, the Congress increased the resources to the Immigration Service. We almost doubled that agency's capacity. The challenge facing Customs is far greater. Yet, we have not provided the resources, the technological improvements, or the support that is needed to get the job done.

We have not given our men and women who do this job the support that the task requires. And it is a demanding and dangerous job. It's not glamorous to spend hours a day at a major U.S. port of entry watching tens of thousands of vehicles and people cross the border. It's a lonely and risky livelihood to patrol long stretches of our border. The long hours spent in undercover investigations and in analyzing reams of information go largely unnoticed. But being out of sight should not put their efforts or why they are undertaken out of mind.

That is what the legislation that we are offering today aims to do—to remind us of what we must be doing and to give the tools and support needed to do the job to those we ask to do it. I have for the passed several years urged the Administration to provide Congress with a comprehensive plan. We know that drug thugs have no respect for national sovereignty, for the rule of law, or for international borders. These criminal gangs are ruthless and shrewd. And they are flexible. We have to be flexible also.

I have repeatedly noted that we need to develop a capacity to guard our borders with flexibility and forethought. Too often we simply react. We respond to a threat in one area only to find the traffickers have switched tactics. We need a comprehensive approach and a sustainable plan. Such a plan, however, has not been forthcoming. For too long, we have been merely reactive to the initiative of traffickers, moving resources around to meet their latest tactic. We need to be anticipating their efforts and we need to be comprehensive. That is why this legislation addresses both our northern and southern borders, our ports and airports and our coastlines. We need the intelligence and investigative resources to focus our efforts. And we need that consistency of purpose and sustained effort that characterizes resolve. We cannot affort to be less committed in our purpose than drug traffickers are in theirs. We must not be any less comprehensive.

While this bill is not the whole solution to our quest for a coherent and comprehensive approach, it is an important step. I urge my colleagues in the Senate and the House to join us in making this effort a reality.●

PENSION COVERAGE AND PORTABILITY ACT

● Mr. BAUCUS. Mr. President, most people my age have known the heartache of having to watch their parents grow old. It is a sad day in a person's life when they see their father get his first gray hair. Or the day you notice lines in your mother's face where previously, there were none.

This aging process is made worse by the scary and very real possibility that too many people who will become senior citizens in the next several years are not at all prepared for the transition from work to retirement.

To be honest, it isn't our parents who we need to worry about so much. They survived the Depression. They know what it takes to get by during the lean years—it takes planning and saving. Putting money aside, when it might be easier to spend it in the moment.

Those are the values that our parents live by. They are the values we would do well to heed. And even better to teach those who will follow us.

We as a nation have lost our imperative to save. Personal savings rates have dropped to one-half of one percent of our Gross Domestic Product, the lowest since 1933.

Fifty-one million Americans in our nation's workforce have no pension coverage. But statistics like those don't tell the whole story. They don't do justice to the hardscrabble struggles

that real people go through every day. Struggles that involve agonizing questions like: ''Should I eat today or take my medication?'' or ''Will I be able to heat my house this winter?''

Make no mistake, our nation's lack of saving for retirement is a tragedy in the making.

That is why I am so proud to join my colleagues in introducing this legislation.

A bill that will make it easier for Americans to put money aside, and a bill that will help move pension issues to the forefront of Americans' minds. A bill that will:

Expand coverage for small businesses because they have a harder time affording health care and retirement plans;

Enhance pension fairness for women because they fall into categories that have a harder time saving;

Increase the portability of pension plans so that when you change jobs you don't have to worry about where your savings will go;

Strengthen pension security and enforcement so you can rest easy at night, knowing your money is safe;

Reduce red tape so it's easier for employers to give their workers retirement options;

And encourage retirement education so that husbands and wives, parents and children, talk to each other—make plans for their future. And know what to expect tomorrow and down the road.

One aspect of the bill I am particularly proud of are the small business provisions. Thirty-eight million of the people in this country who do not have a pension plan work at small businesses. Eighty percent of all small business employees have no pension coverage.

In my state of Montana, more than 95 percent of our businesses are small businesses. And almost 9 out of 10 offer no pension plans. We cannot let these hard-working Americans down.

Currently, most small businesses can't afford pension plans. They would like to, but they just can't make ends meet.

Our bill makes it a smart business decision for small business owners to offer retirement plans.

I have made it my priority to work with members of the small business community, both back in Montana and nationally, to identify legislative solutions that will most readily enable small businesses to offer pension plans to their employees. While this bill does not include every recommendation we received, it does represent a collection of high-priority proposals which we believe could be supported by a bi-partisan majority of Congress.

The major provisions in this bill which would help small businesses start and maintain pension plans include the following:

To help make pension plans more affordable we have included two new tax credits: one to help defray start-up costs and the other to defray the cost of employer contributions to pension plans;

In addition, we provide for the elimination of some fees.

To address the problems the small business community has identified as a major impediment to establishing pension plans, we make significant changes in the top-heavy rules that limit employer contributions to plans.

To address concerns of our smallest businesses, who want to provide pensions but can only afford 'start-up' plans at first, we provide increases in income limits that apply to SIMPLE pension plans, along with a new, salary-reduction SIMPLE plan;

And for those employers that want to provide the security of a defined benefit plan for their employees but cannot because of the increased regulatory burden, we create a simplified defined benefit plan for small business.

These provisions are designed to address the problems of cost and complexity that are a barrier to so many small businesses. They will help small employers establish a pattern of saving for themselves and their employees.

Mr. President, I hope the Pension Coverage and Portability Act will spearhead a national debate on how to improve employer-provided pensions in this country.

This debate is essential if we are to achieve our goal of making America in the next century, not only strong as a nation, but strong as a community of individuals confident in the security of their financial futures.

This is a good, bi-partisan bill. It takes the positive steps we as a nation need to put our future in safe hands.

I am eager for the coming debate on this bill.

I hope it sparks a debate in the coffee shops and kitchen tables all across the country. Working together, and with this bill, we can turn a nation of spenders, into a nation of savers.●

NATIONAL SCHOOL VIOLENCE VICTIMS MEMORIAL DAY

● Mr. FITZGERALD. Mr. President, school violence is a horrible, senseless tragedy that must not continue. Last year's horrific shootings in Jonesboro, AR; Pakucah, KY; Pearl, MS; Richmond, VA; and Edinboro, PA, were meaningless acts of violence and should never have occurred. That's why I wholeheartedly support and have cosponsored National School Violence Victims Memorial Day. This important resolution recognizes victims of school violence and encourages school administrators to conduct programs on March 24 designed to help prevent further occurrences of school violence.

Mr. President, the statistics on school violence are truly frightening. According to the National School Safety Center, there have been 225 school-associated violent deaths between July 1992 and June 1998. What is going on in our classrooms that our Nation's youth feel like the only way to resolve problems is through a gun? This resolution recognizes victims of school violence and says to our children, that there is a better way to resolve problems. By focusing community efforts on teaching students peaceful alternatives to conflict, we can equip our children to stop violent tendencies before they get out of control. This resolution is a step in the right direction and I urge my colleagues to put partisan politics aside and join me in encouraging local school districts and administrators to use their resources on violence prevention programs. All of us—teachers, administrators, parents—must work together to show our children peaceful alternatives before violence erupts in our schools again.●

ADMINISTRATION LETTER REGARDING STEEL IMPORTS

● Mr. MOYNIHAN. Mr. President, at the request of the Administration, I ask unanimous consent that a letter received today from Secretary of Commerce William M. Daley and U.S. Trade Representative Charlene Barshefsky be printed in the RECORD.

The letter follows:

SECRETARY OF COMMERCE,
Washington, DC, March 25, 1999.

Hon. DANIEL PATRICK MOYNIHAN,
Ranking Member, Committee on Finance,
U.S. Senate, Washington, DC.

DEAR SENATOR MOYNIHAN: Following up on our testimony at Tuesday's Senate Finance hearing on steel issues, we wanted to apprise you of the most recent developments in our steel policy and the effect on the steel industry. The President and the Vice President are deeply concerned about the impact on our steelworkers, communities, and companies of the recent surge in steel imports, and they are fully and actively committed to effectively addressing it. They are determined to maintain the United States' strong manufacturing base and the good jobs it provides by ensuring that our trading partners play by the rules governing international trade.

This Administration has implemented a comprehensive strategy that combines full and timely enforcement of our trade laws, expedited administrative action, and intensified engagement with major foreign steel producing nations to address unfair trade practices injuring our steel industry and its workers.

The import numbers for the past three months demonstrate clearly that our strategy is producing results. The preliminary data for February, released earlier today by the Commerce Department, show that total steel imports in February were 45 percent below November 1998 levels—and reached the second lowest monthly level since April 1996. Imports of hot-rolled steel have dropped 81 percent since November. We will work to sustain the positive trends of the past three months are sustained.

Our strategy has focused on Japan, Russia, and Korea, which together accounted for 80 percent of the surge in steel imports last year. Through strong public and private statements by the President and other senior Administration officials, we have put Japan on notice that we expect its imports to reach pre-crisis levels, or we stand ready to take appropriate action under our trade laws, including self-initiation of trade cases. We

have, in addition, negotiated agreements with Russia that will reduce our overall steel imports from Russia by almost 70 percent, and hot-rolled steel imports from Russia by almost 90 percent this year. We have sought firm commitments from Korea to ensure that its steel industry is fully privatized and placed on a market footing, including through the elimination of improper subsidies.

The declines in imports from these countries since November have been dramatic. Hot-rolled exports from Russia fell from over 600,000 metric tons in November to roughly ten tons in February—a nearly 100 percent decline. Imports of hot-rolled steel from Japan fell in that period from over 400,000 tons to less than 5000 tons—a nearly 99 percent drop. Hot-rolled imports from Korea dropped 35 percent since November, while total steel imports from Korea are down 17 percent. And total steel imports from Brazil, which, along with those from Russia and Japan, are subject to an ongoing antidumping investigation, have dropped 64 percent since November.

The Department of Commerce has taken forceful steps to eliminate dumping, including issuing critical circumstances determinations only 45 days after initiating dumping investigations on hot-rolled steel, a policy that could result in retroactive application of dumping duties back to last November. Last month, following an expedited investigation, Commerce announced—a full month ahead of the usual time schedule—preliminary determinations that exporters in Japan, Russia and Brazil have dumped hot-rolled steel into our market. The Commerce Department is currently enforcing more than 100 antidumping and countervailing duty orders and suspension agreements on steel products and is currently conducting 45 new steel investigations.

We will continue to closely monitor steel imports, and—in an unprecedented new policy—have made preliminary steel import statistics available to the public up to 25 days earlier than under past practice. This will help the Administration, industry, and workers identify and respond to import trends more quickly.

At the same time, last year's import surge demonstrated that we need to look closely at our trade laws to ensure that they deliver strong, effective relief in an expeditious manner, while remaining consistent with our international trade obligations. We believe the legislation introduced in the House by Congressman Levin and Houghton constitutes a constructive approach, and we stand ready to work with Members of Congress to develop a bill we can recommend that the President sign.

In contrast, we strongly oppose legislation mandating quotas because it would constitute a violation of our international obligations under the World Trade Organization (WTO) and would not be in our nation's economic interest. We are the world's largest exporter, and our firms and workers benefit tremendously from the international trading rules we helped put into place. Quotas or other import restraints imposed outside of WTO-consistent processes contained our trade laws (such as through our ''section 201'' safeguards law or antidumping and countervailing duty laws) violate our international trade obligations. Such quotas or import restraints would not be based on a determination of whether the imports are causing or threatening serious injury, or whether unfair trade or subsidization is involved, as required by the WTO and our laws.

Our current trade laws allow U.S. industry and workers to seek such determinations, based upon which we can impose quotas or other trade remedies consistent with our international trade obligations. In addition, when the procedures provided by our trade laws are followed, we can take into account the full range of U.S. industry and worker concerns and fashion remedies that do not result in additional market distortions, import shortages, excessive price hikes or retaliation that could harm U.S. export industries and customers.

This Administration firmly believes that the best way to address unfair trade practices or import surges is through vigorous and timely enforcement and use of strong U.S. trade laws that are consistent with our international obligations, and we and our colleagues stand ready to work with you to ensure that objective is fully realized.

Sincerely,

WILLIAM M. DALEY,
Secretary of Commerce.
CHARLENE BARSHEFSKY,
U.S. Trade Representative.●

RULES OF PROCEDURE OF THE SPECIAL COMMITTEE ON THE YEAR 2000 TECHNOLOGY PROBLEM

● Mr. BENNETT. Mr. President, Senate Standing Rule XXVI requires each committee to adopt rules to govern the procedures of the Committee and to publish those rules in the CONGRESSIONAL RECORD of the first year of each Congress. The rules adopted by the Special Committee on the Year 2000 Technology Problem to govern the Committee's procedures remain in effect and unchanged for the current Congress. Consistent with Standing Rule XXVI, today I am submitting for printing in the RECORD a copy of the Rules of the Senate Special Committee on the Year 2000 Technology Problem.

The Rules follow:

SPECIAL COMMITTEE ON THE YEAR 2000 TECHNOLOGY PROBLEM

(S. Res. 208, 105th Cong., 2nd Sess. (1998))

RULES OF PROCEDURE

(Adopted March 25, 1999)

I. CONVENING OF MEETINGS AND HEARINGS

1. *Meetings.*—The Committee shall meet to conduct Committee business at the call of the Chairman.

2. *Special meetings.*—The Members of the Committee may call additional meetings as provided in Senate Rule XXVI (3).

3. *Notice and agenda:*

(a) *Hearings.*—The Committee shall make public announcement of the date, place, and subject matter of any hearing at least 1 week before its commencement.

(b) *Meetings.*—The Chairman shall give the Members written notice of any Committee meeting, accompanied by an agenda enumerating the items of business to be considered, at least 5 days in advance of such meeting.

(c) *Shortened notice.*—A hearing or meeting may be called on not less than 24 hours notice if the Chairman, with the concurrence of the Vice Chairman, determines that there is good cause to begin the hearing or meeting on an expedited basis. An agenda will be furnished prior to such a meeting.

4. *Presiding officer.*—The Chairman shall preside when present. If the Chairman is not present at any meeting or hearing, the Ranking Majority Member present shall preside. Any Member of the Committee may preside over the conduct of a hearing.

II. CLOSED SESSIONS AND CONFIDENTIAL MATERIALS

1. *Procedure.*—All meetings and hearings shall be open to the public unless closed pursuant to paragraph 3 of this section. To close a meeting or hearing or portion thereof, a motion shall be made and seconded to go into closed discussion of whether the meeting or hearing will concern the matters enumerated in Rule II.3. Immediately after such discussion, the meeting or hearing may be closed by a vote in open session of a majority of the Members of the Committee present.

2. *Witness request.*—Any witness called for a hearing may submit a written request to the Chairman no later than 24 hours in advance for his examination to be in closed or open session. The Chairman shall inform the Committee of any such request.

3. *Closed session subjects.*—A meeting or hearing or portion thereof may be closed if the matters are consistent with Senate Rule XXVI (5)(b).

4. *Confidential matter.*—No record made of a closed session, or material declared confidential by the Chairman and Vice Chairman, or report of the proceedings of a closed session, shall be made public, in whole or in part or by way of summary, unless specifically authorized by the Chairman and Vice Chairman.

5. *Radio, television, and photography.*—The Committee may permit the proceedings of hearings which are open to the public to be photographed and broadcast by radio, television, or both, subject to such conditions as the Committee may impose.

III. QUORUMS AND VOTING

1. *Reporting.*—A majority of voting members shall constitute a quorum for reporting a resolution, recommendation, or report to the Senate.

2. *Committee business.*—Three voting members shall constitute a quorum for the conduct of Committee business, other than a final vote on reporting, providing a minority Member is present. One Member shall constitute a quorum for the receipt of evidence, the swearing of witnesses, and the taking of testimony at hearings.

3. *Polling:*

(a) *Subjects.*—The Committee may poll (1) internal Committee matters including those concerning the Committee's staff, records, and budget; (2) authorizing subpoenas; and (3) other Committee business which has been designated for polling at a meeting.

(b) *Procedure.*—The Chairman shall circulate polling sheets to each Member specifying the matter being polled and the time limit for completion of the poll. If any Member so requests in advance of the meeting, the matter shall be held for meeting rather than being polled. The clerk shall keep a record of polls. If the Chairman determines that the polled matter is one of the areas enumerated in Rule II.3, the record of the poll shall be confidential. Any Member may move at the Committee meeting following a poll for a vote on the polled decision.

IV. SUBPOENAS

1. *Subpoenas.*—Subpoenas may be authorized by the Committee at a meeting of the Committee or pursuant to Rule III.3(a). Subpoenas authorized by the Committee may be issued over the signature of the Chairman after consultation with the Vice Chairman, or any member of the special committee designated by the Chairman after consultation with the Vice Chairman, and may be served by any person designated by the Chairman or the member signing the subpoena.

V. HEARINGS

1. *Notice.*—Witnesses called before the Committee shall be given, absent extraordinary circumstances, at least 48 hours notice, and

all witnesses called shall be furnished with a copy of these rules upon request.

2. *Oath.*—All witnesses who testify to matters of fact shall be sworn. The Chairman or any Member may administer the oath.

3. *Statement.*—Any witness desiring to make an introductory statement shall file 50 copies of such statement with the clerk of the Committee 24 hours in advance of his appearance, unless the Chairman and Vice Chairman determine that there is good cause for a witness's failure to do so.

4. *Counsel:*

(a) A witness's counsel shall be permitted to be present during his testimony at any public or closed hearing, or staff interview to advise the witness of his rights, provided, however, that in the case of any witness who is an officer or employee of the government, or of a corporation or association, the Chairman may rule that representation by counsel from the government, corporation, or association creates a conflict of interest, and that the witness shall be represented by personal counsel not associated with the government, corporation, or association.

(b) A witness who is unable for economic reasons to obtain counsel may inform the Committee of this circumstance at least 48 hours prior to his appearance, and the Committee will endeavor to obtain volunteer counsel for the witness. Such counsel shall be subject solely to the control of the witness and not the Committee. Failure to obtain counsel shall not excuse the witness from appearing and testifying.

5. *Transcript.*—An accurate electronic or stenographic record shall be kept of the testimony of all witnesses in closed and public hearings. Any witness shall be afforded, upon request, the right to review that portion of such record, and for this purpose, a copy of a witness's testimony in public or closed session shall be provided to the witness. Upon inspecting the transcript, within a time limit set by the committee clerk, a witness may request changes in testimony to correct errors of transcription, grammatical errors, and obvious errors of fact. The Chairman or a designated staff officer shall rule on such requests.

6. *Minority witnesses.*—Whenever any hearing is conducted by the Committee, the minority on the Committee shall be entitled, upon request made by a majority of the minority Members to the Chairman, to call witnesses selected by the minority to testify or produce documents with respect to the measure or matter under consideration during at least one day of the hearing. Such request must be made before the completion of the hearing.

7. *Conduct of witnesses, counsel and members of the audience.*—If, during public or executive sessions, a witness, his counsel, or any spectator conducts himself in such a manner as to prevent, impede, disrupt, obstruct, or interfere with the orderly administration of such hearing, the Chairman or presiding Member of the Committee present during such hearing may request the Sergeant at Arms of the Senate, his representative, or any law enforcement official to eject said person from the hearing room.

VI. AMENDMENT OF RULES

The rules of the Committee may be amended or revised at any time, by a majority vote of the Committee, provided that no less than 3 days notice of the amendments or revisions proposed was provided to all members of the committee.

JURISDICTION AND AUTHORITY

(a)(1) There is established a Special Committee on the Year 2000 Technology Problem (hereafter in this section referred to as the ''Special Committee'') which shall consist of seven voting Members and two non-voting, ex-officio Members. The two non-voting, ex-officio Members shall be the Chairman and the ranking minority Member of the Appropriations Committee. The Members and Chairman of the Special Committee shall be appointed in the same manner and at the same time as the Members and Chairman of a standing committee of the Senate. After the date on which the majority and minority Members of the Special Committee are initially appointed, but not before the effective date of title I of the Committee System Reorganization Amendments of 1977, each time a vacancy occurs in the Membership of the Special Committee, it shall be filled in the same manner as original appointments to it are made.

(2) For purposes of paragraph 1 of rule XXV; paragraphs 1, 7(a)(1)–(2), 9, and 10(a) of rule XXVI; and paragraphs 1 and 4 rule XXVII of the Standing Rules of the Senate; and for purposes of section 72a (i) and (j), title 2, USCA, the Special Committee shall be treated as a standing committee of the Senate.

(b)(1) It shall be the duty of the Special Committee to study the impact of the year 2000 technology problem on the Executive and Judicial Branches of the Federal Government, State governments, and private sector operations in the United States and abroad; to make such findings of fact as are warranted and appropriate; and to make such recommendations, including recommendations for new legislation and amendments to existing laws and any administrative or other actions, as the Special Committee may determine to be necessary or desirable. No proposed legislation shall be referred to the Special Committee, and the Special Committee shall not have the power to report by bill, or otherwise have legislative jurisdiction.

(2) The Special Committee shall, from time to time, report to the Senate the results of the study conducted pursuant to paragraph (1), together with such recommendations as the Special Committee considers appropriate.

(c)(1) For the purposes of this section, the Special Committee is authorized, in its discretion; (A) to make expenditures from the contingent fund of the Senate; (B) to employ personnel; (C) to hold hearings on any matter; (D) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate; (E) to require, by subpoena or otherwise, the attendance of witnesses and the production of correspondence, books, papers, and documents; (F) to take depositions and other testimony; (G) to procure the services of individual consultants or organizations thereof, in accordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946; and (H) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a non-reimbursable basis the services of personnel of any such department or agency.

(2) The Chairman of the Special Committee or any Member thereof may administer oaths to witnesses.

(3) Subpoenas authorized by the Special Committee may be issued over the signature of the Chairman after consultation with the Vice Chairman, or any Member of the Special Committee designated by the Chairman after consultation with the Vice Chairman, and may be served by any person designated by the Chairman or the Member signing the subpoena.

EXCERPTS FROM THE STANDING RULES OF THE SENATE RELATING TO STANDING COMMITTEES

RULE XXV—STANDING COMMITTEES

1. The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the power to act until their successors are appointed, with leave to report by bill or otherwise on matters within their respective jurisdictions:

* * *

RULE XXVI—COMMITTEE PROCEDURE

* * *

3. Each standing committee (except the Committee on Appropriations) shall fix regular weekly, biweekly, or monthly meeting days for the transaction of business before the committee and additional meetings may be called by the chairman as he may deem necessary. If at least three members of any such committee desire that a special meeting of the committee be called by the chairman, those members may file in the offices of the committee their written request to the chairman for that special meeting. Immediately upon the filing of the request, the clerk of the committee shall notify the chairman of the filing of the request. If, within three calendar days after the filing of the request, the chairman does not call the requested special meeting, to be held within seven calendar days after the filing of the request, a majority of the members of the committee may file in the offices of the committee their written notice that a special meeting of the committee will be held, specifying the date and hour of that special meeting. The committee shall meet on that date and hour. Immediately upon the filing of the notice, the clerk of the committee shall notify all members of the committee that such special meeting will be held and inform them of its date and hour. If the chairman of any such committee is not present at any regular, additional, or special meeting of the committee, the ranking member of the majority party on the committee who is present shall preside at that meeting.

* * *

5. (a) * * *

* * *

(b) Each meeting of a committee, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by a committee or a subcommittee thereof on the same subject for a period of no more than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in clauses (1) through (6) would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the members of the committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of committee staff personnel or internalstaff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under otherprovisions of law or Government regulations.

* * *

7. (a)(1) Except as provided in this paragraph, each committee, and each subcommittee thereof is authorized to fix the number of its members (but not less than onethird of its entire membership) who shall constitute a quorum thereof for the transaction of such business as may be considered by said committee, except that no measure or matter or recommendation shall be reported from any committee unless a majority of the committee were physically present.

(2) Each such committee, or subcommittee, is authorized to fix a lesser number than onethird of its entire membership who shall constitute a quorum thereof for the purpose of taking sworn testimony.

* * *

9. (a) Except as provided in subparagraph (b), each committee shall report one authorization resolution each year authorizing the committee to make expenditures out of the contingent fund of the Senate to defray its expenses, including the compensation of members of its staff and agency contributions related to such compensation, during the period beginning on March 1 of such year and ending on the last day of February of the following year. Such annual authorization resolution shall be reported not later than January 31 of each year, except that, whenever the designation of members of standing committees of the Senate occurs during the first session of a Congress at a date later than January 20, such resolution may be reported at any time within thirty days after the date on which the designation of such members is completed. After the annual authorization resolution of a committee for a year has been agreed to, such committee mayprocure authorization to make additional expenditures out of the contingent fund of the Senate during that year only by reporting a supplemental authorization resolution. Each supplemental authorization resolution reportedby a committee shall amend the annual authorization resolution of such committee for that year and shall be accompanied by a report specifying with particularity the purpose for which such authorization is sought and the reason why such authorization could not have been sought at the time of the submission by such committee of its annual authorization resolution for that year.

(b) In lieu of the procedure provided in subparagraph (a), the Committee on Rules and Administration may—

(1) direct each committee to report an authorization resolution for a two-year budget period beginning on March 1 of the first session of a Congress; and

(2) report one authorization resolution containing more than one committee authorization resolution for a one-year or two-year budget period.

* * *

RULE XXVII—COMMITTEE STAFF

1. Staff members appointed to assist minority members of committees pursuant to authority of a resolution described in paragraph 9 of rule XXVI or other Senate resolution shall be accorded equitable treatment with respect to the fixing of salary rates, the assignment of facilities, and the accessibility of committee records.

* * *

4. No committee shall appoint to its staff any experts or other personnel detailed or assigned from any department or agency of the Government, except with the written permission of the Committee on Rules and Administration.

* * *

UNITED STATES CODE ANNOTATED

TITLE 2.—THE CONGRESS

* * *

§ 72a. Committee staffs

* * *

(i) Consultants for Senate and House standing committees; procurement of temporary or intermittent services; contracts; advertisement requirements inapplicable; selection method; qualifications report to Congressional committees

(1) Each standing committee of the Senate or House of Representatives is authorized, with the approval of the Committee on Rules and Administration in the case of standing committees of the Senate, or the Committee on House Oversight in the case of standing committees of the House of Representatives, within the limits of funds made available from the contingent fund of the Senate or the applicable accounts of the House of Representatives pursuant to resolutions which, in the case of the Senate, shall specify the maximum amounts which may be used for such purpose, approved by the appropriate House, to procure the temporary services (not in excess of one year) or intermittent services of individual consultants, or organizations thereof, to make studies or advise the committee with respect to any matter within its jurisdiction or with respect to the administration of the affairs of the committee.

(2) Such services in the case of individuals or organizations may be procured by contract as independent contractors, or in the case of individuals by employment at daily rates of compensation not in excess of the per diem equivalent of the highest gross rate of compensation which may be paid to a regular employee of the committee. Such contracts shall not be subject to the provisions of section 5 of title 41 or any other provision of law requiring advertising.

(3) With respect to the standing committees of the Senate, any such consultant or organization shall be selected by the chairman and ranking minority member of the committee, acting jointly. With respect to the standing committees of the House of Representatives, the standing committee concerned shall select any such consultant or organization. The committee shall submit to the Committee on Rules and Administration in the case of standing committees of the Senate, and the Committee on House Oversight in the case of standing committees of the House of Representatives, information bearing on the qualifications of each consultant whose services are procured pursuant to this subsection, including organizations, and such information shall be retained by that committee and shall be made available for public inspection upon request.

(j) Specialized training for professional staffs of Senate and House standing committees, Senate Appropriations Committee, Senate Majority and Minority Policy Committees, and joint committees whose funding is disbursed by Secretary of Senate or Chief Administrative Officer of House; assistance: pay, tuition, etc. while training; continued employment agreement; service credit: retirement, life insurance and health insurance

(1) Each standing committee of the Senate or House of Representatives is authorized, with the approval of the Committee on Rules and Administration in the case of standing committees of the Senate, and the committee involved in the case of standing committees of the House of Representatives, and within the limits of funds made available from the contingent fund of the Senate or the applicable accounts of the House of Representatives pursuant to resolutions, which, in the case of the Senate, shall specify the maximum amounts which may be used for such purpose, approved by the appropriate House pursuant to resolutions, which shall specify the maximum amounts which may be used for such purpose, approved by such respective Houses, to provide assistance for members of its professional staff in obtaining specialized training, whenever that committee determines that such training will aid the committee in the discharge of its responsibilities. Any joint committee of the Congress whose expenses are paid out of funds disbursed by the Secretary of the Senate or by the Chief Administrative Officer of the House of Representatives, the Committee on Appropriations of the Senate, and the Majority Policy Committee and Minority Policy Committee of the Senate are each authorized to expend, for the purpose of providing assistance in accordance with paragraphs (2), (3), and (4) of this subsection for members of its staff in obtaining such training, any part of amounts appropriated to that committee.

(2) Such assistance may be in the form of continuance of pay during periods of training or grants of funds to pay tuition, fees, or such other expenses of training, or both, as may be approved by the Committee on Rules and Administration or the Committee on House Administration, as the case may be.

(3) A committee providing assistance under this subsection shall obtain from any employee receiving such assistance such agreement with respect to continued employment with the committee as the committee may deem necessary to assure that it will receive the benefits of such employee's services upon completion of his training.

(4) During any period for which an employee is separated from employment with a committee for the purpose of undergoing training under this subsection, such employee shall be considered to have performed service (in nonpay status) as an employee of the committee at the rate of compensation received immediately prior to commencing such training (including any increases in compensation provided by law during the period of training) for the purposes of—

(A) subchapter III (relating to civil service retirement) of chapter 83 of title 5,

(B) chapter 87 (relating to Federal employees group life insurance) of title 5, and

(C) chapter 89 (relating to Federal employees group health insurance) of title 5.●

UNACCEPTABLE AND OUTRAGEOUS CUTS TO THE FOREIGN AFFAIRS BUDGET

● Mrs. BOXER. Mr. President, I am very concerned about the drastic cuts the Republican budget makes to our foreign affairs budget. In his budget request, President Clinton asked for $21.3 billion in funding for foreign affairs. The budget before us cuts $3.2 billion from that request.

U.S. leadership around the world requires adequate resources both for embassy security and for international programs. As a member of the Foreign

Relations Committee and the Ranking Member of the International Operations Subcommittee, I have heard many times that our embassies abroad are in dire need of security upgrades.

We should not forget the terrible tragedy that took place last year when over 100 people died in the embassy bombings in Nairobi, Kenya and Dar es Salaam, Tanzania. It was a stark reminder that the men and women who conduct our diplomacy abroad put their lives on the line to promote U.S. interests throughout the world. We have the obligation to ensure their safety in every way possible.

These cuts to the State Department budget are so deep that Secretary Albright called them ''outrageous and unacceptable.''

Let me outline some of the important programs that will have to be eliminated from the budget under the Republican budget. A $24 million anti-narcotics initiative and programs to fight money laundering and trafficking in women could not be realized. The new Expanded Threat Reduction Program to reduce the proliferation of weapons of mass destruction in the former Soviet Union could not be implemented. And, the U.S. request of $500 million to support the Wye Implementation accord would not be achievable under the Senate Budget Resolution.

I cannot believe that my colleagues would chose to undermine our efforts to fight the international war on drugs, control the proliferation of nuclear weapons, and support the peace process in the Middle East, in Ireland and in Bosnia.

We live in a very dangerous world, and this budget puts us at greater risk. We must find the resources to fix this problem and properly fund the international affairs budget.●

FLEXIBILITY IN EDUCATION

● Mr. ABRAHAM. Mr. President, I rise to support the Education Flexibility Act. This legislation will address our continuing problem in education policy: too many Washington-knows-best policies and red-tape getting in the way of States and local districts as they attempt to address their unique educational needs.

Mr. President, over the past 16 years the Education Department has spent more than $175 billion on education programs. Yet achievement scores continue to stagnate and more young people than ever are dropping out of school. One crucial reason for this failure of Federal programs has been the enormous burden of Washington strings and mandates on the States and local school districts.

While the Federal Government provides only 7 percent of total spending on education, Washington demands 50 percent of the paperwork filled out by local school districts. That is wrong. It is inefficient, it is unfair and it is not the way to improve our children's education.

And this is why I support the Education Flexibility Act. This bill would give every State a chance to waive many of the cumbersome rules, regulations, and red-tape often associated with education programs run by Washington.

The State of Michigan currently enjoys the benefits of the Ed-Flex program. In applying for its Ed-Flex waiver, Michigan streamlined several of its State regulations. Further, the very process of seeking waivers has brought Michiganians together to improve education. A working group of State and local officials, school board members, parents and principals was put together in Michigan to determine the best way to streamline regulations and deliver education services.

I believe this legislation is moving in the right direction, and would like to see it move even further. I believe Congress should be even more flexible in new authorizations and appropriations. Communities are different and have different needs. Local school districts need to have more options on how to spend Federal education dollars. While some schools may need to hire additional teachers, other school districts may need to implement a summer school program or a literacy program. The point is, schools should have the flexibility and the resources to meet the specific needs of their students.

A number of amendments have been offered during debate on this bill. My general view is that to offer new authorizations for additional Washington-based programs is moving in the exact opposite direction of the intent of this bill. This bill seeks to free up local education agencies from the Federal bureaucracies administering programs not to add to them. To the extent that these issues have been raised, I have supported the notion that we should first meet our current fiscal obligation to IDEA in addition to giving State and local education agencies flexibility in administering Federal education resources. I look forward to a fuller discussion of these issues in the proper context of the reauthorization of the Elementary and Secondary Education Act.

There has been a great deal of debate about the need to fully fund the Individuals with Disabilities Education Act provisions affecting education. I believe that this raises an important point, particularly given the President's calls for new Federal programs such as his request for 100,000 new teachers, money for which would then compete with IDEA appropriations.

For years now parents and local schools have been expressing concern over the rising costs of education for children with special needs. The Federal Government has made a strong commitment to the education needs of disabled children in every way, with one telling exception: it has not lived up to its promise to provide its share of the funds necessary to educate these children. The result has been an increased burden on local school districts, which must make a choice between hiring a new teacher or paying the Federal Government's share of the IDEA bill.

Under the Republican Congress, funding for IDEA has increased significantly. Unfortunately, it is still not adequate to meet the costs imposed by federal mandates. I believe we have an obligation to do more to meet these previous commitments before we create new programs and start spending on them money which could go to fulfill our IDEA promise. Moreover, if Congress would actually meet the federal government's obligation to pay 40 percent of the costs for educating special needs children, it would free up millions for schools to spend meeting other specific, local education needs.

For example, my state receives approximately $73 million from the federal government for the educational needs of disabled children. If the 40 percent mandate was reached, my state would receive $378 million. By meeting the federal government's obligation to current programs, my state would have $305 million per year more (or one-quarter of the amount appropriated for the new teacher program last year) to be used for whatever needs local school districts might have—including hiring more teachers, after-school programs, or tutoring programs.

Mr. President, I recently asked a school district in my state what kind of difference fully funding IDEA could make to them. Here is what I found: If the federal government met its obligation in funding IDEA in the Oakland School District, that district would have $60 million more to spend on educating their students.

I think we can all agree on our commitment to elementary and secondary education. The main point of disagreement is over how to deliver federal resources to schools. I suggest that by freeing local school districts of regulations and redtape and by giving them more flexibility in how they administer federal resources, we can free local schools to do what they do best: educate our children.

Education flexibility is not the answer to all our educational problems. But I submit that it provides the best means available to get at those answers: allowing the parents, teachers, and local officials in a position to know what their students need to make the important decisions involved in setting education priorities.

This is a crucial piece of legislation, Mr. President, and I am proud to lend my full support behind this bill.●

COMPREHENSIVE BORDER PROTECTION ACT OF 1999

● Mr. GRAHAM. Mr. President, I rise today in support of the Comprehensive Border Protection Act of 1999 which Senator GRASSLEY and I introduced on March 23, 1999. This bill enhances our efforts to secure our borders by providing the U.S. Customs Service with

the necessary funding it requires to perform the multi faceted functions of drug interdiction, trade facilitation, and international passenger and cargo inspection services. The bill also addresses the concerns that I, as well as many of my colleagues, have regarding the U.S. Customs Service and its ability to efficiently and effectively: Determine enforcement and trade facilitation goals, objectives, and priorities; allocate assets and resources in response to changing threats and needs; address employee misconduct and integrity concerns; and ensure full participation in a comprehensive strategy to combat international drug trafficking and money laundering.

Combating international drug trafficking is critical to our national security. While we have experienced some success in our counter drug operations along the Southwest border, there are undeniable signs that drug traffickers are adapting to our law enforcement efforts.

During the 1980s, as our law enforcement presence increased along the Florida coast, drug traffickers responded by relocating their operations to the Southwest border. Reacting to this change, we abandoned Customs marine operations in Florida and intensified our efforts along the United States-Mexico border. Now, drug traffickers have renewed the use of established smuggling routes in the Caribbean and off the coast of Florida to surreptitiously import their destructive cargo into the United States.

During fiscal year 1998, Customs cocaine seizures in my home State of Florida totaled 69,479 pounds, a 23 percent increase over 1997 seizures. Drug related deaths in Florida also increased as more and more of our young adults experimented with heroin—the most pure heroin we have ever encountered; heroin so pure it can be smoked, rather than injected into a vein with a syringe.

An effective U.S. drug enforcement strategy must be proactive, including an intensified interdiction effort that exploits the inherent vulnerabilities of transporting drugs into the United States by air, land and sea. As one of our primary interdiction agencies, Customs must have the necessary assets and resources to meet its interdiction responsibilities.

Interdiction, however, is but one part of a successful drug enforcement strategy. Our strategy must also emphasize fundamental investigative work required to identify, infiltrate, disrupt and dismantle drug smuggling and money laundering organizations. To perform its investigative responsibilities, Customs must have the appropriate funding to sustain an experienced work force of inspectors and agents dedicated to drug enforcement operations. These inspectors and agents must be assigned to the most vulnerable and critical locations where illegal shipments of drugs enter the United States—our border with Mexico, as well as Florida and the Gulf Coast.

Our counter drug strategy must also recognize the importance of, and be sensitive to, the needs of the international trade community. Enhancing and facilitating open trade is essential to our economic health. To sustain U.S. economic growth, we must maintain the free flow of trade across our borders, while remaining vigilant to ensure that our open borders are not exploited by those who would use legitimate commerce to conceal their illegal activities.

Over the past few years, U.S. seaports and airports have benefitted from the increasing growth of international commerce. During 1998, international traffic at Florida ports increased approximately 17.9 percent. In response to the increase in international passenger and cargo arrivals, a number of new cruise ship terminals, container freight stations and passenger inspection facilities have been constructed and expanded. Additionally, operations in free trade zones and bonded warehouses have increased. However, in the face of this growth, I am concerned that Customs have been unable to adequately respond through the reallocation of personnel and funding.

We must ensure that Customs, in response to growth and change in international commerce, is prepared to review its resource allocation process on a regular basis. Customs must be able to shift both personnel and funding as threat and need dictate. States, such as Florida, that depend on the presence of Customs personnel to facilitate international trade, must be assured that sufficient Customs assets are in place to inspect and process both international passengers and cargo as they arrive in our seaports and airports.

The Comprehensive Border Protection Act of 1999 establishes a more accountable Customs Service by requiring Customs to report to this body, no later than 120 days after this legislation is enacted, on the methods utilized to identify enforcement priorities and trade facilitation objectives. This legislation requires that Customs establish performance standards and objectives against which we may evaluate the progress toward the goals identified in the customs annual plan. This legislaiton is a significant step toward giving customs the ability and authority to reallocate resources in order to meet enforcement demands and commercial operations needs.

The bill also directs Customs to develop and implement an accountability model to address violations of administrative policies and procedures, as well as allegations of corruption. The purpose of this provision is to ensure employee misconduct at the Customs Service is addressed in an efficient, effective and equitable manner. It is essential to the credibility of the agency that Customs address allegations of employee misconduct without unnecessary delay.●

RULES OF PROCEDURE OF THE COMMITTEE ON ARMED SERVICES

● Mr. WARNER. Mr. President, I ask that the Rules of Procedure for the Committee on Armed Services be printed in the RECORD.

The rules follow:

COMMITTEE ON ARMED SERVICES

RULES OF PROCEDURE

1. REGULAR MEETING DAY.—The Committee shall meet at least once a month when Congress is in session. The regular meeting days of the Committee shall be Tuesday and Thursday, unless the Chairman directs otherwise.

2. ADDITIONAL MEETINGS.—The Chairman may call such additional meetings as he deems necessary.

3. SPECIAL MEETINGS.—Special meetings of the Committee may be called by a majority of the members of the Committee in accordance with paragraph 3 of Rule XXVI of the Standing Rules of the Senate.

4. OPEN MEETINGS.—Each meeting of the Committee, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the Committee or a subcommittee thereof on the same subject for a period of no more than fourteen (14) calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated below in clauses (a) through (f) would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the members of the Committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(a) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(b) will relate solely to matters of Committee staff personnel or internal staff management or procedure;

(c) will tend to charge an individual with a crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy or will represent a clearly unwarranted invasion of the privacy of an individual;

(d) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(e) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(1) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(2) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(f) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

5. PRESIDING OFFICER.—The Chairman shall preside at all meetings and hearings of the committee except that in his absence the ranking majority member present at the meeting or hearing shall preside unless by a majority vote the Committee provides otherwise.

6. QUORUM.—(a) A majority of the members of the Committee are required to be actually

present to report a matter or measure from the Committee. (See Standing Rules of the Senate 26.7(a)(1)).

(b) Except as provided in subsections (a) and (c), and other than for the conduct of hearings, seven members of the Committee shall constitute a quorum for the transaction of such business as may be considered by the Committee.

(c) Three members of the Committee, one of whom shall be a member of the minority party, shall constitute a quorum for the purpose of taking sworn testimony, unless otherwise ordered by a majority of the full Committee.

(d) Proxy votes may not be considered for the purpose of establishing a quorum.

7. PROXY VOTING.—Proxy voting shall be allowed on all measures and matters before the Committee. The vote by proxy of any member of the Committee may be counted for the purpose of reporting any measure or matter to the Senate if the absent member casting such vote has been informed of the matter on which he is being recorded and has affirmatively requested that he be so recorded. Proxy must be given in writing.

8. ANNOUNCEMENT OF VOTES.—The results of all roll call votes taken in any meeting of the Committee on any measure, or amendment thereto, shall be announced in the committee report, unless previously announced by the Committee. The announcement shall include a tabulation of the votes cast in favor and votes cast in opposition to each such measure and amendment by each member of the Committee who was present at such meeting. The chairman may hold open a roll call vote on any measure or matter which is before the Committee until no later than midnight of the day on which the Committee votes on such measure or matter.

9. SUBPOENAS.—Subpoenas for attendance of witnesses and for the production of memoranda, documents, records, and the like may be issued by the chairman or any other member designated by him, but only when authorized by a majority of the members of the Committee. The subpoena shall briefly state the matter to which the witness is expected to testify or the documents to be produced.

10. HEARINGS.—(a) Public notice shall be given of the date, place and subject matter of any hearing to be held by the Committee, or any subcommittee thereof, at least 1 week in advance of such hearing, unless the Committee or subcommittee determines that good cause exists for beginning such hearings at an earlier time.

(b) Hearings may be initiated only by the specified authorization of the Committee or subcommittee.

(c) Hearings shall be held only in the District of Columbia unless specifically authorized to be held elsewhere by a majority vote of the Committee or subcommittee conducting such hearings.

(d) Witnesses appearing before the Committee shall file with the clerk of the Committee a written statement of their proposed testimony prior to the hearing at which they are to appear unless the chairman and the ranking minority member determine that there is good cause not to file such a statement. Witnesses testifying on behalf of the Administration shall furnish an additional 50 copies of their statement to the Committee. All statements must be received by the Committee at least 48 hours (not including weekends or holidays) before the hearing.

(e) Confidential testimony taken or confidential material presented in a closed hearing of the Committee or subcommittee or any report of the proceedings of such hearing shall not be made public in whole or in part or by way of summary unless authorized by a majority vote of the Committee or subcommittee.

(f) Any witness summoned to give testimony or evidence at a public or closed hearing of the Committee or subcommittee may be accompanied by counsel of his own choosing who shall be permitted at all times during such hearing to advise such witness of his legal rights.

(g) Witnesses providing unsworn testimony to the Committee may be given a transcript of such testimony for the purpose of making minor grammatical corrections. Such witnesses will not, however, be permitted to alter the substance of their testimony. Any question involving such corrections shall be decided by the Chairman.

11. NOMINATIONS.—Unless otherwise ordered by the Committee, nominations referred to the Committee shall be held for at least seven (7) days before being voted on by the Committee. Each member of the Committee shall be furnished a copy of all nominations referred to the Committee.

12. REAL PROPERTY TRANSACTIONS.—Each member of the Committee shall be furnished with a copy of the proposals of the Secretaries of the Army, Navy,and Air Force, submitted pursuant to 10 U.S.C. 2662 and with a copy of the proposals of the Director of the Federal Emergency Management Agency, submitted pursuant to 50 U.S.C. App. 2285, regarding the proposed acquisition or disposition of property of an estimated price or rental of more than $50,000. Any member of the Committee objecting to or requesting information on a proposed acquisition or disposal shall communicate his objection or request to the Chairman of the Committee within thirty (30) days from the date of submission.

13. LEGISLATIVE CALENDAR.—(a) The clerk of the Committee shall keep a printed calendar for the information of each committee member showing the bills introduced and referred to the Committee and the status of such bills. Such calendar shall be revised from time to time to show pertinent changes in such bills, the current status thereof, and new bills introduced and referred to the Committee. A copy of each new revision shall be furnished to each member of the Committee.

(b) Unless otherwise ordered, measures referred to the Committee shall be referred by the clerk of the Committee to the appropriate department or agency of the Government for reports thereon.

14. Except as otherwise specified herein, the Standing Rules of the Senate shall govern the actions of the Committee. Each subcommittee of the Committee is part of the Committee, and is therefore subject to the Committee's rules so far as applicable.

15. POWERS AND DUTIES OF SUBCOMMITTEES.—Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full Committee on all matters referred to it. Subcommittee chairmen shall set dates for hearings and meetings of their respective subcommittees after consultation with the Chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of full Committee and subcommittee meetings or hearings whenever possible.●

IN SUPPORT OF THE COMPREHENSIVE BORDER PROTECTION ACT

● Mr. MOYNIHAN. Mr. President, I rise today to support the Comprehensive Border Protection Act, a bill that addresses the urgent need for increased Customs inspectors and technology along the U.S.-Canadian border.

Every day, the U.S. Customs Service must meet the dual challenges of enforcing our trade laws and easing the flow of goods across our borders. Customs carries out this mission at 83 ports-of-entry along the U.S.-Canada border, the world's longest undefended border—some 5,500 miles.

The resources, however, that we have provided to the Customs Service to process traffic and trade across this border are woefully deficient. In a hearing before the Senate Finance Committee in September 1998, we learned that the current number of authorized Customs inspectors working on the northern border remains essentially the same as it was in 1980, despite the fact that the number of commercial entries they must process has increased sixfold since then, from 1 million to 6 million per year. The increased workload reflects of course the tremendous growth in U.S.-Canada trade: two-way trade in 1988, the year before the U.S.-Canada Free Trade Agreement entered into force, was $194 billion. In 1998, our two-way merchandise trade with Canada reached $331 billion, nearly $1 billion a day. Over one-quarter of our total imports from Canada enter the U.S. through three New York ports-of-entry—Buffalo, Champlain, and Alexandria Bay.

This bill aims to correct these problems by authorizing the additional people and technology necessary to handle the increase in trade and traffic between the United States and Canada. In particular, this bill authorizes 375 additional ''primary lane'' inspectors and 125 new cargo inspectors for the northern border, as well as 40 special agents and 10 intelligence agents. The bill also authorizes $26.58 million for equipment and technology for the northern border.

The resources available to the Customs Service over the last decade have simply not kept pace with this enormous growth in workload. As trade continues to grow, the day will come when our ports simply will not be able to bear that load, unless we ensure that adequate staffing and equipment are in place.●

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR FISCAL YEAR 1999

The text of S. 544, the Emergency Supplemental Appropriations Act for Fiscal Year 1999, as passed by the Senate on March 23, 1999, follows:

S. 544

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1999, and for other purposes, namely:

TITLE I—EMERGENCY SUPPLEMENTAL APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

OFFICE OF THE SECRETARY

EMERGENCY GRANTS TO ASSIST LOW-INCOME MIGRANT AND SEASONAL FARMWORKERS

For emergency grants to assist low-income migrant and seasonal farmworkers under

section 2281 of the Food, Agriculture, Conservation, and Trade Act of 1990 (42 U.S.C. 5177a), $25,000,000: *Provided*, That the entire amount shall be available only to the extent an official budget request for $25,000,000, 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) of such Act.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

For an additional amount to carry out the agricultural marketing assistance program under the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.), $200,000, and the rural business enterprise grant program under section 310B(c) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(c)), $500,000: *Provided*, That the entire amount shall be available only to the extent an official budget request for $700,000, 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 Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement under section 251(b)(2)(A) of such Act.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY

(SECTION 32)

For an additional amount for the fund maintained for funds made available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), $150,000,000: *Provided*, That the entire amount shall be available only to the extent an official budget request for $150,000,000, 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 Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement under section 251(b)(2)(A) of such Act.

FARM SERVICE AGENCY

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $42,753,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

For additional gross obligations for the principal amount of direct and guaranteed loans as authorized by 7 U.S.C. 1928–1929, to be available from funds in the Agricultural Credit Insurance Fund, as follows: farm ownership loans, $550,000,000, of which $350,000,000 shall be for guaranteed loans; operating loans, $370,000,000, of which $185,000,000 shall be for subsidized guaranteed loans; and for emergency insured loans, $175,000,000 to meet the needs resulting from natural disasters.

For the additional cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, to remain available until expended, as follows: farm ownership loans, $35,505,000, of which $5,565,000 shall be for guaranteed loans; operating loans, $28,804,000, of which $16,169,000 shall be for subsidized guaranteed loans; and for emergency insured loans, $41,300,000 to meet the needs resulting from natural disasters; and for additional administrative expenses to carry out the direct and guaranteed loan programs, $4,000,000: *Provided*, That the entire amounts are designated by the Congress as emergency requirements pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

EMERGENCY CONSERVATION PROGRAM

For an additional amount for the ''Emergency Conservation Program'' for expenses resulting from natural disasters, $30,000,000, to remain available until expended: *Provided*, That the entire amount shall be available only to the extent that an official budget request for $30,000,000, 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) of such Act.

COMMODITY CREDIT CORPORATION FUND

LIVESTOCK INDEMNITY PROGRAM

An amount of $3,000,000 is provided to implement a livestock indemnity program as established in Public Law 105–18: *Provided*, That the entire amount shall be available only to the extent an official budget request for $3,000,000, 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) of such Act.

NATURAL RESOURCES CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for ''Watershed and Flood Prevention Operations'' to repair damages to the waterways and watersheds, including debris removal that would not be authorized under the Emergency Watershed Program, resulting from natural disasters, $100,000,000, to remain available until expended: *Provided*, That the entire amount shall be available only to the extent that an official budget request for $100,000,000, 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) of such Act.

RURAL COMMUNITY ADVANCEMENT PROGRAM

For an additional amount for the costs of direct loans and grants of the rural utilities programs described in section 381E(d)(2) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009f), as provided in 7 U.S.C. 1926(a) and 7 U.S.C. 1926C for distribution through the national reserve, $30,000,000, of which $25,000,000 shall be for grants under such program: *Provided*, That the entire amount shall be available only to the extent an official budget request for $30,000,000, 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) of such Act.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

For additional gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, to be available from funds in the rural housing insurance fund to meet needs resulting from natural disasters, as follows: $10,000,000 for loans to section 502 borrowers, as determined by the Secretary; and $1,000,000 for section 504 housing repair loans.

For the additional cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, to remain available until expended, $1,534,000, as follows: section 502 loans, $1,182,000; and section 504 housing repair loans, $352,000: *Provided*, That the entire amount shall be available only to the extent that an official budget request for $1,534,000, 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) of such Act.

RURAL HOUSING ASSISTANCE GRANTS

For an additional amount for grants for very low-income housing repair, as authorized by 42 U.S.C. 1474, to meet needs resulting from natural disasters, $1,000,000: *Provided*, That the entire amount shall be available only to the extent that an official budget request for $1,000,000, 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) of such Act.

GENERAL PROVISIONS, THIS CHAPTER

SEC. 1101. The Secretary of Agriculture may waive the limitation established under the second sentence of the second paragraph of section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), on the amount of funds that may be devoted during fiscal year 1999 to any 1 agricultural commodity or product thereof.

SEC. 1102. CROP LOSS ASSISTANCE. (a) IN GENERAL.—Section 1102 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (section 101(a) of division A of Public Law 105–277), is amended—

(1) in subsection (a), by inserting ''(not later than June 15, 1999)'' after ''made available''; and

(2) in subsection (g)(1), by inserting ''or private crop insurance (including a rain and hail policy)'' before the period at the end.

(b) DESIGNATION AS EMERGENCY REQUIREMENT.—Such sums as are necessary to carry out the amendments made by subsection (a): *Provided*, That such amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement under section 251(b)(2)(A) of such Act.

SEC. 1103. Notwithstanding section 11 of the Commodity Credit Corporation Charter

Act (15 U.S.C. 714i), an additional $28,000,000 shall be provided through the Commodity Credit Corporation in fiscal year 1999 for technical assistance activities performed by any agency of the Department of Agriculture in carrying out any conservation or environmental program funded by the Commodity Credit Corporation: *Provided*, That the entire amount shall be available only to the extent an official budget request for $28,000,000, 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) of such Act.

SEC. 1104. Notwithstanding any other provision of law, monies available under section 763 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999, shall be provided by the Secretary of the Agriculture directly to any State determined by the Secretary of Agriculture to have been materially affected by the commercial fishery failure or failures declared by the Secretary of Commerce in September, 1998 under section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act. Such State shall disburse the funds to individuals with family incomes below the Federal poverty level who have been adversely affected by the commercial fishery failure or failures: *Provided*, That the entire amount shall be available only to the extent an official budget request for such 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 under section 251(b)(2)(A) of such Act.

SEC. 1105. (a) For an additional amount for the Livestock Assistance Program under Public Law 105–277, $70,000,000: *Provided*, That the entire amount shall be available only to the extent an official budget request for $70,000,000, 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) of such Act.

(b) An additional amount of $250,000,000 is rescinded as provided in section 3002 of this Act.

SEC. 1106. CROP INSURANCE OPTIONS FOR PRODUCERS WHO APPLIED FOR CROP REVENUE COVERAGE PLUS. (a) ELIGIBLE PRODUCERS.—This section applies with respect to a producer eligible for insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) who applied for the supplemental crop insurance endorsement known as Crop Revenue Coverage PLUS (referred to in this section as ''CRCPLUS'') for the 1999 crop year for a spring planted agricultural commodity.

(b) ADDITIONAL PERIOD FOR OBTAINING OR TRANSFERRING COVERAGE.—Notwithstanding the sales closing date for obtaining crop insurance coverage established under section 508(f)(2) of the Federal Crop Insurance Act (7 U.S.C. 1508(f)(2)) and notwithstanding any other provision of law, the Federal Crop Insurance Corporation shall provide a 14-day period beginning on the date of enactment of this Act, but not to extend beyond April 12, 1999, during which a producer described in subsection (a) may—

(1) with respect to a federally reinsured policy, obtain from any approved insurance provider a level of coverage for the agricultural commodity for which the producer applied for the CRCPLUS endorsement that is equivalent to or less than the level of federally reinsured coverage that the producer applied for from the insurance provider that offered the CRCPLUS endorsement; and

(2) transfer to any approved insurance provider any federally reinsured coverage provided for other agricultural commodities of the producer by the same insurance provider that offered the CRCPLUS endorsement, as determined by the Corporation.

CHAPTER 2

FUNDS APPROPRIATED TO THE PRESIDENT

AGENCY FOR INTERNATIONAL DEVELOPMENT

CENTRAL AMERICA AND THE CARIBBEAN EMERGENCY DISASTER RECOVERY FUND

(INCLUDING TRANSFERS OF FUNDS)

Notwithstanding section 10 of Public Law 91–672, for necessary expenses to address the effects of hurricanes in Central America and the Caribbean and the earthquake in Colombia, $611,000,000, to remain available until September 30, 2000: *Provided*, That the funds appropriated under this heading shall be subject to the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, as amended, and, except for section 558, the provisions of title V of the Foreign Operations, Export Financing, and Related Programs Act, 1999 (as contained in division A, section 101(d) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277)): *Provided further*, That such assistance may be made available notwithstanding such provisions of law regulating the making, performance, amendment, or modification of contracts as the Administrator of the United States Agency for International Development (USAID) may specify: *Provided further*, That at least five days prior to any use of the authority in the preceding proviso the Administrator of USAID shall report in writing to the Committees on Appropriations of his intent to exercise such authority: *Provided further*, That up to $6,000,000 of the funds appropriated by this paragraph may be transferred to ''Operating Expenses of the Agency for International Development'', to remain available until September 30, 2000, to be used for administrative costs of USAID in addressing the effects of those hurricanes, of which up to $1,000,000 may be used to contract directly for the personal services of individuals in the United States: *Provided further*, That of the funds made available under this heading, not less than $2,000,000 should be made available to support the clearance of landmines and other unexploded ordnance in Nicaragua and Honduras: *Provided further*, That, of the amount appropriated under this heading, up to $10,000,000 may be made available to establish and support a scholarship fund for qualified low-to-middle income students to attend Zamorano Agricultural University in Honduras: *Provided further*, That up to $1,500,000 of the funds appropriated by this heading may be transferred to ''Operating Expenses of the Agency for International Development, Office of Inspector General'', to remain available until expended, to be used for costs of audits, inspections, and other activities associated with the expenditure of funds appropriated by this heading: *Provided further*, That $500,000 of the funds appropriated by this heading shall be made available to the Comptroller General for purposes of monitoring the provision of assistance using funds appropriated by this heading: *Provided further*, That any funds appropriated by this heading that are made available for nonproject assistance shall be obligated and expended subject to the regular notification procedures of the Committees on Appropriations and to the notification procedures relating to the reprogramming of funds under section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1): *Provided further*, That funds appropriated under this heading shall be obligated and expended subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That the entire amount shall be available only to the extent that an official budget request for $611,000,000, 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) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the Agency for International Development should undertake efforts to promote reforestation, with careful attention to the choice, placement, and management of species of trees consistent with watershed management objectives designed to minimize future storm damage, and to promote energy conservation through the use of renewable energy and energy-efficient services and technologies: *Provided further*, That reforestation and energy initiatives under this heading should be integrated with other sustainable development efforts: *Provided further*, That of the funds made available under this heading, up to $10,000,000 may be used to build permanent single family housing for those who are homeless as a result of the effects of hurricanes in Central America and the Caribbean.

INTERNATIONAL DISASTER ASSISTANCE

Notwithstanding section 10 of Public Law 91–672, for an additional amount for ''International Disaster Assistance'' for necessary expenses for international disaster relief, rehabilitation, and reconstruction assistance, pursuant to section 491 of the Foreign Assistance Act of 1961, as amended, $35,000,000, to remain available until expended: *Provided*, That the entire amount shall be available only to the extent that an official budget request for $35,000,000, 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) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For necessary expenses to enable the President to carry out chapter 4 of part II of the Foreign Assistance Act of 1961, as amended, in addition to amounts otherwise available for such purposes: to provide assistance to Jordan, $50,000,000, to remain available until September 30, 2001: *Provided*, That the entire amount made available for fiscal year 1999 herein is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

For necessary expenses for grants to enable the President to carry out section 23 of

the Arms Export Control Act, in addition to amounts otherwise available for such purposes, $50,000,000, to become available upon enactment of this Act and to remain available until September 30, 2001, which shall be for grants only for Jordan: *Provided*, That funds appropriated under this heading shall be nonrepayable, notwithstanding section 23(b) and section 23(c) of the Arms Export Control Act: *Provided further*, That the entire amount made available for fiscal year 1999 herein is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF THE TREASURY

DEBT RESTRUCTURING

Notwithstanding section 10 of Public Law 91–672, for an additional amount for ''Debt Restructuring'', $41,000,000, to remain available until expended and subject to the terms and conditions under the same heading in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1999, as included in Public Law 105–277, section 101(d): *Provided*, That up to $25,000,000 may be used for a contribution to the Central America Emergency Trust Fund, administered by the International Bank for Reconstruction and Development: *Provided further*, That such funds shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISION, THIS CHAPTER

SEC. 1201. The value of articles, services, and military education and training authorized as of November 15, 1998, to be drawn down by the President under the authority of section 506(a)(2) of the Foreign Assistance Act of 1961, as amended, shall not be counted against the ceiling limitation of that section.

CHAPTER 3

DEPARTMENT OF THE INTERIOR

UNITED STATES FISH AND WILDLIFE SERVICE

CONSTRUCTION

For an additional amount for ''Construction'', $12,612,000, to remain available until expended, to repair damage due to rain, winds, ice, snow, and other acts of nature, and to replace and repair power generation equipment: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the amount provided shall be available only to the extent that an official budget request that includes designation of the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

OTHER RELATED AGENCY

UNITED STATES HOLOCAUST MEMORIAL COUNCIL

HOLOCAUST MEMORIAL COUNCIL

For an additional amount for ''Holocaust Memorial Council'', $2,000,000, to remain available until expended, for the Holocaust Museum to address security needs: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the amount provided shall be available only to the extent that an official budget request that includes designation of the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

CHAPTER 4

INDEPENDENT AGENCY

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER ASSISTANCE FOR UNMET NEEDS

For ''Disaster Assistance for Unmet Needs'', $313,600,000, which shall remain available until September 30, 2001, for use by the Director of the Federal Emergency Management Agency (Director) only for disaster relief, buyout assistance, long-term recovery, and mitigation in communities affected by Presidentially-declared natural disasters designated during fiscal years 1998 and 1999, only to the extent those activities are not reimbursable by or for which funds are not made available by the Federal Emergency Management Agency (under its ''Disaster Relief'' program), the Small Business Administration, or the Army Corps of Engineers: *Provided*, That in administering these funds the Director shall allocate these funds to States to be administered by each State in conjunction with its Federal Emergency Management Agency Disaster Relief program: *Provided further*, That each State shall provide not less than 25 percent in non-Federal public matching funds or its equivalent value (other than administrative costs) for any funds allocated to the State under this heading: *Provided further*, That the Director shall allocate these funds based on the unmet needs arising from a Presidentially-declared disaster as identified by the Director as those which have not or will not be addressed by other Federal disaster assistance programs and for which it is deemed appropriate to supplement the efforts and available resources of States, local governments and disaster relief organizations: *Provided further*, That the Director shall establish review groups within FEMA to review each request by a State of its unmet needs and certify as to the actual costs associated with the unmet needs as well as the commitment and ability of each state to provide its match requirement: *Provided further*, That the Director shall implement all mitigation and buyout efforts in a manner consistent with the requirements of section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act: *Provided further*, That the Director shall publish a notice in the Federal Register governing the allocation and use of the funds under this heading, including provisions for ensuring the compliance of the states with the requirements of this program: *Provided further*, That 10 days prior to distribution of funds, the Director shall submit a list to the House and Senate Committees on Appropriations, setting forth the proposed uses of funds and the most recent estimates of unmet needs: *Provided further*, That the Director shall submit quarterly reports to the Committees regarding the actual projects and needs for which funds have been provided under this heading: *Provided further*, That to the extent any funds under this heading are used in a manner inconsistent with the requirements of the program established under this heading and any rules issued pursuant thereto, the Director shall recapture an equivalent amount of funds from the State from any existing funds or future funds awarded to the State under this heading or any other program administered by the Federal Emergency Management Agency: *Provided further*, That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined by 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) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISION, THIS TITLE

SEC. 1401. EMERGENCY STEEL LOAN GUARANTEE PROGRAM. (a) SHORT TITLE.—This section may be cited as the ''Emergency Steel Loan Guarantee Act of 1999''.

(b) CONGRESSIONAL FINDINGS.—Congress finds that—

(1) the United States steel industry has been severely harmed by a record surge of more than 40,000,000 tons of steel imports into the United States in 1998, caused by the world financial crisis;

(2) this surge in imports resulted in the loss of more than 10,000 steel worker jobs in 1998, and was the imminent cause of 3 bankruptcies by medium-sized steel companies, Acme Steel, Laclede Steel, and Geneva Steel;

(3) the crisis also forced almost all United States steel companies into—

(A) reduced volume, lower prices, and financial losses; and

(B) an inability to obtain credit for continued operations and reinvestment in facilities;

(4) the crisis also has affected the willingness of private banks and investment institutions to make loans to the U.S. steel industry for continued operation and reinvestment in facilities;

(5) these steel bankruptcies, job losses, and financial losses are also having serious negative effects on the tax base of cities, counties, and States, and on the essential health, education, and municipal services that these government entities provide to their citizens; and

(6) a strong steel industry is necessary to the adequate defense preparedness of the United States in order to have sufficient steel available to build the ships, tanks, planes, and armaments necessary for the national defense.

(c) DEFINITIONS.—For purposes of this section—

(1) the term ''Board'' means the Loan Guarantee Board established under subsection (e);

(2) the term ''Program'' means the Emergency Steel Guaranteed Loan Program established under subsection (d); and

(3) the term ''qualified steel company'' means any company that—

(A) is incorporated under the laws of any State;

(B) is engaged in the production and manufacture of a product defined by the American Iron and Steel Institute as a basic steel mill product, including ingots, slab and billets, plates, flat-rolled steel, sections and structural products, bars, rail type products, pipe and tube, and wire rod; and

(C) has experienced layoffs, production losses, or financial losses since the beginning of the steel import crisis, after January 1, 1998.

(d) ESTABLISHMENT OF EMERGENCY STEEL GUARANTEED LOAN PROGRAM.—There is established the Emergency Steel Guaranteed Loan Program, to be administered by the Board, the purpose of which is to provide loan guarantees to qualified steel companies in accordance with this section.

(e) LOAN GUARANTEE BOARD MEMBERSHIP.—There is established a Loan Guarantee Board, which shall be composed of—

(1) the Secretary of Commerce, who shall serve as Chairman of the Board;

(2) the Secretary of Labor; and

(3) the Secretary of the Treasury.

(f) LOAN GUARANTEE PROGRAM.—

(1) AUTHORITY.—The Program may guarantee loans provided to qualified steel companies by private banking and investment institutions in accordance with the procedures, rules, and regulations established by the Board.

(2) TOTAL GUARANTEE LIMIT.—The aggregate amount of loans guaranteed and outstanding at any one time under this section may not exceed $1,000,000,000.

(3) INDIVIDUAL GUARANTEE LIMIT.—The aggregate amount of loans guaranteed under this section with respect to a single qualified steel company may not exceed $250,000,000.

(4) MINIMUM GUARANTEE AMOUNT.—No single loan in an amount that is less than $25,000,000 may be guaranteed under this section.

(5) TIMELINES.—The Board shall approve or deny each application for a guarantee under this section as soon as possible after receipt of such application.

(6) ADDITIONAL COSTS.—For the additional cost of the loans guaranteed under this subsection, including the costs of modifying the loans as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a), there is appropriated $140,000,000 to remain available until expended.

(g) REQUIREMENTS FOR LOAN GUARANTEES.—A loan guarantee may be issued under this section upon application to the Board by a qualified steel company pursuant to an agreement to provide a loan to that qualified steel company by a private bank or investment company, if the Board determines that—

(1) credit is not otherwise available to that company under reasonable terms or conditions sufficient to meet its financing needs, as reflected in the financial and business plans of that company;

(2) the prospective earning power of that company, together with the character and value of the security pledged, furnish reasonable assurance of repayment of the loan to be guaranteed in accordance with its terms;

(3) the loan to be guaranteed bears interest at a rate determined by the Board to be reasonable, taking into account the current average yield on outstanding obligations of the United States with remaining periods of maturity comparable to the maturity of such loan; and

(4) the company has agreed to an audit by the General Accounting Office, prior to the issuance of the loan guarantee and annually while any such guaranteed loan is outstanding.

(h) TERMS AND CONDITIONS OF LOAN GUARANTEES.—

(1) LOAN DURATION.—All loans guaranteed under this section shall be payable in full not later than December 31, 2005, and the terms and conditions of each such loan shall provide that the loan may not be amended, or any provision thereof waived, without the consent of the Board.

(2) LOAN SECURITY.—Any commitment to issue a loan guarantee under this section shall contain such affirmative and negative covenants and other protective provisions that the Board determines are appropriate. The Board shall require security for the loans to be guaranteed under this section at the time at which the commitment is made.

(3) FEES.—A qualified steel company receiving a guarantee under this section shall pay a fee in an amount equal to 0.5 percent of the outstanding principal balance of the guaranteed loan to the Department of the Treasury.

(i) REPORTS TO CONGRESS.—The Secretary of Commerce shall submit to the Congress annually, a full report of the activities of the Board under this section during fiscal years 1999 and 2000, and annually thereafter, during such period as any loan guaranteed under this section is outstanding.

(j) SALARIES AND ADMINISTRATIVE EXPENSES.—For necessary expenses to administer the Program, $5,000,000 is appropriated to the Department of Commerce, to remain available until expended, which may be transferred to the Office of the Assistant Secretary for Trade Development of the International Trade Administration.

(k) TERMINATION OF GUARANTEE AUTHORITY.—The authority of the Board to make commitments to guarantee any loan under this section shall terminate on December 31, 2001.

(l) REGULATORY ACTION.—The Board shall issue such final procedures, rules, and regulations as may be necessary to carry out this section not later than 60 days after the date of enactment of this Act.

(m) EMERGENCY DESIGNATION.—The entire amount made available to carry out this section—

(1) is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)); and

(2) shall be available only to the extent that an official budget request 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) is transmitted by the President to the Congress.

SEC. 1402. PETROLEUM DEVELOPMENT MANAGEMENT. (a) SHORT TITLE.—This section may be cited as the ''Emergency Oil and Gas Guaranteed Loan Program Act''.

(b) FINDINGS.—Congress finds that—

(1) consumption of foreign oil in the United States is estimated to equal 56 percent of all oil consumed, and that percentage could reach 68 percent by 2010 if current prices prevail;

(2) the number of oil and gas rigs operating in the United States is at its lowest since 1944, when records of this tally began;

(3) if prices do not increase soon, the United States could lose at least half its marginal wells, which in aggregate produce as much oil as the United States imports from Saudi Arabia;

(4) oil and gas prices are unlikely to increase for at least several years;

(5) declining production, well abandonment, and greatly reduced exploration and development are shrinking the domestic oil and gas industry;

(6) the world's richest oil producing regions in the Middle East are experiencing increasingly greater political instability;

(7) United Nations policy may make Iraq the swing oil producing nation, thereby granting Saddam Hussein tremendous power;

(8) reliance on foreign oil for more than 60 percent of our daily oil and gas consumption is a national security threat;

(9) the level of United States oil security is directly related to the level of domestic production of oil, natural gas liquids, and natural gas; and

(10) a national security policy should be developed that ensures that adequate supplies of oil are available at all times free of the threat of embargo or other foreign hostile acts.

(c) DEFINITIONS.—In this section:

(1) BOARD.—The term ''Board'' means the Loan Guarantee Board established by subsection (e).

(2) PROGRAM.—The term ''Program'' means the Emergency Oil and Gas Guaranteed Loan Program established by subsection (d).

(3) QUALIFIED OIL AND GAS COMPANY.—The term ''qualified oil and gas company'' means a company that—

(A) is incorporated under the laws of any State;

(B) is—

(i) an independent oil and gas company (within the meaning of section 57(a)(2)(B)(i) of the Internal Revenue Code of 1986); or

(ii) a small business concern under section 3 of the Small Business Act (15 U.S.C. 632) that is an oil field service company whose main business is providing tools, products, personnel, and technical solutions on a contractual basis to exploration and production operators who drill, complete, produce, transport, refine and sell hydrocarbons and their byproducts as their main commercial business; and

(C) has experienced layoffs, production losses, or financial losses since the beginning of the oil import crisis, after January 1, 1997.

(d) EMERGENCY OIL AND GAS GUARANTEED LOAN PROGRAM.—

(1) IN GENERAL.—There is established the Emergency Oil and Gas Guaranteed Loan Program, the purpose of which shall be to provide loan guarantees to qualified oil and gas companies in accordance with this section.

(2) LOAN GUARANTEE BOARD.—There is established to administer the Program a Loan Guarantee Board, to be composed of—

(A) the Secretary of Commerce, who shall serve as Chairperson of the Board;

(B) the Secretary of Labor; and

(C) the Secretary of the Treasury.

(e) AUTHORITY.—

(1) IN GENERAL.—The Program may guarantee loans provided to qualified oil and gas companies by private banking and investment institutions in accordance with procedures, rules, and regulations established by the Board.

(2) TOTAL GUARANTEE LIMIT.—The aggregate amount of loans guaranteed and outstanding at any one time under this section shall not exceed $500,000,000.

(3) INDIVIDUAL GUARANTEE LIMIT.—The aggregate amount of loans guaranteed under this section with respect to a single qualified oil and gas company shall not exceed $10,000,000.

(4) MINIMUM GUARANTEE AMOUNT.—No single loan in an amount that is less than $250,000 may be guaranteed under this section.

(5) EXPEDITIOUS ACTION ON APPLICATIONS.—The Board shall approve or deny an application for a guarantee under this section as soon as practicable after receipt of an application.

(f) REQUIREMENTS FOR LOAN GUARANTEES.—The Board may issue a loan guarantee on application by a qualified oil and gas company under an agreement by a private bank or investment company to provide a loan to the qualified oil and gas company, if the Board determines that—

(1) credit is not otherwise available to the company under reasonable terms or conditions sufficient to meet its financing needs, as reflected in the financial and business plans of the company;

(2) the prospective earning power of the company, together with the character and value of the security pledged, provide a reasonable assurance of repayment of the loan to be guaranteed in accordance with its terms;

(3) the loan to be guaranteed bears interest at a rate determined by the Board to be reasonable, taking into account the current average yield on outstanding obligations of the United States with remaining periods of maturity comparable to the maturity of the loan; and

(4) the company has agreed to an audit by the General Accounting Office before issuance of the loan guarantee and annually while the guaranteed loan is outstanding.

(g) TERMS AND CONDITIONS OF LOAN GUARANTEES.—

(1) LOAN DURATION.—All loans guaranteed under this section shall be repayable in full not later than December 31, 2010, and the terms and conditions of each such loan shall provide that the loan agreement may not be amended, or any provision of the loan agreement waived, without the consent of the Board.

(2) LOAN SECURITY.—A commitment to issue a loan guarantee under this section shall contain such affirmative and negative covenants and other protective provisions as the Board determines are appropriate. The Board shall require security for the loans to be guaranteed under this section at the time at which the commitment is made.

(3) FEES.—A qualified oil and gas company receiving a loan guarantee under this section shall pay a fee in an amount equal to 0.5 percent of the outstanding principal balance of the guaranteed loan to the Department of the Treasury.

(h) REPORTS.—During fiscal year 1999 and each fiscal year thereafter until each guaranteed loan has been repaid in full, the Secretary of Commerce shall submit to the Congress a report on the activities of the Board.

(i) SALARIES AND ADMINISTRATIVE EXPENSES.—For necessary expenses to administer the Program, $2,500,000 is appropriated to the Department of Commerce, to remain available until expended, which may be transferred to the Office of the Assistant Secretary for Trade Development of the International Trade Administration.

(j) TERMINATION OF GUARANTEE AUTHORITY.—The authority of the Board to make commitments to guarantee any loan under this section shall terminate on December 31, 2001.

(k) REGULATORY ACTION.—Not later than 60 days after the date of enactment of this Act, the Board shall issue such final procedures, rules, and regulations as are necessary to carry out this section.

(l) EMERGENCY DESIGNATION.—The entire amount made available to carry out this section—

(1) is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)); and

(2) shall be available only to the extent that the President submits to the Congress a budget request that includes designation of the entire amount of the request as an emergency requirement.

SEC. 1403. DEDUCTION FOR OIL AND GAS PRODUCTION. (a) DEDUCTION.—Subject to the limitations in subsection (c), the Secretary of the Interior shall allow lessees operating one or more qualifying wells on public land to deduct from the amount of royalty otherwise payable to the Secretary on production from a qualifying well, the amount of expenditures made by such lessees after April 1, 1999 to—

(1) increase oil or gas production from existing wells on public land;

(2) drill new oil or gas wells on existing leases on public land; or

(3) explore for oil or gas on public land.

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

(1) the term ''lessee'' means any person to whom the United States issues a lease for oil and gas exploration, production, or development on public land, or any person to whom operating rights in such lease have been assigned;

(2) the term ''public land'' has the same meaning given such term in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e)); and

(3) the term ''qualifying well'' means any well for the production of natural gas, crude oil, or both that is on public land and—

(A) has production that is treated as marginal production under section 631A(c)(6) of the Internal Revenue Code of 1986; or

(B) has been classified as a qualifying well by the Secretary of the Interior for purposes of maximizing the benefits of this section.

(c) SUNSET.—The Secretary of the Interior shall not allow a deduction under this section after—

(1) September 30, 2000;

(2) the thirtieth consecutive day on which the price for West Texas Intermediate crude oil on the New York Mercantile Exchange closes above $18 per barrel; or

(3) lessees have deducted a total of $123,000,000 under this section—

whichever occurs first.

(d) ADMINISTRATIVE COSTS.—For necessary expenses of the Department of the Interior under this section, $2,000,000 is appropriated to the Secretary of the Interior, to remain available until expended.

(e) EMERGENCY DESIGNATION.—The entire amount made available to carry out this section—

(1) shall be available only to the extent an official budget request for $125,000,000, 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; and

(2) is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

(f) ADDITIONAL AMOUNT.—An additional amount of $125,000,000 is rescinded as provided in section 3002 of this Act.

TITLE II—SUPPLEMENTAL APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF JUSTICE

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

ENFORCEMENT AND BORDER AFFAIRS

For an additional amount for ''Salaries and Expenses, Enforcement and Border Affairs'' to support increased detention requirements for criminal and illegal aliens, $80,000,000, which shall remain available until September 30, 2000.

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For the necessary expenses of additional research, management, and enforcement activities in the Northeast Multispecies fishery, and for the acquisition of shoreline data for nautical charts, $3,880,000, to remain available until expended: *Provided*, That from unobligated balances in this account available under the heading ''CLIMATE AND GLOBAL CHANGE RESEARCH'', $2,000,000 shall be made available for regional applications programs at the University of Northern Iowa consistent with the direction in the report to accompany Public Law 105–277.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for ''International Narcotics Control and Law Enforcement'', $23,000,000, for additional counterdrug research and development activities: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in such Act is transmitted by the President to the Congress.

THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses,'' $921,000, to remain available until expended.

CHAPTER 2

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

RESERVE PERSONNEL, ARMY

For an additional amount for ''Reserve Personnel, Army'', $2,900,000.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for ''National Guard Personnel, Army'', $7,300,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for ''National Guard Personnel, Air Force'', $1,000,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $50,000,000.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for ''Operation and Maintenance, Navy'', $16,000,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $8,000,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Operation and Maintenance, Defense-Wide'', $21,000,000, of which $20,000,000 is available only for the CINC initiative fund.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Army National Guard'', $20,000,000.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For an additional amount for ''Overseas Humanitarian, Disaster, and Civic Aid'', $37,500,000.

NEW HORIZONS EXERCISE TRANSFER FUND

(INCLUDING TRANSFER OF FUNDS)

For emergency expenses incurred by United States military forces to participate in the New Horizons Exercise programs to undertake relief, rehabilitation, and restoration operations and training activities in response to disasters within the United States Southern Command area of responsibility; $46,000,000, to remain available for transfer until September 30, 1999: *Provided*, That the Secretary of Defense may transfer these funds to operation and maintenance accounts: *Provided further*, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: *Provided further*, That the transfer authority provided in this paragraph is in addition to any other transfer authority contained in Public Law 105–262.

GENERAL PROVISIONS, THIS CHAPTER

SEC. 2201. Of the amounts appropriated or otherwise made available in the Department of Defense Appropriations Act, 1999 (Public Law 105–262) for ''Operation and maintenance, defense-wide'', up to $8,000,000 may be made available for the award of a grant to a

consortium of nonprofit, higher education institutions for the purpose of creating a computer network among such institutions to enhance teaching and learning opportunities in science, technology and communications.

SEC. 2202. (a) UNITED STATES MILITARY ACADEMY.—Section 4344(b)(3) of title 10, United States Code, is amended by striking ''five persons'' and inserting ''10 persons''.

(b) UNITED STATES NAVAL ACADEMY.—Section 6957(b)(3) of such title is amended by striking ''five persons'' and inserting ''10 persons''.

(c) UNITED STATES AIR FORCE ACADEMY.—Section 9344(b)(3) of such title is amended by striking ''five persons'' and inserting ''10 persons''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to students from a foreign country entering the United States Military Academy, the United States Naval Academy, or the United States Air Force Academy on or after May 1, 1999.

SEC. 2203. (a) AUTHORITY TO MAKE PAYMENTS.—Subject to the provisions of this section, the Secretary of Defense is authorized to make payments for the settlement of the claims arising from the deaths caused by the accident involving a United States Marine Corps EA–6B aircraft on February 3, 1998, near Cavalese, Italy.

(b) DEADLINE FOR EXERCISE OF AUTHORITY.—The Secretary shall make the decision to exercise the authority in subsection (a) not later than 90 days after the date of enactment of this Act.

(c) SOURCE OF PAYMENTS.—Notwithstanding any other provision of law, of the amounts appropriated or otherwise made available for the Department of the Navy for operation and maintenance for fiscal year 1999 or other unexpended balances from prior years, the Secretary shall make available $40,000,000 only for emergency and extraordinary expenses associated with the settlement of the claims arising from the accident described in subsection (a).

(d) AMOUNT OF PAYMENT.—The amount of the payment under this section in settlement of the claims arising from the death of any person associated with the accident described in subsection (a) may not exceed $2,000,000.

(e) TREATMENT OF PAYMENTS.—Any amount paid to a person under this section is intended to supplement any amount subsequently determined to be payable to the person under section 127 or chapter 163 of title 10, United States Code, or any other provision of law for administrative settlement of claims against the United States with respect to damages arising from the accident described in subsection (a).

(f) CONSTRUCTION.—The payment of an amount under this section may not be considered to constitute a statement of legal liability on the part of the United States or otherwise as evidence of any material fact in any judicial proceeding or investigation arising from the accident described in subsection (a).

SEC. 2204. Notwithstanding any other provision of law, a military technician (dual status) (as defined in section 10216 of title 10, United States Code) performing active duty without pay while on leave from technician employment under section 6323(d) of title 5, United States Code, may, in the discretion of the Secretary concerned, be authorized a per diem allowance under this title, in lieu of commutation for subsistence and quarters as described in section 1002(b) of title 37, United States Code.

SEC. 2205. OPERATIONAL SUPPORT AIRCRAFT MULTI-YEAR LEASING DEMONSTRATION PROJECT. (a) AUTHORITY TO LEASE.—Effective on or after October 1, 1999, the Secretary of the Air Force may obtain transportation for operational support purposes, including transportation for combatant Commanders in Chief, by lease of aircraft, on such terms and conditions as the Secretary may deem appropriate, consistent with this section, through an operating lease consistent with OMB Circular A–11.

(b) MAXIMUM LEASE TERM FOR MULTI-YEAR LEASE.—The term of any lease into which the Secretary enters under this section shall not exceed ten years from the date on which the lease takes effect.

(c) COMMERCIAL TERMS.—The Secretary may include terms and conditions in any lease into which the Secretary enters under this section that are customary in the leasing of aircraft by a nongovernmental lessor to a nongovernmental lessee.

(d) TERMINATION PAYMENTS.—The Secretary may, in connection with any lease into which the Secretary enters under this section, to the extent the Secretary deems appropriate, provide for special payments to the lessor if either the Secretary terminates or cancels the lease prior to the expiration of its term or the aircraft is damaged or destroyed prior to the expiration of the term of the lease. In the event of termination or cancellation of the lease, the total value of such payments shall not exceed the value of one year's lease payment.

(e) OBLIGATION AND EXPENDITURE OF FUNDS.—Notwithstanding any other provision of law—

(1) an obligation need not be recorded upon entering into a lease under this section, in order to provide for the payments described in subsection (d); and

(2) any payments required under a lease under this section, and any payments made pursuant to subsection (d), may be made from—

(A) appropriations available for the performance of the lease at the time the lease takes effect;

(B) appropriations for the operation and maintenance available at the time which the payment is due; and

(C) funds appropriated for those payments.

(f) OTHER AUTHORITY PRESERVED.—The authority granted to the Secretary of the Air Force by this section is separate from and in addition to, and shall not be construed to impair or otherwise affect, the authority of the Secretary to procure transportation or enter into leases under a provision of law other than this section.

CHAPTER 3

DEPARTMENT OF THE INTERIOR

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

(TRANSFER OF FUNDS)

For an additional amount for ''Operation of Indian Programs'', $1,136,000, to remain available until expended for suppression of western spruce budworm: *Provided,* That such funds shall be derived by transfer of funds provided in previous appropriations acts under the heading ''Forest Service, Wildland Fire Management''.

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

Of the funds provided under this heading in prior Appropriations Acts for the Automated Land and Mineral Record System, $1,000,000 shall be available until expended to meet increased workload requirements stemming from the anticipated higher volume of Applications for Permits to Drill in the Powder River Basin: *Provided,* That unless there is an agreement in place between the coal mining operator and the gas producer, the funds made available herein shall not be used to approve Applications for Permits to Drill for well sites that are located within an area covered by: (1) an existing coal lease, or (2) an existing coal mining permit, or (3) an existing Lease by Application for a coal mining lease, or (4) a future Lease by Application for an area adjacent to and within one mile of an area covered by (1), (2), or (3) above. Nothing in this paragraph shall be construed or operate as a restriction on current resources appropriated to the Department of the Interior.

OFFICE OF THE SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

For an additional amount for ''Federal Trust Programs'', $6,800,000, to remain available until expended for activities pursuant to the Trust Management Improvement Project High Level Implementation Plan.

BUREAU OF RECLAMATION

WATER AND RELATED RESOURCES

For an additional amount for ''Water and Related Resources'' for emergency repairs to the Headgate Rock Hydroelectric Project, $5,000,000 is appropriated pursuant to the Snyder Act (25 U.S.C.), to be expended by the Bureau of Reclamation, to remain available until expended.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

WILDLAND FIRE MANAGEMENT

Of the funds made available under this heading for fire operations in previous Acts of Appropriation (exclusive of amounts for hazardous fuels reduction), $100,000,000 shall be transferred to the Knutson-Vandenberg fund established pursuant to section 3 of Public Law 71–319 (16 U.S.C. 576 et. seq.) within 10 days of passage of this Act.

CHAPTER 4

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

For an additional amount for ''general departmental management'', $1,400,000, to reduce the backlog of pending nursing home appeals before the Departmental Appeals Board.

RELATED AGENCY

CORPORATION FOR PUBLIC BROADCASTING

For an additional amount for the Corporation for Public Broadcasting, to remain available until expended, $18,000,000: *Provided,* That such funds be made available to National Public Radio, as the designated manager of the Public Radio Satellite System, for acquisition of satellite capacity.

CHAPTER 5

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For an additional amount for ''Military Construction, Army National Guard'' to cover the incremental costs arising from the consequences of Hurricane Georges, $14,500,000, as authorized by 10 U.S.C. 2854, to remain available until September 30, 2003.

CHAPTER 6

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY DEVELOPMENT BLOCK GRANTS

(INCLUDING TRANSFER OF FUNDS)

Of amounts appropriated for fiscal year 1999 for salaries and expenses under the Salaries and Expenses account in title II of Public Law 105–276, $3,400,000 shall be transferred to the Community Development Block Grants account in title II of Public Law 105–276 for grants for service coordinators and

congregate services for the elderly and disabled: *Provided,* That in distributing such amount, the Secretary of Housing and Urban Development shall give priority to public housing agencies that submitted eligible applications for renewal of fiscal year 1995 elderly service coordinator grants pursuant to the Notice of Funding Availability for Service Coordinator Funds for Fiscal Year 1998, as published in the Federal Register on June 1, 1998.

MANAGEMENT AND ADMINISTRATION

OFFICE OF INSPECTOR GENERAL

Under this heading in Public Law 105–276, add the words, ''to remain available until September 30, 2000,'' after ''$81,910,000,''.

CHAPTER 7

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

CONSTRUCTION, GENERAL

For an additional amount for ''Construction, General'', $500,000 shall be available for technical assistance related to shoreline erosion at Lake Tahoe, Nevada caused by high lake levels pursuant to section 219 of the Water Resources Development Act of 1992.

CHAPTER 8

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

FEDERAL DRUG CONTROL PROGRAMS

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program, an additional $750,000 is appropriated for drug control activities which shall be used specifically to expand the Southwest Border High Intensity Drug Trafficking Area for the State of New Mexico to include Rio Arriba County, Santa Fe County, and San Juan County, New Mexico, which are hereby designated as part of the Southwest Border High Intensity Drug Trafficking Area for the State of New Mexico, and an additional $500,000 is appropriated for national efforts related to methamphetamine reduction efforts.

CHAPTER 9

DEPARTMENT OF STATE RELATED AGENCY

UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

For necessary expenses for the United States Commission on International Religious Freedom, as authorized by title II of the International Religious Freedom Act of 1998 (Public Law 105–292), $3,000,000, to remain available until expended: *Provided,* That the amount of the rescission under chapter 2 of title III of this Act under the heading ''CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS'' is hereby increased by $3,000,000.

GENERAL PROVISIONS, THIS TITLE

SEC. 2301. The Department of the Interior and Related Agencies Appropriations Act, 1999 (as contained in division A, section 101(e) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277)) is amended under the heading ''Forest Service, Reconstruction and Construction'' by inserting before the final period the following: '': *Provided further,* That notwithstanding any other provision of law, funds appropriated for Forest Service construction of a new forestry research facility at Auburn University, Auburn, Alabama, shall be available for a direct payment to Auburn University for this purpose, but no more than $4,000,000 shall be available for such payment prior to October 1, 1999: *Provided further,* That if within the life of the facility the USDA Forest Service needs additional space for collaborative laboratory activities on the Auburn University campus, Auburn University shall provide such laboratory space within the new facility constructed with these funds, free of any charge for rent''.

SEC. 2302. None of the funds made available under this or any other Act may be used by the Secretary of the Interior to issue and finalize the rule to revise 43 C.F.R. Part 3809, published on February 9, 1999 at 64 Fed. Reg. 6421 or the Draft Environmental Impact Statement on Surface Management Regulations for Locatable Mineral Operations, published in February, 1999, unless the Secretary has provided a period of not less than 120 days for accepting public comment on the proposed rule after the report of the National Academy of Sciences' Committee on Hardrock Mining on Federal Lands, authorized and required by the Department of the Interior and Related Agencies Appropriations Act, 1999 (as contained in division A, section 101(e) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277)) is submitted to the appropriate federal agencies, the Congress, and the Governors of the affected states in accordance with the requirements of that Act.

SEC. 2303. CIVIL LIBERTIES PUBLIC EDUCATION FUND. Notwithstanding any other provision of law and in addition to any funds appropriated for this purpose, the Attorney General may transfer from any funds available to the Department of Justice not more than $4,300,000 to the Fund established under the Civil Liberties Act of 1988 (50 U.S.C. App. 1989b et seq.) for the purpose of paying restitution to individuals (1) who are eligible for restitution under such Act and have filed timely claims for the restitution, or (2) who are found eligible under the settlement agreement in the case of Carmen Mochizuki et al. vs. United States (Case No. 97–294C, United States Court of Federal Claims) and filed timely claims covered by the agreement.

SEC. 2304. Division A, section 101(a), title XI, section 1122(c) is amended by inserting after ''basis'' '': *Provided,* That no administrative costs shall be charged against this program which would have been incurred otherwise''.

SEC. 2305. None of the funds in this or any other Act shall be used to issue a notice of final rulemaking with respect to the valuation of crude oil for royalty purposes, including a rulemaking derived from proposed rules published in 63 Federal Register 6113 (1998), 62 Federal Register 36030, and 62 Federal Register 3742 (1997) until October 1, 1999, or until there is a negotiated agreement on the rule.

SEC. 2306. Of the $2,200,000 appropriated in Public Law 105–276 in accordance with H.R. Conference Report No. 105–769 to meet sewer infrastructure needs associated with the 2002 Winter Olympic Games shall be awarded to Wasatch County, UT, for both water and sewer.

SEC. 2307. For the remainder of fiscal year 1999, no funds may be used by the Department of the Interior to implement Secretarial Order 3208, issued January 5, 1999, regarding the ''Reorganization of the Office of the Special Trustee for American Indians''. Fiscal year 1999 funds appropriated for purposes of reforming trust funds management practices shall continue to be administered as if the Order had not been issued.

SEC. 2308. EXTENSION OF AIRPORT IMPROVEMENT PROGRAM. (a) AUTHORIZATION OF APPROPRIATIONS.—Section 48103 of title 49, United States Code, as amended by section 110(b)(1) of title I of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277), is amended by striking ''$1,205,000,000'' and all that follows through ''October 1, 1998''and inserting ''$1,607,000,000 for the 8-month period beginning October 1, 1998.''.

(b) OBLIGATIONAL AUTHORITY.—Section 47104(c) of title 49, United States Code, as amended by section 110(b)(2) of title I of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277), is amended by striking ''March 31, 1999'' and inserting ''May 31, 1999''.

(c) LIQUIDATION OF CONTRACT AUTHORIZATION.—The Department of Transportation and Related Agencies Appropriations Act, 1999, as enacted in section 101(g) of Public Law 105–277, is amended as follows: Under the heading ''Grants-in-Aid for Airports, (Liquidation of Contract Authorization), (Airport and Airway Trust Fund)'', delete the last proviso, and insert the following in lieu thereof: '': *Provided further,* That not more than $1,300,000,000 of funds limited under this heading may be obligated before the enactment of a bill extending contract authorization for the Grants-in-Aid for airports program beyond May 31, 1999.''.

SEC. 2309. (a) Section (a) of section 149, division C of Pubic Law 105–277 is amended by striking ''April 1, 1999'' and inserting in lieu thereof ''September 30, 1999''.

(b) Section (b) of section 149, division C of Public Law 105–277 is amended by striking ''April 1, 1999'' each time it appears and inserting in lieu thereof ''September 30, 1999''.

SEC. 2310. (a) Section 339(b)(3) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1989(b)(3) is amended—

(1) by striking the comma and the remainder of paragraph (3) following the comma; and

(2) by inserting a period after ''(1)''.

(b) Section 353(c)(3)(C) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2001(c)(3)(C)) is amended by striking ''100 percent'' and inserting ''110 percent''.

SEC. 2311. PROHIBITION ON TREATING ANY FUNDS RECOVERED FROM TOBACCO COMPANIES AS AN OVERPAYMENT FOR PURPOSES OF MEDICAID. (a) AMENDMENT TO SOCIAL SECURITY ACT.—Section 1903(d)(3) of the Social Security Act (42 U.S.C. 1396b(d)(3)) is amended—

(1) by inserting ''(A)'' after ''(3)''; and

(2) by adding at the end the following:

''(B)(i) Subparagraph (A) and paragraph (2)(B) shall not apply to any amount recovered or paid to a State as part of the comprehensive settlement of November 1998 between manufacturers of tobacco products, as defined in section 5702(d) of the Internal Revenue Code of 1986, and State Attorneys General, or as part of any individual State settlement or judgment reached in litigation initiated or pursued by a State against one or more such manufacturers.

''(ii) Except as provided in subsection (i)(19), a State may use amounts recovered or paid to the State as part of a comprehensive or individual settlement, or a judgment, described in clause (i) for any expenditures determined appropriate by the State.''.

(b) PROHIBITION ON PAYMENT FOR ADMINISTRATIVE EXPENSES INCURRED IN PURSUING TOBACCO LITIGATION.—Section 1903(i) of the Social Security Act (42 U.S.C. 1396b(i)) is amended—

(1) in paragraph (18), by striking the period and inserting ''; or''; and

(2) by inserting after paragraph (18) the following new paragraph:

''(19) with respect to any amount expended on administrative costs to initiate or pursue litigation described in subsection (d)(3)(B).''.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall apply to amounts paid to a State prior to, on, or after the date of enactment of this Act.

SEC. 2312. EXTENSION OF AVIATION INSURANCE PROGRAM. Section 44310 of title 49, United States Code, is amended by striking ''March 31, 1999.'' and inserting ''May 31, 1999.''.

SEC. 2313. TITLE 49 RECODIFICATION CORRECTION. Effective December 31, 1998, section 4(k) of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 1370), as amended by section 7(a)(3)(D) of the Act of October 31, 1994 (Public Law 103–429, 108 Stat. 4329), is repealed.

SEC. 2314. Notwithstanding any other provision of law, the taking of a Cook Inlet beluga whale under the exemption provided in section 101(b) of the Marine Mammal Protection Act (16 U.S.C. 1371(a)) between the date of the enactment of this Act and October 1, 2000 shall be considered a violation of such Act unless such taking occurs pursuant to a cooperative agreement between the National Marine Fisheries Service and Cook Inlet Marine Mammal Council.

SEC. 2315. Funds provided in the Department of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999 (Public Law 105–277, division A, section 101(b)) for the construction of correctional facility in Barrow, Alaska shall be made available to the North Slope Borough.

SEC. 2316. LIABILITY OF CERTAIN NATURAL GAS PRODUCERS. The Natural Gas Policy Act of 1978 (15 U.S.C. 3301 et seq.) is amended by adding at the end the following:

''SEC. 603. LIABILITY OF CERTAIN NATURAL GAS PRODUCERS.

''If the Commission orders any refund of any rate or charge made, demanded, or received for reimbursement of State ad valorem taxes in connection with the sale of natural gas before 1989, the refund shall be ordered to be made without interest or penalty of any kind.''.

SEC. 2317. Section 328 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (Public Law 105–277, division A, section 1(e), title III) is amended by striking ''none of the funds in this Act'' and inserting ''none of the funds provided in this Act to the Indian Health Service or Bureau of Indian Affairs''.

SEC. 2318. (a) LOAN DEFICIENCY PAYMENTS FOR CLUB WHEAT PRODUCERS.—In making loan deficiency payments available under section 135 of the Agricultural Market Transition Act (7 U.S.C. 7235) to producers of club wheat, the Secretary of Agriculture may not assess a premium adjustment on the amount that would otherwise be computed for club wheat under the section to reflect the premium that is paid for club wheat to ensure its availability to create a blended specialty product known as western white wheat.

(b) RETROACTIVE APPLICATION.—As soon as practicable after the date of the enactment of this Act, the Secretary of Agriculture shall make a payment to each producer of club wheat that received a discounted loan deficiency payment under section 135 of the Agricultural Market Transition Act (7 U.S.C. 7235) before that date as a result of the assessment of a premium adjustment against club wheat. The amount of the payment for a producer shall be equal to the difference between—

(1) the loan deficiency payment that would have been made to the producer in the absence of the premium adjustment; and

(2) the loan deficiency payment actually received by the producer.

(c) FUNDING SOURCE.—The Secretary shall use funds available to provide marketing assistance loans and loan deficiency payments under subtitle C of the Agricultural Market Transition Act (7 U.S.C. 7231 et seq.) to make the payments required by subsection (b).

SEC. 2319. GLACIER BAY. (a) DUNGENESS CRAB FISHERMEN.—Section 123(b) of the Department of the Interior and Related Agencies Appropriations Act, 1999 (section 101(e) of division A of Public Law 105–277) is amended—

(1) in paragraph (1)—

(A) by striking ''February 1, 1999'' and inserting ''June 1, 1999''; and

(B) by striking ''1996'' and inserting ''1998''; and

(2) by striking ''the period January 1, 1999, through December 31, 2004, based on the individual's net earnings from the Dungeness crab fishery during the period January 1, 1991, through December 31, 1996'' and inserting ''for the period beginning January 1, 1999 that is equivalent in length to the period established by such individual under paragraph (1), based on the individual's net earnings from the Dungeness crab fishery during such established period''.

(b) OTHERS AFFECTED BY FISHERY CLOSURES AND RESTRICTIONS.—Section 123 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (section 101(e) of division A of Public Law 105–277), as amended, is amended further by redesignating subsection (c) as subsection (d) and inserting immediately after subsection (b) the following new subsection:

''(c) OTHERS AFFECTED BY FISHERY CLOSURES AND RESTRICTIONS.—The Secretary of the Interior is authorized to provide such funds as are necessary for a program developed with the concurrence of the State of Alaska to fairly compensate United States fish processors, fishing vessel crew members, communities, and others negatively affected by restrictions on fishing in Glacier Bay National Park. For the purpose of receiving compensation under the program required by this subsection, a potential recipient shall provide a sworn and notarized affidavit to establish the extent of such negative effect.''.

(c) IMPLEMENTATION.—Section 123 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (section 101(e) of division A of Public Law 105–277), as amended, is amended further by inserting at the end the following new subsection:

''(e) IMPLEMENTATION AND EFFECTIVE DATE.—The Secretary of the Interior shall publish an interim final rule for the federal implementation of subsection (a) and shall provide an opportunity for public comment on such interim final rule. The effective date of the prohibitions in paragraphs (2) through (5) of section (a) shall be 60 days after the publication in the Federal Register of a final rule for the federal implementation of subsection (a). In the event that any individual eligible for compensation under subsection (b) has not received full compensation by June 15, 1999, the Secretary shall provide partial compensation on such date to such individual and shall expeditiously provide full compensation thereafter.''.

(d) Of the funds provided under the heading ''National Park Service, Construction'' in Public Law 105–277, $3,000,000 shall not be available for obligation until October 1, 1999.

SEC. 2320. WHITE RIVER SCHOOL DISTRICT #47–1. From any unobligated funds that are available to the Secretary of Education to carry out section 306(a)(1) of the Department of Education Appropriations Act, 1996, the Secretary shall provide not more than $239,000, under such terms and conditions as the Secretary determines appropriate, to the White River School District #47–1, White River, South Dakota, to be used to repair damage caused by water infiltration at the White River High School, which shall remain available until expended.

SEC. 2321. (a) The treatment provided to firefighters under section 628(f) of the Treasury and General Government Appropriations Act, 1999 (as included in section 101(h) of division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277)) shall be provided to any firefighter who—

(1) on the effective date of section 5545b of title 5, United States Code—

(A) was subject to such section; and

(B) had a regular tour of duty that averaged more than 60 hours per week; and

(2) before December 31, 1999, is involuntarily moved without a break in service from the regular tour of duty under paragraph (1) to a regular tour of duty that—

(A) averages 60 hours or less per week; and

(B) does not include a basic 40-hour workweek.

(b) Subsection (a) shall apply to firefighters described under that subsection as of the effective date of section 5545b of title 5, United States Code.

(c) The Office of Personnel Management may prescribe regulations necessary to implement this section.

SEC. 2322. SENSE OF THE SENATE: EXPRESSING THE SENSE OF THE SENATE THAT A PENDING SALE OF WHEAT AND OTHER AGRICULTURAL COMMODITIES TO IRAN BE APPROVED. (a) The Senate finds:

(1) That an export license is pending for the sale of United States wheat and other agricultural commodities to the nation of Iran.

(2) That this sale of agricultural commodities would increase United States agricultural exports by about $500,000,000, at a time when agricultural exports have fallen dramatically.

(3) That sanctions on food are counterproductive to the interest of United States farmers and to the people who would be fed by these agricultural exports.

(b) Now therefore, it is the sense of the Senate that the pending license for this sale of United States wheat and other agricultural commodities to Iran be approved by the administration.

SEC. 2323. PROHIBITION. (a) Notwithstanding any other provision of law, prior to eight months after Congress receives the report of the National Gambling Impact Study Commission, the Secretary of the Interior shall not—

(1) promulgate as final regulations, or in any way implement, the proposed regulations published on January 22, 1998, at 63 Fed. Reg. 3289; or

(2) issue a notice of proposed rulemaking for, or promulgate, or in any way implement, any similar regulations to provide for procedures for gaming activities under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.), in any case in which a State asserts a defense of sovereign immunity to a lawsuit brought by an Indian tribe in a Federal court under section 11(d)(7) of that Act (25 U.S.C. 2710(d)(7)) to compel the State to participate in compact negotiations for class III gaming (as that term is defined in section 4(8) of that Act (25 U.S.C. 2703(8))).

(3) approve class III gaming on Indian lands by any means other than a Tribal-State compact entered into between a State and a tribe.

(b) DEFINITIONS.—

(1) The terms ''class III gaming'', ''Secretary'', ''Indian lands'', and ''Tribal-State compact'' shall have the same meaning for the purposes of this section as those terms have under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.).

(2) The ''report of the National Gambling Impact Study Commission'' is the report described in section 4(b) of Public Law 104–169 (18 U.S.C. sec. 1955 note).

SEC. 2324. FINDINGS AND SENSE OF SENATE REGARDING SEQUENTIAL BILLING POLICY FOR

HOME HEALTH PAYMENTS UNDER THE MEDICARE PROGRAM. (a) FINDINGS.—The Senate finds the following:

(1) Section 4611 of the Balanced Budget Act of 1997 included a provision that transfers financial responsibility for certain home health visits under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) from part A to part B of such program.

(2) The sole intent of the transfer described in paragraph (1) was to extend the solvency of the Federal Hospital Insurance Trust Fund under section 1817 of such Act (42 U.S.C. 1395i).

(3) The transfer described in paragraph (1) was supposed to be ''seamless'' so as not to disrupt the provision of home health services under the medicare program.

(4) The Health Care Financing Administration has imposed a sequential billing policy that prohibits home health agencies under the medicare program from submitting claims for reimbursement for home health services provided to a beneficiary unless all claims for reimbursement for home health services that were previously provided to such beneficiary have been completely resolved.

(5) The Health Care Financing Administration has also expanded medical reviews of claims for reimbursement submitted by home health agencies, resulting in a significant slowdown nationwide in the processing of such claims.

(6) The sequential billing policy described in paragraph (4), coupled with the slowdown in claims processing described in paragraph (5), has substantially increased the cash flow problems of home health agencies because payments are often delayed by at least 3 months.

(7) The vast majority of home health agencies under the medicare program are small businesses that cannot operate with significant cash flow problems.

(8) There are many other elements under the medicare program relating to home health agencies, such as the interim payment system under section 1861(v)(1)(L) of such Act (42 U.S.C. 1395x(v)(1)(L)), that are creating financial problems for home health agencies, thereby forcing more than 2,200 home health agencies nationwide to close since the date of enactment of the Balanced Budget Act of 1997.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Health Care Financing Administration should—

(1) evaluate and monitor the use of the sequential billing policy (as described in subsection (a)(4)) in making payments to home health agencies under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.);

(2) ensure that—

(A) contract fiscal intermediaries under the medicare program are timely in their random medical review of claims for reimbursement submitted by home health agencies; and

(B) such intermediaries adhere to Health Care Financing Administration instructions that limit the number of claims for reimbursement held for such review for any particular home health agency to no more than 10 percent of the total number of claims submitted by the agency; and

(3) ensure that such intermediaries are considering and implementing constructive alternatives, such as expedited reviews of claims for reimbursement, for home health agencies with no history of billing problems who have cash flow problems due to random medical reviews and sequential billing.

SEC. 2325. A payment of $800,000 from the total amount of $1,000,000 for construction of the Pike's Peak Summit House, as specified in Conference Report 105–337, accompanying the Department of the Interior and Related Agencies Appropriations Act for fiscal year 1998, Public Law 105–83, and payments of $2,000,000 for the Borough of Ketchikan to participate in a study of the feasibility and dynamics of manufacturing veneer products in Southeast Alaska and $200,000 for construction of the Pike's Peak Summit House, as specified in Conference Report 105–825 accompanying the Department of the Interior and Related Agencies Appropriations Act for fiscal year 1999 (as contained in division A, section 101(e) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277)), shall be paid in lump sum and shall be considered direct payments, for the purposes of all applicable law except that these direct grants may not be used for lobbying activities.

SEC. 2326. Section 617 of the Department of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999 (as added by section 101(b) of division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277)) is amended—

(1) by striking subsection (a) and inserting in lieu thereof the following:

''(a) None of the funds made available in this Act or any other Act hereafter enacted may be used to issue or renew a fishing permit or authorization for any fishing vessel of the United States greater than 165 feet in registered length, of more than 750 gross registered tons, or that has an engine or engines capable of producing a total of more than 3,000 shaft horsepower as specified in the permit application required under part 648.4(a)(5) of title 50, Code of Federal Regulations, part 648.12 of title 50, Code of Federal Regulations, and the authorization required under part 648.80(d)(2) of title 50, Code of Federal Regulations, to engage in fishing for Atlantic mackerel or herring (or both) under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), unless the regional fishery management council of jurisdiction recommends after October 21, 1998, and the Secretary of Commerce approves, conservation and management measures in accordance with such Act to allow such vessel to engage in fishing for Atlantic mackerel or herring (or both).''; and

(2) in subsection (b), by striking ''subsection (a)(1)'' and inserting ''subsection (a)''.

SEC. 2327. The Corps of Engineers is directed to reprogram $800,000 of the funds made available to that agency in fiscal year 1999 for the operation of the Pick-Sloan project to perform the preliminary work needed to transfer Federal lands to the tribes and State of South Dakota, and to provide the Lower Brule Sioux Tribe and Cheyenne River Sioux Tribe with funds to begin protecting invaluable Indian cultural sites, under the Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe, and State of South Dakota Terrestrial Wildlife Habitat Restoration Act.

SEC. 2328. GLACIER BAY. No funds may be expended by the Secretary of the Interior to implement closures or other restrictions of subsistence or commercial fishing or subsistence gathering in Glacier Bay National Park, except the closure of Dungeness crab fisheries under section 123(b) of the Department of the Interior and Related Agencies Appropriations Act, 1999 (section 101(e) of division A of Public Law 105–277), until such time as the State of Alaska's legal claim to ownership and jurisdiction over submerged lands and tidelands in the affected area has been resolved either by a final determination by the judiciary or by a settlement between the parties to the lawsuit.

TITLE III—RESCISSIONS AND OFFSETS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FOOD AND NUTRITION SERVICE

FOOD STAMP PROGRAM

(RESCISSION)

Of the amounts made available under this heading in division A, section 101(a), title IV of Public Law 105–277, $521,000,000 are rescinded.

FARM SERVICE AGENCY

EMERGENCY CONSERVATION FUND

Of the amount made available under the heading ''EMERGENCY CONSERVATION PROGRAM'' in chapter 1 of title II of the 1998 Supplemental Appropriations and Rescissions Act (Public Law 105–174; 112 Stat. 68), $700,000 are rescinded.

CHAPTER 2

DEPARTMENT OF JUSTICE

OFFICE OF INSPECTOR GENERAL

(RESCISSION)

Of the unobligated balances available under this heading, $5,000,000 are rescinded.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

ENFORCEMENT AND BORDER AFFAIRS

(RESCISSION)

Of the unobligated balances available under this heading, excluding funds appropriated for equipment and facilities, $40,000,000 are rescinded.

CITIZENSHIP AND BENEFITS, IMMIGRATION SUPPORT AND PROGRAM DIRECTION

(RESCISSION)

Of the unobligated balances available under this heading, excluding funds appropriated for equipment and facilities, $25,000,000 are rescinded.

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH AND FACILITIES

(RESCISSION)

Of the unobligated balances available under this heading, $1,000,000 are rescinded.

PROCUREMENT, ACQUISITION, AND CONSTRUCTION

Of the unobligated balances available under this heading, $2,000,000 are rescinded.

DEPARTMENT OF STATE AND RELATED AGENCIES

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

(RESCISSION)

Of the unobligated balances available under this heading, excluding funds appropriated for arrearages, $22,000,000 are rescinded.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

(RESCISSION)

Of the unobligated balances available under this heading, excluding funds appropriated for arrearages, $21,000,000 are rescinded.

INTERNATIONAL BROADCASTING OPERATIONS

(RESCISSION)

Of the unobligated balances available under this heading, $1,000,000 are rescinded.

CHAPTER 3

DEPARTMENT OF DEFENSE—MILITARY

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(RESCISSION)

Of the funds provided in Public Law 105–262, the following funds are hereby rescinded

as of the date of enactment of this Act from the following account: Under the heading, ''Operation and Maintenance, Defense-Wide'', $217,700,000.

CHAPTER 4

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

OTHER BILATERAL ASSISTANCE

ECONOMIC SUPPORT FUND

(RESCISSION)

Of the funds made available for Haiti under this heading in Public Law 105–118 and in the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277), $10,000,000 are rescinded.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

(RESCISSION)

Of the funds made available for Bosnia and Herzegovina under this heading in Public Law 105–118 and in the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277), $10,000,000 are rescinded.

ASSISTANCE FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

(RESCISSION)

Of the funds made available for Russia under this heading in Public Law 103–306, Public Law 105–118 and in the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277), $10,000,000 are rescinded.

MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

CONTRIBUTION TO THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

GLOBAL ENVIRONMENT FACILITY

(RESCISSION)

Of the funds made available under this heading in the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277), $60,000,000 are rescinded.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

(RESCISSION)

Of the funds made available under this heading in the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277), $10,000,000 are rescinded.

CHAPTER 5

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

(RESCISSION)

Of the amounts appropriated under this heading in previous appropriations acts, $6,800,000 are rescinded.

CHAPTER 6

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

Under this heading in section 101(f) of Public Law 105–277, delete ''$3,132,076,000'' and insert ''$3,114,676,000''; and delete ''$180,933,000'' and insert ''$163,533,000''.

DEPARTMENT OF EDUCATION

EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT

(RESCISSION)

Of the funds made available under this heading in section 101(f) of Public Law 105–277, $8,000,000 are rescinded.

CHAPTER 7

DEPARTMENT OF DEFENSE

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART IV

(RESCISSION)

Of the funds made available under this heading in Public Law 105–237, $14,500,000 are rescinded.

CHAPTER 8

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PUBLIC AND INDIAN HOUSING

HOUSING CERTIFICATE FUND

(DEFERRAL)

Of the funds made available under this heading in Public Law 105–276 for use in connection with expiring or terminating section 8 contracts, $350,000,000 shall not become available until October 1, 1999.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT BLOCK GRANTS

(RESCISSION)

Of the unobligated balances available under this heading in the 1998 Supplemental Appropriations and Rescissions Act (Public Law 105–174), $63,600,000 are rescinded.

Of the unobligated balances available under this heading in division B, of the Omnibus Consolidated and Emergency Supplemental Appropriations, 1999 (Public Law 105–277), $250,000,000 are rescinded.

INDEPENDENT AGENCY

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

(RESCISSION)

Of the funds made available in Public Law 105–277, $10,000,000 for research associated with the Climate Change Technology Initiative are rescinded.

CHAPTER 9

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

CONSTRUCTION, GENERAL

(RESCISSION)

Of the amounts made available under this heading in Public Law 105–245 for the Lackawanna River, Scranton, Pennsylvania, $5,500,000 are rescinded.

CHAPTER 10

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

FEDERAL DRUG CONTROL PROGRAMS

SPECIAL FORFEITURE FUND

(RESCISSION)

Of the funds made available under this heading in division A of the Omnibus Consolidated and Emergency Supplemental Appropriations, 1999 (Public Law 105–277) $1,250,000 are rescinded.

GENERAL PROVISIONS, THIS TITLE

SEC. 3001. (a) Division B, title V, chapter 1 of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277) is repealed.

(b) Section 832(a) of the Western Hemisphere Drug Elimination Act (Public Law 105–277) is amended—

(1) in the first sentence—

(A) by striking ''Secretary of Agriculture'' and inserting ''Secretary of State''; and

(B) by striking ''the Agricultural Research Service of the Department of Agriculture'' and inserting ''the Department of State'';

(2) in paragraph (5), by inserting ''(without regard to any requirement in law relating to public notice or competition)'' after ''to contract''; and

(3) by adding at the end the following:

''Any record related to a contract entered into, or to an activity funded, under this subsection shall be exempted from disclosure as described in section 552(b)(3) of title 5, United States Code.''.

SEC. 3002. Of the funds appropriated with an emergency designation in division B of Public Law 105–277, other than those appropriated to the Department of Defense—Military, $343,000,000 are rescinded: *Provided*, That these reductions shall be applied proportionally to each appropriation account and budget activity being reduced by this section: *Provided further*, That within 30 days of enactment of this Act, the Director of the Office of Management and Budget shall submit to the Committees on Appropriations a listing of the amounts by account of the reductions made pursuant to this section.

SEC. 3003. Of the funds appropriated or otherwise made available for fiscal year 1999 for the non-defense discretionary category, $100,000,000 are rescinded as a result of revised economic assumptions from inflation adjusted accounts: *Provided*, That within 30 days of enactment of this Act, the Director of the Office of Management and Budget shall submit to the Committees on Appropriations a listing of the amounts by account of the reductions made pursuant to this section.

SEC. 3004. GAO AND INSPECTOR GENERAL AUDIT. The Inspector General of the Department of Housing and Urban Development and the Comptroller General of the United States shall conduct an audit of the Department of Housing and Urban Development to assess the extent the Department has been in compliance with the Department of Housing and Urban Development Reform Act of 1989 over the last two years. The Inspector General of the Department of Housing and Urban Development and the Comptroller General of the United States shall issue a preliminary report to the Congress on this assessment within 6 months and a final report within 12 months.

TITLE IV—TECHNICAL CORRECTIONS

SEC. 4001. The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (as contained in division A, section 101(a) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277)) is amended:

(1) in title III, under the heading ''Rural Community Advancement Program (Including Transfer of Funds)'', by inserting ''1926d,'' after ''1926c,''; by inserting '', 306(a)(2), and 306D'' after ''381E(d)(2)'' the first time it appears in the paragraph; and by striking '', as provided in 7 U.S.C. 1926(a) and 7 U.S.C. 1926C'',

(2) in title VII, in section 718 by striking ''this Act'' and inserting in lieu thereof ''annual appropriations Acts'',

(3) in title VII, in section 747 by striking ''302'' and inserting in lieu thereof ''203'', and

(4) in title VII, in section 763(b)(3) by striking ''section 402(d) of Public Law 94–265'' and inserting in lieu thereof ''section 116(a) of Public Law 104–297''.

SEC. 4002. The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1999 (as contained in division A, section 101(d) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277)) is amended:

(1) in title II under the heading ''Burma'' by striking 'headings ''Economic Support Fund'' and' and inserting in lieu thereof 'headings ''Child Survival and Disease Programs Fund'', ''Economic Support Fund'', and',

(2) in title V in section 587 by striking ''199–339'' and inserting in lieu thereof ''99–399'',

(3) in title V in subsection 594(a) by striking ''subparagraph (C)'' and inserting in lieu thereof ''subsection (c)'',

(4) in title V in subsection 594(b) by striking ''subparagraph (a)'' and inserting in lieu thereof ''subsection (a)'', and

(5) in title V in subsection 594(c) by striking ''521 of the annual appropriations Act for Foreign Operations, Export Financing, and Related Programs'' and inserting in lieu thereof ''520 of this Act''.

SEC. 4003. Subsection 1706(b) of title XVII of the International Financial Institutions Act (22 U.S.C. 262r–262r–2), as added by section 614 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1999, is amended by striking ''June 30'' and inserting in lieu thereof ''September 30''.

SEC. 4004. The Department of the Interior and Related Agencies Appropriations Act, 1999 (as contained in division A, section 101(e) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277)) is amended:

(1) in the last proviso under the heading ''United States Fish and Wildlife Service, Administrative Provisions'' by striking ''section 104(c)(50)(B) of the Marine Mammal Protection Act (16 U.S.C. 1361–1407)'' and inserting in lieu thereof ''section 104(c)(5)(B) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407)''.

(2) under the heading ''Bureau of Indian Affairs, Operation of Indian Programs'', by striking ''$94,010,000'' and inserting in lieu thereof ''$94,046,000'', by striking ''$114,871,000'' and inserting in lieu thereof ''$114,891,000'', by striking ''$387,365,000'' and inserting in lieu thereof ''$389,307,000'', and by striking ''$52,889,000'' and inserting in lieu thereof ''$53,039,000''.

(3) in section 354(a) by striking ''16 U.S.C. 544(a)(2))'' and inserting in lieu thereof ''16 U.S.C. 544b(a)(2))''.

(4) The amendments made by paragraphs (1), (2), and (3) of this section shall take effect as if included in Public Law 105–277 on the date of its enactment.

SEC. 4005. The Departments of Labor, Health and Human Services, Education, and Related Agencies Appropriations Act, 1999 (as contained in division A, section 101(f) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277)) is amended:

(1) in title I, under the heading ''Federal Unemployment Benefits and Allowances'', by striking ''during the current fiscal year'' and inserting in lieu thereof ''from October 1, 1998, through September 30, 1999'';

(2) in title II under the heading ''Office of the Secretary, General Departmental Management'' by striking ''$180,051,000'' and inserting in lieu thereof ''$188,051,000'';

(3) in title II under the heading ''Children and Families Services Programs, (Including Rescissions)'' by striking ''notwithstanding section 640(a)(6), of the funds made available for the Head Start Act, $337,500,000 shall be set aside for the Head Start Program for Families with Infants and Toddlers (Early Head Start): *Provided further*, That'';

(4) in title II under the heading ''Office of the Secretary, General Departmental Management'' by inserting after the first proviso the following: ''*Provided further*, That of the funds made available under this heading for carrying out title XX of the Public Health Service Act, $10,831,000 shall be for activities specified under section 2003(b)(2), of which $9,131,000 shall be for prevention service demonstration grants under section 510(b)(2) of title V of the Social Security Act, as amended, without application of the limitation of section 2010(c) of said title XX:'';

(5) in title III under the heading ''Special Education'' by inserting before the period at the end of the paragraph the following: '': *Provided further*, That $1,500,000 shall be for the recipient of funds provided by Public Law 105–78 under section 687(b)(2)(G) of the Act to provide information on diagnosis, intervention, and teaching strategies for children with disabilities'';

(6) in title II under the heading ''Public Health and Social Services Emergency Fund'' by striking ''$322,000'' and inserting in lieu thereof ''$180,000'';

(7) in title III under the heading ''Education Reform'' by striking ''$491,000,000'' and inserting in lieu thereof ''$459,500,000'';

(8) in title III under the heading ''Vocational and Adult Education'' by striking ''$6,000,000'' the first time that it appears and inserting in lieu thereof ''$14,000,000'', and by inserting before the period at the end of the paragraph the following: '': *Provided further*, That of the amounts made available for the Perkins Act, $4,100,000 shall be for tribally controlled postsecondary vocational institutions under section 117'';

(9) in title III under the heading ''Higher Education'' by inserting after the first proviso the following: ''*Provided further*, That funds available for part A, subpart 2 of title VII of the Higher Education Act shall be available to fund awards for academic year 1999–2000 for fellowships under part A, subpart 1 of title VII of said Act, under the terms and conditions of part A, subpart 1:'';

(10) in title III under the heading ''Education Research, Statistics, and Improvement'' by inserting after the third proviso the following: ''*Provided further*, That of the funds appropriated under section 10601 of title X of the Elementary and Secondary Education Act of 1965, as amended, $1,000,000 shall be used to conduct a violence prevention demonstration program: *Provided further*, That of the funds appropriated under section 10601 of title X of the Elementary and Secondary Education Act of 1965, as amended, $50,000 shall be awarded to the Center for Educational Technologies to conduct a feasibility study and initial planning and design of an effective CD ROM product that would complement the book, We the People: The Citizen and the Constitution:'';

(11) in title III under the heading ''Reading Excellence'' by inserting before the period at the end of the paragraph the following: '': *Provided*, That up to one percent of the amount appropriated shall be available October 1, 1998 for peer review of applications'';

(12) in title V in section 510(3) by inserting after ''Act'' the following: ''or subsequent Departments of Labor, Health and Human Services, Education, and Related Agencies Appropriations Acts''; and

(13)(A) in title VIII in section 405 by striking subsection (e) and inserting in lieu thereof the following:

''(e) OTHER REFERENCES TO TITLE VII OF THE STEWART B. MCKINNEY HOMELESS ASSISTANCE ACT.—The table of contents of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301 et seq.) is amended—

''(1) by striking the items relating to title VII of such Act, except the item relating to the title heading and the items relating to subtitles B and C of such title; and

''(2) by striking the item relating to the title heading for title VII and inserting in lieu thereof the following:

''TITLE VII—EDUCATION AND TRAINING''.

(B) The amendments made by paragraph (13)(A) of this section shall take effect as if included in Public Law 105–277 on the date of its enactment.

SEC. 4006. The last sentence of section 5595(b) of title 5, United States Code (as added by section 309(a)(2) of the Legislative Branch Appropriations Act, 1999, Public Law 105–275) is amended by striking ''(a)(1)(G)'' and inserting in lieu thereof ''(a)(1)(C)''.

SEC. 4007. Division B, title II, chapter 5 of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277) is amended under the heading ''Capitol Police Board, Security Enhancements'' by inserting before the period at the end of the paragraph '': *Provided further*, That for purposes of carrying out the plan or plans described under this heading and consistent with the approval of such plan or plans pursuant to this heading, the Capitol Police Board shall transfer the portion of the funds made available under this heading which are to be used for personnel and overtime increases for the United States Capitol Police to the heading ''Capitol Police Board, Capitol Police, Salaries'' under the Act making appropriations for the legislative branch for the fiscal year involved, and shall allocate such portion between the Sergeant at Arms of the House of Representatives and the Sergeant at Arms and Doorkeeper of the Senate in such amounts as may be approved by the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate''.

SEC. 4008. Division B, title 1, chapter 3 of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277) is amended under the heading ''Family Housing, Navy and Marine Corps'' by striking the word ''Hurricane'' and inserting in lieu thereof ''Hurricanes Georges and''.

SEC. 4009. The Department of Transportation and Related Agencies Appropriations Act, 1999, as contained in division A, section 101(g) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277), is amended in title I under the heading ''Capital Investment Grants (Including Transfer of Funds)'' within the project description of project number 127, by inserting the words ''and bus facilities'' after the word ''replacements'', and within the project description of project number 261 by striking the words ''Multimodal Center'' and inserting ''buses and bus related facilities''.

SEC. 4010. The Department of Transportation and Related Agencies Appropriations Act, 1999, as contained in division A, section 101(g) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277), is amended in title I under the heading ''Federal-Aid Highways (Limitation on Obligations) (Highway Trust Fund)'' by striking ''not more than $38,000,000 shall be available for the implementation and execution of the Ferry Boat and Ferry Terminal Facility Program'', and inserting in lieu thereof, ''not more than $59,290,000 shall be available for the implementation and execution of the Ferry Boat and Ferry Terminal Facility Program''.

SEC. 4011. (a) AMERICAN FISHERIES ACT.—The American Fisheries Act (title II of division C of Public Law 105–277) is amended—

(1) in section 202(b) by inserting a comma after ''United States Code'';

(2) in section 207(d)(1)(A) by striking ''Fishery Conservation and Management'';

(3) in section 208(b)(1) by striking ''615085'' and inserting ''633219'';

(4) in section 213(c)(1) by striking ''title'' and inserting ''subtitle''; and

(5) in section 213(c)(2) by striking ''title'' and inserting ''subtitle''.

(b) TITLE 46.—Section 12122(c) of title 46, United States Code, is amended by inserting a comma after ''statement or representations''.

SEC. 4012. Section 113 of the Department of Justice Appropriations Act, 1999 (section 101(b) of division A of Public Law 105–277) is amended by striking ''section 102(2) of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a(2))'' and inserting ''section 4(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(b))''.

SEC. 4013. DENALI COMMISSION. The Denali Commission Act of 1998 (title III of division C of Public Law 105–277) is amended—

(1) in section 303(b)(1)(D) by striking in two instances ''Alaska Federation or Natives'' and inserting ''Alaska Federation of Natives'';

(2) in section 303(c) by striking ''Members'' and inserting ''The Federal Cochairperson shall serve for a term of four years and may be reappointed. All other members'';

(3) in section 306(a) by inserting after the first sentence the following: ''The Federal Cochairperson shall be compensated at the annual rate prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code.'';

(4) in section 306(c)(2) by striking ''Chairman'' and inserting ''Federal Cochairperson'';

(5) by inserting at the end of section 306 the following new subsections:

''(g) ADMINISTRATIVE EXPENSES AND RECORDS.—The Commission is hereby prohibited from using more than 5 percent of the amounts appropriated under the authority of this Act or transferred pursuant to section 329 of the Department of Transportation and Related Agencies Appropriations Act, 1999 (section 101(g) of division A of this Act) for administrative expenses. The Commission and its grantees shall maintain accurate and complete records which shall be available for audit and examination by the Comptroller General of his or her designee.

''(h) INSPECTOR GENERAL.—Section 8G(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App. 3, section 8G(a)(2)) is amended by inserting 'the Denali Commission,' after 'the Corporation for Public Broadcasting,'.''; and

(6) in section 307(b) by inserting immediately before ''The Commission'' the following: ''Funds transferred to the Commission pursuant to section 329 of the Department of Transportation and Related Agencies Appropriations Act, 1999 (section 101(g) of division A of this Act) shall be available without further appropriation and until expended.''.

SEC. 4014. Section 3347(b) of title 5, United States Code, as added by the Federal Vacancies Reform Act of 1998, is amended by striking ''provision to which subsection (a)(2) applies'' and inserting ''provision to which subsection (a)(1) applies''.

SEC. 4015. Of the amount appropriated under the heading ''ENVIRONMENTAL PROGRAMS AND MANAGEMENT'' in title III of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (Public Law 105–276), $1,300,000 shall be transferred to the ''STATE AND TRIBAL ASSISTANCE GRANTS'' account for a grant for water and wastewater infrastructure projects in the State of Idaho.

SEC. 4016. (a) Notwithstanding any other provision of this Act, none of the amounts provided by this Act are designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) An additional amount of $2,250,000,000 is rescinded as provided in section 3002 of this Act.

SEC. 4017. Notwithstanding any other provision of this Act, none of the amounts provided by this Act are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE V—MISCELLANEOUS

SEC. 5001. (a) DISPOSAL AUTHORIZED.—Subject to subsection (c), the President may dispose of the material in the National Defense Stockpile specified in the table in subsection (b).

(b) TABLE.—The total quantity of the material authorized for disposal by the President under subsection (a) is as follows:

AUTHORIZED STOCKPILE DISPOSAL

Material for disposal	Quantity
Zirconium ore	17,383 short dry tons

(c) MINIMIZATION OF DISRUPTION AND LOSS.—The President may not dispose of material under subsection (a) to the extent that the disposal will result in—

(1) undue disruption of the usual markets of producers, processors, and consumers of the material proposed for disposal; or

(2) avoidable loss to the United States.

(d) RELATIONSHIP TO OTHER DISPOSAL AUTHORITY.—The disposal authority provided in subsection (a) is new disposal authority and is in addition to, and shall not affect, any other disposal authority provided by law regarding the material specified in such subsection.

(e) NATIONAL DEFENSE STOCKPILE DEFINED.—In this section, the term ''National Defense Stockpile Transaction Fund'' means the fund in the Treasury of the United States established under section 9(a) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(a)).

SEC. 5002. (a) AVAILABILITY OF SETTLEMENT AMOUNT.—Notwithstanding any other provision of law, the amount received by the United States in settlement of the claims described in subsection (b) shall be available as specified in subsection (c).

(b) COVERED CLAIMS.—The claims referred to in this subsection are the claims of the United States against Hunt Building Corporation and Ellsworth Housing Limited Partnership relating to the design and construction of an 828-unit family housing project at Ellsworth Air Force Base, South Dakota.

(c) SPECIFIED USES.—

(1) IN GENERAL.—Subject to paragraph (2), the amount referred to in subsection (a) shall be available as follows:

(A) Of the portion of such amount received in fiscal year 1999—

(i) an amount equal to 3 percent of such portion shall be credited to the Department of Justice Working Capital Fund for the civil debt collection litigation activities of the Department with respect to the claims referred to in subsection (b), as provided for in section 108 of Public Law 103–121 (107 Stat. 1164; 28 U.S.C. 527 note); and

(ii) of the balance of such portion—

(I) an amount equal to ⅞ of such balance shall be available to the Secretary of Transportation for purposes of construction of an access road on Interstate Route 90 at Box Elder, South Dakota (item 1741 of the table contained in section 1602 of the Transportation Equity Act for the 21st Century (Public Law 105–178; 112 Stat. 320)); and

(II) an amount equal to ⅛ of such balance shall be available to the Secretary of the Air Force for purposes of real property and facility maintenance projects at Ellsworth Air Force Base.

(B) Of the portion of such amount received in fiscal year 2000—

(i) an amount equal to 3 percent of such portion shall be credited to the Department of Justice Working Capital Fund in accordance with subparagraph (A)(i); and

(ii) an amount equal to the balance of such portion shall be available to the Secretary of Transportation for purposes of construction of the access road described in subparagraph (A)(ii)(I).

(C) Of any portion of such amount received in a fiscal year after fiscal year 2000—

(i) an amount equal to 3 percent of such portion shall be credited to the Department of Justice Working Capital Fund in accordance with subparagraph (A)(i); and

(ii) an amount equal to the balance of such portion shall be available to the Secretary of the Air Force for purposes of real property and facility maintenance projects at Ellsworth Air Force Base.

(2) LIMITATION ON AVAILABILITY OF FUNDS FOR ACCESS ROAD.—

(A) LIMITATION.—The amounts referred to in subparagraphs (A)(ii)(I) and (B)(ii) of paragraph (1) shall be available as specified in such subparagraphs only if, not later than September 30, 2000, the South Dakota Department of Transportation enters into an agreement with the Federal Highway Administration providing for the construction of an interchange on Interstate Route 90 at Box Elder, South Dakota.

(B) ALTERNATIVE AVAILABILITY OF FUNDS.—If the agreement described in subparagraph (A) is not entered into by the date referred to in that subparagraph, the amounts described in that subparagraph shall be available to the Secretary of the Air Force as of that date for purposes of real property and facility maintenance projects at Ellsworth Air Force Base.

(3) AVAILABILITY OF AMOUNTS.—

(A) ACCESS ROAD.—Amounts available under this section for construction of the access road described in paragraph (1)(A)(ii)(I) are in addition to amounts available for the construction of that access road under any other provision of law.

(B) PROPERTY AND FACILITY MAINTENANCE PROJECTS.—Notwithstanding any other provision of law, amounts available under this section for property and facility maintenance projects at Ellsworth Air Force Base shall remain available for expenditure without fiscal year limitation.

This Act may be cited as the ''Emergency Supplemental Appropriations Act for Fiscal Year 1999''.

AUTHORITY FOR COMMITTEES TO FILE LEGISLATIVE OR EXECUTIVE ITEMS ON TUESDAY, APRIL 6, 1999

Mr. ENZI. Mr. President, I ask unanimous consent that on Tuesday, April 6, committees have from the hours of 11 a.m. to 2 p.m. in order to file legislative or executive reported items.

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

AUTHORITY FOR COMMITTEES TO FILE LEGISLATIVE MATTERS ON MARCH 26, 1999

Mr. ENZI. Mr. President, I ask unanimous consent that committees have from 10 a.m. until 11 a.m. on Friday, March 26, in order to file legislative matters.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. ENZI. Mr. President, I ask unanimous consent that the Senate proceed immediately to executive session to consider all nominations reported by the Armed Services Committee today.

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

Mr. ENZI. Mr. President, I further ask unanimous consent that the nominations be confirmed, the motion to reconsider be laid upon the table, any statements relating to the nominations appear at this point in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations, considered and confirmed, en bloc, are as follows:

DEPARTMENT OF ENERGY

Rose Eilene Gottemoeller, of Virginia, to be an Assistant Secretary of Energy (Non-Proliferation and National Security).

The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Eugene L. Tattini, 0000.

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Harold L. Timboe, 0000.

IN THE AIR FORCE

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. William C. Jones, Jr., 0000.

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Michael V. Hayden, 0000.

IN THE ARMY

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Reginald A. Centracchio, 0000.

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Edward J. Fahy, Jr., 0000.

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Daniel R. Bowler, 0000.
Rear Adm. (lh) John E. Boyington, Jr., 0000.
Rear Adm. (lh) John V. Chenevey, 0000.
Rear Adm. (lh) Albert T. Church, III, 0000.
Rear Adm. (lh) John P. Davis, 0000.
Rear Adm. (lh) John B. Foley, III, 0000.
Rear Adm. (lh) Veronica A. Froman, 0000.
Rear Adm. (lh) Alfred G. Harms, Jr., 0000.
Rear Adm. (lh) John M. Johnson, 0000.
Rear Adm. (lh) Timothy J. Keating, 0000.
Rear Adm. (lh) Roland B. Knapp, 0000.
Rear Adm. (lh) Timothy W. LaFleur, 0000.
Rear Adm. (lh) James W. Metzger, 0000.
Rear Adm. (lh) Richard J. Naughton, 0000.
Rear Adm. (lh) John B. Padgett, 0000.
Rear Adm. (lh) Kathleen K. Paige, 0000.
Rear Adm. (lh) David P. Polatty, III, 0000.
Rear Adm. (lh) Ronald A. Route, 0000.
Rear Adm. (lh) Steven G. Smith, 0000.
Rear Adm. (lh) Ralph E. Suggs, 0000.
Rear Adm. (lh) Paul F. Sullivan, 0000.

IN THE ARMY

The following named officer for appointment as a Permanent Professor of the United States Military Academy in the grade indicated under title 10, U.S.C., section 4333 (b):

To be colonel

Patrick Finnegan, 0000.

Army nominations beginning CHRISTOPHER D. LATCHFORD, and ending JAMES E. BRAMAN, which nominations were received by the Senate and appeared in the Congressional Record on March 8, 1999.

Army nominations beginning LEE G. KENNARD, and ending MICHAEL E. THOMPSON, which nominations were received by the Senate and appeared in the Congressional Record on March 8, 1999.

Army nominations beginning WESLEY D. COLLIER, and ending THOMAS L. MUSSELMAN, which nominations were received by the Senate and appeared in the Congressional Record on March 8, 1999.

Army nominations beginning DAVID E. BELL, and ending HOWARD LOCKWOOD, which nominations were received by the Senate and appeared in the Congressional Record on March 8, 1999.

Army nominations beginning *JAN E. ALDYKIEWICZ, and ending *LOUIS P. YOB, which nominations were received by the Senate and appeared in the Congressional Record on March 8, 1999.

Army nominations beginning TIMOTHY K. ADAMS, and ending DERICK B. ZIEGLER, which nominations were received by the Senate and appeared in the Congressional Record on March 8, 1999.

IN THE MARINE CORPS

The following named officer for appointment to the grade indicated in the United States Marine Corps under title 10, U.S.C., section 624:

To be lieutenant colonel

Stanley A. Packard, 0000.

The following named officer for appointment to the grade indicated in the United States Marine Corps under title 10, U.S.C., section 624:

To be major

Todd D. Bjorklund, 0000.

IN THE NAVY

The following named officer for appointment to the grade indicated in the United States Naval Reserve under title 10, U.S.C., section 12203:

To be captain

Tarek A. Elbeshbeshy, 0000.

Navy nominations beginning GLEN C. CRAWFORD, and ending LEONARD G. ROSS, JR., which nominations were received by the Senate and appeared in the Congressional Record on March 8, 1999.

Navy nominations beginning STEVEN W. ALLEN, and ending DANIEL C. WYATT, which nominations were received by the Senate and appeared in the Congressional Record on March 8, 1999.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

MEASURE READ THE FIRST TIME—S. 755

Mr. ENZI. Mr. President, I understand that S. 755, which was introduced earlier by Senator HATCH and others, is at the desk, and I ask that it be read the first time.

The PRESIDING OFFICER. The clerk will report.

A bill (S. 755) to extend the period for compliance with certain ethical standards of Federal prosecutors.

Mr. ENZI. I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

MEASURE READ THE FIRST TIME—S. 754

Mr. ENZI. Mr. President, I understand that bill No. S. 754 introduced earlier today by Senator EDWARDS is at the desk and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

A bill (S. 754) to designate the Federal building located at 310 New Bern Avenue in Raleigh, North Carolina as the ''Terry Sanford Federal Building.''

Mr. ENZI. I ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

RECONSTITUTING THE SENATE ARMS CONTROL OBSERVER GROUP AS THE SENATE NATIONAL SECURITY WORKING GROUP

Mr. ENZI. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 75, submitted earlier today by Senator LOTT.

The PRESIDING OFFICER. The clerk will report.

A resolution (S. Res. 75) reconstituting the Senate Arms Control Observer Group as the Senate National Security Working Group in revising the authority of the group.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

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

Mr. ENZI. Mr. President, I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and any statements relating to this resolution appear at this point in the RECORD.

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

The resolution (S. Res. 75) was agreed to, as follows:

S. RES. 75

Resolved, That Senate Resolution 105 of the One Hundred First Congress, agreed to April 13, 1989, as amended by Senate Resolution 149 of the One Hundred Third Congress, agreed to October 5, 1993, is further amended as follows:

(1) In subsection (a) of the first section, by striking paragraph (1) and inserting the following:

''(1) the Senate Arms Control Observer Group, which was previously constituted and authorized by the authority described in paragraph (2), is hereby reconstituted and reauthorized as the Senate National Security Working Group (hereafter in this resolution referred to as the 'Working Group').''.

(2) By striking ''Observer Group'' each place it appears in the resolution, except paragraph (3) of subsection (a) of the first section, and inserting ''Working Group''.

(3) By striking ''Group'' in the second sentence of section 3(a) and inserting ''Working Group''.

(4) By striking paragraph (3) of subsection (a) of the first section and inserting the following:,

''(3)(A) The members of the Working Group shall act as official observers on the United States delegation to any negotiations, to which the United States is a party, on any of the following:

''(i) Reduction, limitation, or control of conventional weapons, weapons of mass destruction, or the means for delivery of any such weapons.

''(ii) Reduction, limitation, or control of missile defenses.

''(iii) Export controls.

''(B) In addition, the Working Group is encouraged to consult with legislators of foreign nations, including the members of the State Duma and Federal Council of the Russian Federation and, as appropriate, legislators of other foreign nations, regarding matters described in subparagraph (A).

''(C) The Working Group is not authorized to investigate matters relating to espionage or intelligence operations against the United States, counterintelligence operations and activities, or other intelligence matters within the jurisdiction of the Select Committee on Intelligence under Senate Resolution 400 of the Ninety-Fourth Congress, agreed to on May 19, 1976.''.

(5) In paragraph (4) of subsection (a) of the first section—

(A) in subparagraph (A)—

(i) by striking ''Five'' in the matter preceding clause (i) and inserting ''Seven'';

(ii) by striking ''two'' in clause (ii) and inserting ''three''; and

(iii) by striking ''two'' in clause (iii) and inserting ''three'';

(B) in subparagraph (C), by striking ''Six'' and inserting ''Five''; and

(C) in subparagraph (D), by striking ''Seven'' and inserting ''Six''.

(6) In section 2(b)(3), by striking ''five''.

(7) In the second sentence of section 3(a)—

(A) by striking ''$380,000'' and inserting ''$500,000''; and

(B) by striking ''except that not more than'' and inserting ''of which not more than''.

(8) By striking section 4.

(9) By amending the title to read as follows: ''Resolution reconstituting the Senate Arms Control Observer Group as the Senate National Security Working Group, and revising the authority of the Group.''.

MAKING TECHNICAL CORRECTIONS TO THE MICROLOAN PROGRAM

Mr. ENZI. Mr. President, I ask unanimous consent that the Committee on Small Business be discharged from further consideration of H.R. 440, and that the Senate proceed to its immediate consideration.

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

The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 440) to make technical corrections in the Microloan Program.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

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

Mr. KERRY. Mr. President, tonight the Senate will vote on H.R. 440, the Microloan Program Technical Corrections Act of 1999. I urge my colleagues to support this Act which, including my amendment, makes important changes to the Small Business Administration's (SBA) Microloan program. It revises the loan loss reserve requirement for microlenders and makes changes that will more equitably distribute the microloan dollars available to each state. Ultimately, these changes will allow microlenders and intermediaries to make more loans and offer more technical assistance to our nation's small businesses.

Most of my colleagues know that microloans and technical assistance are effective and powerful economic development tools because they voted to make the SBA's microloan program a permanent part of the Agency's lending programs in 1997.

Let's look at the record since the SBA's microloan pilot program was launched in 1991. It has provided more than 7,900 microloans, worth some $80.3 million. For every microloan, 1.7 jobs are created. And, if a borrower was a welfare recipient, it is common for them to hire other welfare recipients. As the program was intended to do, a great percentage of microloans have gone to traditionally underserved groups, including 45 percent to women-owned businesses, 39 percent to minority-owned businesses and 11 percent to veteran-owned businesses. Voting for these measures will be a vote to make a good program better.

Specifically, this legislation revises the loan loss reserve requirement (a cash reserve to guarantee that the government is paid back if a loan defaults) for microlenders by setting a 15-percent ceiling and a 10-percent floor. After a microloan intermediary has participated in the SBA Microloan program for five years and demonstrated its ability to maintain a healthy loan fund, it can request that SBA review and, when appropriate, reduce its loan loss reserve from 15 percent to a percentage based on its average loan loss rate for the five-year period. The proposed change would continue to protect the government's interest in microloans as well as enhance the program by freeing up cash which microlenders could reprogram for more microloans or technical assistance to small business owners.

With my amendment, this legislation establishes a floor for the distribution of microloan funds available to the states, including the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, and American Samoa. Depending on the amount of appropriations, the SBA must provide the lesser of either $800,000 or the even division of the funds among the 55 states. For any monies that exceed $44 million ($800,000 x 55 states), the Administration has the discretion to decide how to distribute the microloan funds. The Administration also has the discretion to distribute any additional money that is left over at the beginning of the third quarter of a fiscal year.

Mr. President, in Massachusetts and across the country, microloans and technical assistance are working; assisting individuals with the tools to successfully start and manage their own business. I thank my colleagues for their past support of small business and urge them to vote for H.R. 440 as amended.

AMENDMENT NO. 248

(Purpose: To provide for the equitable allocation of appropriated amounts)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. ENZI], for Mr. KERRY, proposes an amendment numbered 248.

Mr. ENZI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 2, strike lines 7 through 20, and insert the following:

(1) in paragraph (7), by striking subparagraph (B) and inserting the following:

''(B) ALLOCATION.—

''(i) MINIMUM ALLOCATION.—Subject to the availability of appropriations, of the total amount of new loan funds made available for award under this subsection in each fiscal year, the Administration shall make available for award in each State (including the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, and American Samoa) an amount equal to the sum of—

''(I) the lesser of—

''(aa) $800,000; or

''(bb) 1/55 of the total amount of new loan funds made available for award under this subsection for that fiscal year; and

''(II) any additional amount, as determined by the Administration.

''(ii) REDISTRIBUTION.—If, at the beginning of the third quarter of a fiscal year, the Administration determines that any portion of the amount made available to carry out this subsection is unlikely to be made available under clause (i) during that fiscal year, the Administration may make that portion available for award in any 1 or more States (including the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, and American Samoa) without regard to clause (i).''; and

Mr. ENZI. Mr. President, I ask unanimous consent that the amendment be agreed to, the motion to reconsider be laid upon the table, the bill, as amended, be considered read the third time, 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 amendment (No. 248) was agreed to.

The bill (H.R. 440), as amended, was considered read the third time and passed.

DISASTER MITIGATION COORDINATION ACT OF 1999

Mr. ENZI. Mr. President, I ask unanimous consent that S. 388 be discharged from the Small Business Committee and the Senate proceed to its immediate consideration.

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

The clerk will report.

The legislative clerk read as follows:

A bill (S. 388) to authorize the establishment of a disaster mitigation pilot program in the Small Business Administration.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

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

Mr. KERRY. Mr. President, after one year of working to enact a program that emphasizes prevention over reaction in dealing with natural disasters, the bill Senator CLELAND and I first introduced in the 105th Congress has made its way back to the Senate for our consideration and support. I ask my colleagues to vote for S. 388, the Disaster Mitigation Coordination Act of 1999. Your vote will help our nation's small businesses save money and prepare for natural disasters.

This bill establishes a 5-year pilot program that would make low-interest, long-term loans available to small business owners financing preventive measures to protect their businesses against, and lessen the extent of, future disaster damage. This pilot is designed to help those small businesses that can't get credit elsewhere and that are located in disaster-prone areas.

The small business pre-disaster mitigation loan pilot program would be run as part of the Small Business Administration's regular disaster loan program, testing the pros and cons of preparedness versus reaction. Currently, SBA's disaster loans are available for mitigation after a recent natural disaster. Those loans are also limiting because only 20 percent of an SBA disaster loan may be used to install new mitigation techniques that will prevent future damage. In contrast, this legislation would allow 100 percent of an SBA disaster loan to be used for mitigation purposes within any area that the Federal Emergency Management Agency (FEMA) has designated as disaster-prone. In Massachusetts, that includes Marshfield and Quincy, two coastal communities that are prone to flooding, rainstorms and Nor'easters.

I see a great need for this type of assistance in the small business community. Aside from avoiding inconveniences and disruptions, we know that there are cost-benefits to making meaningful improvements and changes to facilities before a disaster. According to the Federal Emergency Management Agency, which has a disaster mitigation program for communities, rather than businesses, we save two dollars of disaster relief money for each dollar spent on disaster mitigation.

Nationwide, whether you're a business in Florida or Massachusetts, this pilot would allow you to take out a loan to make the improvements to your building or office to protect against disasters. To lessen damage from hurricanes, it can mean constructing retaining and sea walls. To lessen damage from fires, it can mean adding sprinklers and flame-retardant building materials. And to lessen damage from floods, it can mean grading and contouring land or relocating the business.

The administration supports this pilot program and included it in President Clinton's budget request two years in a row—fiscal years 1999 and 2000. As the bill authorizes, the President requests that up to $15 million of the total $358 million proposed for disaster loans be used for disaster mitigation loans.

Senator CLELAND and I introduced this same legislation in the last Congress. And although it passed committee and the full Senate without opposition, the House did not vote on its merits before the 105th Congress ended. I thank our friends in the House and my colleagues in the Senate for sharing our concern to meet the needs of our small business owners while also working to find solutions that are smarter, more pro-active and more cost-effective. Mr. President, I am pleased to be a cosponsor of this legislation and am hopeful it will pass the Senate today and that the President will soon sign it in to law.

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

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

The bill (S. 388) was read the third time and passed, as follows:

S. 388

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

SECTION 1. DISASTER MITIGATION PILOT PROGRAM.

(a) IN GENERAL.—Section 7(b)(1) of the Small Business Act (15 U.S.C. 636(b)(1)) is amended—

(1) in subparagraph (B), by adding ''and'' at the end; and

(2) by adding at the end the following:

''(C) during fiscal years 2000 through 2004, to establish a predisaster mitigation program to make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred (guaranteed) basis), as the Administrator may determine to be necessary or appropriate, to enable small businesses to use mitigation techniques in support of a formal mitigation program established by the Federal Emergency Management Agency, except that no loan or guarantee may be extended to a small business under this subparagraph unless the Administration finds that the small business is otherwise unable to obtain credit for the purposes described in this subparagraph;''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended by adding at the end the following:

''(f) DISASTER MITIGATION PILOT PROGRAM.—The following program levels are authorized for loans under section 7(b)(1)(C):

''(1) $15,000,000 for fiscal year 2000.

''(2) $15,000,000 for fiscal year 2001.

''(3) $15,000,000 for fiscal year 2002.

''(4) $15,000,000 for fiscal year 2003.

''(5) $15,000,000 for fiscal year 2004.''.

(c) EVALUATION.—On January 31, 2003, the Administrator of the Small Business Administration shall submit to the Committees on Small Business of the House of Representatives and the Senate a report on the effectiveness of the pilot program authorized by section 7(b)(1)(C) of the Small Business Act (15 U.S.C. 636(b)(1)(C)), as added by subsection (a) of this section, which report shall include—

(1) information relating to—

(A) the areas served under the pilot program;

(B) the number and dollar value of loans made under the pilot program; and

(C) the estimated savings to the Federal Government resulting from the pilot program; and

(2) such other information as the Administrator determines to be appropriate for evaluating the pilot program.

REPORTS BY THE POSTMASTER GENERAL ON OFFICIAL MAIL OF THE HOUSE

Mr. ENZI. I ask unanimous consent that H.R. 705 be discharged from the Governmental Affairs Committee, and the Senate now proceed to its consideration.

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

The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 705) to make technical corrections with respect to the monthly reports

submitted by the Postmaster General on official mail of the House of Representatives.

Mr. ENZI. I ask unanimous consent that 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 appear in the RECORD.

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

The bill (H.R. 705) was read the third time and passed.

EXTENSION OF AVIATION WAR RISK INSURANCE PROGRAM

Mr. ENZI. I ask unanimous consent that H.R. 98 be discharged from the Governmental Affairs Committee, and further, that the Senate proceed to its consideration.

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

The clerk will report.

The legislative clerk read as follows:.

A bill (H.R 98) to amend chapter 443 of title 49, United States Code, to extend the aviation war risk insurance program, and to amend the Centennial of Flight Commemoration Act to make technical and other corrections.

AMENDMENT NO. 249

(Purpose: To strike section 2 relating to the Centennial of Flight Commemoration Act (36 U.S.C. 143 note; 112 Stat 3486 et seq.)

Mr. ENZI. I understand Senator THOMPSON has an amendment at the desk. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming (Mr. ENZI), for Mr. THOMPSON, proposes an amendment numbered 249:

Strike section 2.

Amend the title so as to read: ''An Act to amend chapter 443 of title 49, United States Code, to extend the aviation war risk insurance program.''.

Mr. MCCAIN. Mr. President, I rise in support of H.R. 98, which would reauthorize the aviation war risk insurance program for five years. As U.S. troops embark on strikes against Yugoslavia, it is important that we make sure to provide the Administration all of the tools necessary to carry out our foreign policy interests.

The Aviation Insurance Program insures U.S. air carriers against losses resulting from war, terrorism or other hostile acts. Program insurance is available when a carrier's commercial insurance is canceled, or is unavailable at reasonable rates. First, however, the President or his designee must determine that a flight is essential to the foreign policy interests of the United States.

We must act on this legislation now. Otherwise, the Aviation Insurance Program will expire at the end of March. I cannot overemphasize its importance. During Operation Desert Storm, for instance, the program insured more than 5,000 flights provided by commercial airlines in support of the Department of Defense, as part of the Civil Reserve Air Fleet. U.S. carriers simply would not be able to participate in the Civil Reserve Air Fleet if they could not insure against high risks of loss or damage.

I want to emphasize another important point. The Senate recently approved legislation that, among other things, would reauthorize the Aviation Insurance Program for two months. H.R. 98 would reauthorize the program for five years. In the event that the legislation containing the two-month extension is enacted into law after H.R. 98 is enacted into law, the two-month provision should not trump the five-year provision. In other words, it is our intent that the Aviation Insurance Program is reauthorized for five years.

I urge my colleagues to join me in supporting this legislation to reauthorize the aviation war risk insurance program for five years.

Mr. ENZI. I ask unanimous consent that the amendment be agreed to, the bill then be referred to the Commerce Committee; I further ask consent that the bill then be immediately discharged, the Senate proceed to its consideration, the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the measure appear in the RECORD.

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

The Amendment (No. 249) was agreed to.

The bill (H.R. 98), as amended, was read the third time and passed.

Mr. ENZI. I finally ask unanimous consent that the amendment to the title, which is at the desk, be agreed to.

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

The title was amended so as to read: ''An Act to amend chapter 443 of title 49, United States Code, to extend the aviation war risk insurance program.''

MAKING OF RISK MANAGEMENT DECISIONS

Mr. ENZI. I ask unanimous consent that the Senate proceed to the immediate consideration of S. 756 introduced earlier today by Senator LINCOLN and Senator HUTCHINSON

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

The clerk will report.

The legislative clerk read as follows:

A bill (S. 756) to provide adversely affected crop producers with additional time to make fully informed risk management decisions for the 1999 crop year.

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

Mrs. LINCOLN. Mr. President, this bill addresses a crop insurance crisis that is plaguing my home state of Arkansas.

As many of you know, the outlook for the agricultural economy is very bleak for many parts of the country. As farmers in Arkansas and other states making their planting decisions for the upcoming growing season, they were offered what seemed to be a light at the end of the tunnel. A crop insurance policy entitled CRCPlus.

CRCPlus is a supplemental crop insurance policy available only from America Agrisurance, Inc. and is offered on corn, cotton, grain sorghum, soybeans, wheat and rice in several states. For Arkansas' rice growers, the original CRCPlus policies offered what appeared to be a financially viable risk management tool by adding a privately backed 3 cents per pound to the underlying federal Crop Revenue Coverage (CRC) policies. This placed the guaranteed fall price for rice at a level above projected prices. With commodity prices depressed across the board, a large number of farmers decided to switch to growing rice based on this ''too good to be true'' offer.

At a time when the agricultural climate in Arkansas is devastated to begin with, these policies were a last ray of hope for hundreds of farmers. Now, essentially, American Agrisurance has pulled the rug out from under these families. On March 1, the company reneged, saying it would reduce the additional guarantee of coverage from 3 cents to 1½ cents per pound. This announcement came after the sales period for crop insurance was closed, leaving many producers with a product they would not have otherwise purchased. Many producers felt they had been misled and I tend to agree. I am very thankful to Secretary of Agriculture Dan Glickman and Risk Management Agency Director, Ken Ackerman for their assistance in opening the cancellation period for crop insurance over the last two weeks so that the affected producers had more time to evaluate whether to keep the CRCPlus policies. This extra time eased the mind of many producers in my state during a very troubling period. During this extended cancellation period many producers reevaluated the cost/benefit ratios calculated at the 1½ cent level rather than the 3 cent level. Several producers canceled their polities with American Agrisurance, but many producers decided that the coverage offered was still sufficient to provide protection during a very volatile growing season and opted to stick with American Agrisurance and the CRCPlus policy. I wish the story ended here.

American Agrisurance has since indicated that due to a problem with its reinsurers, they may not be able to live up to the additional 1½ cents of coverage on policies currently held by many producers. The company is reviewing its financial status and will announce on March 25th whether or not the 1½ cent polices will be honored. This situation has further clouded the outlook for producers and left them wondering what to believe and who to trust.

Regardless of the company's excuses for its actions, it is now imperative that farmers who were wronged by this company be able to withdraw their

business. I have been working with the Administration, the distinguished Chairman of the Senate Agriculture Committee Chairman Lugar, and several other members of the Senate Agriculture Committee to draft legislation that addresses our producers' needs. This bill allows the Department of Agriculture to reopen the crop insurance sales period so that producers affected by the uncertainty of the CRCPlus situation can transfer to another approved insurance provider.

Farmers are on the verge of planting, so a swift response is necessary to clear up the confusion over their insurance protection. As the daughter of a seventh generation Arkansas farm family, I truly understand that in situations like this it's the farmer who gets left holding the bag. Each year, farmers go out on a limb and make critical planting decisions based on obligations and promises. My heart goes out to all who have made plans based on these policies. I urge my colleagues to act quickly on this matter so that a wrong can be righted in America's heartland. Thank you Mr. President. I yield the floor.

Mr. ENZI. 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 in the RECORD.

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

The bill (S. 756) was considered read the third time and passed, as follows:

S. 756

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

SECTION 1. CROP INSURANCE OPTIONS FOR PRODUCERS WHO APPLIED FOR CROP REVENUE COVERAGE PLUS.

(a) ELIGIBLE PRODUCERS.—This section applies with respect to a producer eligible for insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) who applied for the supplemental crop insurance endorsement known as Crop Revenue Coverage PLUS (referred to in this section as ''CRCPLUS'') for the 1999 crop year for a spring planted agricultural commodity.

(b) ADDITIONAL PERIOD FOR OBTAINING OR TRANSFERRING COVERAGE.—Notwithstanding the sales closing date for obtaining crop insurance coverage established under section 508(f)(2) of the Federal Crop Insurance Act (7 U.S.C. 1508(f)(2)) and notwithstanding any other provision of law, the Federal Crop Insurance Corporation shall provide a 14-day period beginning on the date of enactment of this Act, but not to extend beyond April 12, 1999, during which a producer described in subsection (a) may—

(1) with respect to a federally reinsured policy, obtain from any approved insurance provider a level of federally reinsured coverage for the agricultural commodity for which the producer applied for the CRCPLUS endorsement that is equivalent to or less than the level of federally reinsured coverage that the producer applied for from the insurance provider that offered the CRCPLUS endorsement; and

(2) transfer to any approved insurance provider any federally reinsured coverage provided for other agricultural commodities of the producer by the same insurance provider that offered the CRCPLUS endorsement, as determined by the Corporation.

PROTECTION FOR PRODUCERS OF AGRICULTURAL COMMODITIES

Mr. ENZI. I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 1212, just received from the House.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1212) to protect producers of agricultural commodities who applied for a Crop Revenue Coverage PLUS supplemental endorsement for the 1999 crop year.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

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

Mr. ENZI. I ask unanimous consent that the bill be read the third time, passed, and the motion to reconsider be laid upon the table.

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

The bill (H.R. 1212) was read the third time, and passed.

THE CALENDAR

UNANIMOUS-CONSENT AGREEMENT

Mr. ENZI. I ask unanimous consent that the Senate now proceed to the consideration en bloc of the following bills reported by the Energy Committee:

S. 278, Calendar No. 41; S. 291, Calendar No. 46; S. 292, Calendar No. 47; S. 293, Calendar No. 42; S. 243, Calendar No. 45; S. 334, Calendar No. 63; S. 356, Calendar No. 48; S. 366, Calendar No. 49; S. 382, Calendar No. 50; S. 422, Calendar No. 65; H.R. 171, Calendar No. 51; and, H.R. 193, Calendar No. 52.

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

Mr. ENZI. I ask unanimous consent that the amendment numbered 250 to S. 293, which is at the desk, be agreed to, and the amendment numbered 251 to S. 243 be agreed to, any committee amendments where applicable be agreed to, the bills then be considered read the third time and passed, as amended, if amended, the motions to reconsider be laid upon the table, and that any statements relating to any of these bills appear in the RECORD with the above occurring en bloc.

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

CONVEYANCE OF CERTAIN LANDS TO THE COUNTY OF RIO ARRIBA, NM

The bill (S. 278) to direct the Secretary of the Interior to convey certain lands to the county of Rio Arriba, New Mexico, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 278

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

SECTION 1. OLD COYOTE ADMINISTRATIVE SITE.

(a) CONVEYANCE OF PROPERTY.—Not later than one year after the date of enactment of this Act, the Secretary of the Interior (herein ''the Secretary'') shall convey to the County of Rio Arriba, New Mexico (herein ''the County''), subject to the terms and conditions stated in subsection (b), all right, title, and interest of the United States in and to the land (including all improvements on the land) known as the ''Old Coyote Administrative Site'' located approximately ½ mile east of the Village of Coyote, New Mexico, on State Road 96, comprising one tract of 130.27 acres (as described in Public Land Order 3730), and one tract of 276.76 acres (as described in Executive Order 4599).

(b) TERMS AND CONDITIONS.—

(1) Consideration for the conveyance described in subsection (a) shall be—

(A) an amount that is consistent with the special pricing program for Governmental entities under the Recreation and Public Purposes Act; and

(B) an agreement between the Secretary and the County indemnifying the Government of the United States from all liability of the Government that arises from the property.

(2) The lands conveyed by this Act shall be used for public purposes. If such lands cease to be used for public purposes, at the option of the United States, such lands will revert to the United States.

(c) LAND WITHDRAWALS.—Land withdrawals under Public Land Order 3730 and Executive Order 4599 as extended in the Federal Register on May 25, 1989 (54 F.R. 22629) shall be revoked simultaneous with the conveyance of the property under subsection (a).

Mr. DOMENICI. Mr. President, I am very pleased that the Senate has again passed legislation to convey unwanted federal land to Rio Arriba County, New Mexico. While identical legislation passed the Senate last summer, it was unable to get through the House of Representatives due to political wrangling in the waning days of the 105th Congress.

Meanwhile, Rio Arriba has been waiting for access to this much-needed land and facilities. The vast majority of this Northern New Mexico county is in federal ownership. Communities find themselves unable to grow or find available property necessary to provide local services. This legislation allows for transfer by the Secretary of the Interior real property and improvements at an abandoned and surplus administrative site for the Carson National Forest to the County. The site is known as the old Coyote Ranger District Station, near the small town of Coyote, new Mexico.

The Coyote Station will continue to be used for public purposes, including a community center, and a fire substation. Some of the buildings will also be available for the County to use for storage and repair of road maintenance equipment, and other County vehicles.

Mr. President, the Forest Service has determined that this site is of no further use to them, since they have recently completed construction of a new

administrative facility for the Coyote Range District. The Forest Service reported to the General Services Administration that the improvements on the site were considered surplus, and would be available for disposal under their administrative procedures. At this particular site, however, the land on which the facilities have been built is withdrawn public domain land, under the jurisdiction of the Bureau of Land Management.

The Administration is supportive of the legislation. Since neither the Bureau of land Management nor the Forest Service have any interest in maintaining Federal ownership of this land and the surplus facilities, and Rio Arriba County desperately needs them, passage of S. 278 is a win-win situation for the federal government and New Mexico. I hope this meritorious bill will be passed promptly in the House, and quickly become law to give Rio Arriba County the necessary community land to grow.

CARLSBAD IRRIGATION PROJECT ACQUIRED LAND TRANSFER ACT

The bill (S. 291) to convey certain real property within the Carlsbad Project in New Mexico to the Carlsbad Irrigation District, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 291

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 ''Carlsbad Irrigation Project Acquired Land Transfer Act''.

SEC. 2. CONVEYANCE.

(a) LANDS AND FACILITIES.—

(1) IN GENERAL.—Except as provided in paragraph (2), and subject to subsection (c), the Secretary of the Interior (in this Act referred to as the ''Secretary'') may convey to the Carlsbad Irrigation District (a quasi-municipal corporation formed under the laws of the State of New Mexico and in this Act referred to as the ''District''), all right, title, and interest of the United States in and to the lands described in subsection (b) (in this Act referred to as the ''acquired lands'') and all interests the United States holds in the irrigation and drainage system of the Carlsbad Project and all related lands including ditch rider houses, maintenance shop and buildings, and Pecos River Flume.

(2) LIMITATION.—

(A) RETAINED SURFACE RIGHTS.—The Secretary shall retain title to the surface estate (but not the mineral estate) of such acquired lands which are located under the footprint of Brantley and Avalon dams or any other project dam or reservoir division structure.

(B) STORAGE AND FLOW EASEMENT.—The Secretary shall retain storage and flow easements for any tracts located under the maximum spillway elevations of Avalon and Brantley Reservoirs.

(b) ACQUIRED LANDS DESCRIBED.—The lands referred to in subsection (a) are those lands (including the surface and mineral estate) in Eddy County, New Mexico, described as the acquired lands and in section (7) of the ''Status of Lands and Title Report: Carlsbad Project'' as reported by the Bureau of Reclamation in 1978.

(c) TERMS AND CONDITIONS OF CONVEYANCE.—Any conveyance of the acquired lands under this Act shall be subject to the following terms and conditions:

(1) MANAGEMENT AND USE, GENERALLY.—The conveyed lands shall continue to be managed and used by the District for the purposes for which the Carlsbad Project was authorized, based on historic operations and consistent with the management of other adjacent project lands.

(2) ASSUMED RIGHTS AND OBLIGATIONS.—Except as provided in paragraph (3), the District shall assume all rights and obligations of the United States under—

(A) the agreement dated July 28, 1994, between the United States and the Director, New Mexico Department of Game and Fish (Document No. 2–LM–40–00640), relating to management of certain lands near Brantley Reservoir for fish and wildlife purposes; and

(B) the agreement dated March 9, 1977, between the United States and the New Mexico Department of Energy, Minerals, and Natural Resources (Contract No. 7–07–57–X0888) for the management and operation of Brantley Lake State Park.

(3) EXCEPTIONS.—In relation to agreements referred to in paragraph (2)—

(A) the District shall not be obligated for any financial support agreed to by the Secretary, or the Secretary's designee, in either agreement; and

(B) the District shall not be entitled to any receipts for revenues generated as a result of either agreement.

(d) COMPLETION OF CONVEYANCE.—If the Secretary does not complete the conveyance within 180 days from the date of enactment of this Act, the Secretary shall submit a report to the Congress within 30 days after that period that includes a detailed explanation of problems that have been encountered in completing the conveyance, and specific steps that the Secretary has taken or will take to complete the conveyance.

SEC. 3. LEASE MANAGEMENT AND PAST REVENUES COLLECTED FROM THE ACQUIRED LANDS.

(a) IDENTIFICATION AND NOTIFICATION OF LEASEHOLDERS.—Within 120 days after the date of enactment of this Act, the Secretary of the Interior shall—

(1) provide to the District a written identification of all mineral and grazing leases in effect on the acquired lands on the date of enactment of this Act; and

(2) notify all leaseholders of the conveyance authorized by this Act.

(b) MANAGEMENT OF MINERAL AND GRAZING LEASES, LICENSES, AND PERMITS.—The District shall assume all rights and obligations of the United States for all mineral and grazing leases, licenses, and permits existing on the acquired lands conveyed under section 2, and shall be entitled to any receipts from such leases, licenses, and permits accruing after the date of conveyance. All such receipts shall be used for purposes for which the Project was authorized and for financing the portion of operations, maintenance, and replacement of the Summer Dam which, prior to conveyance, was the responsibility of the Bureau of Reclamation, with the exception of major maintenance programs in progress prior to conveyance which shall be funded through the cost share formulas in place at the time of conveyance. The District shall continue to adhere to the current Bureau of Reclamation mineral leasing stipulations for the Carlsbad Project.

(c) AVAILABILITY OF AMOUNTS PAID INTO RECLAMATION FUND.—

(1) EXISTING RECEIPTS.—Receipts in the reclamation fund on the date of enactment of this Act which exist as construction credits to the Carlsbad Project under the terms of the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351–359) shall be deposited in the General Treasury and credited to deficit reduction or retirement of the Federal debt.

(2) RECEIPTS AFTER ENACTMENT.—Of the receipts from mineral and grazing leases, licenses, and permits on acquired lands to be conveyed under section 2, that are received by the United States after the date of enactment and before the date of conveyance—

(A) not to exceed $200,000 shall be available to the Secretary for the actual costs of implementing this Act with any additional costs shared equally between the Secretary and the District; and

(B) the remainder shall be deposited into the General Treasury of the United States and credited to deficit reduction or retirement of the Federal debt.

SEC. 4. VOLUNTARY WATER CONSERVATION PRACTICES.

Nothing in this Act shall be construed to limit the ability of the District to voluntarily implement water conservation practices.

SEC. 5. LIABILITY.

Effective on the date of conveyance of any lands and facilities authorized by this Act, the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the conveyed property, except for damages caused by acts of negligence committed by the United States or by its employees, agents, or contractors, prior to conveyance. Nothing in this section shall be considered to increase the liability of the United States beyond that provided under chapter 171 of title 28, United States Code, popularly known as the Federal Tort Claims Act.

SEC. 6. FUTURE BENEFITS.

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 Reclamation Act of June 17, 1902, and Acts supplementary thereof or amendatory thereto attributable to their status as part of a Reclamation Project.

Mr. DOMENICI. Mrs. President, I once again rise to express pleasure that the Senate has passed S. 291—the Carlsbad Irrigation Project Acquired Land Transfer Act. I, along with Congressman SKEEN, have been working to convey tracts of land—paid for by Carlsbad Irrigation District and referred to as ''acquired lands''—back to the district, during the past several congresses. Identical legislation passed the Senate last year, it enjoys bi-partisan support, and hopefully will pass in the House of Representatives soon.

The Carlsbad Irrigation District has had operations and maintenance responsibilities for this Bureau of Reclamation project for the past 66 years. It met all the repayment obligations to the government in 1991, and it's about time we let the District have what is rightfully theirs. This legislation will not affect operations at the New Mexico state park at Brantley Dam, or the operations and ownership of the dam itself. Furthermore, the bill will not affect recreation activities in the area.

This legislation accomplishes three main things: it allows conveyance of acquired lands and facilities to Carlsbad Irrigation District; allows the District to assume management of leases and the benefits of the receipts from these acquired lands; and sets a 180 day

deadline for the transfer, establishing a 50–50 cost-sharing standard for carrying out the transfer.

Unfortunately, after years of testimony from the District and support from the Administration, this legislation failed to pass the House of Representatives in the waning days of the 105th Congress. With such continued support for this logical and fair bill, I hope the House will put aside its differences and pass this worthy legislation soon. The Carlsbad Irrigation District has been waiting more than long enough to begin getting the benefits for that which they have paid.

ROUTE 66 LEGISLATION

The Senate proceeded to consider the bill (S. 292) to preserve the cultural resources of the Route 66 corridor and to authorize the Secretary of the Interior to provide assistance.

Mr. DOMENICI. Mr. President, once again this body will take an historic step in preserving one of America's cultural treasures—Route 66. Passage of S. 292, the Route 66 Corridor Preservation Act, will preserve the unique cultural resources along the famous Route and authorize the Interior Secretary to provide assistance through the Park Service. Congresswoman HEATHER WILSON of Albuquerque, New Mexico, reintroduced a companion bill (H.R. 66) in the House of Representatives. This legislation almost became law at the end of the 105th Congress, but failed to pass in the House of Representatives due to last minute political wrangling. However, I believe that unfortunate turn of events had more to do with political grandstanding than to any question of merit.

I introduced the ''Route 66 Study Act of 1990,'' which directed the National Park Service to determine the best ways to preserve, commemorate and interpret Route 66. As a result of that study, I introduced legislation last summer authorizing the National Park Service to join with federal, state and private efforts to preserve aspects of historic Route 66, the nation's most important thoroughfare for east-west migration in the 20th century.

The Administration once again testified in favor of this legislation, which is identical to last year's bill. S. 292 authorizes a funding level over 10 years and stresses that we want the federal government to support grassroots efforts to preserve aspects of this historic highway.

Designated in 1926, the 2,200-mile Route 66 stretched from Chicago to Santa Monica, Calif. It rolled through eight American states, and in New Mexico, it went through the communities of Tucumcari, Santa Rosa, Albuquerque, Grants and Gallup. New Mexico added to the aura of Route 66, giving new generations of Americans their first experience of our colorful culture and heritage. Route 66 allowed generations of vacationers to travel to previously remote areas and experience the natural beauty and cultures of the Southwest and Far West. This bill is designed to assist private efforts to preserve structures and other cultural resources of the historic Route 66 corridor.

S. 292 authorizes the National Park Service to support state, local and private efforts to preserve the Route 66 corridor by providing technical assistance, participating in cost-sharing programs, and making grants. The Park Service will also act as a clearing house for communication among federal, state, local, private and American Indian entities interested in the preservation of America's Main Street.

I thank my colleagues for once again recognizing the importance of this legislation. I hope this bill will not suffer unfairly as it did last year in the House, and we may quickly have a law recognizing the 20th Century equivalent to the Santa Fe Trail.

The bill (S. 292) was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 292

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

SECTION 1. DEFINITIONS.

In this Act:

(1) ROUTE 66 CORRIDOR.—The term ''Route 66 corridor'' means structures and other cultural resources described in paragraph (3), including—

(A) public land within the immediate vicinity of those portions of the highway formerly designated as United States Route 66; and

(B) private land within that immediate vicinity that is owned by persons or entities that are willing to participate in the programs authorized by this Act.

(2) CULTURAL RESOURCE PROGRAMS.—The term ''Cultural Resource Programs'' means the programs established and administered by the National Park Service for the benefit of and in support of preservation of the Route 66 corridor, either directly or indirectly.

(3) PRESERVATION OF THE ROUTE 66 CORRIDOR.—The term ''preservation of the Route 66 corridor'' means the preservation or restoration of structures or other cultural resources of businesses, sites of interest, and other contributing resources that—

(A) are located within the land described in paragraph (1);

(B) existed during the route's period of outstanding historic significance (principally between 1933 and 1970), as defined by the study prepared by the National Park Service and entitled ''Special Resource Study of Route 66'', dated July 1995; and

(C) remain in existence as of the date of enactment of this Act.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Cultural Resource Programs at the National Park Service.

(5) STATE.—The term ''State'' means a State in which a portion of the Route 66 corridor is located.

SEC. 2. MANAGEMENT.

(a) IN GENERAL.—The Secretary, in collaboration with the entities described in subsection (c), shall facilitate the development of guidelines and a program of technical assistance and grants that will set priorities for the preservation of the Route 66 corridor.

(b) DESIGNATION OF OFFICIALS.—The Secretary shall designate officials of the National Park Service stationed at locations convenient to the States to perform the functions of the Cultural Resource Programs under this Act.

(c) GENERAL FUNCTIONS.—The Secretary shall—

(1) support efforts of State and local public and private persons, nonprofit Route 66 preservation entities, Indian tribes, State Historic Preservation Offices, and entities in the States for the preservation of the Route 66 corridor by providing technical assistance, participating in cost-sharing programs, and making grants;

(2) act as a clearinghouse for communication among Federal, State, and local agencies, nonprofit Route 66 preservation entities, Indian tribes, State Historic Preservation Offices, and private persons and entities interested in the preservation of the Route 66 corridor; and

(3) assist the States in determining the appropriate form of and establishing and supporting a non-Federal entity or entities to perform the functions of the Cultural Resource Programs after those programs are terminated.

(d) AUTHORITIES.—In carrying out this Act, the Secretary may—

(1) enter into cooperative agreements, including, but not limited to study, planning, preservation, rehabilitation and restoration;

(2) accept donations;

(3) provide cost-share grants and information;

(4) provide technical assistance in historic preservation; and

(5) conduct research.

(e) PRESERVATION ASSISTANCE.—

(1) IN GENERAL.—The Secretary shall provide assistance in the preservation of the Route 66 corridor in a manner that is compatible with the idiosyncratic nature of the Route 66 corridor.

(2) PLANNING.—The Secretary shall not prepare or require preparation of an overall management plan for the Route 66 corridor, but shall cooperate with the States and local public and private persons and entities, State Historic Preservation Offices, nonprofit Route 66 preservation entities, and Indian tribes in developing local preservation plans to guide efforts to protect the most important or representative resources of the Route 66 corridor.

SEC. 3. RESOURCE TREATMENT.

(a) TECHNICAL ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Secretary shall develop a program of technical assistance in the preservation of the Route 66 corridor.

(2) GUIDELINES FOR PRESERVATION NEEDS.—

(A) IN GENERAL.—As part of the program under paragraph (1), the Secretary shall establish guidelines for setting priorities for preservation needs.

(B) BASIS.—The guidelines under subparagraph (A) may be based on national register standards, modified as appropriate to meet the needs for preservation of the Route 66 corridor.

(b) PROGRAM FOR COORDINATION OF ACTIVITIES.—

(1) IN GENERAL.—The Secretary shall coordinate a program of historic research, curation, preservation strategies, and the collection of oral and video histories of events that occurred along the Route 66 corridor.

(2) DESIGN.—The program under paragraph (1) shall be designed for continuing use and implementation by other organizations after the Cultural Resource Programs are terminated.

(c) GRANTS.—The Secretary shall—

(1) make cost-share grants for preservation of the Route 66 corridor available for resources that meet the guidelines under subsection (a); and

(2) provide information about existing cost-share opportunities.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $10,000,000 for the period of fiscal years 2000 through 2009 to carry out the purposes of this Act.

FERC LICENSING OF HYDROELECTRIC PROJECTS ON FRESH WATERS IN HAWAII

The bill (S. 334) to amend the Federal Power Act to remove the jurisdiction of the Federal Energy Regulatory Commission to license projects on fresh waters in the State of Hawaii, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 334

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

SECTION 1. 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''.

WELLTON-MOHAWK TRANSFER ACT

The bill (S. 356) to authorize the Secretary of the Interior to convey certain works, facilities, and titles of the Gila Project, and designated lands within or adjacent to the Gila Project, to the Wellton-Mohawk Irrigation and Drainage District, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 356

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 referred to as the ''Wellton-Mohawk Transfer Act''.

SEC. 2. TRANSFER.

The Secretary of the Interior (''Secretary'') is authorized to carry out the terms of the Memorandum of Agreement No. 8–AA–34–WAO14 (''Agreement'') dated July 10, 1998 between the Secretary and the Wellton-Mohawk Irrigation and Drainage District (''District'') providing for the transfer of works, facilities, and lands to the District, including conveyance of Acquired Lands, Public Lands, and Withdrawn Lands, as defined in the Agreement.

SEC. 3. WATER AND POWER CONTRACTS.

Notwithstanding the transfer, the Secretary and the Secretary of Energy shall provide for and deliver Colorado River water and Parker-Davis Project Priority Use Power to the District in accordance with the terms of existing contracts with the District, including any amendments or supplements thereto or extensions thereof and as provided under section 2 of the Agreement.

SEC. 4. SAVINGS.

Nothing in this Act shall affect any obligations under the Colorado River Basin Salinity Control Act (Public Law 93–320, 43 U.S.C. 1571).

SEC. 5. REPORT.

If transfer of works, facilities, and lands pursuant to the Agreement has not occurred by July 1, 2000, the Secretary shall report on the status of the transfer as provided in section 5 of the Agreement.

SEC. 6. AUTHORIZATION.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

MINUTEMAN MISSILE NATIONAL HISTORIC SITE ESTABLISHMENT ACT OF 1999

The bill (S. 382) to establish the Minuteman Missile National Historic Site in the State of South Dakota, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 382

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 ''Minuteman Missile National Historic Site Establishment Act of 1999''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Minuteman II intercontinental ballistic missile (referred to in this Act as ''ICBM'') launch control facility and launch facility known as ''Delta 1'' and ''Delta 9'', respectively, have national significance as the best preserved examples of the operational character of American history during the Cold War;

(2) the facilities are symbolic of the dedication and preparedness exhibited by the missileers of the Air Force stationed throughout the upper Great Plains in remote and forbidding locations during the Cold War;

(3) the facilities provide a unique opportunity to illustrate the history and significance of the Cold War, the arms race, and ICBM development; and

(4) the National Park System does not contain a unit that specifically commemorates or interprets the Cold War.

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

(1) to preserve, protect, and interpret for the benefit and enjoyment of present and future generations the structures associated with the Minuteman II missile defense system;

(2) to interpret the historical role of the Minuteman II missile defense system—

(A) as a key component of America's strategic commitment to preserve world peace; and

(B) in the broader context of the Cold War; and

(3) to complement the interpretive programs relating to the Minuteman II missile defense system offered by the South Dakota Air and Space Museum at Ellsworth Air Force Base.

SEC. 3. MINUTEMAN MISSILE NATIONAL HISTORIC SITE.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Minuteman Missile National Historic Site in the State of South Dakota (referred to in this Act as the ''historic site'') is established as a unit of the National Park System.

(2) COMPONENTS OF SITE.—The historic site shall consist of the land and interests in land comprising the Minuteman II ICBM launch control facilities, as generally depicted on the map referred to as ''Minuteman Missile National Historic Site'', numbered 406/80,008 and dated September, 1998, including—

(A) the area surrounding the Minuteman II ICBM launch control facility depicted as ''Delta 1 Launch Control Facility''; and

(B) the area surrounding the Minuteman II ICBM launch control facility depicted as ''Delta 9 Launch Facility''.

(3) AVAILABILITY OF MAP.—The map described in paragraph (2) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(4) ADJUSTMENTS TO BOUNDARY.—The Secretary of the Interior (referred to in this Act as the ''Secretary'') is authorized to make minor adjustments to the boundary of the historic site.

(b) ADMINISTRATION OF HISTORIC SITE.—The Secretary shall administer the historic site in accordance with this Act and 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.).

(c) COORDINATION WITH HEADS OF OTHER AGENCIES.—The Secretary shall consult with the Secretary of Defense and the Secretary of State, as appropriate, to ensure that the administration of the historic site is in compliance with applicable treaties.

(d) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with appropriate public and private entities and individuals to carry out this Act.

(e) LAND ACQUISITION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary may acquire land and interests in land within the boundaries of the historic site by—

(A) donation;

(B) purchase with donated or appropriated funds; or

(C) exchange or transfer from another Federal agency.

(2) PROHIBITED ACQUISITIONS.—

(A) CONTAMINATED LAND.—The Secretary shall not acquire any land under this Act if the Secretary determines that the land to be acquired, or any portion of the land, is contaminated with hazardous substances (as defined in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601)), unless, with respect to the land, all remedial action necessary to protect human health and the environment has been taken under that Act.

(B) SOUTH DAKOTA LAND.—The Secretary may acquire land or an interest in land owned by the State of South Dakota only by donation or exchange.

(f) GENERAL MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date funds are made available to carry out this Act, the Secretary shall prepare a general management plan for the historic site.

(2) CONTENTS OF PLAN.—

(A) NEW SITE LOCATION.—The plan shall include an evaluation of appropriate locations for a visitor facility and administrative site within the areas depicted on the map described in subsection (a)(2) as—

(i) ''Support Facility Study Area—Alternative A''; or

(ii) ''Support Facility Study Area—Alternative B''.

(B) NEW SITE BOUNDARY MODIFICATION.—On a determination by the Secretary of the appropriate location for a visitor facility and administrative site, the boundary of the historic site shall be modified to include the selected site.

(3) COORDINATION WITH BADLANDS NATIONAL PARK.—In developing the plan, the Secretary shall consider coordinating or consolidating appropriate administrative, management, and personnel functions of the historic site and the Badlands National Park.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated such sums as are necessary to carry out this Act.

(b) AIR FORCE FUNDS.—

(1) TRANSFER.—The Secretary of the Air Force shall transfer to the Secretary any funds specifically appropriated to the Air Force in fiscal year 1999 for the maintenance, protection, or preservation of the land or interests in land described in section 3.

(2) USE OF AIR FORCE FUNDS.—Funds transferred under paragraph (1) shall be used by the Secretary for establishing, operating, and maintaining the historic site.

(c) LEGACY RESOURCE MANAGEMENT PROGRAM.—Nothing in this Act affects the use of any funds available for the Legacy Resource Management Program being carried out by the Air Force that, before the date of enactment of this Act, were directed to be used for resource preservation and treaty compliance.

ALASKA STATE JURISDICTION OVER SMALL HYDROELECTRIC PROJECTS

The Senate proceeded to consider the bill (S. 422) to provide for Alaska state jurisdiction over small hydroelectric projects, which has been reported from the Committee on Energy and Natural Resources, with an amendment on page 4, line 23, to insert the word ''not'' between ''are'' and ''located.''

The amendment was agreed to.

The bill was considered, ordered to be engrossed for a third reading, read the third time and passed; as follows:

S. 422

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

SECTION 1. 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 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).''.

COASTAL HERITAGE TRAIL ROUTE IN NEW JERSEY

The bill (H.R. 171) to authorize appropriations for the Coastal Heritage Trail Route in New Jersey, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

H.R. 171

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 6 of Public Law 100–515 (16 U.S.C. 1244 note) is amended—

(1) in subsection (b)(1), by striking ''$1,000,000'' and inserting ''$4,000,000''; and

(2) in subsection (c), by striking ''five'' and inserting ''10''.

SUDBURY, ASSABET, AND CONCORD WILD AND SCENIC RIVER ACT

The bill (H.R. 193) to designate a portion of the Sudbury, Assabet, and Concord Rivers as a component of the National Wild and Scenic Rivers System, was considered, ordered to a third reading, read the third time, and passed.

H.R. 193

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 ''Sudbury, Assabet, and Concord Wild and Scenic River Act''.

SEC. 2. DESIGNATION OF SUDBURY, ASSABET, AND CONCORD SCENIC AND RECREATIONAL RIVERS, MASSACHUSETTS.

(a) FINDINGS.—The Congress finds the following:

(1) The Sudbury, Assabet, and Concord Wild and Scenic River Study Act (title VII of Public Law 101–628; 104 Stat. 4497)—

(A) designated segments of the Sudbury, Assabet, and Concord Rivers in the Commonwealth of Massachusetts, totaling 29 river miles, for study and potential addition to the National Wild and Scenic Rivers System; and

(B) directed the Secretary of the Interior to establish the Sudbury, Assabet, and Concord Rivers Study Committee (in this section referred to as the ''Study Committee'') to advise the Secretary in conducting the study and in the consideration of management alternatives should the rivers be included in the National Wild and Scenic Rivers System.

(2) The study determined the following river segments are eligible for inclusion in the National Wild and Scenic Rivers System based on their free-flowing condition and outstanding scenic, recreation, wildlife, cultural, and historic values:

(A) The 16.6-mile segment of the Sudbury River beginning at the Danforth Street Bridge in the town of Framingham, to its confluence with the Assabet River.

(B) The 4.4-mile segment of the Assabet River from 1,000 feet downstream from the Damon Mill Dam in the town of Concord to the confluence with the Sudbury River at Egg Rock in Concord.

(C) The 8-mile segment of the Concord River from Egg Rock at the confluence of the Sudbury and Assabet Rivers to the Route 3 bridge in the town of Billerica.

(3) The towns that directly abut the segments, including Framingham, Sudbury, Wayland, Lincoln, Concord, Bedford, Carlisle, and Billerica, Massachusetts, have each demonstrated their desire for National Wild and Scenic River designation through town meeting votes endorsing designation.

(4) During the study, the Study Committee and the National Park Service prepared a comprehensive management plan for the segment, entitled ''Sudbury, Assabet and Concord Wild and Scenic River Study, River Conservation Plan'' and dated March 16, 1995 (in this section referred to as the ''plan''), which establishes objectives, standards, and action programs that will ensure long-term protection of the rivers' outstanding values and compatible management of their land and water resources.

(5) The Study Committee voted unanimously on February 23, 1995, to recommend that the Congress include these segments in the National Wild and Scenic Rivers System for management in accordance with the plan.

(b) DESIGNATION.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following new paragraph:

''(160) SUDBURY, ASSABET, AND CONCORD RIVERS, MASSACHUSETTS.—(A) The 29 miles of river segments in Massachusetts, as follows:

''(i) The 14.9-mile segment of the Sudbury River beginning at the Danforth Street Bridge in the town of Framingham, downstream to the Route 2 Bridge in Concord, as a scenic river.

''(ii) The 1.7-mile segment of the Sudbury River from the Route 2 Bridge downstream to its confluence with the Assabet River at Egg Rock, as a recreational river.

''(iii) The 4.4-mile segment of the Assabet River beginning 1,000 feet downstream from the Damon Mill Dam in the town of Concord, to its confluence with the Sudbury River at Egg Rock in Concord; as a recreational river.

''(iv) The 8-mile segment of the Concord River from Egg Rock at the confluence of the Sudbury and Assabet Rivers downstream to the Route 3 Bridge in the town of Billerica, as a recreational river.

''(B) The segments referred to in subparagraph (A) shall be administered by the Secretary of the Interior in cooperation with the SUASCO River Stewardship Council provided for in the plan referred to in subparagraph (C) through cooperative agreements under section 10(e) between the Secretary and the Commonwealth of Massachusetts and its relevant political subdivisions (including the towns of Framingham, Wayland, Sudbury, Lincoln, Concord, Carlisle, Bedford, and Billerica).

''(C) The segments referred to in subparagraph (A) shall be managed in accordance with the plan entitled 'Sudbury, Assabet and Concord Wild and Scenic River Study, River Conservation Plan', dated March 16, 1995. The plan is deemed to satisfy the requirement for a comprehensive management plan under subsection (d) of this section.''.

(c) FEDERAL ROLE IN MANAGEMENT.—(1) The Director of the National Park Service or the Director's designee shall represent the Secretary of the Interior in the implementation of the plan, this section, and the Wild and Scenic Rivers Act with respect to each of the segments designated by the amendment made by subsection (b), including the review of proposed federally assisted water resources projects that could have a direct and adverse effect on the values for which the segment is established, as authorized under section 7(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1278(a)).

(2) Pursuant to sections 10(e) and section 11(b)(1) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(e), 1282(b)(1)), the Director shall offer to enter into cooperative agreements with the Commonwealth of Massachusetts, its relevant political subdivisions, the Sudbury Valley Trustees, and the Organization for the Assabet River. Such cooperative agreements shall be consistent with the plan and may include provisions for financial or other assistance from the United States to facilitate the long-term protection, conservation, and enhancement of each of the segments designated by the amendment made by subsection (b).

(3) The Director may provide technical assistance, staff support, and funding to assist in the implementation of the plan, except that the total cost to the Federal Government of activities to implement the plan may not exceed $100,000 each fiscal year.

(4) Notwithstanding section 10(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(c)), any portion of a segment designated by the amendment made by subsection (b) that is not already within the National Park System shall not under this section—

(A) become a part of the National Park System;

(B) be managed by the National Park Service; or

(C) be subject to regulations which govern the National Park System.

(d) WATER RESOURCES PROJECTS.—(1) In determining whether a proposed water resources project would have a direct and adverse effect on the values for which the segments designated by the amendment made by subsection (b) were included in the National Wild and Scenic Rivers System, the Secretary of the Interior shall specifically consider the extent to which the project is consistent with the plan.

(2) The plan, including the detailed Water Resources Study incorporated by reference in the plan and such additional analysis as may be incorporated in the future, shall serve as the primary source of information regarding the flows needed to maintain instream resources and potential compatibility between resource protection and possible additional water withdrawals.

(e) LAND MANAGEMENT.—(1) The zoning bylaws of the towns of Framingham, Sudbury, Wayland, Lincoln, Concord, Carlisle, Bedford, and Billerica, Massachusetts, as in effect on the date of enactment of this Act, are deemed to satisfy the standards and requirements under section 6(c) of the Wild and Scenic rivers Act (16 U.S.C. 1277(c)). For the purpose of that section, the towns are deemed to be ''villages'' and the provisions of that section which prohibit Federal acquisition of lands through condemnation shall apply.

(2) The United States Government shall not acquire by any means title to land, easements, or other interests in land along the segments designated by the amendment made by subsection (b) or their tributaries for the purposes of designation of the segments under the amendment. Nothing in this section shall prohibit Federal acquisition of interests in land along those segments or tributaries under other laws for other purposes.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of the Interior to carry out this section not to exceed $100,000 for each fiscal year.

(g) EXISTING UNDESIGNATED PARAGRAPHS; REMOVAL OF DUPLICATION.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended—

(1) by striking the first undesignated paragraph after paragraph (156), relating to Elkhorn Creek, Oregon; and

(2) by designating the three remaining undesignated paragraphs after paragraph (156) as paragraphs (157), (158), and (159), respectively.

LEGISLATION TO TRANSFER PROPERTY IN SAN JUAN COUNTY, NEW MEXICO

The Senate proceeded to consider the bill (S. 293) to direct the Secretaries of Agriculture and Interior and to convey certain lands in San Juan County, New Mexico, to San Juan College.

The amendment (No. 250) was agreed to, as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. OLD JICARILLA ADMINISTRATIVE SITE.

(a) CONVEYANCE OF PROPERTY.—Not later than one year after the date of completion of the survey referred to in subsection (b), the Secretary of the Interior shall convey to San Juan College, in Farmington, New Mexico, subject to the terms, conditions, and reservations under subsection (c), all right, title, and interest of the United States in and to a parcel of real property (including any improvements on the land) not to exceed 20 acres known as the ''Old Jicarilla Site'' located in San Juan County, New Mexico (T29N; R5W; portions of sections 29 and 30).

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Interior, Secretary of Agriculture, and the President of San Juan College. The cost of the survey shall be borne by San Juan College.

(c) TERMS, CONDITIONS, AND RESERVATIONS.——

(1) Notwithstanding exceptions of application under the Recreation and Public Purposes Act (43 U.S.C. 869(c)), consideration for the conveyance described in subsection (a) shall be——

(A) an amount that is consistent with the Bureau of Land Management special pricing program for Governmental entities under the Recreation and Public Purposes Act; and

(B) an agreement between the Secretaries of the Interior and Agriculture and San Juan College indemnifying the Government of the United States from all liability of the Government that arises from the property.

(2) The lands conveyed by this Act shall be used for educational and recreational purposes. If such lands cease to be used for such purposes, at the option of the United States, such lands will revert to the United States.

(3) The Secretary of Agriculture shall identify any reservations of rights-of-way for ingress, egress, and utilities as the Secretary deems appropriate.

(4) The conveyance described in subsection (a) shall be subject to valid existing rights.

(d) LAND WITHDRAWALS.—Public Land Order 3443, only insofar as it pertains to lands described in subsections (a) and (b) above, shall be revoked simultaneous with the conveyance of the property under subsection (a).

The bill was ordered to the engrossed for a third reading, read the third time, and passed.

(The text of the bill will be printed in a future edition of the RECORD.)

Mr. DOMENICI. Mr. President, I am pleased my colleagues have again passed this important legislation allowing for transfer of an unwanted piece of federal property to an educational institution which needs it. The Old Jicarilla Site Conveyance Act of 1999 allows for transfer by the Secretaries of Agriculture and Interior real property and improvements at an abandoned and surplus ranger station to San Juan College. This college, located in a county that amazingly is 90% in federal ownership, has been waiting for use of this land.

Finding appropriate sites for community and educational purposes can be difficult in predominantly federally-owned areas. The site that is the subject of this legislation is in the Carson National Forest near the village of Gobernador, New Mexico. The Jicarilla Site will continue to be used for public purposes, including educational and recreational purposes of the college.

The Forest Service determined that the acreage is of no further use to them because a new administrative facility has been located in the town of Bloomfield, New Mexico. In fact, the facility has had no occupants for several years, and the Forest Service testified last year that enactment of this bill would ''provide long-term benefits for the people of San Juan County and the students and faculty of San Juan College.''

While an identical bill passed the Senate last Congress, and was reintroduced this January, the Forest Service last week indicated it wished to make some last minute changes. The substitute amendment incorporates these technical corrections as to the acreage, and I hope the House of Representatives will quickly act on this noncontroversial bill and the land can readily be put to good use for San Juan College and the area residents. We also need to put this property in the hands of the college soon so it can protect the area from further deterioration and fire.

PERKINS COUNTY RURAL WATER SYSTEM ACT OF 1999

The Senate proceeded to consider the bill (S. 243) to authorize the construction of the Perkins County Rural Water System and authorize financial assistance to the Perkins County Rural Water System, Inc., a nonprofit corporation, in the planning and construction of the water supply system, and for other purposes.

The amendment (No. 251) 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 ''Perkins County Rural Water System Act of 1999''.

SEC. 2. FINDINGS.

Congress finds that—

(1) in 1977, the North Dakota State Legislature authorized and directed the State Water Commission to conduct the Southwest Area Water Supply Study, which included water service to a portion of Perkins County, South Dakota;

(2) amendments made by the Garrison Diversion Unit Reformulation Act of 1986 (Public Law 101–294) authorized the Southwest Pipeline project as an eligible project for Federal cost share participation; and

(3) the Perkins County Rural Water System has continued to be recognized by the State of North Dakota, the Southwest Water Authority, the North Dakota Water Commission, the Department of the Interior, and Congress as a component of the Southwest Pipeline Project.

SEC. 3. DEFINITIONS.

In this Act:

(1) CORPORATION.—The term ''Corporation'' means the Perkins County Rural Water System, Inc., a nonprofit corporation established and operated under the laws of the State of South Dakota substantially in accordance with the feasibility study.

(2) FEASIBILITY STUDY.—The term ''feasibility study'' means the study entitled ''Feasibility Study for Rural Water System for Perkins County Rural Water System, Inc.'', as amended in March 1995.

(3) PROJECT CONSTRUCTION BUDGET.—The term ''project construction budget'' means the description of the total amount of funds that are needed for the construction of the water supply system, as described in the feasibility study.

(4) PUMPING AND INCIDENTAL OPERATIONAL REQUIREMENTS.—The term ''pumping and incidental operational requirements'' means all power requirements that are incidental to the operation of the water supply system by the Corporation.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(6) WATER SUPPLY SYSTEM.—The term ''water supply system'' means intake facilities, pumping stations, water treatment facilities, cooling facilities, reservoirs, and pipelines operated by the Perkins County Rural Water System, Inc., to the point of delivery of water to each entity that distributes water at retail to individual users.

SEC. 4. FEDERAL ASSISTANCE FOR WATER SUPPLY SYSTEM.

(a) IN GENERAL.—The Secretary shall make grants to the Corporation for the Federal share of the costs of—

(1) the planning and construction of the water supply system; and

(2) repairs to existing public water distribution systems to ensure conservation of the resources and to make the systems functional under the new water supply system.

(b) LIMITATION ON AVAILABILITY OF CONSTRUCTION FUNDS.—The Secretary shall not obligate funds for the construction of the water supply 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 water supply system; and

(2) a final engineering report and a plan for a water conservation program have been prepared and submitted to Congress for a period of not less than 90 days before the commencement of construction of the system.

SEC. 5. MITIGATION OF FISH AND WILDLIFE LOSSES.

Mitigation of fish and wildlife losses incurred as a result of the construction and operation of the water supply system 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 system 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 Corporation shall be operated on a not-for-profit basis.

(2) The Corporation may contract to purchase its entire electric service requirements for the water supply system, 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.

(4) It shall be agreed by contract among—

(A) the Western Area Power Administration;

(B) the power supplier with which the Corporation contracts under paragraph (2);

(C) the power supplier of the entity described in subparagraph (B); and

(D) the Corporation;

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 Corporation, except that the power supplier of the Corporation 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. FEDERAL SHARE.

The Federal share under section 4 shall be 75 percent of—

(1) the amount allocated in the total project construction budget for the planning and construction of the water supply system under section 4; and

(2) such sums as are necessary to defray increases in development costs reflected in appropriate engineering cost indices after March 1, 1995.

SEC. 8. NON-FEDERAL SHARE.

The non-Federal share under section 4 shall be 25 percent of—

(1) the amount allocated in the total project construction budget for the planning and construction of the water supply system under section 4; and

(2) such sums as are necessary to defray increases in development costs reflected in appropriate engineering cost indices after March 1, 1995.

SEC. 9. CONSTRUCTION OVERSIGHT.

(a) AUTHORIZATION.—At the request of the Corporation, the Secretary may provide the Corporation assistance in overseeing matters relating to construction of the water supply system.

(b) PROJECT OVERSIGHT ADMINISTRATION.—The amount of funds used by the Secretary for planning and construction of the water supply system may not exceed an amount equal to 3 percent of the amount provided in the total project construction budget for the portion of the project to be constructed in Perkins County, South Dakota.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary—

(1) $15,000,000 for the planning and construction of the water supply system under section 4; and

(2) such sums as are necessary to defray increases in development costs reflected in appropriate engineering cost indices after March 1, 1995.

The bill (S. 243) was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 243

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 ''Perkins County Rural Water System Act of 1999''.

SEC. 2. FINDINGS.

Congress finds that—

(1) in 1977, the North Dakota State Legislature authorized and directed the State Water Commission to conduct the Southwest Area Water Supply Study, which included water service to a portion of Perkins County, South Dakota;

(2) amendments made by the Garrison Diversion Unit Reformulation Act of 1986 (Public Law 101–294) authorized the Southwest Pipeline project as an eligible project for Federal cost share participation; and

(3) the Perkins County Rural Water System has continued to be recognized by the State of North Dakota, the Southwest Water Authority, the North Dakota Water Commission, the Department of the Interior, and Congress as a component of the Southwest Pipeline Project.

SEC. 3. DEFINITIONS.

In this Act:

(1) CORPORATION.—The term ''Corporation'' means the Perkins County Rural Water System, Inc., a nonprofit corporation established and operated under the laws of the State of South Dakota substantially in accordance with the feasibility study.

(2) FEASIBILITY STUDY.—The term ''feasibility study'' means the study entitled ''Feasibility Study for Rural Water System for Perkins County Rural Water System, Inc.'', as amended in March 1995.

(3) PROJECT CONSTRUCTION BUDGET.—The term ''project construction budget'' means the description of the total amount of funds that are needed for the construction of the water supply system, as described in the feasibility study.

(4) PUMPING AND INCIDENTAL OPERATIONAL REQUIREMENTS.—The term ''pumping and incidental operational requirements'' means all power requirements that are incidental to the operation of the water supply system by the Corporation.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(6) WATER SUPPLY SYSTEM.—The term ''water supply system'' means intake facilities, pumping stations, water treatment facilities, cooling facilities, reservoirs, and pipelines operated by the Perkins County Rural Water System, Inc., to the point of delivery of water to each entity that distributes water at retail to individual users.

SEC. 4. FEDERAL ASSISTANCE FOR WATER SUPPLY SYSTEM.

(a) IN GENERAL.—The Secretary shall make grants to the Corporation for the Federal share of the costs of—

(1) the planning and construction of the water supply system; and

(2) repairs to existing public water distribution systems to ensure conservation of the resources and to make the systems functional under the new water supply system.

(b) LIMITATION ON AVAILABILITY OF CONSTRUCTION FUNDS.—The Secretary shall not obligate funds for the construction of the water supply 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 water supply system; and

(2) a final engineering report and a plan for a water conservation program have been prepared and submitted to Congress for a period of not less than 90 days before the commencement of construction of the system.

SEC. 5. MITIGATION OF FISH AND WILDLIFE LOSSES.

Mitigation of fish and wildlife losses incurred as a result of the construction and operation of the water supply system 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 system 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 Corporation shall be operated on a not-for-profit basis.

(2) The Corporation may contract to purchase its entire electric service requirements for the water supply system, 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.

(4) It shall be agreed by contract among—

(A) the Western Area Power Administration;

(B) the power supplier with which the Corporation contracts under paragraph (2);

(C) the power supplier of the entity described in subparagraph (B); and

(D) the Corporation;

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 Corporation, except that the power supplier of the Corporation 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. FEDERAL SHARE.

The Federal share under section 4 shall be 75 percent of—

(1) the amount allocated in the total project construction budget for the planning and construction of the water supply system under section 4; and

(2) such sums as are necessary to defray increases in development costs reflected in appropriate engineering cost indices after March 1, 1995.

SEC. 8. NON-FEDERAL SHARE.

The non-Federal share under section 4 shall be 25 percent of—

(1) the amount allocated in the total project construction budget for the planning and construction of the water supply system under section 4; and

(2) such sums as are necessary to defray increases in development costs reflected in appropriate engineering cost indices after March 1, 1995.

SEC. 9. CONSTRUCTION OVERSIGHT.

(a) AUTHORIZATION.—At the request of the Corporation, the Secretary may provide the Corporation assistance in overseeing matters relating to construction of the water supply system.

(b) PROJECT OVERSIGHT ADMINISTRATION.—The amount of funds used by the Secretary for planning and construction of the water supply system may not exceed an amount equal to 3 percent of the amount provided in the total project construction budget for the portion of the project to be constructed in Perkins County, South Dakota.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary—

(1) $15,000,000 for the planning and construction of the water supply system under section 4; and

(2) such sums as are necessary to defray increases in development costs reflected in appropriate engineering cost indices after March 1, 1995.

FURTHER CONSIDERATION OF NOMINATION

Mr. ENZI. Mr. President, as in executive session, I ask unanimous consent that the Governmental Affairs Committee be allowed further consideration, until April 26, 1999, of the nomination of David Williams to be the Treasury Inspector General for Tax Administration. I further ask unanimous consent that if the nomination is not reported by that date, the nomination be automatically discharged and placed on the calendar.

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

EXECUTIVE SESSION

CONVENTION ON NUCLEAR SAFETY

Mr. ENZI. Mr. President, I ask unanimous consent that the Senate proceed

to executive session to consider the following treaty on today's Executive Calendar: No. 1. I further ask unanimous consent that the treaty be considered as having been passed through its various parliamentary stages up to and including the presentation of the resolution of ratification; all committee provisos, reservations, understandings, and declarations be considered agreed to; that any statements be printed in the CONGRESSIONAL RECORD. I further ask unanimous consent that when the resolution of ratification is voted upon, the motion to reconsider be laid upon the table, the President be notified of the Senate's action, and that following disposition of the treaty the Senate return to legislative session.

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

The resolution of ratification, with its conditions and understandings, is as follows:

Resolved (two-thirds of the Senators present concurring therein),

SECTION 1. SENATE ADVICE AND CONSENT SUBJECT TO CONDITIONS AND UNDERSTANDINGS.

The Senate advises and consents to the ratification of the Convention on Nuclear Safety, done at Vienna on September 20, 1994 (Senate Treaty Document 104–6), subject to the conditions of section 2 and the understandings of section 3.

SEC. 2. CONDITIONS.

The advice and consent of the Senate to ratification of the Convention on Nuclear Safety is subject to the following conditions, which shall be binding upon the President:

(1) CERTIFICATION ON THE ELIMINATION OF DUPLICATIVE ACTIVITIES.—

(A) IN GENERAL.—Not later than 45 days after the deposit of the United States instrument of ratification, the President shall certify to the appropriate committees of Congress that the United States Government will not engage in any multilateral activity in the field of international nuclear regulation or nuclear safety that unnecessarily duplicates a multilateral activity undertaken pursuant to the Convention.

(B) LIMITATION.—The United States shall not contribute to or participate in the operation of the Convention other than by depositing the United States instrument of ratification until the certification required by subparagraph (A) has been made.

(2) COMMITMENT TO REVIEW REPORTS.—Not later than 45 days after the deposit of the United States instrument of ratification, the President shall certify to the appropriate committees of Congress that the United States will comment in each review meeting held under Article 20 of the Convention (including each meeting of a subgroup) upon aspects of safety significance in any report submitted pursuant to Article 5 of the Convention by any State Party that is receiving United States financial or technical assistance relating to the improvement in safety of its nuclear installations.

(3) LIMITATION ON THE COST OF IMPLEMENTATION.—

(A) LIMITATION.—Notwithstanding any provision of the Convention, and subject to the requirements of subparagraphs (B), (C), (D), and (E), the United States shall pay no more than $1,000,000 as the portion of the United States annual assessed contribution to the International Atomic Energy Agency attributable to the payment of the costs incurred by the Agency in carrying out all activities under the Convention.

(B) RECALCULATION OF LIMITATION.—

(i) IN GENERAL.—On January 1, 2000, and at 3-year intervals thereafter, the Administrator of General Services, in consultation with the Secretary of State, shall prescribe an amount that shall apply in lieu of the amount specified in subparagraph (A) and that shall be determined by adjusting the last amount applicable under that subparagraph to reflect the percentage increase by which the Consumer Price Index for the preceding calendar year exceeds the Consumer Price Index for the calendar year three years previously.

(ii) CONSUMER PRICE INDEX DEFINED.—In this subparagraph, the term ''Consumer Price Index'' means the last Consumer Price Index for all-urban consumers published by the Department of Labor.

(C) ADDITIONAL CONTRIBUTIONS REQUIRING CONGRESSIONAL APPROVAL.—

(i) AUTHORITY.—Notwithstanding subparagraph (A), the President may furnish additional contributions to the regular budget of the International Atomic Energy Agency which would otherwise be prohibited under subparagraph (A) if—

(I) the President determines and certifies in writing to the appropriate committees of Congress that the failure to make such contributions for the operation of the Convention would jeopardize the national security interests of the United States; and

(II) Congress enacts a joint resolution approving the certification of the President under subclause (I).

(ii) STATEMENT OF REASONS.—Any certification made under clause (i) shall be accompanied by a detailed statement setting forth the specific reasons therefor and the specific uses to which the additional contributions provided to the International Atomic Energy Agency would be applied.

(4) COMPLETE REVIEW OF INFORMATION BY THE LEGISLATIVE BRANCH OF GOVERNMENT.—

(A) UNDERSTANDING.—The United States understands that neither Article 27 nor any other provision of the Convention shall be construed as limiting the access of the legislative branch of the United States Government to any information relating to the operation of the Convention, including access to information described in Article 27 of the Convention.

(B) PROTECTION OF INFORMATION.—The Senate understands that the confidentiality of information provided by other States Parties that is properly identified as protected pursuant to Article 27 of the Convention will be respected.

(C) CERTIFICATION.—Not later than 45 days after the deposit of the United States instrument of ratification, the President shall certify to the appropriate committees of Congress that the Comptroller General of the United States shall be given full and complete access to—

(i) all information in the possession of the United States Government specifically relating to the operation of the Convention that is submitted by any other State Party pursuant to Article 5 of the Convention, including any report or document; and

(ii) information specifically relating to any review or analysis by any department, agency, or other entity of the United States, or any official thereof, undertaken pursuant to Article 20 of the Convention, of any report or document submitted by any other State Party.

(D) REPORTS TO CONGRESS.—Upon the request of the chairman of either of the appropriate committees of Congress, the President shall submit to the respective committee an unclassified report, and a classified annex as appropriate, detailing—

(i) how the objective of a high level of nuclear safety has been furthered by the operation of the Convention;

(ii) with respect to the operation of the Convention on an Article-by-Article basis—

(I) the situation addressed in the Article of the Convention;

(II) the results achieved under the Convention in implementing the relevant obligation under that Article of the Convention; and

(III) the plans and measures for corrective action on both a national and international level to achieve further progress in implementing the relevant obligation under that Article of the Convention; and

(iii) on a country-by-country basis, for each country that is receiving United States financial or technical assistance relating to nuclear safety improvement—

(I) a list of all nuclear installations within the country, including those installations operating, closed, and planned, and an identification of those nuclear installations where significant corrective action is found necessary by assessment;

(II) a review of all safety assessments performed and the results of those assessments for existing nuclear installations;

(III) a review of the safety of each nuclear installation using installation-specific data and analysis showing trends of safety significance and illustrated by particular safety-related issues at each installation;

(IV) a review of the position of the country as to the further operation of each nuclear installation in the country;

(V) an evaluation of the adequacy and effectiveness of the national legislative and regulatory framework in place in the country, including an assessment of the licensing system, inspection, assessment, and enforcement procedures governing the safety of nuclear installations;

(VI) a description of the country's on-site and off-site emergency preparedness; and

(VII) the amount of financial and technical assistance relating to nuclear safety improvement expended as of the date of the report by the United States, including, to the extent feasible, an itemization by nuclear installation, and the amount intended for expenditure by the United States on each such installation in the future.

(5) AMENDMENTS TO THE CONVENTION.—

(A) VOTING REPRESENTATION OF THE UNITED STATES.—A United States representative—

(i) will be present at any review meeting, extraordinary meeting, or Diplomatic Conference held to consider any amendment to the Convention Amendment Conferences; and

(ii) will cast a vote, either affirmative or negative, on each proposed amendment made at any such meeting or conference.

(B) SUBMISSION OF AMENDMENTS AS TREATIES.—The President shall submit to the Senate for its advice and consent to ratification under Article II, Section 2, Clause 2 of the Constitution of the United States any amendment to the Convention adopted at a review meeting, extraordinary meeting, or Diplomatic Conference.

(6) TREATY INTERPRETATION.—

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

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

through majority approval of both Houses of Congress.

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

SEC. 3. UNDERSTANDINGS.

The advice and consent of the Senate to the Convention on Nuclear Safety is subject to the following understandings:

(1) DISMANTLEMENT OF THE JURAGUA NUCLEAR REACTOR.—The United States understands that—

(A) no practical degree of upgrade to the safety of the planned nuclear installation at Cienfuegos, Cuba, can adequately improve the safety of the existing installation; and

(B) therefore, Cuba must undertake, in accordance with its obligations under the Convention, not to complete the Juragua nuclear installation.

(2) IAEA TECHNICAL ASSISTANCE.—

(A) FINDINGS.—The Senate finds that—

(i) since its creation, the International Atomic Energy Agency has provided more than $50,000,000 of technical assistance to countries of concern to the United States, as specified in section 307(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2227(a)) and in provisions of foreign operations appropriations Acts;

(ii) the International Atomic Energy Agency has budgeted, from 1995 through 1999, more than $1,500,000 for three ongoing technical assistance projects related to the Bushehr nuclear installation under construction in Iran; and

(iii) the International Atomic Energy Agency continues to provide technical assistance to the partially completed nuclear installation at Cienfuegos, Cuba.

(B) SENSE OF THE SENATE.—The Senate urges the President to withhold each fiscal year a proportionate share of the United States voluntary contribution allocated for the International Atomic Energy Agency's technical cooperation fund unless and until the Agency discontinues the provision of all technical assistance to programs and projects in Iran and Cuba.

SEC. 4. DEFINITIONS.

As used in this resolution:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(2) CONVENTION.—The term ''Convention'' means the Convention on Nuclear Safety, done at Vienna on September 20, 1994 (Senate Treaty Document 104–6).

(3) NUCLEAR INSTALLATION.—The term ''nuclear installation'' has the meaning given the term in Article 2(i) of the Convention.

(4) STATE PARTY.—The term ''State Party'' means any nation that is a party to the Convention.

(5) UNITED STATES INSTRUMENT OF RATIFICATION.—The term ''United States instrument of ratification'' means the instrument of ratification of the United States of the Convention.

Mr. ENZI. I ask for a division vote on the resolution of ratification.

The PRESIDING OFFICER. The question is on agreeing to the resolution of ratification. A division is requested. Senators in favor of the resolution of ratification will rise and stand until counted.

Those opposed will rise and stand until counted.

On a division, two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

ORDERS FOR MONDAY, APRIL 12, 1999

Mr. ENZI. I ask unanimous consent that when the Senate completes its business today, it stand in adjournment, under the provisions of S. Con. Res. 23, until 12 noon, Monday, April 12. I further ask unanimous consent that on Monday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved, and the Senate then begin a period of morning business until 2 p.m. with Senators permitted to speak for up to 10 minutes each.

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

PROGRAM

Mr. ENZI. Mr. President, for the information of all Senators, the Senate will adjourn this evening until 12 noon on Monday, April 12. There will be no rollcall votes during Monday's session. However, Members can expect rollcall votes as early as Tuesday, April 13. As the leader previously announced, it is hoped that when the Senate returns from the Easter break, it will consider the supplemental appropriations conference report and the budget conference report, if available.

The leader would, again, like to thank all Senators for their cooperation during the past busy week.

ORDER FOR ADJOURNMENT

Mr. ENZI. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the provisions of S. Con. Res. 23 following the remarks of Senator BAUCUS.

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

The Senator from Montana is recognized.

CHINA'S WTO ACCESSION AND THE VISIT OF PREMIER ZHU RONGJI

KEEP THE POWDER DRY

Mr. BAUCUS. Mr. President, I rise today to bring your attention to a matter of pressing concern involving the upcoming visit of Chinese Premier Zhu Rongji and the prospects of China's accession to the World Trade Organization.

CONTEXT OF RELATIONSHIP

Let me begin, however, with some context.

On April 8 and 9, the Premier of China will visit our country. As we speak, the Administration is negotiating with China the terms of its possible accession to the WTO.

Already this session, the Senate has seen one floor debate concerning our overall China policy. That debate was prompted by an amendment that would have required Congress to vote on the terms of China's accession prior to the Administration's completion of an agreement. Such a pre-emptive vote raised several constitutional and precedential questions.

Congress has not voted on any of the previous 110 GATT and WTO accessions because since 1948 WTO accessions have been executive agreements which generally require no U.S. concessions.

I spoke loudly against that amendment for three specific reasons. First, a vote on WTO accession would more likely be a judgment on the immediate state of our overall relationship with China than on the trade policy details of the accession. Second, such a vote could result in the U.S. holding a set of unilateral trade concessions by China to the United States hostage to every other concern we have about China—from human rights to security, environment, labor policies and much more. Third, we are already required to vote on China's permanent Normal Trading Relation status before the agreement becomes binding. Therefore, I was pleased that the Senate saw fit to defeat this resolution by a resounding vote of 69 to 30. Now we can move on to the matter of pressing concern.

Mr. President, as the visit of the Chinese Premier nears, and as the Administration continues with its negotiations, I am sure that the Senate, the Administration, and the country as a whole will engage in an intense debate on China policy. Participants in this debate will have radically different views on the prospects of our relationship, and on the trade, security and human rights policies we should adopt in it.

I rise today to encourage all participants in this debate to take a deep breath and to think carefully about this issue. For there is much at stake. And it is incumbent upon all of us to make sure that our actions are in the best interests of our country.

STATEMENT TO THE ADMINISTRATION

First, let me address my remarks to the Administration, for they are engaged in an on-going dialogue with China over WTO accession.

Simply put, we must not allow the pending visit of the Premier to cause us to want an agreement so badly that we will accept it on anything less than the best possible terms. It may sound trite, Mr. President, but this is serious stuff—we have to get it right. I do not want to see us simply agree to a commercially viable agreement, instead I want us to sign a commercially powerful agreement.

We've waited a long time to achieve liberalized trade with China. Many times in the past dozen years, we have tried unsuccessfully. But despite, our questions concerning enforcement never before have we been so close in terms of real progress and genuine commitment to agreeable terms that right now. And we must recognize that whatever happens, China will be a challenge for years to come.

Take for example the matter of China refusing to import Pacific-Northwest wheat. For the first time in over two decades, we are near a breakthrough concerning their zero tolerance policy. While talk is good and I encourage it continue, we still have not resolved the underlying problem. China is not importing our wheat. Thus the true measure of success will be weighed in terms of action and reaction—both China's commitment to dropping its ban and its importation of Pacific Northwest wheat.

On a broader scale, Mr. President, I believe that any agreement with China must contain at a minimum, the following terms:

First, it must apply to three critical trade sectors: agriculture, manufacturing, and financial services. We must ensure that China is willing to trade fairly across the board with U.S. companies in each of these sectors. The agreement should include significant tariff reductions, elimination of non-tariff barriers and other measures to liberalize trade in goods.

It should include market access for agriculture, including the elimination of phony health barriers on Pacific Northwest wheat, citrus, meats and other products. And it should include liberalization of service sectors including distribution, telecommunications, finance, and audiovisual industries. Let me be very clear: China must agree to accept all WTO disciplines after a negotiated phase in. They should be afforded no special treatment.

Second, the agreement must be commercially viable, verifiable, and enforceable. Good words and good intentions are not enough, Mr. President. This must be a commercially powerful agreement. The American people and American companies deserve to know that the words will be backed up by actions. In other trade negotiations, some have proposed an annual report card to monitor progress.

Mr. President, I plan to review any accession agreement very carefully. If necessary, I will carry legislation to ensure that compliance with such an accession agreement is carefully monitored to ensure that it is met in letter and spirit. For example, I think the concept of a general safeguard which would allow unilateral sanctions if China failed to meet its commitments is the most important element. Use of this general safeguard should also be linked to an annual review of the agreement.

Third, and finally, I believe that the agreement should be coupled with a showing of good-faith by China. Now, I don't want to prejudge the on-going negotiations. Rather I want to wait and see what the results of those negotiations are. But I don't think it is beyond reason to expect that a WTO accession agreement would include trade targets or up-front purchase agreements for U.S. products.

But again, Mr. President, I am not in the room with the Administration as they negotiate this agreement, and I want to leave them some flexibility on this point. Let me reiterate that I mean ''some'' flexibility and Mr. President, I can't emphasize this enough. Flexibility with Caution because we don't want an accession agreement with China at any price. We do want an agreement must be fair and in the best interests of the United States.

In particular I urge the Administration to closely scrutinize any agreement to make sure it meets this test and be vigilant about the details. And if the offer falls short of the mark, I would suggest that the United States wait rather than push forward with this accession.

STATEMENT TO SENATE COLLEAGUES

Mr. President, I also wish to speak to my Senate colleagues today. Issues related to China can stir our passions. As we move forward with negotiations on China's accession to WTO, I urge you to simply ''keep your powder dry.'' Let's wait and take a look at the outcome of the negotiations.

We must not lose sight of the vital American interests that are at stake. From our perspective, WTO accession can create a more reciprocal trade relationship; promote the rule of law in China; and accelerate the long-term trend toward China's integration into the world economy and the Pacific region.

And let me be absolutely clear. This is about more than wheat. The whole spectrum of the U.S. economy stands to benefit from a commercially powerful accession agreement with China. Agriculture, manufacturing, and financial services—industries affecting literally every state in the United States.

But, Mr. President, the WTO accession holds more at stake than the interests of U.S. industries. This integration is, we should always remember, immensely important to our long-term security interests.

To choose one example, twenty-five years ago China would likely have seen the Asian financial crisis as an opportunity to destabilize the governments of Southeast Asia, South Korea and perhaps even Japan. Today China sees the crisis as a threat to its own investment and export prospects, and has thus contributed to IMF recovery packages and maintained currency stability. Thus China's policy has paralleled and complemented our own; and as a result, the Asian financial crisis remains an economic and humanitarian issue rather than a political and security crisis.

From China's perspective, WTO entry has the long-term benefits of strengthening guarantees of Chinese access to foreign markets and promoting competition and reform in the domestic economy; and the short-term benefit of creating a new source of domestic and foreign investor confidence at a time of immense economic difficulty.

So I say to my Senate colleagues that we must review any agreement carefully. Just as I have said that we should not accept it out of hand, so I do not believe that we should reject it out of hand. I believe that issues related to nuclear security, human rights and Taiwan are all important issues.

Mr. President, I believe that each of in the Senate need to take a close look at the agreement and weigh it in the context of all U.S. interests. Until we have done that, Mr. President, we should ''keep our powder dry.''

STATEMENT TO CHINA

Mr. President, before I conclude, let me also send a message to China. I believe that the window of opportunity for China's accession to the WTO is closing rapidly. The next WTO round begins in November in Seattle. If we cannot reach agreement on WTO accession, it may be many years before this opportunity arises again.

Let me say this clearly to the Chinese leadership: If you are willing to negotiate in good faith, if you are willing to agree to a commercially viable agreement and to eliminate phony barriers to the import of Pacific-Northwest wheat and other products, then I will be willing to support China's accession to the WTO. And I think that many of my colleagues feel the same way. But if you are not willing to take that step; if you are not willing to agree to free and fair trade, then I will oppose China's accession to the WTO and I will urge the Administration to join me in that opposition.

CONCLUSION

In conclusion, Mr. President, China's pending accession must be considered carefully.

This Administration must closely scrutinize any agreement to ensure that it meets the ''commercially powerful'' test. If the offer is genuine and sound, the Administration should work toward an agreement, if it falls short, then the United States should wait.

We in the Senate should ''keep our powder dry.'' That is to let calmer heads prevail by not pre-judging the agreement.

Instead we should play an active role in the negotiations and lend our input as we work toward a successful agreement.

And finally, China must make every effort to demonstrate its desire to enter the global marketplace by bringing forth a commercially meaningful offer. The ball is in China's court.

In sum, I would say that Premier Zhu's visit offers us an immensely important opportunity to define the course of our overall U.S.-China relationship. I welcome his visit and hope my colleagues and the Administration will do the same.

ADJOURNMENT UNTIL 12 NOON MONDAY, APRIL 12, 1999

The PRESIDING OFFICER. The Senate, under the previous order, will stand adjourned until 12 noon, Monday, April 12, 1999.

Thereupon, the Senate, at 10:42 p.m., adjourned until Monday, April 12, 1999, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate March 25, 1999:

DEPARTMENT OF COMMERCE

JOHNNIE E. FRAZIER, OF MARYLAND, TO BE INSPECTOR GENERAL, DEPARTMENT OF COMMERCE, VICE FRANK DEGEORGE, RESIGNED.

THE JUDICIARY

JAMES W. KLEIN, OF THE DISTRICT OF COLUMBIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLUMBIA, VICE STANLEY S. HARRIS, RETIRED.

ELLEN SEGAL HUVELLE, OF THE DISTRICT OF COLUMBIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLUMBIA VICE JOHN GARRETT PENN, RETIRED.

BARBARA M. LYNN, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF TEXAS, VICE HAROLD BAREFOOT SANDERS, JR., RETIRED.

DEPARTMENT OF EDUCATION

MARSHALL S. SMITH, OF CALIFORNIA, TO BE DEPUTY SECRETARY OF EDUCATION, VICE MADELEINE KUNIN.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 25, 1999:

DEPARTMENT OF ENERGY

ROSE EILENE GOTTEMOELLER, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF ENERGY (NON-PROLIFERATION AND NATIONAL SECURITY).

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. EUGENE L. TATTINI, 0000.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. HAROLD L. TIMBOE, 0000.

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. WILLIAM C. JONES, JR., 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. MICHAEL V. HAYDEN, 0000.

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. REGINALD A. CENTRACCHIO, 0000.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be Rear admiral (lower half)

CAPT. EDWARD J. FAHY, JR., 0000.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) DANIEL R. BOWLER, 0000.
REAR ADM. (LH) JOHN E. BOYINGTON, JR., 0000.
REAR ADM. (LH) JOHN V. CHENEVEY, 0000.
REAR ADM. (LH) ALBERT T. CHURCH, III, 0000.
REAR ADM. (LH) JOHN P. DAVIS, 0000.
REAR ADM. (LH) JOHN B. FOLEY, III, 0000.
REAR ADM. (LH) VERONICA A. FROMAN, 0000.
REAR ADM. (LH) ALFRED G. HARMS, JR., 0000.
REAR ADM. (LH) JOHN M. JOHNSON, 0000.
REAR ADM. (LH) TIMOTHY J. KEATING, 0000.
REAR ADM. (LH) ROLAND B. KNAPP, 0000.
REAR ADM. (LH) TIMOTHY W. LAFLEUR, 0000.
REAR ADM. (LH) JAMES W. METZGER, 0000.
REAR ADM. (LH) RICHARD J. NAUGHTON, 0000.
REAR ADM. (LH) JOHN B. PADGETT, 0000.
REAR ADM. (LH) KATHLEEN K. PAIGE, 0000.
REAR ADM. (LH) DAVID P. POLATTY, III, 0000.
REAR ADM. (LH) RONALD A. ROUTE, 0000.
REAR ADM. (LH) STEVEN G. SMITH, 0000.
REAR ADM. (LH) RALPH E. SUGGS, 0000.
REAR ADM. (LH) PAUL F. SULLIVAN, 0000.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS A PERMANENT PROFESSOR OF THE UNITED STATES MILITARY ACADEMY IN THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 4333 (B):

To be colonel

PATRICK FINNEGAN, 0000.

ARMY NOMINATIONS BEGINNING CHRISTOPHER D. LATCHFORD, AND ENDING JAMES E. BRAMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 8, 1999.

ARMY NOMINATIONS BEGINNING LEE G. KENNARD, AND ENDING MICHAEL E. THOMPSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 8, 1999.

ARMY NOMINATIONS BEGINNING WESLEY D. COLLIER, AND ENDING THOMAS L. MUSSELMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 8, 1999.

ARMY NOMINATIONS BEGINNING DAVID E. BELL, AND ENDING HOWARD LOCKWOOD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 8, 1999.

ARMY NOMINATIONS BEGINNING *JAN E. ALDYKIEWICZ, AND ENDING *LOUIS P. YOB, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 8, 1999.

ARMY NOMINATIONS BEGINNING TIMOTHY K. ADAMS, AND ENDING DERICK B. ZIEGLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 8, 1999.

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

STANLEY A. PACKARD, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

TODD D. BJORKLUND, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

TAREK A. ELBESHBESHY, 0000.

NAVY NOMINATIONS BEGINNING GLEN C. CRAWFORD, AND ENDING LEONARD G. ROSS, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 8, 1999.

NAVY NOMINATIONS BEGINNING STEVEN W. ALLEN, AND ENDING DANIEL C. WYATT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 8, 1999.