the central Mississippi Valley through the establishment of the Mississippi Valley National Historical Park as a unit of the National Park System on former Eaker Air Force Base in Blytheville, Arkansas; to the Committee on Energy and Natural Resources.

By Mr. ENZI (for himself, Mr. HUTCHINSON, Mr. BROWNBACK, Mr. GRAMS, Mr. INHOFE, Mr. HAGEL, Mr. SESSIONS, and Mr. SANTORUM):

S. 1097. A bill to offset the spending contained in the fiscal year 1999 emergency supplemental appropriations bill in order to protect the surpluses of the social security trust funds; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. DODD:

S. 1098. A bill to amend chapter 89 of title 5, United States Code, to modify service requirements relating to creditable service with congressional campaign committees; to the Committee on Governmental Affairs.

By Mr. BAUCUS (for himself, Mr. BINGAMAN, Mr. DORGAN, Mr. KERREY, Mr. JOHNSON, and Mr. DASCHLE):

S. 1099. A bill to establish a mechanism for using the duties imposed on products of countries that fail to comply with WTO dispute resolution decision to provide relief to injured domestic producers; to the Committee on Finance.

By Mr. CHAFEE (for himself, Mr. CRAPO, and Mr. DOMENICI):

S. 1100. A bill to amend the Endangered Species Act of 1973 to provide that the designation of critical habitat for endangered and threatened species be required as part of the development of recovery plans for those species; to the Committee on Environment and Public Works.

By Mr. REED:

S. 1101. A bill to provide for tort liability of firearms dealers who transfer firearms in violation of Federal firearms law; 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 (for himself and Mr. DASCHLE):

S. Res. 104. A resolution to authorize testimony, production of documents, and legal representation in United States v. Nippon Miniature Bearing, Inc., et al; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. HUTCHISON (for herself, Mr. DURBIN, Mr. HELMS, and Mrs. FEINSTEIN):

S. 1086. A bill to amend the Internal Revenue Code of 1986 to waive the income inclusion on a distribution from an individual retirement account to the extent that the distribution is contributed for charitable purposes; to the Committee on Finance.

IRA ROLLOVER TO CHARITY ACT

• Mrs. HUTCHISON. Mr. President, today, I am pleased to introduce, along with Senator DURBIN, the IRA Rollover to Charity Act of 1999. This legislation has the support of numerous charitable organizations across the United States. The effect of this bill would be to unlock billions of dollars in savings Americans hold and make them available to charity.

Mr. President, the legislation will allow individuals to roll assets from an Individual Retirement Account (IRA) into a charity or a deferred charitable gift plan without incurring any income tax consequences. Thus, the donation would be made to charity without ever withdrawing it as income and paying tax on it.

Americans hold well over $1 trillion in assets in IRAs. Nearly half of America's families have IRAs. Recent studies show that assets of qualified retirement plans comprise a substantial part of the net worth of many persons. Many individuals would like to give a portion of these assets to charity.

Under current law, if an IRA is transferred into a charitable remainder trust, donors are required to recognize all such income. Therefore, absent the changes called for in the legislation, the donor will have taxable income in the year the gift is funded. The IRA Rollover to Charity Act lifts the disincentives contained in our complicated and burdensome tax code and will unleash a critical source of funding for our nation's charities. This is a common sense way to remove obstacles to private charitable giving.

Under the legislation, upon reaching age 59½, an individual could move assets penalty-free from an IRA directly to charity or into a qualifying deferred charitable gift plan—e.g. charitable reminder trusts, pooled income funds and gift annuities. In the latter case the donor would be able to receive an income stream from the retirement plan assets, which would be taxed according to normal rules. Upon the death of the individual, the remainder would be transferred to charity.

Mr. President, I hope the Senate will join in this effort to provide a valuable new source of philanthropy for our nation's charities. This legislation has the support of numerous universities and charitable groups, including the Charitable Accord, an umbrella organization representing more than 1,000 organizations and associations.

Mr. President, I have just returned from the Balkans. I have seen first hand the wonderful work that is being done by charitable groups in dealing with the massive refugee crisis that has occurred there. As terrible as this crisis has been, it would be worse if not for the great work that is being done by charitable groups. Our bill will help direct additional resources to those charities and thousands of others. I urge my colleagues to co-sponsor this legislation.•

By Mr. KYL:

S. 1088. A bill to authorize the Secretary of Agriculture to convey certain administrative sites in national forests in the State of Arizona, to convey certain land to the City of Sedona, Arizona for a wastewater treatment facility, and for other purposes; to the Committee on Energy and Natural Resources.

THE ARIZONA NATIONAL FOREST IMPROVEMENT ACT OF 1999

Mr. KYL. Mr. President, the U.S. Forest Service is interested in exchanging or selling six unmanageable, undesirable and/or excess parcels of land in the Prescott, Tonto, Kaibab and Coconino National Forests. In addition, the Forest Service has agreed to sell land to the City of Sedona for use as an effluent disposal system. If the parcels are sold, the Forest Service wants to use the proceeds from five of these sales to either fund new construction or upgrade current administrative facilities at these national forests. Funds generated from the sale of the other parcels could be used to fund acquisition of sites, or construction of administrative facilities at any national forest in Arizona. Transfers of land completed under this bill will be done in accordance with all other applicable laws, including environmental laws.

Mr. President, this bill will enhance customer and administrative services by allowing the Forest Service to consolidate and update facilities and/or relocate facilities to more convenient locations. It offers a simple and commonsense way to enhance services for national forest users in Arizona, and to facilitate the disposal of unmanageable, undesirable and/or excess parcels of national forest lands. This bill will also facilitate the construction of a much needed wastewater treatment plant for the City of Sedona.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

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

S. 1088

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Arizona National Forest Improvement Act of 1999''.

SEC. 2. DEFINITIONS.

In this Act:

(1) CITY.—The term ''City'' means the city of Sedona, Arizona.

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

SEC. 3. SALE OR EXCHANGE OF ADMINISTRATIVE SITES.

(a) IN GENERAL.—The Secretary may, under such terms and conditions as the Secretary may prescribe, sell or exchange any and all right, title, and interest of the United States in and to the following National Forest System land and administrative sites:

(1) The Camp Verde Administrative Site, comprising approximately 213.60 acres, as depicted on the map entitled ''Camp Verde Administrative Site'', dated April 12, 1997.

(2) A portion of the Cave Creek Administrative Site, comprising approximately 16 acres, as depicted on the map entitled ''Cave Creek Administrative Site'', dated May 1, 1997.

(3) The Fredonia Duplex Housing Site, comprising approximately 1.40 acres, and the Fredonia Housing Site, comprising approximately 1.58 acres, as depicted on the map entitled ''Fredonia Duplex Dwelling, Fredonia Ranger Dwelling'', dated August 28, 1997.

(4) The Groom Creek Administrative Site, comprising approximately 7.88 acres, as depicted on the map entitled ''Groom Creek Administrative Site'', dated April 29, 1997.

(5) The Payson Administrative Site, comprising approximately 296.43 acres, as depicted on the map entitled ''Payson Administrative Site'', dated May 1, 1997.

(6) The Sedona Administrative Site, comprising approximately 21.41 acres, as depicted on the map entitled ''Sedona Administrative Site'', dated April 12, 1997.

(b) CONSIDERATION.—Consideration for a sale or exchange of land under subsection (a) may include the acquisition of land, existing improvements, and improvements constructed to the specifications of the Secretary.

(c) APPLICABLE LAW.—Except as otherwise provided in this section, any sale or exchange of land under subsection (a) shall be subject to the laws (including regulations) applicable to the conveyance and acquisition of land for the National Forest System.

(d) CASH EQUALIZATION.—Notwithstanding any other provision of law, the Secretary may accept a cash equalization payment in excess of 25 percent of the value of any land or administrative site exchanged under subsection (a).

(e) SOLICITATION OF OFFERS.—

(1) IN GENERAL.—The Secretary may solicit offers for the sale or exchange of land under this section on such terms and conditions as the Secretary may prescribe.

(2) REJECTION OF OFFERS.—The Secretary may reject any offer made under this section if the Secretary determines that the offer is not adequate or not in the public interest.

(f) REVOCATIONS.—Notwithstanding any other provision of law, on conveyance of land by the Secretary under this section, any public order withdrawing the land from any form of appropriation under the public land laws is revoked.

SEC. 4. CONVEYANCE TO CITY OF SEDONA.

(a) IN GENERAL.—The Secretary may sell to the city of Sedona, Arizona, by quitclaim deed in fee simple, all right, title, and interest of the United States in and to approximately 300 acres of land as depicted on the map in the environmental assessment entitled ''Sedona Effluent Management Plan'', dated August 1998, for construction of an effluent disposal system in Yavapai County, Arizona.

(b) DESCRIPTION.—A legal description of the land conveyed under subsection (a) shall be available for public inspection in the office of the Chief of the Forest Service, Washington, District of Columbia.

(c) CONSIDERATION.—

(1) FAIR MARKET VALUE.—As consideration for the conveyance of land under subsection (a), the City shall pay to the Secretary an amount equal to the fair market value of the land as determined by an appraisal acceptable to the Secretary and prepared in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions.

(2) COST OF APPRAISAL.—The City shall pay the cost of the appraisal of the land.

(3) PAYMENT.—Payment of the amount determined under paragraph (1) (including any interest payable under paragraph (4)) shall be paid, at the option of the City—

(A) in full not later than 180 days after the date of the conveyance of the land; or

(B) in 7 equal annual installments commencing not later than January 1 of the first year following the date of the conveyance and annually thereafter until the total amount has been paid.

(4) INTEREST RATE.—Any payment due for the conveyance of land under this section shall accrue, beginning on the date of the conveyance, interest at a rate equal to the current (as of the date of the conveyance) market yield on outstanding, marketable obligations of the United States with maturities of 1 year.

(d) RELEASE.—Subject to compliance with all Federal environmental laws by the Secretary before the date of conveyance of land under this section, on conveyance of the land, the City shall agree in writing to hold the United States harmless from any and all claims to the land, including all claims resulting from hazardous materials on the conveyed land.

(e) RIGHT OF REENTRY.—At any time before full payment is made for the conveyance of land under this section, the conveyance shall be subject to a right of reentry in the United States if the Secretary determines that—

(1) the City has not complied with the requirements of this section or the conditions prescribed by the Secretary in the deed of conveyance; or

(2) the conveyed land is not used for disposal of treated effluent or other purposes related to the construction of an effluent disposal system in Yavapai County, Arizona.

SEC. 5. DISPOSITION OF FUNDS.

(a) DEPOSIT OF PROCEEDS.—The Secretary shall deposit the proceeds of a sale or exchange under this Act in the fund established under Public Law 90–171 (16 U.S.C. 484a) (commonly known as the ''Sisk Act'').

(b) USE OF PROCEEDS.—Funds deposited under subsection (a) shall be available to the Secretary, without further Act of appropriation, for—

(1) the acquisition, construction, or improvement of administrative facilities for the Coconino National Forest, Kaibab National Forest, Prescott National Forest, and Tonto National Forest; or

(2) the acquisition of land and or an interest in land in the State of Arizona.

By Ms. SNOW (for herself, Mr. MCCAIN, Mr. HOLLINGS, Mr. KERRY, Mr. BREAUX, and Mr. INOUYE):

S. 1089. A bill to authorize appropriations for fiscal years 2000 and 2001 for the United States Coast Guard, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE COAST GUARD AUTHORIZATION ACT OF 1999

Ms. SNOWE. Mr. President, today I am pleased to introduce the Coast Guard Authorization Act of 1999.

The Coast Guard provides many critical services for our nation. Dedicated Coast Guard personnel save an average of more than 5,000 lives, $2.5 billion in property, and assist more than 100,000 other mariners in distress. Through boater safety programs and maintenance of an extensive network of aids to navigation, the Coast Guard protects thousands of additional people engaged in coastwise trade, commercial fishing activities, or simply enjoying a day of recreation out on our bays, oceans, and waterways.

The Coast Guard enforces all federal laws and treaties related to the high seas and U.S. waters. This includes marine resource protection and pollution control. As one of the five armed forces, it provides a critical component of the nation's defense strategy, something weighing heavily on all of our minds lately.

Last year, Congress enacted the Coast Guard Authorization Act of 1998, which authorized the Coast Guard through Fiscal Year 1999. The bill I am introducing today reauthorizes the Coast Guard for the next two years—Fiscal Years 2000 and 2001.

It authorizes both appropriations and personnel levels for these two years. It also contains various provisions that are designed to provide greater flexibility to the Coast Guard on personnel administration; strengthen marine safety provisions; includes sufficient funding to allow for a 4.4 percent pay raise; and other provisions.

One provision that deserves particular mention relates to icebreaking services. The President's FY 2000 budget request includes a proposal to decomission 11 WYTL-class harbor tugs. These tugs provide vital icebreaking services throughout the northern states, including my home state of Maine. While I understand that the age of this vessel class may require some action by the agency, I feel it would be premature to decommission these vessels before the Coast Guard has identified a means to rectify any potentially harmful degradation of services. The Coast Guard has identified seven waterways within Maine that would suffer a meaningful degradation of service should these tugs be brought offline now. These waterways provide necessary transport routes for oil tankers, commercial fishing vessels, and cargo ships. The costs would be excessive to the local communities should that means of transport be cut off. As such, the bill I am introducing today includes a measure that would require the Coast Guard to submit a report to Congress before removing these tugs from service that will include an analysis of the use of this class of harbor tugs to perform icebreaking services; the degree to which the decommissioning of each such vessel would result in a degradation of current services; and recommendations to remediate such degradation.

As part of its law enforcement mission in 1998, the Coast Guard seized 75 vessels transporting more than 100,000 pounds of illegal narcotics headed for our shores. This bill provides funding to maintain many of the new drug interdiction initiatives of the past few years. The Coast Guard has proven time and again its ability to stem the tide of drugs entering our nation through water routes.

Finally, the Coast Guard is the lead federal agency for preventing and responding to major pollution incidents in the coastal zone. It responds to more than 17,000 pollution incidents in the average year. This bill includes a provision that provides the Coast Guard with emergency borrowing authority from the Oil Spill Liability Trust Fund. The measure would enhance the

Coast Guard's ability to effectively respond to major oil spills.

Mr. President, this is a good bill that enjoys bipartisan support on the Commerce Committee. I look forward to moving this bill to the Senate floor at the earliest opportunity.

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. 1089

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 ''Coast Guard Authorization Act of 1999''.

TITLE I—AUTHORIZATION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS

(a) AUTHROIZATION FOR FISCAL YEAR 2000.—Funds are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 2000 as follows:

(1) For the operation and maintenance of the Coast Guard, $2,941,039,000, of which $334,000,000 shall be available for defense-related activities and of which $25,000,000 shall be derived from the Oil Spill Liability Trust Fund.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $350,326,000, to remain available until expended, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(3) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in support of search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, $21,709,000, to remain available until expended,of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund.

(4) For retired pay (including the payment of obligation otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, such sums as may be necessary, to remain available until expended.

(5) For environmental compliance and restoration at Coast Guard facilities (other than parts and equipment associated with operations and maintenance), $19,500,000, to remain available until expended.

(6) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program, $26,000,000, to remain available until expended.

(b) AUTHORIZATION FOR FISCAL YEAR 2001.—funds are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 2001, as follows:

(1) For the operation and maintenance of the Coast Guard, $2,941,039,000, of which $25,000,000 shall be derived form the Oil Spill Liability Trust Fund.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $350,326,000, to remain available until expended, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(3) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in support of search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, $21,709,000, to remain available until expended, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, such sums as may be necessary, to remain available until expended.

(5) For environmental compliance and restoration at Coast Guard facilities (other than parts and equipment associated with operations and maintenance), $19,500,000, to remain available until expended.

(6) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program, $26,000,000, to remain available until expended.

SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

(a) END-OF-YEAR STRENGTH FOR FISCAL YEAR 2000.—The Coast Guard is authorized an end-of-year strength for active duty personnel of 36,350 as of September 30, 2000.

(b) TRAINING STUDENT LOADS FOR FISCAL YEAR 2000.—For fiscal year 2000, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 1,500 student years.

(2) For flight training, 100 student years.

(3) For professional training in military and civilian institutions, 300 student years.

(4) For officer acquisition, 1,000 student years.

(c) END-OF-YEAR STRENGTH FOR FISCAL YEAR 2001.—The Coast Guard is authorized an end-of-year strength for active duty personnel of 36,350 as of September 30, 2001.

(d) TRAINING STUDENT LOADS FOR FISCAL YEAR 2001.—For fiscal year 2001, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 1,500 student years.

(2) For flight training, 100 student years.

(3) For professional training in military and civilian institutions, 300 student years.

(4) For officer acquisition, 1,000 student years.

TITLE II—PERSONNEL MANAGEMENT

SEC. 201. COAST GUARD BAND DIRECTOR RANK.

Section 336(d) of title 14, United States Code, is amended by striking ''commander'' and inserting ''captain''.

SEC. 202. COAST GUARD RESERVE SPECIAL PAY.

Section 308d(a) of title 37, United States Code, is amended by inserting ''or the Secretary of the Department in which the Coast Guard is operating'' after ''Secretary of Defense''.

SEC. 203. COAST GUARD MEMBERSHIP ON THE USO BOARD OF GOVERNORS.

Section 1305(b) of title 36, United States Code, is amended by redesignating paragraph (3) as paragraph (4) and inserting after paragraph (2) the following:

''(3) The Secretary of Transportation, or the Secretary's designee, when the Coast Guard is not operating under the Department of the Navy.''.

SEC. 204. COMPENSATORY ABSENCE FOR ISOLATED DUTY.

(a) IN GENERAL.—Section 511 of title 14, United States Code, is amended to read as follows:

''Sec. 511. Compensatory absence from duty for military personnel at isolated duty stations

''The Secretary may prescribe regulations to grant compensatory absence from duty to military personnel of the Coast Guard serving at isolated duty stations of the Coast Guard when conditions of duty result in confinement because of isolation or in long periods of continuous duty.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 13 of title 14, United States Code, is amended to read as follows:

''511. Compensatory absence from duty for military personnel at isolated duty stations''.

SEC. 205. ACCELERATED PROMOTION OF CERTAIN COAST GUARD OFFICERS.

Title 14, United States Code, is amended—

(1) in section 259, by adding at the end a new subsection (c) to read as follows:

''(c) After selecting the officers to be recommended for promotion, a selection board may recommend officers of particular merit, from among those officers chosen for promotion to be placed at the top of the list of selectees promulgated by the Secretary under section 271(a) of this title. The number of officers that a board may recommend to be placed at the top of the top of the list of selectees promulgated by the Secretary under section 271(a) of this title. The number of officers that a board may recommend to be placed at the top of the list of selectees may not exceed the percentages set forth in subsection (b) unless such a percentage is a number less than one, in which case the board may recommend one officer for such placement. No officer may be recommended to be placed at the top of the list of selectees unless he or she receives the recommendation of at least a majority of the members of a board composed of five members, or at least two-thirds of the members of a board composed of more than five members.'';

(2) in section 260(a), by inserting ''and the names of those officers recommended to be advanced to the top of the list of selectees established by the Secretary under section 271(a) of this title'' after ''promotion''; and

(3) in section 271(a), by inserting at the end therefore the following: ''The names of all officers approved by the President and recommended by the board to be placed at the top of the list of selectees shall be placed at the top of the list of selectees in the order of seniority on the active duty promotion list.''

TITLE III—MARINE SAFETY

SEC. 301. EXTENSION OF TERRITORIAL SEA FOR VESSEL BRIDGE-TO-BRIDGE RADIO-TELEPHONE ACT.

Section 4(b) of the Vessel Bridge-to-Bridge Radio-telephone Act (33 U.S.C. 1203(b)), is amended by striking ''United States inside the lines established pursuant to section 2 of the Act of February 19, 1895 (28 Stat. 672), as amended.'' and inserting ''United States, which includes all waters of the territorial sea of the United States as described in Presidential Proclamation 5928 of December 27, 1988.''.

SEC. 302. REPORT ON ICEBREAKING SERVICES.

(a) REPORT.—Not later than 9 months afer the date of enactment of this Act, the Commandant of the Coast Guard shall submit to

the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House, a report on the use of WYTL-class harbor tugs. The report shall include an analyis of the use of such vessels to perform icebreaking services; the degree to which, if any, the decommissioning of each such vessel would result in a degradation of current icebreaking services; and in the event that the decommissioning of any such vessel would result in a significant degradation of icebreaking services, recommendations to remediate such degradation.

(b) 9–MONTH WAITING PERIOD.—The Commandant of the Coast Guard shall not plan, implement or finalize any regulation or take any other action which would result in the decommissioning of any WYTL-class harbor tugs until 9 months after the date of the submission of the report required by subsection (a) of this section.

SEC. 303. OIL SPILL LIABILITY TRUST FUND ANNUAL REPORT.

(a) IN GENERAL.—The report regarding the Oil Spill Liability Trust Fund required by the Conference Report (House Report 101–892) accompanying the Department of Transportation and Related Agencies Appropriations Act, 1991, as that requirement was amended by section 1122 of the Federal Reports Elmination and Sunset Act of 1995 (26 U.S.C. 9509 note), shall no longer be submitted to Congress.

(b) REPEAL.—Section 1122 of the Federal Reports Elimination and Sunset Act of 1995 (26 U.S.C. 9509 note) is amended by—

(1) striking subsection (a); and

(2) striking ''(b) REPORT ON JOINT FEDERAL AND STATE MOTOR FUEL TAX COMPLIANCE PROJECT.—''.

SEC. 304. OIL SPILL LIABILITY TRUST FUND; EMERGENCY FUND BORROWING AUTHORITY.

Section 6002(b) of the Oil Pollution Act of 1990 (33 U.S.C. 2752(b)) is amended after the first sentence by inserting ''To the extent that such amount is not adequate for removal of a discharge or the mitigation or prevention of a substantial threat of a discharge, the Coast Guard may borrow from the Fund such sums as may be necessary, up to a maximum of $100,000,000, and within 30 days shall notify Congress of the amount borrowed and the facts and circumstances necessitating the loan. Amounts borrowed shall be repaid to the Fund when, and to the extent that removal costs are recovered by the Coast Guard from responsible parties for the discharge or substantial threat of discharge.''.

Mr. MCCAIN. Mr. President, I want to express my strong support for the Coast Guard Authorization Act of 1999. I would like to commend Senator SNOWE, the Chair of the Commerce Subcommittee on Oceans and Fisheries, for her leadership on Coast Guard issues. Earlier in the year, Senator SNOWE convened a hearing on the Coast Guard's fiscal year 2000 budget request. The Commandant of the Coast Guard testified at the hearing and explained the priorities and challenges that the Coast Guard will face in the coming years and the ways that the agency will handle them.

The Coast Guard is a branch of the armed forces and a multi-mission agency. The Coast Guard is responsible for our national defense, search and rescue services on our nation's waterways, maritime law enforcement, including drug interdiction and environmental protection, marine inspection, licensing, port safety and security, aids to navigation, waterways management, and boating safety. This bill will furnish the Coast Guard with funding authority to continue to provide the United States with high quality performance of its diverse duties through fiscal year 2001. I commend the men and women of the Coast Guard who serve their country with honor and distinction.

I believe the bill that we have introduced today is an important first step in providing authorizing legislation for the Coast Guard for fiscal years 2000–2001. The funding levels are currently based on the Administration's transmitted legislative proposal. However, I am particularly concerned about the Coast Guard's ability to continue to fight the war on drugs. The vast majority of drugs enter our country illegally after being transported over our waterways. As the primary maritime law enforcement agency, the Coast Guard has proven that it can effectively stop drugs from reaching our streets. In fiscal year 1998, the Coast Guard seized 82,623 pounds of cocaine and 31,365 pounds of marijuana. Campaign STEEL WEB, the comprehensive, multi-year strategy to fight the war on drugs deserves full support and funding from both the Administration and the Congress. Before the Commerce Committee concludes its consideration of this bill, I intend to determine whether the Administration's bill will provide an adequate level of funding for the Coast Guard's drug interdiction activities. I will also seek to ensure that funding is spent on the most effective drug interdiction programs.

The bill also incorporates several non-controversial provisions included in the Administration's bill which would provide for a variety of improvements for the day-to-day operation of the Coast Guard. I look forward to working with Senator SNOWE and other members of the Commerce Committee during the Senate's consideration of the Coast Guard Authorization Act of 1999.

By Mr. CHAFEE (for himself, Mr. SMITH of New Hampshire, and Mr. LOTT):

S. 1090. A bill to reauthorize and amend the Comprehensive Environmental Response, Liability, and Compensation Act of 1980; to the Committee on Environment and Public Works.

THE SUPERFUND PROGRAM COMPLETION ACT OF 1999

Mr. CHAFEE. Mr. President, I rise today to introduce the Superfund Program Completion Act of 1999. This bill represents our efforts to focus on the areas where bipartisan consensus is achievable this year. The bill provides liability relief for many parties trapped in Superfund—in fact, it exempts or limits the liability of the vast bulk of all parties involved in Superfund litigation. The bill includes very strong provisions to facilitate the redevelopment of Brownfields, and it starts to wind down the Federal role in site cleanup, while enhancing the role of the states.

The bill includes many provisions that have enjoyed widespread bipartisan support in the Senate. The Brownfields title will provide $100 million in grants for state, tribal and local governments to identify, assess and redevelop Brownfields sites. It protects prospective purchasers of contaminated sites, innocent owners of properties adjacent to the source of contamination, and innocent property owners who exercised due diligence upon purchase. These provisions have been included in past bills supported by Democrats and Republicans over the last six years.

The bill exempts a number of parties from Superfund liability and incorporates provisions of S. 2180, the Superfund Recycling Equity Act of 1998, cosponsored last year by Senators LOTT and DASCHLE, as well as 64 other members of the Senate. Our bill exempts small businesses, contributors of very small amounts of hazardous waste, and contributors of small amounts of municipal solid waste. The bill limits the liability of larger generators or transporters of municipal solid waste, as well as owners or operators of co-disposal landfills where municipal solid waste is disposed. The bill limits the liability of so-called de minimis parties—generally one percent contributors or less—as well as municipalities and small businesses with a limited ability to pay.

It is well known that Superfund liability—retroactive, strict, joint and several liability—often can be terribly unfair. It does not make any sense to make Superfund liability even more unfair to the parties who do not receive liability relief in this bill by merely shifting the share of the exempt or limited parties onto those that remain liable. This bill does not do that. Instead, where we grant liability relief, we direct EPA to use the taxes already collected from industry to pay the cost of the exemptions. This seems only fair.

The bill also requires EPA to perform an impartial fair-share allocation at Superfund NPL sites and to give all parties an opportunity to settle for their allocated amount. In performing the allocation, EPA is directed to use the factors first proposed by Vice President GORE when he was serving in the House. EPA is given discretion to design the process, and parties that do not participate or settle remain liable to Superfund's underlying liability provisions, which remain unchanged except for those fortunate parties provided the new protections noted above.

As EPA proudly boasts, cleanup is complete or underway at over 90 percent of the sites on the current NPL. While it is cleaning up the sites at a rate of 85 per year, it has listed only an average of about 26 per year. Last year, the General Accounting Office surveyed the states and EPA about the approximately 3,000 sites identified as

possible National Priority List sites, but not yet listed. Only 232 of these sites were identified by either EPA, a state, or both, as likely to be listed on the NPL. Clearly, this program is much closer to the end than in the beginning.

This bill requires EPA to plan how it will proceed at those 3,000 sites still awaiting a decision regarding listing. Everyone knows that the vast bulk of these sites will not be listed on the Superfund List, they will be cleaned up by the states, as the GAO report confirms. Under our bill, new listings on the National Priority List must be requested by the Governor of the affected state, and EPA is limited to listing 30 sites per year.

The bill provides finality at sites cleaned up in state cleanup programs unless a state asks for help, fails to take action, or a true emergency is present. This will give greater confidence to prospective developers that state cleanup decisions will not be second-guessed by EPA. The bill strengthens state programs and starts to bring Superfund to an end.

The bill makes EPA's authorization and appropriation process more transparent. There are separate line items for EPA's cleanup program—the heart of the program—and all other activities such as Brownfields, support for research and development, Department of Justice enforcement, et cetera. No longer will increases in popular programs such as Brownfields come at the expense of the cleanup program. Authorization levels for the cleanup recognize that the program's workload is decreasing and will ramp down over time.

The bill allows the program to be funded from either general revenues or the Trust Fund. It is my view that the Superfund taxes should not be reimposed, and I will strongly oppose their reimposition absent comprehensive Superfund reform that includes needed improvements to provisions governing natural resource damages, liability, and the cleanup process. To the extent that EPA improves its cost recovery performance and the Trust Fund balance exceeds levels needed to fund the liability relief provided in this bill, then that balance, instead of general revenues, can be used for Superfund cleanup.

It is possible that EPA can recover enough past cleanup expenditures to pay for the full 5-year reauthorization program. Since the program's inception, EPA has spent approximately $15.9 billion on cleanup, the vast majority of it from industry-paid Superfund taxes deposited in the Trust Fund. Unfortunately, EPA has only recovered $2.4 billion of this total. Even discounting nearly $6.9 billion in expenditures that have been written-off by EPA or are no longer considered recoverable, there is approximately $6.6 billion that EPA could recover for the Trust Fund.

It is well known that Senator SMITH and I have long advocated comprehensive reform of the Superfund program. We have not abandoned that goal. However, in many ways, the bill we introduce today is more far-reaching than our efforts in the last two Congresses. Except for the liability provisions described above, the major focus of this bill is how to address sites not yet in the federal Superfund program. The Superfund Program Completion Act addresses the future of the Superfund program.

The major reforms included in our previous efforts are not a part of the new bill. This bill does not address liability for damages to natural resources. The bill does not include liability relief for large responsible parties, such as federal funding of the fair shares attributed to bankrupt, defunct and insolvent parties. The bill does not make changes to Superfund's provisions regarding the conduct of cleanups.

I still believe reforms are needed for natural resource damages, liability for large responsible parties, and the cleanup process. Unfortunately, the administration no longer supports legislative reform in these areas. Even in previous years, when the administration claimed to support such reforms, agreement was not possible. Given the remote prospects for concurrence on these issues, Senator SMITH and I decided to set the issues aside for now and move forward with an agenda that we believe can generate bipartisan support.

I cannot understand why anyone would fail to support this bill. It will accelerate Brownfields redevelopment. It will strengthen state programs in anticipation of the day we all know is coming—the day when the Superfund program becomes the small emergency program that was originally intended. It limits or eliminates the liability of many parties who were caught in Superfund's incredibly broad liability net, and it does so in a manner that is fair to those that are left. It does not undermine the so-called ''polluter pays'' principle, but in fact strengthens it by creating an incentive for EPA to improve its cost recovery performance.

The committee will move forward quickly on this bill. The committee will hold hearings on the bill next week. We will work through the Memorial Day recess to address Members' concerns, then hold a markup within 10 days of returning from the recess. The bill will be ready for floor action prior to the July Fourth recess.

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. 1090

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 ''Superfund Program Completion Act of 1999''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—BROWNFIELDS REVITALIZATION

Sec. 101. Brownfields.
Sec. 102. Contiguous properties.
Sec. 103. Prospective purchasers and windfall liens.
Sec. 104. Safe harbor innocent landholders.

TITLE II—STATE RESPONSE PROGRAMS

Sec. 201. State response programs.
Sec. 202. National priorities list completion.
Sec. 203. Federal emergency removal authority.
Sec. 204. State cost share.

TITLE III—FAIR SHARE LIABILITY ALLOCATIONS AND PROTECTIONS

Sec. 301. Liability exemptions and limitations.
Sec. 302. Expedited settlement for certain parties.
Sec. 303. Fair share settlements and statutory orphan shares.

TITLE IV—FUNDING

Sec. 401. Uses of Hazardous Substance Superfund.

TITLE I—BROWNFIELDS REVITALIZATION

SEC. 101. BROWNFIELDS.

Title I of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) is amended by adding at the end the following:

''SEC. 127. BROWNFIELDS.

''(a) DEFINITIONS.—In this section:

''(1) BROWNFIELD FACILITY.—

''(A) IN GENERAL.—The term 'brownfield facility' means real property, the expansion or redevelopment of which is complicated by the presence or potential presence of a hazardous substance.

''(B) EXCLUSIONS.—The term 'brownfield facility' does not include—

''(i) any portion of real property that, as of the date of submission of an application for assistance under this section, is the subject of an ongoing removal under title I;

''(ii) any portion of real property that has been listed on the National Priorities List or is proposed for listing as of the date of the submission of an application for assistance under this section;

''(iii) any portion of real property with respect to which cleanup work is proceeding in substantial compliance with the requirements of an administrative order on consent, or judicial consent decree that has been entered into, or a permit issued by, the United States or a duly authorized State under this Act, the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321), the Toxic Substances Control Act (15 U.S.C. 2601 et seq.), or the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

''(iv) a land disposal unit with respect to which—

''(I) a closure notification under subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.) has been submitted; and

''(II) closure requirements have been specified in a closure plan or permit;

''(v) a facility that is owned or operated by a department, agency, or instrumentality of the United States; or

''(vi) a portion of a facility, for which portion, assistance for response activity has been obtained under subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) from the Leaking Underground Storage Tank Trust Fund established under section 9508 of the Internal Revenue Code of 1986.

''(C) FACILITIES OTHER THAN BROWNFIELD FACILITIES.—That a facility may not be a brownfield facility within the meaning of

subparagraph (A) has no effect on the eligibility of the facility for assistance under any provision of Federal law other than this section.

''(2) ELIGIBLE ENTITY.—

''(A) IN GENERAL.—The term 'eligible entity' means—

''(i) a general purpose unit of local government;

''(ii) a land clearance authority or other quasi-governmental entity that operates under the supervision and control of or as an agent of a general purpose unit of local government;

''(iii) a government entity created by a State legislature;

''(iv) a regional council or group of general purpose units of local government;

''(v) a redevelopment agency that is chartered or otherwise sanctioned by a State;

''(vi) a State; and

''(vii) an Indian Tribe.

''(B) EXCLUSION.—The term 'eligible entity' does not include any entity that is not in substantial compliance with the requirements of an administrative order on consent, judicial consent decree that has been entered into, or a permit issued by, the United States or a duly authorized State under this Act, the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Toxic Substances Control Act (15 U.S.C. 2601 et seq.), or the Safe Drinking Water Act (42 U.S.C. 300f et seq.) with respect to any portion of real property that is the subject of the administrative order on consent, judicial consent decree, or permit.

''(3) SECRETARY.—The term 'Secretary' means the Secretary of Housing and Urban Development.

''(b) BROWNFIELD SITE CHARACTERIZATION AND ASSESSMENT GRANT PROGRAM.—

''(1) ESTABLISHMENT OF PROGRAM.—The Administrator shall establish a program to provide grants for the site characterization and assessment of brownfield facilities.

''(2) ASSISTANCE FOR SITE CHARACTERIZATION AND ASSESSMENT AND RESPONSE ACTIONS.—

''(A) IN GENERAL.—On approval of an application made by an eligible entity, the Administrator may make grants to the eligible entity to be used for the site characterization and assessment of 1 or more brownfield facilities.

''(B) SITE CHARACTERIZATION AND ASSESSMENT.—A site characterization and assessment carried out with the use of a grant under subparagraph (A)—

''(i) shall be performed in accordance with section 101(35)(B); and

''(ii) may include a process to identify and inventory potential brownfield facilities.

''(c) BROWNFIELD REMEDIATION GRANT PROGRAM.—

''(1) ESTABLISHMENT OF PROGRAM.—In consultation with the Secretary, the Administrator shall establish a program to provide grants to be used for response actions (excluding site characterization and assessment) at 1 or more brownfield facilities.

''(2) ASSISTANCE FOR RESPONSE ACTIONS.—On approval of an application made by an eligible entity, the Administrator, in consultation with the Secretary, may make grants to the eligible entity to be used for response actions (excluding site characterization and assessment) at 1 or more brownfield facilities.

''(d) GENERAL PROVISIONS.—

''(1) MAXIMUM GRANT AMOUNT.—

''(A) IN GENERAL.—The total of all grants under subsections (b) and (c) shall not exceed, with respect to any individual brownfield facility covered by the grants, $350,000.

''(B) WAIVER.—The Administrator may waive the $350,000 limitation under subparagraph (A) based on the anticipated level of contamination, size, or status of ownership of the facility.

''(2) PROHIBITION.—

''(A) IN GENERAL.—No part of a grant under this section may be used for payment of penalties, fines, or administrative costs.

''(B) EXCLUSIONS.—For the purposes of subparagraph (A), the term 'administrative cost' does not include the cost of—

''(i) investigation and identification of the extent of contamination;

''(ii) design and performance of a response action; or

''(iii) monitoring of natural resources.

''(3) AUDITS.—The Inspector General of the Environmental Protection Agency shall conduct such reviews or audits of grants under this section as the Inspector General considers necessary to carry out the objectives of this section. Audits shall be conducted in accordance with the auditing procedures of the General Accounting Office, including chapter 75 of title 31, United States Code.

''(4) LEVERAGING.—An eligible entity that receives a grant under this section may use the funds for part of a project at a brownfield facility for which funding is received from other sources, but the grant shall be used only for the purposes described in subsection (b) or (c).

''(5) AGREEMENTS.—Each grant made under this section shall be subject to an agreement that—

''(A) requires the eligible entity to comply with all applicable State laws (including regulations);

''(B) requires that the eligible entity shall use the grant exclusively for purposes specified in subsection (b) or (c);

''(C) in the case of an application by an eligible entity under subsection (c), requires payment by the eligible entity of a matching share (which may be in the form of a contribution of labor, material, or services) of at least 20 percent of the costs of the response action for which the grant is made, is from non-Federal sources of funding.

''(D) contains such other terms and conditions as the Administrator determines to be necessary to carry out this section.

''(e) GRANT APPLICATIONS.—

''(1) SUBMISSION.—

''(A) IN GENERAL.—Any eligible entity may submit an application to the Administrator, through a regional office of the Environmental Protection Agency and in such form as the Administrator may require, for a grant under this section for 1 or more brownfield facilities.

''(B) COORDINATION.—In developing application requirements, the Administrator shall coordinate with the Secretary and other Federal agencies and departments, such that eligible entities under this section are made aware of other available Federal resources.

''(C) GUIDANCE.—The Administrator shall publish guidance to assist eligible entities in obtaining grants under this section.

''(2) APPROVAL.—The Administrator, in consultation with the Secretary, shall make an annual evaluation of each application received during the prior fiscal year and make grants under this section to eligible entities that submit applications during the prior year and that the Administrator, in consultation with the Secretary, determines have the highest rankings under the ranking criteria established under paragraph (3).

''(3) RANKING CRITERIA.—The Administrator, in consultation with the Secretary, shall establish a system for ranking grant applications that includes the following criteria:

''(A) The extent to which a grant will stimulate the availability of other funds for environmental remediation and subsequent redevelopment of the area in which the brownfield facilities are located.

''(B) The potential of the development plan for the area in which the brownfield facilities are located to stimulate economic development of the area on completion of the cleanup, such as the following:

''(i) The relative increase in the estimated fair market value of the area as a result of any necessary response action.

''(ii) The demonstration by applicants of the intent and ability to create new or expand existing business, employment, recreation, or conservation opportunities on completion of any necessary response action.

''(iii) If commercial redevelopment is planned, the estimated additional full-time employment opportunities and tax revenues expected to be generated by economic redevelopment in the area in which a brownfield facility is located.

''(iv) The estimated extent to which a grant would facilitate the identification of or facilitate a reduction of health and environmental risks.

''(v) The financial involvement of the State and local government in any response action planned for a brownfield facility and the extent to which the response action and the proposed redevelopment is consistent with any applicable State or local community economic development plan.

''(vi) The extent to which the site characterization and assessment or response action and subsequent development of a brownfield facility involves the active participation and support of the local community.

''(vii) Such other factors as the Administrator considers appropriate to carry out the purposes of this section.

''(C) The extent to which a grant will enable the creation of or addition to parks, greenways, or other recreational property.

''(D) The extent to which a grant will meet the needs of a community that has an inability to draw on other sources of funding for environmental remediation and subsequent redevelopment of the area in which a brownfield facility is located because of the small population or low income of the community.''.

SEC. 102. CONTIGUOUS PROPERTIES.

(a) IN GENERAL.—Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607(a)) is amended by adding at the end the following:

''(o) CONTIGUOUS PROPERTIES.—

''(1) NOT CONSIDERED TO BE AN OWNER OR OPERATOR.—

''(A) IN GENERAL.—A person that owns or operates real property that is contiguous to or otherwise similarly situated with respect to real property on which there has been a release or threatened release of a hazardous substance and that is or may be contaminated by the release shall not be considered to be an owner or operator of a vessel or facility under paragraph (1) or (2) of subsection (a) solely by reason of the contamination if—

''(i) the person did not cause, contribute, or consent to the release or threatened release;

''(ii) the person is not affiliated through any familial or corporate relationship with any person that is or was a party potentially responsible for response costs at the facility; and

''(iii) the person exercised appropriate care with respect to each hazardous substance found at the facility by taking reasonable steps to stop any continuing release, prevent any threatened future release and prevent or limit human or natural resource exposure to any previously released hazardous substance.

''(B) GROUND WATER.—With respect to hazardous substances in ground water beneath a

person's property solely as a result of subsurface migration in an aquifer from a source or sources outside the property, appropriate care shall not require the person to conduct ground water investigations or to install ground water remediation systems.

''(2) COOPERATION, ASSISTANCE, AND ACCESS.—A party described in paragraph (1) may be considered an owner or operator of a vessel or facility under paragraph (1) or (2) of subsection (a) if the party has failed to substantially comply with the requirement stated in section 122(p)(2)(H) with respect to the facility.

''(3) ASSURANCES.—The Administrator may—

''(A) issue an assurance that no enforcement action under this Act will be initiated against a person described in paragraph (1); and

''(B) grant a person described in paragraph (1) protection against a cost recovery or contribution action under section 113(f).''.

(b) NATIONAL PRIORITIES LIST.—

(1) IN GENERAL.—Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605) is amended—

(A) in subsection (a)(8)—

(i) in subparagraph (B), by inserting ''and'' after the semicolon at the end; and

(ii) by adding at the end the following:

''(C) provision that in listing a facility on the National Priorities List, the Administrator shall not include any parcel of real property at which no release has actually occurred, but to which a released hazardous substance, pollutant, or contaminant has migrated in ground water that has moved through subsurface strata from another parcel of real estate at which the release actually occurred, unless—

''(i) the ground water is in use as a public drinking water supply or was in such use at the time of the release; and

''(ii) the owner or operator of the facility is liable, or is affiliated with any other person that is liable, for any response costs at the facility, through any direct or indirect familial relationship, or any contractual, corporate, or financial relationship other than that created by the instruments by which title to the facility is conveyed or financed.''; and

(B) by adding at the end the following:

''(h) LISTING OF PARTICULAR PARCELS.—

''(1) DEFINITION.—In subsection (a)(8)(C) and paragraph (2) of this subsection, the term 'parcel of real property' means a parcel, lot, or tract of land that has a separate legal description from that of any other parcel, lot, or tract of land the legal description and ownership of which has been recorded in accordance with the law of the State in which it is located.

''(2) STATUTORY CONSTRUCTION.—Nothing in subsection (a)(8)(C) limits the Administrator's authority under section 104 to obtain access to and undertake response actions at any parcel of real property to which a released hazardous substance, pollutant, or contaminant has migrated in the ground water.''.

(2) REVISION OF NATIONAL PRIORITIES LIST.—Not later than 180 days after the date of enactment of this Act, the President shall revise the National Priorities List to conform with the amendments made by paragraph (1).

(c) CONFORMING AMENDMENT.—Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607) is amended by striking ''of this section'' and inserting ''and the exemptions and limitations stated in this section''.

SEC. 103. PROSPECTIVE PURCHASERS AND WINDFALL LIENS.

(a) DEFINITION OF BONA FIDE PROSPECTIVE PURCHASER.—Section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601) is amended by adding at the end the following:

''(39) BONA FIDE PROSPECTIVE PURCHASER.—The term 'bona fide prospective purchaser' means a person that acquires ownership of a facility after the date of enactment of this paragraph, or a tenant of such a person, that establishes each of the following by a preponderance of the evidence:

''(A) DISPOSAL PRIOR TO ACQUISITION.—All deposition of hazardous substances at the facility occurred before the person acquired the facility.

''(B) INQUIRIES.—

''(i) IN GENERAL.—The person made all appropriate inquiries into the previous ownership and uses of the facility and the facility's real property in accordance with generally accepted good commercial and customary standards and practices.

''(ii) STANDARDS AND PRACTICES.—The standards and practices referred to in paragraph (35)(B)(ii) or those issued or adopted by the Administrator under that paragraph shall be considered to satisfy the requirements of this subparagraph.

''(iii) RESIDENTIAL USE.—In the case of property for residential or other similar use purchased by a nongovernmental or noncommercial entity, a facility inspection and title search that reveal no basis for further investigation shall be considered to satisfy the requirements of this subparagraph.

''(C) NOTICES.—The person provided all legally required notices with respect to the discovery or release of any hazardous substances at the facility.

''(D) CARE.—The person exercised appropriate care with respect to each hazardous substance found at the facility by taking reasonable steps to stop any continuing release, prevent any threatened future release and prevent or limit human or natural resource exposure to any previously released hazardous substance.

''(E) COOPERATION, ASSISTANCE, AND ACCESS.—The person has not failed to substantially comply with the requirement stated in section 122(p)(2)(H) with respect to the facility.

''(F) NO AFFILIATION.—The person is not affiliated through any familial or corporate relationship with any person that is or was a party potentially responsible for response costs at the facility.''.

(b) AMENDMENT.—Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607) (as amended by section 102) is amended by adding at the end the following:

''(p) PROSPECTIVE PURCHASER AND WINDFALL LIEN.—

''(1) LIMITATION ON LIABILITY.—Notwithstanding subsection (a), a bona fide prospective purchaser whose potential liability for a release or threatened release is based solely on the purchaser's being considered to be an owner or operator of a facility shall not be liable as long as the bona fide prospective purchaser does not impede the performance of a response action or natural resource restoration.

''(2) LIEN.—If there are unrecovered response costs at a facility for which an owner of the facility is not liable by reason of subsection (n)(1) and each of the conditions described in paragraph (3) is met, the United States shall have a lien on the facility, or may obtain from appropriate responsible party a lien on any other property or other assurances of payment satisfactory to the Administrator, for such unrecovered costs.

''(3) CONDITIONS.—The conditions referred to in paragraph (1) are the following:

''(A) RESPONSE ACTION.—A response action for which there are unrecovered costs is carried out at the facility.

''(B) FAIR MARKET VALUE.—The response action increases the fair market value of the facility above the fair market value of the facility that existed 180 days before the response action was initiated.

''(C) SALE.—A sale or other disposition of all or a portion of the facility has occurred.

''(4) AMOUNT.—A lien under paragraph (2)—

''(A) shall not exceed the increase in fair market value of the property attributable to the response action at the time of a subsequent sale or other disposition of the property;

''(B) shall arise at the time at which costs are first incurred by the United States with respect to a response action at the facility;

''(C) shall be subject to the requirements of subsection (l)(3); and

''(D) shall continue until the earlier of satisfaction of the lien or recovery of all response costs incurred at the facility.''.

SEC. 104. SAFE HARBOR INNOCENT LANDHOLDERS.

(a) AMENDMENT.—Section 101(35) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(35)) is amended—

(1) in subparagraph (A)—

(A) in the matter that precedes clause (i), by striking ''deeds or'' and inserting ''deeds, easements, leases, or''; and

(B) in the matter that follows clause (iii)—

(i) by striking ''he'' and inserting ''the defendant''; and

(ii) by striking the period at the end and inserting '', has provided full cooperation, assistance, and facility access to the persons that are responsible for response actions at the facility, including the cooperation and access necessary for the installation, integrity, operation, and maintenance of any complete or partial response action at the facility, and has taken no action that impeded the effectiveness or integrity of any institutional control employed under section 121 at the facility.''; and

(2) by striking subparagraph (B) and inserting the following:

''(B) REASON TO KNOW.—

''(i) ALL APPROPRIATE INQUIRIES.—To establish that the defendant had no reason to know of the matter described in subparagraph (A)(i), the defendant must show that—

''(I) at or prior to the date on which the defendant acquired the facility, the defendant undertook all appropriate inquiries into the previous ownership and uses of the facility in accordance with generally accepted good commercial and customary standards and practices; and

''(II) the defendant exercised appropriate care with respect to each hazardous substance found at the facility by taking reasonable steps to stop any continuing release, prevent any threatened future release and prevent or limit human or natural resource exposure to any previously released hazardous substance.

''(ii) STANDARDS AND PRACTICES.—The Administrator shall by regulation establish as standards and practices for the purpose of clause (i)—

''(I) the American Society for Testing and Materials (ASTM) Standard E1527–94, entitled 'Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process'; or

''(II) alternative standards and practices under clause (iii).

''(iii) ALTERNATIVE STANDARDS AND PRACTICES.—

''(I) IN GENERAL.—The Administrator may by regulation issue alternative standards

and practices or designate standards developed by other organizations than the American Society for Testing and Materials after conducting a study of commercial and industrial practices concerning the transfer of real property in the United States.

''(II) CONSIDERATIONS.—In issuing or designating alternative standards and practices under subclause (I), the Administrator shall consider including each of the following:

''(aa) The results of an inquiry by an environmental professional.

''(bb) Interviews with past and present owners, operators, and occupants of the facility and the facility's real property for the purpose of gathering information regarding the potential for contamination at the facility and the facility's real property.

''(cc) Reviews of historical sources, such as chain of title documents, aerial photographs, building department records, and land use records to determine previous uses and occupancies of the real property since the property was first developed.

''(dd) Searches for recorded environmental cleanup liens, filed under Federal, State, or local law, against the facility or the facility's real property.

''(ee) Reviews of Federal, State, and local government records (such as waste disposal records), underground storage tank records, and hazardous waste handling, generation, treatment, disposal, and spill records, concerning contamination at or near the facility or the facility's real property.

''(ff) Visual inspections of the facility and facility's real property and of adjoining properties.

''(gg) Specialized knowledge or experience on the part of the defendant.

''(hh) The relationship of the purchase price to the value of the property if the property was uncontaminated.

''(ii) Commonly known or reasonably ascertainable information about the property.

''(jj) The degree of obviousness of the presence or likely presence of contamination at the property, and the ability to detect such contamination by appropriate investigation.

''(iv) SITE INSPECTION AND TITLE SEARCH.—In the case of property for residential use or other similar use purchased by a nongovernmental or noncommercial entity, a facility inspection and title search that reveal no basis for further investigation shall be considered to satisfy the requirements of this subparagraph.''.

(b) STANDARDS AND PRACTICES.—

(1) ESTABLISHMENT BY REGULATION.—The Administrator of the Environmental Protection Agency shall issue the regulation required by section 101(35)(B)(ii) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (as added by subsection (a)) not later than 1 year after the date of enactment of this Act.

(2) INTERIM STANDARDS AND PRACTICES.—Until the Administrator issues the regulation described in paragraph (1), in making a determination under section 101(35)(B)(i) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (as added by subsection (a)), there shall be taken into account—

(A) any specialized knowledge or experience on the part of the defendant;

(B) the relationship of the purchase price to the value of the property if the property was uncontaminated;

(C) commonly known or reasonably ascertainable information about the property;

(D) the degree of obviousness of the presence or likely presence of contamination at the property; and

(E) the ability to detect the contamination by appropriate investigation.

TITLE II—STATE RESPONSE PROGRAMS

SEC. 201. STATE RESPONSE PROGRAMS.

(a) DEFINITIONS.—Section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601) (as amended by section 103(a)) is amended by adding at the end the following:

''(40) FACILITY SUBJECT TO STATE CLEANUP.—The term 'facility subject to State cleanup' means a facility that—

''(A) is not listed or proposed for listing on the National Priorities List; and

''(B)(i) has been archived from the Comprehensive Environmental Response, Compensation, and Liability Information System;

''(ii) was included on the Comprehensive Environmental Response, Compensation, and Liability Information System before the date of enactment of this section and is not listed or proposed for listing on the National Priorities List within 2 years after the date of enactment of this section; or

''(iii) is added to the Comprehensive Environmental Response, Compensation, and Liability Information System after the date of enactment of this section, if at least 2 years have elapsed since the earlier of—

''(I) inclusion of the facility on the Comprehensive Environmental Response, Compensation, and Liability Information System; or

''(II) issuance at the facility of an order under section 106(a).

''(41) QUALIFYING STATE RESPONSE PROGRAM.—The term 'qualifying State response program' means a State program that includes the elements described in section 128(b).''.

(b) QUALIFYING STATE RESPONSE PROGRAMS.—Title I of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) (as amended by section 101(a)) is amended by adding at the end the following:

''SEC. 128. QUALIFYING STATE RESPONSE PROGRAMS.

''(a) ASSISTANCE TO STATES.—The Administrator shall provide grants to States to establish and expand qualifying State response programs that include the elements listed in subsection (b).

''(b) ELEMENTS.—The elements of a qualifying State response program are the following:

''(1) Oversight and enforcement authorities or other mechanisms that are adequate to ensure that—

''(A) response actions will protect human health and the environment and be conducted in accordance with applicable Federal and State law; and

''(B) in the case of a voluntary response action, if the person conducting the voluntary response action fails to complete the necessary response activities, including operation and maintenance or long-term monitoring activities, the necessary response activities are completed.

''(2) Adequate opportunities for public participation, including prior notice and opportunity for comment in appropriate circumstances, in selecting response actions.

''(3) Mechanisms for approval of a response action plan, or a requirement for certification or similar documentation from the State to the person conducting a response action indicating that the response is complete.

''(c) ENFORCEMENT IN CASES OF A RELEASE SUBJECT TO A STATE PLAN.—

''(1) ENFORCEMENT.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), in the case of a release or threatened release of a hazardous substance at a facility subject to State cleanup, neither the President nor any other person may use any authority under this Act to take an enforcement action against any person regarding any matter that is within the scope of a response action that is being conducted or has been completed under State law.

''(B) EXCEPTIONS.—The President may bring an enforcement action under this Act with respect to a facility described in subparagraph (A) if—

''(i) the enforcement action is authorized under section 104;

''(ii) the State requests that the President provide assistance in the performance of a response action and that the enforcement bar in subparagraph (A) be lifted;

''(iii) at a facility at which response activities are ongoing the Administrator—

''(I) makes a written determination that the State is unwilling or unable to take appropriate action, after the Administrator has provided the Governor notice and an opportunity to cure; and

''(II) the Administrator determines that the release or threat of release constitutes a public health or environmental emergency under section 104(a)(4);

''(iv) the Administrator determines that contamination has migrated across a State line, resulting in the need for further response action to protect human health or the environment; or

''(v) in the case of a facility at which all response actions have been completed, the Administrator—

''(I) makes a written determination that the State is unwilling or unable to take appropriate action, after the Administrator has provided the Governor notice and an opportunity to cure; and

''(II) makes a written determination that the facility presents a substantial risk that requires further remediation to protect human health or the environment, as evidenced by—

''(aa) newly discovered information regarding contamination at the facility;

''(bb) the discovery that fraud was committed in demonstrating attainment of standards at the facility; or

''(cc) a failure of the remedy under the State remedial action plan or a change in land use giving rise to a clear threat of exposure.

''(C) EPA NOTIFICATION.—

''(i) IN GENERAL.—In the case of a facility at which there is a release or threatened release of a hazardous substance, pollutant, or contaminant and for which the Administrator intends to undertake an administrative or enforcement action, the Administrator, prior to taking the administrative or enforcement action, shall notify the State of the action the Administrator intends to take and wait for an acknowledgment from the State under clause (ii).

''(ii) STATE RESPONSE.—Not later than 48 hours after receiving a notice from the Administrator under clause (i), the State shall notify the Administrator if the facility is currently or has been subject to a State remedial action plan.

''(iii) PUBLIC HEALTH OR ENVIRONMENTAL EMERGENCY.—If the Administrator finds that a release or threatened release constitutes a public health or environmental emergency under section 104(a)(4), the Administrator may take appropriate action immediately after giving notification under clause (i) without waiting for State acknowledgment.

''(2) COST OR DAMAGE RECOVERY ACTIONS.—Paragraph (1) shall not apply to an action brought by a State, Indian Tribe, or general purpose unit of local government for the recovery of costs or damages under this Act.

''(3) SAVINGS PROVISION.—

''(A) EXISTING AGREEMENTS.—A memorandum of agreement, memorandum of understanding, or similar agreement between

the President and a State or Indian tribe defining Federal and State or tribal response action responsibilities that was in effect as of the date of enactment of this section with respect to a facility to which paragraph (1)(C) does not apply shall remain effective until the agreement expires in accordance with the terms of the agreement.

''(B) NEW AGREEMENTS.—Nothing in this subsection precludes the President from entering into an agreement with a State or Indian tribe regarding responsibility at a facility to which paragraph (1)(C) does not apply.''.

SEC. 202. NATIONAL PRIORITIES LIST COMPLETION.

Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605) is amended by striking subsection (b) and inserting the following:

''(b) NATIONAL PRIORITIES LIST COMPLETION.—

''(1) IN GENERAL.—Not later than 2 years after the date of enactment of this paragraph, the President shall complete the evaluation of all facilities classified as awaiting a National Priorities List decision to determine the risk or danger to public health or welfare or the environment posed by each facility as compared with the other facilities.

''(2) MAXIMUM NUMBER.—For fiscal years 2000 through 2004, the President shall add a maximum of 30 facilities to the National Priorities List on an annual basis.

''(3) REQUIREMENT OF REQUEST BY THE GOVERNOR OF A STATE.—No facility shall be added to the National Priorities List without the President having first received a written communication from the Governor of the State in which the facility is located requesting that the facility be added.''.

SEC. 203. FEDERAL EMERGENCY REMOVAL AUTHORITY.

Section 104(c)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(c)(1)) is amended—

(1) in subparagraph (C), by striking ''consistent with the remedial action to be taken'' and inserting ''not inconsistent with any remedial action that has been selected or is anticipated at the time of any removal action at a facility,'';

(2) by striking ''$2,000,000'' and inserting ''$5,000,000''; and

(3) by striking ''12 months'' and inserting ''3 years''.

SEC. 204. STATE COST SHARE.

Section 104(c) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(c)) is amended—

(1) by striking ''(c)(1) Unless'' and inserting the following:

''(c) MISCELLANEOUS LIMITATIONS AND REQUIREMENTS.—

''(1) CONTINUANCE OF OBLIGATIONS FROM FUND.—Unless'';

(2) in paragraph (1), by striking ''taken obligations'' and inserting ''taken, obligations'';

(3) by striking ''(2) The President'' and inserting the following:

''(2) CONSULTATION.—The President''; and

(4) by striking paragraph (3) and inserting the following:

''(3) STATE COST SHARE.—

''(A) IN GENERAL.—The Administrator shall not provide any funding for remedial action under this section unless the State in which the release occurs first enters into a contract or cooperative agreement with the Administrator that provides assurances that the State will pay, in cash or through in-kind contributions, 10 percent of the costs of—

''(i) the remedial action; and

''(ii) operation and maintenance costs.

''(B) ACTIVITIES WITH RESPECT TO WHICH STATE COST SHARE IS REQUIRED.—No State cost share shall be required except for remedial actions under this section.

''(C) INDIAN TRIBES.—The requirements of this paragraph shall not apply in the case of remedial action to be taken on land or water—

''(i) held by an Indian Tribe;

''(ii) held by the United States in trust for an Indian Tribe;

''(iii) held by a member of an Indian Tribe (if the land or water is subject to a trust restriction on alienation); or

''(iv) within the borders of an Indian reservation.

TITLE III—FAIR SHARE LIABILITY ALLOCATIONS AND PROTECTIONS

SEC. 301. LIABILITY EXEMPTIONS AND LIMITATIONS.

(a) DEFINITIONS.—Section 101 of the Comprehensive Environmental Response, Liability, and Compensation Act of 1980 (42 U.S.C. 9601) (as amended by section 201(a)) is amended by adding at the end the following:

''(42) CODISPOSAL LANDFILL.—The term 'codisposal landfill' means a landfill that—

''(A) was listed on the National Priorities List as of the date of enactment of this paragraph;

''(B) received for disposal municipal solid waste or sewage sludge; and

''(C) may also have received, before the effective date of requirements under subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.), any hazardous waste, if the landfill contains predominantly municipal solid waste or sewage sludge that was transported to the landfill from outside the facility.

''(43) MUNICIPAL SOLID WASTE.—

''(A) IN GENERAL.—The term 'municipal solid waste' means waste material generated by—

''(i) a household (such as a single- or multifamily residence) or a public lodging (such as a hotel or motel); or

''(ii) a commercial, institutional, or industrial source, to the extent that—

''(I) the waste material is substantially similar to waste normally generated by a household or public lodging (without regard to differences in volume); or

''(II) the waste material is collected and disposed of with other municipal solid waste or sewage sludge and, regardless of when generated, would be conditionally exempt small quantity generator waste under the regulation issued under section 3001(d) of the Solid Waste Disposal Act (42 U.S.C. 6921(d)).

''(B) INCLUSIONS.—The term 'municipal solid waste' includes food and yard waste, paper, clothing, appliances, consumer product packaging, disposable diapers, office supplies, cosmetics, glass and metal food containers, elementary or secondary school science laboratory waste, and household hazardous waste.

''(C) EXCLUSIONS.—The term 'municipal solid waste' does not include combustion ash generated by resource recovery facilities or municipal incinerators or waste from manufacturing or processing (including pollution control) operations that is not described in subclause (I) or (II).

''(44) MUNICIPALITY.—

''(A) IN GENERAL.—The term 'municipality' means a political subdivision of a State (including a city, county, village, town, township, borough, parish, school district, sanitation district, water district, or other public entity performing local governmental functions).

''(B) INCLUSIONS.—The term 'municipality' includes a natural person acting in the capacity of an official, employee, or agent of any entity described in subparagraph (A) in the performance of a governmental function.

''(45) SEWAGE SLUDGE.—The term 'sewage sludge' means solid, semisolid, or liquid residue removed during the treatment of municipal waste water, domestic sewage, or other waste water at or by publicly owned treatment works.''.

(b) EXEMPTIONS AND LIMITATIONS.—

(1) IN GENERAL.—Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607) (as amended by section 103(b)) is amended by adding at the end the following:

''(q) LIABILITY EXEMPTION FOR MUNICIPAL SOLID WASTE AND SEWAGE SLUDGE.—No person shall be liable to the United States or to any other person (including liability for contribution) under this section for any response costs at a facility listed on the National Priorities List to the extent that—

''(1) the person is liable solely under paragraph (3) or (4) of subsection (a); and

''(2) the person is—

''(A) an owner, operator, or lessee of residential property from which all of the person's municipal solid waste was generated;

''(B) a business entity that, during the tax year preceding the date of transmittal of written notification that the business is potentially liable, employs not more than 100 individuals; or

''(C) a nonprofit organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that employs not more than 100 individuals, from which all of the person's municipal solid waste was generated.

''(r) DE MICROMIS CONTRIBUTOR EXEMPTION.—

''(1) IN GENERAL.—In the case of a vessel or facility listed on the National Priorities List, no person described in paragraph (3) or (4) of subsection (a) shall be liable to the United States or to any other person (including liability for contribution) for any response costs under this section if the activity specifically attributable to the person resulted in the disposal or treatment of not more than 200 pounds or 110 gallons of material containing a hazardous substance at the vessel or facility before the date of enactment of this subsection, or such greater amount as the Administrator may determine by regulation.

''(2) EXCEPTION.—Paragraph (1) shall not apply in a case in which the Administrator determines that material described in paragraph (1) has contributed or may contribute significantly, individually, to the amount of response costs at the facility.

''(s) SMALL BUSINESS EXEMPTION.—

''(1) IN GENERAL.—No person shall be liable to the United States or to any person (including liability for contribution) under this section for any response costs at a facility listed on the National Priorities List if—

''(A) the person is a business that—

''(i) during the taxable year preceding the date of transmittal of notification that the business is a potentially responsible party, had full- and part-time employees whose combined time was equivalent to 75 or fewer full-time employees; or

''(ii) for that taxable year reported $3,000,000 or less in gross revenue;

''(B) the activity specifically attributable to the person resulted in the disposal or treatment of material containing a hazardous substance at the vessel or facility before the date of enactment of this subsection; and

''(C) the person is not affiliated through any familial or corporate relationship with any person that is or was a party potentially responsible for response costs at the facility.

''(2) EXCEPTION.—Paragraph (1) shall not apply in a case in which the material containing a hazardous substance referred to in subparagraph (A) contributed significantly or could contribute significantly to the cost of the response action with respect to the facility.

''(t) MUNICIPAL SOLID WASTE AND SEWAGE SLUDGE EXEMPTION AND LIMITATIONS.—

''(1) CONTRIBUTION OF MUNICIPAL SOLID WASTE AND MUNICIPAL SEWAGE SLUDGE.—

''(A) IN GENERAL.—The condition stated in this subparagraph is that the liability of the potentially responsible party is for response costs based on paragraph (3) or (4) of section 107(a) and on the potentially responsible party's having arranged for disposal or treatment of, arranged with a transporter for transport for disposal or treatment of, or accepted for transport for disposal or treatment of, municipal solid waste or municipal sewage sludge at a facility listed on the National Priorities List.

''(B) SETTLEMENT AMOUNT.—

''(i) IN GENERAL.—The President shall offer a settlement to a party referred to in clause (i) with respect to liability under paragraph (3) or (4) of section 107(a) on the basis of a payment of $5.30 per ton of municipal solid waste or municipal sewage sludge that the President estimates is attributable to the party.

''(ii) REVISION.—

''(I) IN GENERAL.—The President may revise the settlement amount under clause (i) by regulation.

''(II) BASIS.—A revised settlement amount under subclause (I) shall reflect the estimated per-ton cost of closure and post-closure activities at a representative facility containing only municipal solid waste.

''(C) CONDITIONS.—The provisions for settlement described in this subparagraph shall not apply with respect to a facility where there is no waste except municipal solid waste or municipal sewage sludge.

''(D) ADJUSTMENT FOR INFLATION.—The Administrator may by guidance periodically adjust the settlement amount under subparagraph (B) to reflect changes in the Consumer Price Index (or other appropriate index, as determined by the Administrator).

''(2) MUNICIPAL OWNERS AND OPERATORS.—

''(A) AGGREGATE LIABILITY OF LARGE MUNICIPALITIES.—

''(i) IN GENERAL.—With respect to a codisposal landfill that is owned or operated in whole or in part by municipalities with a population of 100,000 or more (according to the 1990 census), and that is not subject to the criteria for solid waste landfills published under subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) at part 258 of title 40, Code of Federal Regulations (or a successor regulation), the aggregate amount of liability of such municipal owners and operators for response costs under this section shall be not greater than 20 percent of such costs.

''(ii) INCREASED AMOUNT.—The President may increase the percentage under clause (i) to not more than 35 percent with respect to a municipality if the President determines that the municipality committed specific acts that exacerbated environmental contamination or exposure with respect to the facility.

''(iii) DECREASED AMOUNT.—The President may decrease the percentage under clause (i) with respect to a municipality to not less than 10 percent if the President determines that the municipality took specific acts of mitigation during the operation of the facility to avoid environmental contamination or exposure with respect to the facility.

''(B) AGGREGATE LIABILITY OF SMALL MUNICIPALITIES.—

''(i) IN GENERAL.—With respect to a codisposal landfill that is owned or operated in whole or in part by municipalities with a population of less than 100,000 (according to the 1990 census), that is not subject to the criteria for solid waste landfills published under subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) at part 258 of title 40, Code of Federal Regulations (or a successor regulation), the aggregate amount of liability of such municipal owners and operators for response costs under this section shall be not greater than 10 percent of such costs.

''(ii) INCREASED AMOUNT.—The President may increase the percentage under clause (i) to not more than 20 percent with respect to a municipality if the President determines that the municipality committed specific acts that exacerbated environmental contamination or exposure with respect to the facility.

''(iii) DECREASED AMOUNT.—The President may decrease the percentage under clause (i) with respect to a municipality to not less than 5 percent if the President determines that the municipality took specific acts of mitigation during the operation of the facility to avoid environmental contamination or exposure with respect to the facility.

''(3) APPLICABILITY.—This subsection shall not apply to—

''(A) a person that acted in violation of subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.) at a facility that is subject to a response action under this title, if the violation pertains to a hazardous substance the release of threat of release of which caused the incurrence of response costs at the facility;

''(B) a person that owned or operated a codisposal landfill in violation of the applicable requirements for municipal solid waste landfill units under subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) after October 9, 1991, if the violation pertains to a hazardous substance the release of threat of release of which caused the incurrence of response costs at the facility; or

''(C) a person under section 122(p)(2)(G).

''(4) PERFORMANCE OF RESPONSE ACTIONS.—As a condition of a settlement with a municipality under this subsection, the President may require that the municipality perform or participate in the performance of the response actions at the facility.

''(5) NOTICE OF APPLICABILITY.—The President shall provide a potentially responsible party with notice of the potential applicability of this section in each written communication with the party concerning the potential liability of the party.

''(u) RECYCLING TRANSACTIONS.—

''(1) LIABILITY CLARIFICATION.—As provided in paragraphs (2), (3), (4), and (5), a person who arranged for recycling of recyclable material shall not be liable under paragraph (3) or (4) of subsection (a) with respect to the material.

''(2) RECYCLABLE MATERIAL DEFINED.—For purposes of this subsection, the term 'recyclable material' means scrap paper, scrap plastic, scrap glass, scrap textiles, scrap rubber (other than whole tires), scrap metal, or spent lead-acid, spent nickel-cadmium, and other spent batteries, as well as minor amounts of material incident to or adhering to the scrap material as a result of its normal and customary use prior to becoming scrap; except that such term shall not include shipping containers of a capacity from 30 liters to 3,000 liters, whether intact or not, having any hazardous substance (but not metal bits and pieces or hazardous substance that form an integral part of the container) contained in or adhering thereto.

''(3) TRANSACTIONS INVOLVING SCRAP PAPER, PLASTIC, GLASS, TEXTILES, OR RUBBER.—Transactions involving scrap paper, scrap plastic, scrap glass, scrap textiles, or scrap rubber (other than whole tires) shall be deemed to be arranging for recycling if the person who arranged for the transaction (by selling recyclable material or otherwise arranging for the recycling of recyclable material) can demonstrate by a preponderance of the evidence that all of the following criteria were met at the time of the transaction:

''(A) The recyclable material met a commercial specification grade.

''(B) A market existed for the recyclable material.

''(C) A substantial portion of the recyclable material was made available for use as feedstock for the manufacture of a new saleable product.

''(D) The recyclable material could have been a replacement or substitute for a virgin raw material, or the product to be made from the recyclable material could have been a replacement or substitute for a product made, in whole or in part, from a virgin raw material.

''(E) For transactions occurring 90 days or more after the date of enactment of this subsection, the person exercised reasonable care to determine that the facility where the recyclable material was handled, processed, reclaimed, or otherwise managed by another person (hereinafter in this subsection referred to as a 'consuming facility') was in compliance with substantive (not procedural or administrative) provisions of any Federal, State, or local environmental law or regulation, or compliance order or decree issued pursuant thereto, applicable to the handling, processing, reclamation, storage, or other management activities associated with recyclable material.

''(F) For purposes of this paragraph, 'reasonable care' shall be determined using criteria that include (but are not limited to)—

''(i) the price paid in the recycling transaction;

''(ii) the ability of the person to detect the nature of the consuming facility's operations concerning its handling, processing, reclamation, or other management activities associated with recyclable material; and

''(iii) the result of inquiries made to the appropriate Federal, State, or local environmental agency (or agencies) regarding the consuming facility's past and current compliance with substantive (not procedural or administrative) provisions of any Federal, State, or local environmental law or regulation, or compliance order or decree issued pursuant thereto, applicable to the handling, processing, reclamation, storage, or other management activities associated with the recyclable material. For the purposes of this subparagraph, a requirement to obtain a permit applicable to the handling, processing, reclamation, or other management activity associated with the recyclable materials shall be deemed to be a substantive provision.

''(4) TRANSACTIONS INVOLVING SCRAP METAL.—

''(A) Transactions involving scrap metal shall be deemed to be arranging for recycling if the person who arranged for the transaction (by selling recyclable material or otherwise arranging for the recycling of recyclable material) can demonstrate by a preponderance of the evidence that at the time of the transaction—

''(i) the person met the criteria set forth in paragraph (3) with respect to the scrap metal;

''(ii) the person was in compliance with any applicable regulations or standards regarding the storage, transport, management, or other activities associated with the recycling of scrap metal that the Administrator promulgates under the Solid Waste Disposal

Act subsequent to the enactment of this subsection and with regard to transactions occurring after the effective date of such regulations or standards; and

''(iii) the person did not melt the scrap metal prior to the transaction.

''(B) For purposes of subparagraph (A)(iii), melting of scrap metal does not include the thermal separation of 2 or more materials due to differences in their melting points (referred to as 'sweating').

''(C) For purposes of this paragraph, the term 'scrap metal' means—

''(i) bits and pieces of metal parts (e.g., bars, turnings, rods, sheets, wire) or metal pieces that may be combined together with bolts or soldering (e.g., radiators, scrap automobiles, railroad box cars), which when worn or superfluous can be recycled; and

''(ii) notwithstanding subparagraph (A)(iii), metal byproducts from copper and copper-based alloys that—

''(I) are not 1 of the primary products of a secondary production process;

''(II) are not solely or separately produced by the production process;

''(III) are not stored in a pile or surface impoundment; and

''(IV) are sold to another recycler that is not speculatively accumulating such metal byproducts;

except for scrap metals that the Administrator excludes from this definition by regulation.

''(5) TRANSACTIONS INVOLVING BATTERIES.—Transactions involving spent lead-acid batteries, spent nickel-cadmium batteries, or other spent batteries shall be deemed to be arranging for recycling if the person who arranged for the transaction (by selling recyclable material or otherwise arranging for the recycling of recyclable material) can demonstrate by a preponderance of the evidence that at the time of the transaction—

''(A) the person met the criteria set forth in paragraph (3) with respect to the spent lead-acid batteries, spent nickel-cadmium batteries, or other spent batteries, but the person did not recover the valuable components of such batteries; and

''(B)(i) with respect to transactions involving lead-acid batteries, the person was in compliance with applicable Federal environmental regulations or standards, and any amendments thereto, regarding the storage, transport, management, or other activities associated with the recycling of spent lead-acid batteries;

''(ii) with respect to transactions involving nickel-cadmium batteries, Federal environmental regulations or standards are in effect regarding the storage, transport, management, or other activities associated with the recycling of spent nickel-cadmium batteries, and the person was in compliance with applicable regulations or standards or any amendments thereto; or

''(iii) with respect to transactions involving other spent batteries, Federal environmental regulations or standards are in effect regarding the storage, transport, management, or other activities associated with the recycling of such batteries, and the person was in compliance with applicable regulations or standards or any amendments thereto.

''(6) EXCLUSIONS.—

''(A) The exemptions set forth in paragraphs (3), (4), and (5) shall not apply if—

''(i) the person had an objectively reasonable basis to believe at the time of the recycling transaction—

''(I) that the recyclable material would not be recycled;

''(II) that the recyclable material would be burned as fuel, or for energy recovery or incineration; or

''(III) for transactions occurring before 90 days after the date of the enactment of this subsection, that the consuming facility was not in compliance with a substantive (not procedural or administrative) provision of any Federal, State, or local environmental law or regulation, or compliance order or decree issued pursuant thereto, applicable to the handling, processing, reclamation, or other management activities associated with the recyclable material;

''(ii) the person had reason to believe that hazardous substances had been added to the recyclable material for purposes other than processing for recycling;

''(iii) the person failed to exercise reasonable care with respect to the management and handling of the recyclable material (including adhering to customary industry practices current at the time of the recycling transaction designed to minimize, through source control, contamination of the recyclable material by hazardous substances); or

''(iv) with respect to any item of a recyclable material, the item contained polychlorinated biphenyls at a concentration in excess of 50 parts per million or any new standard promulgated pursuant to applicable Federal laws.

''(B) For purposes of this paragraph, an objectively reasonable basis for belief shall be determined using criteria that include (but are not limited to) the size of the person's business, customary industry practices (including customary industry practices current at the time of the recycling transaction designed to minimize, through source control, contamination of the recyclable material by hazardous substances), the price paid in the recycling transaction, and the ability of the person to detect the nature of the consuming facility's operations concerning its handling, processing, reclamation, or other management activities associated with the recyclable material.

''(C) For purposes of this paragraph, a requirement to obtain a permit applicable to the handling, processing, reclamation, or other management activities associated with recyclable material shall be deemed to be a substantive provision.''.

(2) TRANSITION RULES.—

(A) IN GENERAL.—The exemptions under subsections (q), (r), and (s) of section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607(q), 9607(r), 9607(s)) (as added by paragraph (1)) shall not apply to any settlement or judgment approved by a United States Federal District Court—

(i) before the date of enactment of this Act; or

(ii) not later than 180 days after the date of enactment of this Act.

(B) EFFECT ON PENDING OR CONCLUDED ACTIONS.—The exemptions provided in subsection (u) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607(u)) (as added by paragraph (1)) shall not affect any concluded judicial or administrative action or any pending judicial action initiated by the United States prior to the date of enactment of this Act.

(c) SERVICE STATION DEALERS.—Section 114(c) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9614(c)) is amended—

(1) in paragraph (1)—

(A) by striking ''No person'' and inserting ''A person'';

(B) by striking ''may recover'' and inserting ''may not recover'';

(C) by striking ''if such recycled oil'' and inserting ''unless the service station dealer''; and

(D) by striking subparagraphs (A) and (B) and inserting the following:

''(A) mixed the recycled oil with any other hazardous substance; or

''(B) did not store, treat, transport, or otherwise manage the recycled oil in compliance with any applicable regulations or standards promulgated under section 3014 of the Solid Waste Disposal Act (42 U.S.C. 6935) and other applicable authorities that were in effect on the date of such activity.''; and

(2) by striking paragraph (4).

SEC. 302. EXPEDITED SETTLEMENT FOR CERTAIN PARTIES.

(a) PARTIES ELIGIBLE.—Section 122(g) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9622(g)) is amended—

(1) by striking the subsection heading and inserting the following:

''(g) EXPEDITED FINAL SETTLEMENT.—'';

(2) in paragraph (1)—

(A) by redesignating subparagraph (B) as subparagraph (C);

(B) by striking ''(1)'' and all that follows through subparagraph (A) and inserting the following:

''(1) PARTIES ELIGIBLE.—

''(A) IN GENERAL.—As expeditiously as practicable, the President shall—

''(i) notify each potentially responsible party that meets 1 or more of the conditions stated in subparagraphs (B), (C), and (D) of the party's eligibility for a settlement; and

''(ii) offer to reach a final administrative or judicial settlement with the party.

''(B) DE MINIMIS CONTRIBUTION.—The condition stated in this subparagraph is that the liability is for response costs based on paragraph (3) or (4) of section 107(a) and the party's contribution of a hazardous substance at a facility is de minimis. For the purposes of this subparagraph, a potentially responsible party's contribution shall be considered to be de minimis only if the President determines that both of the following criteria are met:

''(i) MINIMAL AMOUNT OF MATERIAL.—The amount of material containing a hazardous substance contributed by the potentially responsible party to the facility is minimal relative to the total amount of material containing hazardous substances at the facility. The amount of a potentially responsible party's contribution shall be presumed to be minimal if the amount is 1 percent or less of the total amount of material containing a hazardous substance at the facility, unless the Administrator promptly identifies a greater threshold based on site-specific factors.

''(ii) HAZARDOUS EFFECTS.—The material containing a hazardous substance contributed by the potentially responsible party does not present toxic or other hazardous effects that are significantly greater than the toxic or other hazardous effects of other material containing a hazardous substance at the facility.'';

(C) in subparagraph (C) (as redesignated by subparagraph (A))—

(i) by redesignating clauses (i) through (iii) as subclauses (I) through (III), respectively, and adjusting the margins appropriately;

(ii) by striking ''(C) The potentially responsible party'' and inserting the following:

''(C) OWNERS OF REAL PROPERTY.—

''(i) IN GENERAL.—The condition stated in this subparagraph is that the potentially responsible party''; and

(iii) by striking ''This subparagraph (B)'' and inserting the following:

''(ii) APPLICABILITY.—Clause (i)''; and

(D) by adding at the end the following:

''(D) REDUCTION IN SETTLEMENT AMOUNT BASED ON LIMITED ABILITY TO PAY.—

''(i) IN GENERAL.—The condition stated in this subparagraph is that—

''(I) the potentially responsible party is—

''(aa) a natural person;

''(bb) a small business; or

''(cc) a municipality;

''(II) the potentially responsible party demonstrates an inability to pay or has only a limited ability to pay response costs, as determined by the Administrator under a regulation promulgated by the Administrator, after—

''(aa) public notice and opportunity for comment; and

''(bb) consultation with the Administrator of the Small Business Administration and the Secretary of Housing and Urban Development; and

''(III) in the case of a potentially responsible party that is a small business, the potentially responsible party does not qualify for the small business exemption under section 107(s) because of the application of section 107(s)(2).

''(ii) SMALL BUSINESSES.—

''(I) DEFINITION OF SMALL BUSINESS.—In this subparagraph, the term 'small business' means a business entity that—

''(aa) during the taxable year preceding the date of transmittal of notification that the business is a potentially responsible party, had full- and part-time employees whose combined time was equivalent to that of 75 or fewer full-time employees or for that taxable year reported $3,000,000 or less in gross revenue; and

''(bb) is not affiliated through any familial or corporate relationship with any person that is or was a party potentially responsible for response costs at the facility.

''(II) CONSIDERATIONS.—At the request of a small business, the President shall take into consideration the ability of the small business to pay response costs and still maintain its basic business operations, including—

''(aa) consideration of the overall financial condition of the small business; and

''(bb) demonstrable constraints on the ability of the small business to raise revenues.

''(III) INFORMATION.—A small business requesting settlement under this paragraph shall promptly provide the President with all information needed to determine the ability of the small business to pay response costs.

''(IV) DETERMINATION.—A small business shall demonstrate the extent of its ability to pay response costs, and the President shall perform any analysis that the President determines may assist in demonstrating the impact of a settlement on the ability of the small business to maintain its basic operations. The President, in the discretion of the President, may perform such an analysis for any other party or request the other party to perform the analysis.

''(V) ALTERNATIVE PAYMENT METHODS.—If the President determines that a small business is unable to pay its total settlement amount immediately, the President shall consider such alternative payment methods as may be necessary or appropriate.

''(iii) MUNICIPALITIES.—

''(I) CONSIDERATIONS.—The President shall consider the inability or limited ability to pay of a municipality to the extent that the municipality provides information with respect to—

''(aa) the general obligation bond rating and information about the most recent bond issue for which the rating was prepared;

''(bb) the amount of total available funds (other than dedicated funds or State assistance payments for remediation of inactive hazardous waste sites);

''(cc) the amount of total operating revenues (other than obligated or encumbered revenues);

''(dd) the amount of total expenses;

''(ee) the amounts of total debt and debt service;

''(ff) per capita income and cost of living;

''(gg) real property values;

''(hh) unemployment information; and

''(ii) population information.

''(II) EVALUATION OF IMPACT.—A municipality may submit for consideration by the President an evaluation of the potential impact of the settlement on the provision of municipal services and the feasibility of making delayed payments or payments over time.

''(III) RISK OF DEFAULT OR VIOLATION.—A municipality may establish an inability to pay for purposes of this subparagraph by showing that payment of its liability under this Act would—

''(aa) create a substantial demonstrable risk that the municipality would default on debt obligations existing as of the time of the showing, go into bankruptcy, be forced to dissolve, or be forced to make budgetary cutbacks that would substantially reduce the level of protection of public health and safety; or

''(bb) necessitate a violation of legal requirements or limitations of general applicability concerning the assumption and maintenance of fiscal municipal obligations.

''(IV) OTHER FACTORS RELEVANT TO SETTLEMENTS WITH MUNICIPALITIES.—In determining an appropriate settlement amount with a municipality under this subparagraph, the President may consider other relevant factors, including the fair market value of any in-kind services that the municipality may provide to support the response action at the facility.

''(iv) OTHER POTENTIALLY RESPONSIBLE PARTIES.—This subparagraph does not affect the President's authority to evaluate the ability to pay of a potentially responsible party other than a natural person, small business, or municipality or to enter into a settlement with such other party based on that party's ability to pay.

''(E) ADDITIONAL CONDITIONS FOR EXPEDITED SETTLEMENTS.—

''(i) BASIS OF DETERMINATION.—If the President determines that a potentially responsible party is not eligible for settlement under this paragraph, the President shall state the reasons for the determination in writing to any potentially responsible party that requests a settlement under this paragraph.''.

(b) SETTLEMENT OFFERS.—Section 122(g) of the Comprehensive Environment Response, Liability, and Compensation Act of 1980 (42 U.S.C. 9622(g)) is amended—

(1) by redesignating paragraph (6) as paragraph (7); and

(2) by inserting after paragraph (5) the following:

''(6) SETTLEMENT OFFERS.—

''(A) NOTIFICATION.—As soon as practicable after receipt of sufficient information to make a determination, the Administrator shall notify any person that the Administrator determines is eligible under paragraph (1) of the person's eligibility for the expedited final settlement.

''(B) OFFERS.—As soon as practicable after receipt of sufficient information, the Administrator shall submit a written settlement offer to each person that the Administrator determines, based on information available to the Administrator at the time at which the determination is made, to be eligible for a settlement under paragraph (1).

''(C) INFORMATION.—At the time at which the Administrator submits an offer under paragraph (1), the Administrator shall, at the request of the recipient of the offer, make available to the recipient any information available under section 552 of title 5, United States Code, on which the Administrator bases the settlement offer, and if the settlement offer is based in whole or in part on information not available under that section, so inform the recipient.''.

SEC. 303. FAIR SHARE SETTLEMENTS AND STATUTORY ORPHAN SHARES.

(a) IN GENERAL.—Section 122 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9622) is amended by adding at the end the following:

''(n) FAIR SHARE ALLOCATION.—

''(1) PROCESS.—The President shall conduct an impartial fair share allocation of response costs at National Priority List facilities.

''(2) FACTORS.—In conducting an allocation under this subsection, the President, without regard to any theory of joint and several liability, shall estimate the fair share of each potentially responsible party using principles of equity, the best information reasonably available to the President, and the following factors:

''(A) the quantity of hazardous substances contributed by each party;

''(B) the degree of toxicity of hazardous substances contributed by each party;

''(C) the mobility of hazardous substances contributed by each party;

''(D) the degree of involvement of each party in the generation, transportation, treatment, storage, or disposal of hazardous substances;

''(E) the degree of care exercised by each party with respect to hazardous substances, taking into account the characteristics of the hazardous substances;

''(F) the cooperation of each party in contributing to any response action and in providing complete and timely information to the United States or the allocator; and

''(G) such other equitable factors as the President considers appropriate.

''(3) SCOPE.—A fair share allocation under this subsection shall include any response costs at a National priorities List facility that are not addressed in a settlement or a judgment approved by a United States Federal District Court—

''(A) before the date of enactment of this subsection; or

''(B) not later than 180 days after the date of enactment of this subsection.

''(4) SETTLEMENTS BASED ON ALLOCATIONS.—

''(A) IN GENERAL.—A party may settle any liability to the United States for response costs under this Act for its allocated fair share, including a reasonable risk premium that reflects uncertainties existing at the time of settlement.

''(B) COMPLETION OF OBLIGATIONS.—A person that is undertaking a response action under an administrative order issued under section 106 or has entered into a settlement decree with the United States of a State as of the date of enactment of this subsection shall complete the person's obligations under the order or settlement decree.

''(5) UNFUNDED AND UNATTRIBUTABLE SHARES.—Any share attributable to an insolvent, defunct, or bankrupt party, or a share that cannot be attributed to any particular party, shall be allocated among any responsible parties not described in subsection (q), (r), (s), (t), or (u) of section 107 or section 122(g).

''(o) STATUTORY ORPHAN SHARES.—

''(1) IN GENERAL.—For purposes of this section, the statutory orphan share is the difference between—

''(A) the liability of a party described in subsection (q), (s), (t), or (u) of section 107 or section 122(g); and

''(B) the President's estimate of the liability of the party, notwithstanding any exemption from or limitation on liability in this Act.

''(2) DETERMINATION OF STATUTORY ORPHAN SHARES.—

''(A) IN GENERAL.—The President shall include an estimate of the statutory orphan share of a party described in section 107(t) or section 122(g), based on the best information reasonably available to the President, at any time at which the President seeks judicial approval of a settlement with the party.

''(3) TRANSITION RULE AND SUBSEQUENT SETTLEMENTS.—

''(A) IN GENERAL.—Each settlement presented for judicial approval on or after the date that is 1 year after the date of enactment of this subsection shall include an estimate of the statutory orphan share for each party described in subsection (q), (s), and (u) of section 107 that is involved in the settlement.

''(B) SUBSEQUENT SETTLEMENTS.—The President shall include in a subsequent settlement at the same facility a revised statutory orphan share estimate if the President—

''(i) determines that the subsequent settlement includes a new statutory orphan share; or

''(ii) has good cause to revise an earlier statutory orphan share estimate.

''(4) FINAL SETTLEMENTS.—

''(A) IN GENERAL.—A judicially-approved consent decree or settlement shall identify the total statutory orphan share owing for a facility if the consent decree or settlement—

''(i) includes remedial project construction for the last operable unit at the facility; or

''(ii) provides funding for remedial project construction described in clause (i).

''(B) FUNDING AND REIMBURSEMENT.—A consent decree or settlement described in subparagraph (A) shall include full funding of any statutory orphan shares in accordance with this section.

''(5) HAZARDOUS SUBSTANCE SUPERFUND.—A statutory orphan share constitutes an obligation of the Hazardous Substance Superfund.

''(p) GENERAL PROVISIONS APPLICABLE TO STATUTORY ORPHAN SHARES AND FAIR SHARE SETTLEMENTS.—

''(1) IN GENERAL.—A fair share settlement under subsection (g) and a statutory orphan share under subsection (n) shall be subject to paragraph (2).

''(2) PROVISIONS APPLICABLE TO STATUTORY ORPHAN SHARES AND FAIR SHARE SETTLEMENTS.—

''(A) STAY OF LITIGATION AND ENFORCEMENT.—

''(i) IN GENERAL.—All contribution and cost recovery actions under this Act against each party described in sections 107(t) and 122(g) are stayed until the Administrator offers those parties a settlement.

''(ii) SUSPENSION OF STATUTE OF LIMITATIONS.—Any statute of limitations applicable to an action described in clause (i) is suspended during the period that a stay under this subparagraph is in effect.

''(B) FAILURE OR INABILITY TO COMPLY.—If the President fails to fund a statutory orphan share, reimburse a party as required by subsection (g), or include a statutory orphan share estimate in any settlement when required to do so under this Act, the President shall not—

''(i) issue any new order under section 106 at the facility to any non-Federal party; or

''(ii) commence or maintain any new or existing action to recover response costs at the facility.

''(C) AMOUNTS OWED.—

''(i) HAZARDOUS SUBSTANCE SUPERFUND MANAGEMENT.—The President may provide partial reimbursement payments to a party on a schedule that ensures an equitable distribution of reimbursement payments to all eligible parties on a timely basis.

''(ii) PRIORITY.—The priority for reimbursement shall be based on the length of time that has passed since the settlement between the United States and the party.

''(iii) PAYMENT FROM FUNDS MADE AVAILABLE FOR SUBSEQUENT FISCAL YEARS.—Any amounts payable in excess of available appropriations in any fiscal year shall be paid from amounts made available for subsequent fiscal years, along with interest on the unpaid balances at the rate equal to that of the current average market yield on outstanding marketable obligations of the United States with a maturity of 1 year.

''(D) CONTRIBUTION PROTECTION.—

''(i) IN GENERAL.—A settlement under this subsection, section 107(t), or section 122(g) shall provide complete protection from all claims for contribution or cost recovery for response costs that are addressed in the allocation under subsection (n).

''(ii) COSTS BEYOND SCOPE OF ALLOCATION.—In the case of response costs at a facility that, as a result of a prior, judicially-approved settlement at the facility, are not within the scope of an allocation under subsection (n), a party shall retain the right to seek cost recovery or contribution from any other party in accordance with the prior settlement, except that no party may seek contribution for any response costs at the facility from—

''(I) a party described in subsection (q), (r), (s), or (u) of section 107; or

''(II) a party that has settled its liability under section 107(t) or 122(g).

''(E) LIABILITY FOR ATTORNEY'S FEES FOR CERTAIN ACTIONS.—A person that, after the date of enactment of this subsection, commences a civil action for contribution under this Act against a person that is not liable by operation of subsections (q), (r), (s), or (u) of section 107, or has resolved its liability to the United States under subsection (n), section 107(t), or 122(g), shall be liable to that person for all reasonable costs of defending the action, including all reasonable attorney's fees and expert witness fees.

''(F) ILLEGAL ACTIVITIES.—Subsections (q), (r), (s), (t), and (u) of section 107 and section 122(g) shall not apply to—

''(i) any person whose liability for response costs under section 107(a) is otherwise based on any act, omission, or status that is determined by a court or administrative body of competent jurisdiction, within the applicable statute of limitation, to have been a violation of any Federal or State law pertaining to the treatment, storage, disposal, or handling of hazardous substances if the violation pertains to a hazardous substance, the release or threat of release of which caused the incurrence of response costs at the vessel or facility;

''(ii) a person described in section 107(o); or

''(iii) a bona fide prospective purchaser.

''(G) EXCEPTION.—

''(i) IN GENERAL.—The President may decline to reimburse or offer a settlement to a potentially responsible party under subsections (g) and (n) or section 122(g) if the President makes a decision concerning a reimbursement or offer of a settlement under clause (ii).

''(ii) REQUIREMENTS FOR REIMBURSEMENT OR OFFER OF A SETTLEMENT.—A potentially responsible party may be denied a reimbursement or settlement under clause (i)—

''(I) to the extent that the person or entity has operational control over a vessel or facility, if—

''(aa) the person or entity fails to provide full cooperation to, assistance to, and access to the vessel or facility to persons that are responsible for response actions at the vessel or facility (including the cooperation and access necessary for the installation, integrity, operation, and maintenance of any complete or partial response actions at the vessel or facility); or

''(bb) the person or entity acts in such a way as to impede the effectiveness or integrity of any institutional control employed at the vessel or facility; or

''(II) if the person or entity fails to comply with any request for information or administrative subpoena issued by the President under this Act.

''(H) BASIS OF DETERMINATION.—If the President determines that a potentially responsible party is not eligible for settlement under this paragraph, the President shall state the reasons for the determination in writing to any potentially responsible party that requests a settlement under this paragraph.

''(I) WAIVER.—

''(i) RESPONSE COSTS IN ALLOCATION.—A party that settles its liability under this subsection waives the right to seek cost recovery or contribution under this Act for any response costs that are addressed in the allocation.

''(ii) RESPONSE COSTS OF FACILITY.—A party that settles its liability under subsection 107(t) or section 122(g) waives its right to seek cost recovery or contribution under this Act for any response costs at the facility.

''(J) PERFORMANCE OF RESPONSE ACTIONS.—

''(i) IN GENERAL.—Except as provided in subparagraph (B), the President may require, as a condition of settlement under subsection (n) and section 107(t), that 1 or more parties conduct a response action at the facility.

''(ii) REIMBURSEMENT.—

''(I) IN GENERAL.—The President shall reimburse a party described in subparagraph (A) for costs incurred in excess of the party's allocated fair share.

''(II) PRO RATA REIMBURSEMENT.—The President shall provide equitable pro rata reimbursement to such parties on at least an annual basis.

''(iii) RESPONSE ACTIONS.—No party described in subsections (q), (r), (s), or (u) of section 107 or 122(g) may be required to perform a response action as a condition of settlement or ordered to conduct a response action under section 106.

''(K) JUDICIAL REVIEW.—

''(i) IN GENERAL.—A court shall not approve any settlement under this Act unless the settlement includes an estimate of the statutory orphan share that is fair, reasonable and consistent with this Act.

''(ii) STATUTORY ORPHAN SHARE SETTLEMENT.—If a court determines that an estimate of a statutory orphan share is not fair, reasonable, or consistent with this Act, the court may—

''(I) approve the settlement; and

''(II) disapprove and remand the estimate of the statutory orphan share.''.

(b) REGULATIONS.—The President shall issue regulations to implement this title not later than 180 days after the date of enactment of this Act.

TITLE IV—FUNDING

SEC. 401. USES OF HAZARDOUS SUBSTANCE SUPERFUND.

(a) IN GENERAL.—The Comprehensive Environmental Response Compensation, and Liability Act of 1980 is amended by striking sections 111 and 112 (42 U.S.C. 9611, 9612) and inserting the following:

''SEC. 111. USES OF HAZARDOUS SUBSTANCE SUPERFUND.

''(a) IN GENERAL.—

''(1) AUTHORIZATION OF APPROPRIATIONS.—

''(A) IN GENERAL.—There is authorized to be appropriated from the Hazardous Substance Fund for the purposes specified in subparagraphs (A) and (B) of paragraph (2) not more than $1,000,000,000 for the 5-year period beginning on the date of enactment of the Superfund Program Completion Act of 1999.

''(B) RESPONSE ACTIONS.—There are authorized to be appropriated from the Hazardous Substance Superfund for the performance of response actions the amounts described in paragraph (2)(C).

''(2) SPECIFIC USES.—The President shall use amounts appropriated out of the Hazardous Substance Superfund only—

''(A) to enter into mixed funding agreements in accordance with section 122;

''(B) to reimburse a party for response costs incurred in excess of the allocated share of the party as described in a final settlement under section 122; and

''(C) for the performance of response actions to the extent that the total amount in the Hazardous Substance Superfund is greater than—

''(i) in fiscal year 2000, $1,000,000,000;

''(ii) in fiscal year 2001, $800,000,000;

''(iii) in fiscal year 2002, $600,000,000;

''(iv) in fiscal year 2003, $400,000,000; and

''(v) in fiscal year 2004, $200,000,000.

''(b) CLAIMS AGAINST HAZARDOUS SUBSTANCE SUPERFUND.—

''(1) IN GENERAL.—Claims against the Hazardous Substance Superfund shall not be valid or paid in excess of the total amount in the Hazardous Substance Superfund at any 1 time.

''(2) VALIDITY OF CLAIMS EXCEEDING AMOUNT IN HAZARDOUS SUBSTANCE SUPERFUND.—Claims against the Hazardous Substance Superfund in excess of the total amount in the Hazardous Substance Superfund shall become valid only when additional amounts are collected for, appropriated for, or otherwise added to the Hazardous Substance Superfund.

''(3) INSUFFICIENT BALANCE.—

''(A) IN GENERAL.—The President shall not issue an order or seek to recover costs for a response action at a facility if the amount in the Hazardous Substance Superfund is insufficient to enable the President to enter into an agreement or reimburse a party at the facility under subsection (a).

''(B) AUTHORIZATION OF APPROPRIATIONS.—If sufficient funds are unavailable in the Hazardous Substance Superfund to satisfy claims or to enter into agreements, there are authorized to be appropriated such amounts as are necessary to make such payments.

''(4) NO LIMITATION OF AUTHORITY.—Nothing in this subsection limits the authority of the President to act under section 104.

''(c) REGULATIONS.—

''(1) OBLIGATION OF FUNDS.—The President may promulgate regulations designating 1 or more Federal officials that may obligate amounts in the Hazardous Substance Superfund in accordance with this section.

''(2) NOTICE TO POTENTIAL INJURED PARTIES.—

''(A) IN GENERAL.—The President shall promulgate regulations with respect to the notice that shall be provided to potential injured parties by an owner and operator of any vessel or facility from which a hazardous substance has been released.

''(B) SUBSTANCE.—The regulations under subparagraph (A) shall describe the notice that would be appropriate to carry out this title.

''(C) COMPLIANCE.—

''(i) IN GENERAL.—On promulgation of regulations under subparagraph (A), an owner and operator described in that subparagraph shall provide notice in accordance with the regulations.

''(ii) PRE-PROMULGATION RELEASES.—In the case of a release of a hazardous substance that occurs before regulations under subparagraph (A) are promulgated, an owner and operator described in that subparagraph shall provide reasonable notice of any release to potential injured parties by publication in local newspapers serving the affected area.

''(iii) RELEASES FROM PUBLIC VESSELS.—The President shall provide such notification as is appropriate to potential injured parties with respect to releases from public vessels.

''(d) NATURAL RESOURCES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), funds may not be used under this Act for the restoration, rehabilitation, or replacement or acquisition of the equivalent of any natural resource until a plan for the use of the funds for those purposes has been developed and adopted, after adequate public notice and opportunity for hearing and consideration of all public comment, by—

''(A) affected Federal agencies;

''(B) the Governor of each State that sustained damage to natural resources that are within the borders of, belong to, are managed by, or appertain to the State; and

''(C) the governing body of any Indian tribe that sustained damage to natural resources that—

''(i) are within the borders of, belong to, are managed by, appertain to, or are held in trust for the benefit of the tribe; or

''(ii) belong to a member of the tribe, if those resources are subject to a trust restriction on alienation.

''(2) EMERGENCY ACTION EXEMPTION.—Funds may be used under this Act for the restoration, rehabilitation, or replacement or acquisition of the equivalent of any natural resource only in circumstances requiring action to—

''(A) avoid an irreversible loss of a natural resource;

''(B) prevent or reduce any continuing danger to a natural resource; or

''(C) prevent the loss of a natural resource in an emergency situation similar to those described in subparagraphs (A) and (B).

''(e) POST-CLOSURE LIABILITY FUND.—The President shall use the amounts in the Post-closure Liability Fund for—

''(1) any of the purposes specified in subsection (a) with respect to a hazardous waste disposal facility for which liability has been transferred to the Post-closure Liability Fund under section 107(k); and

''(2) payment of any claim or appropriate request for costs of a response, damages, or other compensation for injury or loss resulting from a release of a hazardous substance from a facility described in paragraph (1) under—

''(A) section 107; or

''(B) any other Federal or State law.

''(f) INSPECTOR GENERAL.—

''(1) AUDIT.—In each fiscal year, the Inspector General of the Environmental Protection Agency shall conduct an annual audit of—

''(A) all agreements and reimbursements under subsection (a); and

''(B) all other activities of the Environmental Protection Agency under this Act.

''(2) REPORT.—The Inspector General of the Environmental Protection Agency shall submit to Congress an annual report that—

''(A) describes the results of the audit under paragraph (1); and

''(B) contains such recommendations as the Inspector General considers to be appropriate.

''(g) FOREIGN CLAIMS.—To the extent that this Act permits, a foreign claimant may assert a claim to the same extent that a United States claimant may assert a claim if—

''(1) the release of a hazardous substance occurred—

''(A) in the navigable waters of a foreign country of which the claimant is a resident; or

''(B) in or on the territorial sea or adjacent shoreline of a foreign country described in subparagraph (A);

''(2) the claimant is not otherwise compensated for the loss of the claimant;

''(3) the hazardous substance was released from a facility or vessel located adjacent to or within the navigable waters under the jurisdiction of, or was discharged in connection with activities conducted under—

''(A) section 20(a)(2) of the Outer Continental Shelf Lands Act (43 U.S.C. 1346(a)(2)); or

''(B) the Deepwater Port Act of 1974 (33 U.S.C. 1501 et seq.); and

''(4)(A) recovery is authorized by a treaty or an executive agreement between the United States and the foreign country; or

''(B) the Secretary of State, in consultation with the Attorney General and other appropriate officials, certifies that the foreign country provides a comparable remedy for United States claimants.

''(h) AUTHORIZATION OF APPROPRIATIONS OUT OF THE GENERAL FUND.—

''(1) REMOVAL AND RESPONSE ACTIONS.—There are authorized to be appropriated to the Environmental Protection Agency out of the general fund of the Treasury or from the Hazardous Substance Superfund, in accordance with section 111(a)(2)(C), to conduct removal and response actions under this Act:

''(A) For fiscal year 2000, $900,000,000.

''(B) For fiscal year 2001, $875,000,000.

''(C) For fiscal year 2002, $850,000,000.

''(D) For fiscal year 2003, $825,000,000.

''(E) For fiscal year 2004, $800,000,000.

''(2) HEALTH ASSESSMENTS AND HEALTH CONSULTATIONS.—There are authorized to be appropriated to the Agency for Toxic Substances and Disease Registry to conduct health assessments and health consultations under this Act, and for epidemiologic and laboratory studies, preparation of toxicologic profiles, development and maintenance of a registry of persons exposed to hazardous substances to allow long-term health effects studies, and diagnostic services not otherwise available to determine whether persons in populations exposed to hazardous substances in connection with a release or suspected release are suffering from long-latency diseases:

''(A) For fiscal year 2000, $60,000,000.

''(B) For fiscal year 2001, $55,000,000.

''(C) For fiscal year 2002, $55,000,000.

''(D) For fiscal year 2003, $50,000,000.

''(E) For fiscal year 2004, $50,000,000.

''(3) HAZARDOUS SUBSTANCE RESEARCH, DEMONSTRATION, AND TRAINING.—

''(A) IN GENERAL.—There are authorized to be appropriated not more than the following amounts for the purposes of section 311(a):

''(i) For fiscal year 2000, $40,000,000.

''(ii) For fiscal year 2001, $40,000,000.

''(iii) For fiscal year 2002, $40,000,000.

''(iv) For each of fiscal years 2003 and 2004, $40,000,000.

''(B) TRAINING LIMITATION.—Not more than 15 percent of the amounts appropriated under subparagraph (A) shall be used for training under section 311(a) for any fiscal year.

''(C) UNIVERSITY HAZARDOUS SUBSTANCE RESEARCH CENTERS.—Not more than $5,000,000 of the amounts available in the Hazardous Substance Superfund may be used in any of fiscal years 2000 through 2004 for the purposes of section 311(d).

''(4) BROWNFIELD GRANT PROGRAMS.—There are authorized to be appropriated to carry out section 127 $100,000,000 for each of fiscal years 2000 through 2004.

''(5) QUALIFYING STATE RESPONSE PROGRAMS.—There are authorized to be appropriated to maintain, establish, and administer qualifying State response programs during the first 5 full fiscal years following

the date of enactment of this paragraph under a formula established by the Administrator, $100,000,000 for each of fiscal years 2000 through 2004.

''(6) DEPARTMENT OF JUSTICE.—There are authorized to be appropriated to the Attorney General for the enforcement of this Act—

''(A) for fiscal year 2000, $30,000,000;

''(B) for fiscal year 2001, $28,000,000;

''(C) for fiscal year 2002, $26,000,000;

''(D) for fiscal year 2003, $24,000,000; and

''(E) for fiscal year 2004, $22,000,000.

''(7) PROHIBITION OF TRANSFER.—None of the funds authorized to be appropriated under this subsection may be transferred to any other Federal agency.''.

(b) CONFORMING AMENDMENTS.—

(1) RESPONSE ACTIONS.—Section 104(c) of the Comprehensive Environmental Response Compensation, and Liability Act of 1980 (42 U.S.C. 9604(c)) is amended—

(A) in paragraph (1), by striking ''obligations from the Fund, other than those authorized by subsection (b) of this section,'' and inserting '', such response actions''; and

(B) in paragraph (7), by striking ''shall be from funds received by the Fund from amounts recovered on behalf of such fund under this Act'' and inserting ''shall be from appropriations out of the general fund of the Treasury''.

(2) INFORMATION GATHERING AND ANALYSIS.—Section 105(g)(4) of the Comprehensive Environmental Response Compensation, and Liability Act of 1980 (42 U.S.C. 9605(g)(4)) is amended by striking ''expenditure of monies from the Fund for''.

(3) PRESIDENT.—Section 107(c)(3) of the Comprehensive Environmental Response Compensation, and Liability Act of 1980 (42 U.S.C. 9607(c)(3)) is amended in the first sentence by striking ''Fund'' and inserting ''President''.

(4) OTHER LIABILITY.—Section 109(d) of the Comprehensive Environmental Response Compensation, and Liability Act of 1980 (42 U.S.C. 9609(d)) is amended by striking the second sentence.

(5) SOURCE OF FUNDING.—Section 119(c)(3) of the Comprehensive Environmental Response Compensation, and Liability Act of 1980 (42 U.S.C. 9619(c)(3)) is amended—

(A) in the second sentence, by striking ''For purposes of section 111, amounts'' and inserting ''Amounts''; and

(B) in the third sentence—

(i) by striking ''If sufficient funds are unavailable in the Hazardous Substance Superfund established under subchapter A of chapter 98 of the Internal Revenue Code of 1954 to make payments pursuant to such indemnification or if the Fund is repealed, there'' and inserting ''There''; and

(ii) by striking ''payments'' and inserting ''expenditures''.

(6) REMEDIAL ACTION USING HAZARDOUS SUBSTANCE SUPERFUND.—Section 121(d)(4)(F) of the Comprehensive Environmental Response Compensation, and Liability Act of 1980 (42 U.S.C. 9621(d)(4)(F)) is amended—

(A) by striking '' using the Fund''; and

(B) by striking ''amounts from the Fund'' and inserting ''funds''.

(7) AVAILABILITY OF FUNDING.—Section 122(f)(4)(F) of the Comprehensive Environmental Response Compensation, and Liability Act of 1980 (42 U.S.C. 9622(f)(4)(F)) is amended by striking ''the Fund or other sources of''.

Mr. SMITH of New Hampshire. I am pleased to join the distinguished chairman of the Committee on Environment and Public Works in introducing the Superfund Program Completion Act of 1999. This is a good day for the environment and for the American taxpayer, because this bill addresses many of the problems in Superfund that have wasted resources and delayed the cleanup of hazardous waste sites across the country.

Since I became chairman of the Superfund, Waste Control and Risk Assessment Subcommittee in 1995, I have had one overriding goal with respect to Superfund reform: To increase cleanups by decreasing the unfairness of the law.

By now, most are well aware of Superfund's dismal history. The program was created in 1980 to clean up abandoned hazardous waste sites. Begun with the best of intentions, Superfund has failed to meet even minimal expectations. Despite public and private expenditures of more than $40 billion dollars, less than 14% of approximately 1,300 sites have been cleaned up and removed from the National Priorities List over the last nineteen years.

The primary reason for this abysmal performance is Superfund's retroactive, strict, joint and several liability scheme. Under joint and several liability, the EPA or a private party can seek to hold any other potentially responsible party liable for the entire cleanup cost at a site—regardless of the type of contamination, when the material was disposed of, or whether the activity was legal at the time. Joint and several liability allows the government or a larger polluter to legally extort payments far in excess of a company's true share of responsibility for waste at a site.

Most reasonable people would agree that such a liability scheme is simply unfair. Worse yet, this unfairness has significantly hindered progress in cleaning up sites and wasted vast amounts of taxpayer funding. As one might expect, when a company is faced with paying 100% of the costs at a site for which their true liability may be less than 10%, that company will delay, negotiate, and litigate at every stop of the process. That, unfortunately, is the well-documented history of Superfund.

It is important to recognize that this unfairness is not confined to EPA's enforcement of the law. EPA merely begins the process at most sites by targeting one or more large parties who are potentially responsible for cleanup. Then those parties typically turn around and sue tens or hundreds of other parties—average citizens, small businesses, schools, churches, and others who face huge legal bills and years of expensive litigation if they don't pay up.

My position on this issue has been constant: I believe that retroactive, strict, joint and several liability is fundamentally unfair. If I had my way, I would repeal it today. Some of my colleagues see things differently, however, and the bill we introduce today represents a reasonable resolution of conflicting views on that topic.

While our legislation does not go as far as many would like, I believe it goes as far as we can if we are interested in passing a bill this Administration will sign into law. There's an old saying around here: ''Don't let the perfect be the enemy of the good.'' That is certainly the case with Superfund and the legislation we introduce today. This is a good bill. It will make a profound and positive difference in the lives of millions of Americans. It is a bill that can pass the Senate on a strong bi-partisan basis; and it is a bill that the President should sign into law.

The Superfund Program Completion Act makes major reforms in six areas. Specifically, the SPCA:

Directs EPA to finish the job that was started nearly two decades ago by completing the evaluation of the 3,000 remaining sites on the CERCLA Information System (CERCLIS).

Clearly allocates responsibility between states and EPA for future cleanups.

Protects municipalities, small business, recyclers, and other parties from unfair liability—while making the system fairer for everyone else.

Provides states $100 million per year and full authority for their own cleanup programs.

Revitalizes communities with $100 million in annual brownfields redevelopment grants.

Requires fiscal responsibility by EPA and saves taxpayers money.

Our legislation will result in more hazardous waste sites being cleaned up—and in fewer dollars being wasted on litigation. It will give much-needed and much-deserved liability relief to innocent landowners, contiguous property owners, prospective purchasers, municipalities, small businesses and recyclers. Unlike EPA's administrative reforms, this bill does not shift costs from politically popular parties to those left holding the bag. Instead, it requires payment of a statutory orphan share and authorizes the use of the Superfund Trust Fund for those shares.

For those left trapped in the Superfund liability scheme, the SPCA requires an allocation process to determine a party's fair share in an expedited settlement—instead of fighting it out for years in court.

In addition to increasing fairness, the SPCA provides much needed guidance and direction to a sometimes wayward EPA. It recognizes and builds upon the growth and strength of State hazardous waste cleanup programs. It provides new resources to States and localities for their cleanup and redevelopment efforts. As many of my colleagues know, the fear of Superfund liability has resulted in an estimated 450,000 abandoned or underutilized properties, or ''Brownfields,'' that lay fallow because private developers and municipalities don't want to be dragged into Superfund's litigation quagmire. With new resources and appropriate liability protections, our bill will allow the cleanup of those sites, spurring economic redevelopment in cities, towns, and rural areas across America.

We take a different approach to the brownfields redevelopment issue than

the Administration seeks. Along with many of my colleagues, I believe that economic redevelopment is primarily a State and local issue. Our approach provides the resources and freedom States need to make progress on this front, rather than giving EPA new authority to get into the commercial real estate and redevelopment business. That is not EPA's role, nor should it be. Where EPA does have a role is in identifying and addressing risks at uncontrolled hazardous waste sites. Our legislation ensures that EPA regains its focus on that mission.

Earlier this year, the General Accounting Office (GAO) reported that ''completion of construction at existing sites'' and reducing new entries into the program was the Environmental Protection Agency's top Superfund priority. Unfortunately, EPA's narrow focus on generating construction completion statistics appears to have diverted resources from EPA's fundamental mission—protecting human health and the environment from releases of hazardous waste.

GAO reported last year that there are still 3,000 sites awaiting a National Priorities List decision by EPA, most of which have been in the CERCLIS inventory for more than a decade. According to the report, however, more than 1,200 of those sites are actually ineligible for listing on the NPL, for a variety of reasons. Some of the sites were classified erroneously, while others either do not require cleanup, have already been cleaned up, or have final cleanup underway. EPA's failure to remove the specter of an NPL listing at these sites has likely caused significant economic and social harm to the surrounding communities. EPA needs to focus on that task.

In addition, far too many of the sites that are still potentially eligible for listing have received little or no attention from EPA. EPA admitted taking no cleanup action at all at 336 sites and provided no information for another 48 sites. The only action taken at 719 sites was an initial site assessment. EPA's inattention may be due to the fact that EPA and state officials together identified only 232 of the sites as worthy of being added to the NPL. In that case, however, the appropriate response is to archive the sites while ensuring that any necessary cleanup occurs under some other Federal or state program. EPA needs to focus on that task as well.

Unforfunately, there is also disagreement between EPA and state officials about even those 232 sites. EPA identified 132 that may be listed on the NPL in the future, but state officials agreed on only 26 of those. Conversely, state officials identified a different group of 100 sites as worthy of an NPL listing in the future.

EPA agreed with GAO's recommendation that it ''develop a joint strategy'' with the States for addressing these sites. After nearly 20 years and $20 billion in taxpayer funded EPA appropriations, it is disturbing that the agency only now is developing such a strategy. Nonetheless, Congress has an obligation to provide direction and assistance to EPA in this effort. The Superfund Program Completion Act provides that direction by:

Requiring EPA to finish evaluating and/or archiving old sites stuck in the CERCLIS inventory, correcting the current imbalance between evaluating uncontrolled sites and amassing construction completed statistics.

Providing EPA with a schedule of 30 NPL listings per year, to ensure that it and the States appropriately allocate sites for cleanup under Superfund, RCRA, or State response programs.

Increasing current law limits on EPA removal actions to provide greater flexibility in responding to sites that at least initially should be the responsibility of the Federal government, but ultimately do not require an NPL listing.

These provisions will ensure that the limited universe of sites remaining in the Superfund pipeline are dealt with quickly and safely.

In addition to keeping EPA focused on the task at hand, our bill provides increased resources and authority to the States, in recognition of the progress made by State cleanup programs in the last decade.

Superfund is notable among the major Federal environmental statutes not only for its abysmal track record, but also for its heavy reliance on EPA action rather than state implementation. In other environmental programs—RCRA, the Clean Water Act, the Safe Drinking Water Act—EPA typically sets general program direction and provides technical support while leaving implementation and enforcement to the states. In the Superfund program, however, EPA takes a direct role in both enforcement and cleanup. This leadership role was originally justified by a perceived inability or alleged unwillingness on the part of states to perform or oversee cleanups. The situation today is far different.

The Environmental Law Institute reported last year that States have now completed 41,000 cleanups, with another 13,700 in progress. The Association of State and Territorial Solid Waste Management Officials (ASTSWMO) reports that ''States are not only addressing more sites at any given time, but are also completing more sites through streamlined State programs. State programs have matured and increased in their infrastructure capacity.''

Most now recognize that states have made great strides in their programs, and even EPA in May of 1998 released a ''Plan to Enhance the Role of States and Tribes in the Superfund Program.'' Not surprisingly, while that plan appears to provide some increased opportunities for state leadership, it also envisions a significant, on-going role for EPA.

The Superfund Program Completion Act, on the other hand, assists, recognizes and builds on the growth of state cleanup programs. The SPCA also responds to pleas from ASTSWMO, the National Governors Association and others to remove the ever-present threat of EPA over-filing and third party lawsuits under Superfund when a site is being cleaned up under a State program. The SPCA recognizes the fact that States should be the leaders in cleaning up hazardous waste sites by:

Providing $100 million annually for State core and voluntary response programs to allow States to build on their impressive record of accomplishment in this area.

Providing finality, except in cases of emergency or at a State's request, for cleanups conducted under State law.

Requiring EPA to work with the States so that sites listed on the NPL are those the Governor of the State agrees warrant an NPL listing.

Mr. President, the legislation we introduce today represents the culmination of years of hard work. In the four years I have been Chairman of the Superfund Subcommittee, we have heard from more than 100 witnesses, representing every viewpoint, in an effort to grapple with the problems caused by the Superfund law. We have communicated with thousands of individuals and organizations who have urged us to fix this law.

Senator CHAFEE and I have spent long hours with our Democratic colleagues on the Environment and Public Works Committee, and with EPA Administrator Carol Browner. So far, we and our staffs have devoted more than 600 hours to this effort. We have negotiated issues, identified areas of agreement, eliminated many areas of controversy, and pinpointed those few remaining areas where our differences will need to be resolved through the legislative process itself. I look forward to working with my colleagues on both sides of the aisle during that process.

Before I close, let me say a few words about taxes. Simply put, there are no taxes required to finance this bill, and I will oppose all attempts to attach them to it.

Congress has appropriated more than $20 billion to support EPA's Superfund program during the past 19 years. The GAO reports that amount includes more than $6 billion of unrecovered ''recoverable costs.'' ''Recoverable costs'' are taxpayer expenditures that EPA made in anticipation of recovering them from individual polluters at sites. That sum alone would be sufficient to finance EPA's cleanup efforts throughout the life of this reauthorization. Our bill allows those funds to be used for cleanup when EPA does recover them. Further, there should be no doubt that Congress will continue to appropriate funds needed for EPA to finish its job. More taxes are not required to finance this bill or to finish the Superfund program.

During the last two Congresses, I was willing to support the reimposition of

taxes to finance Superfund legislation with major changes in the areas of remedy selection and natural resource damages—as well as more sweeping liability reforms than are contained in the bill we introduce today. There remains a real need for those reforms, and I pledge to continue my efforts in that regard.

The bill we introduce today, however, is designed to achieve all that we can under the current Administration. It represents substantial, real reform that will help thousands of communities and millions of Americans. I urge my colleagues to support it.

Mr. LOTT. Mr. President, today, I am pleased to join my colleagues Senator BOB SMITH and Senator. JOHN CHAFEE in introducing the Superfund Program Completion Act. For several years Congress has worked diligently to find common ground for all parties involved, common ground that will also correct the flaws of the original law. Senator SMITH's legislation will do just that.

In 1980, Congress approved the Comprehensive Environmental Response Compensation and Liability Act (CERCLA) which was intended to pay for the cleanup of the nation's most hazardous waste sites. This law became known as Superfund—a bit ironic since the law provides no funding, but instead requires those who operated or used the landfill to pay for the cleanup.

There is logic and fairness in requiring the polluters to pay for the cleanup; however, Superfund's liability structure was so poorly planned excessive litigation was encouraged. Cleanup did not occur and costs were passed to small businesses across the nation. Superfund did cause unnecessary lawsuits and wasted valuable time, all the while leaving sites across America polluted.

Mr. President, this new legislation by Senators SMITH and CHAFEE would exempt those small businesses who acted in good faith and are still being dragged into Superfund as third and fourth party defendants by simply throwing out their household trash. Superfund does not distinguish large from small, nor does it distinguish polluters from responsible businesses. In many instances, these business owners did nothing wrong. Yet, the law penalizes people for something that at one time was legal.

Virtually all sides agree that some small businesses should have never been pulled into the system. While this legislation would not be retroactive, it will save small businesses in other communities from future Superfund lawsuits. It is important to reward those who have acted responsibly. I believe Senator SMITH's bill is responsible.

Mr. President, I do not believe there is one Senator who is pleased with the way in which the Superfund statute has operated. Like small businesses, recyclers have also been targeted to pay for cleanup. They should not be held responsible for pollution at a Superfund site. The Administration agrees. A majority of the Congress agrees. The environmental community agrees. Senator SMITH's bill will fix the recycler's problem and remain faithful to the environment.

Over the past three decades, concern for our environment and natural resources has grown—as has the desire to recycle and reuse. This makes environmental sense. This legislation would remove an unintended yet troublesome legal obstacle to recycling. This bill corrects current law and encourages recycling. It simply recognizes that recycling is not disposal and that recyclables are not waste. Common sense tells us that recycling something is not the same as disposing of it.

This bill will help level the playing field between the use of recycled goods and competitive virgin raw materials. Currently suppliers of virgin raw materials face no Superfund liability for contamination caused by the consumer. This bill will supply the same waiver to those who sell recyclable materials.

This bill also contains protections to ensure that sham recyclers are unable to benefit from this exemption. In order for recyclers to be relieved of Superfund liability, they must act in an environmentally sound manner and sell their product to manufacturers with environmentally responsible business practices. Considering that most recyclers are currently operating in a reasonable and conscience manner, this should be an easy test.

Mr. President, the recycling portion of the bill is the product of lengthy negotiations between the federal and state governments, the environmental community and the recycling industry. It serves only one purpose—to remove from the liability loop those who collect and ship recyclables to a third party site. These negotiations have resulted in a provision that I believe to be both environmentally and fiscally sound. By removing the threat of Superfund liability for recyclers, we will encourage more recycling.

Mr. President, while this provision is not precisely the Superfund Recycling Equity Act which Senator DASCHLE and I introduced last year—a bill which was supported by 63 of our Senate colleagues—I look forward to working with all parties to ensure we pass a bill that the Administration, environmentalists, and industry can support.

Mr. President, I will also work with my colleagues to ensure that no Superfund taxes will be reinstated. After many years and millions and millions of dollars spent by the government, large businesses, municipalities, schools, and small businesses, only a fraction of the costs has been devoted to cleanup. This cannot continue to happen.

I have seen a copy of the May 14, 1999, letter from Senators CHAFEE and SMITH to the Environmental Protection Agency, and I completely agree with its conclusions. There is no need for additional tax revenue. I want to quote from their letter because the Senators said it just right.

''Many responsible parties who have already paid for their own cleanups would also be liable for reimposed taxes. They are frankly unwilling to see the tax reinstated unless there are sweeping reforms in the structure of the program, as well. We find their arguments persuasive. We will not vote to reimpose the tax, unless it is part of a comprehensive Superfund reform.''

''There is a second reason for our opposition to a tax extension at this time. As we noted in a recent letter to Administrator Browner, Congress has appropriated $15.9 billion for Superfund from its inception through 1988. The Superfund Trust Fund was created to facilitate rapid cleanups carried out by the federal government's expenditures would be recovered from responsible parties once the cleanup action was complete. This is real ''polluters pay'' principle.''

''However, only a small percentage of the $15.9 billion has been recovered. To date, the Agency has obtained commitments to recover $2.4 billion. EPA has written off $5 billion of past expenditures and GAO reports that another $1.9 billion is likely unrecoverable because EPA did not properly calculate its indirect costs. This is a troubling record. A good cost recovery program that actually made the real polluters (as opposed to the taxpaying industries) pay could have recovered sufficient funds to carry Superfund through another authorization cycle without the reimposition of taxes. We are reluctant to ask Superfund taxpayers to once again prop up a Trust Fund that EPA has allowed to dwindle.''

Mr. President, I'm very impressed with the Chairman CHAFEE and Chairman SMITH have done in getting this bill drafted and introduced. They are also working on a second major environmental bill in the waste area—RCRA. Last year we jointly requested a report from the GAO on what saving and efficiencies can be achieved with rifle shot fixes. This year Senators CHAFEE and SMITH have been diligently working on finalizing a legislative approach that is compatible to this GAO study. I know their staffs have been consulting with all the stakeholders, and I look forward to seeing this bill this summer. Hopefully, both bills will have a chance to advance through the legislative process so that the full Senate can consider them. Both approaches are reforms that Americans deserve and need.

As environmentalists talk about laws which protect the environment, Congress must determine who actually bears the burden of cost, and determine the balance. Superfund does not discriminate. The way Superfund is being implemented, it attacks our neighbors, our schools, and even our corner grocers. The Superfund Program Completion Act makes positive strides toward

correcting the balance and reflects society's progress from the 80's and incorporates the methods of the 90's.

By Mr. DEWINE (for himself, Mr. KENNEDY, and Mr. BOND):

S. 1091. A bill to amend the Public Health Service Act to provide for the establishment of a pediatric research initiative; to the Committee on Health, Education, Labor, and Pensions.

THE PEDIATRIC RESEARCH INITIATIVE ACT OF 1999

Mr. DEWINE. Mr. President, today I rise to introduce legislation that will increase our nation's investment in pediatric research.

Despite the medical breakthroughs that have been made by health researchers in recent years, it is obvious that health care research is under funded. I have joined with many senators to express support for doubling the budget at HIH for biomedical research. I will continue to fight for this increased funding so that NIH can expand its research efforts. An increase in funding is especially needed to improve our knowledge about illnesses and conditions affecting children.

Children under age 12 represent 30 percent of the population—and yet, NIH devotes less than 12 percent of its budget to their needs. There has been a growing consensus that children's health deserves more attention from the research community.

The bill I am introducing today would help us begin to remedy the need for stronger investment in children's health research. I thank Senator BOND for joining with me in sponsoring this important legislation. This bill would authorize the Pediatric Research Initiative within the Office of the Director of National Institutes of Health (NIH) to encourage, coordinate, support, develop, and recognize pediatric research.

The bill would authorize $50 million annually for the next three years. During the last three years, I worked with my colleagues to fund this important Initiative and as a result, it received $5 million in fiscal year (FY) 1997, $38.5 million in FY 1998, and at least $38.5 million in FY 1999. I look forward to working with my colleagues again to continue on the path toward reaching the necessary funding level.

Under this bill, the Initiative would provide $45 million over the next three years to encourage new initiatives and promising areas of pediatric research. It would also promote greater coordination in children's health research. Today, there are some 20 Institutes and Centers and Offices within NIH that do something in the way of pediatrics. In my view, we need to bring some level of coordination and focus to these efforts.

In developing this Initiative, I have made sure that it would give the Director of NIH as much discretion as possible. The money has to be spent on outside research, so that the dollars flow out to the private sector—but it can go toward basic research or clinical research.

This bill does not create any new Office, Center, or Institute. I would simply authorize funding for more research and better research coordination for children—not infrastructure.

In addition to authorizing the Initiative, the legislation would authorize new funding, through the National Institutes of Child Health and Human Development (NICHD), for pediatric research training grants to provide a major increase in support for training additional pediatric research scientists. We need to strengthen our national investment in pediatric research training.

The supply of pediatrician scientists needs to increase if we are to fulfill the new NIH policies that require the participation of children in NIH-funded clinical trials and the new Food and Drug Administration (FDA) policies that require the testing of drugs for use by children before they can receive FDA approval.

The number of pediatricians training to become subspecialists—the potential supply of future pediatrician scientists—is declining. The number of medical school pediatric departments that receive significant NIH research training grant support is limited—fewer than half receive any NIH research training grants. Many pediatricians in training have little or no exposure to research.

Together, the Pediatric Research Initiative and the pediatric research training grants are crucial investments in our country's future—and will produce great returns. If we focus on improving health care for our children, we'll set the stage for them becoming healthy adults.

This important legislation has the support of the pediatric research community in children's hopsitals and university pediatric departments all over the country, including the National Association of Children's Hospitals, Association of Medical School Pediatric Department Chairmen, American Pediatric Society, and Society for Pediatric Research, as well as the Juvenile Diabetes Foundation International, March of Dimes, Association of Ohio Children's Hospitals, and many more

I urge my colleagues to support this investment in our children and cosponsor this bill. I ask unanimous consent that the text of my legislation be printed in the RECORD.

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

S. 1091

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 ''Pediatric Research Initiative Act of 1999''.

SEC. 2. FINDINGS.

Congress finds that—

(1) innovations in health care, deriving from scientific investigation of the highest quality, offer substantial benefits to the well-being of children and savings in health care costs;

(2) findings in pediatric research not only promote and maintain health throughout a child's lifespan, but also contribute significantly to new insights and discoveries that will aid in the prevention and treatment of illnesses and conditions among adults;

(3) the rapidly expanding knowledge base in biology and medicine is offering greater opportunities than ever for pediatric physician-scientists and basic researchers to harness this knowledge to the benefit of children and society;

(4) the relatively smaller number of children compared as to adults and the relative rarity of many of their diseases and conditions has resulted in comparatively fewer resources being devoted to pediatric research and a lesser focus on children's needs;

(5) substantially more of the support for children's health research is provided through the Federal Government than is the case for adults because of these market forces;

(6) a new commitment to invest in children's research today will make a real difference for children tomorrow;

(7) the commitment to invest in children's research should include not only added investment that is devoted to pediatric research but should also focus on ensuring the existence of a future supply of pediatric physician-scientists;

(8) the supply of pediatric physician-scientists is threatened by market demands which provide little room for support for research training for new pediatric physician-scientists;

(9) over 60 percent of the pediatric departments in the United States have no National Institutes of Health training grant support; and

(10) improvements in the level of training grant support is essential to ensuring the existence of future generations of pediatric clinical investigators who are responsible for moving research discoveries from the laboratories to the patients, and who are therefore critical to clinical research.

SEC. 3. ESTABLISHMENT OF A PEDIATRIC RESEARCH INITIATIVE.

Part A of title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended by adding at the end the following:

''SEC. 404F. PEDIATRIC RESEARCH INITIATIVE.

''(a) ESTABLISHMENT.—The Secretary shall establish within the Office of the Director of NIH a Pediatric Research Initiative (referred to in this section as the 'Initiative'). The Initiative shall be headed by the Director of NIH.

''(b) PURPOSE.—The purpose of the Initiative is to provide funds to enable the Director of NIH to encourage—

''(1) increased support for pediatric biomedical research within the National Institutes of Health to ensure that the expanding opportunities for advancement in scientific investigations and care for children are realized;

''(2) enhanced collaborative efforts among the Institutes to support multidisciplinary research in the areas that the Director deems most promising; and

''(3) the development of adequate pediatric clinical trials and pediatric use information to promote the safer and more effective use of prescription drugs in the pediatric population.

''(c) DUTIES.—In carrying out subsection (b), the Director of NIH shall—

''(1) consult with the Institute of Child Health and Human Development and the other Institutes, in considering their requests for new or expanded pediatric research efforts, and consult with other advisors as the Director determines appropriate;

''(2) have broad discretion in the allocation of any Initiative assistance among the Institutes, among types of grants, and between basic and clinical research so long as the—

''(A) assistance is directly related to the illnesses and conditions of children; and

''(B) assistance is extramural in nature; and

''(3) be responsible for the oversight of any newly appropriated Initiative funds and annually report to Congress and the public on the extent of the total extramural support for pediatric research across the NIH, including the specific support and research awards allocated through the Initiative.

''(d) AUTHORIZATION.—To carry out this section, there is authorized to be appropriated in the aggregate, $50,000,000 for each of the fiscal years 2000 through 2002.

''(e) TRANSFER OF FUNDS.—The Director of NIH may transfer amounts appropriated under this section to any of the Institutes for a fiscal year to carry out the purposes of the Initiative under this section.''.

SEC. 4. INVESTMENT IN TOMORROW'S PEDIATRIC RESEARCHERS.

Subpart 7 of part C of title IV of the Public Health Service Act (42 U.S.C. 285g et seq.) is amended by adding at the end the following:

''SEC. 452E. INVESTMENT IN TOMORROW'S PEDIATRIC RESEARCHERS.

''(a) IN GENERAL.—The Secretary shall make available within the National Institute of Child Health and Human Development enhanced support for extramural activities relating to the training and career development of pediatric researchers.

''(b) PURPOSE.—The purpose of support provided under subsection (a) shall be to ensure the future supply of researchers dedicated to the care and research needs of children by providing for—

''(1) an increase in the number and size of institutional training grants to medical school pediatric departments and children's hospitals; and

''(2) an increase in the number of career development awards for pediatricians building careers in pediatric basic and clinical research.

''(c) AUTHORIZATION.—To carry out this section, there is authorized to be appropriated, $10,000,000 for fiscal year 2000, $15,000,000 for fiscal year 2001, and $20,000,000 for fiscal year 2002.''.

BY MR. CRAPO:

S. 1092. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to regulation of pharmacists, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

PHARMACIST'S PATIENT PROTECTION ACT OF 1999

• Mr. CRAPO. Mr. President. I rise today to introduce the ''Pharmacist's Patient Protection Act of 1999.'' The purpose of the legislation is to stop the implementation of final regulations that have been issued by the Food and Drug Administration that will require community pharmacists to provide agency sanctioned information when certain prescription drugs are dispensed to a patient. Such regulations, commonly called ''MedGuides'', were issued in final form on December 1, 1998.

Now why would Congress want to prohibit a regulation which would give patients written information about their medications? The answer is very simple. During the 104th Congress, the House and Senate debated this very same issue, and ultimately a compromise was reached whereby FDA agreed not to promulgate its MedGuide regulations for a period of time so that the private sector would have the opportunity to work with the Administration to develop a voluntary action plan to continue to increase the quality and quantity of written information already being provided to consumers with prescription medication. Under the agreement which was enacted into law as part of the FY 97 Agriculture Appropriations, FDA is prohibited from implementing any part of the MedGuide regulations until the year 2001. When we get to the year 2001, FDA would be permitted to move forward with the MedGuide initiative only if voluntary efforts failed to get written information to 75 percent of all patients receiving a new prescription.

Regrettably, FDA has chosen not to live up to its part of the agreement. The agency's final rule to require Medication Guides for selected prescription drugs, which will take effect on June 1, 1999, is in clear violation of federal law. It appears that FDA is deliberately ignoring the law. It would be my hope that the Administration would hold in abeyance the implementation of the MedGuide regulations, and honor the remainder of the moratorium relating to this rule making. However, I am not confident that this will occur, and therefore this bill is necessary so that we can put back into place the terms of the agreement that were made with the Administration during the 104th Congress.

Finally, I should point out that holding off the implementation of the MedGuide rule will not deny patients access to prescription drug information, nor will it preclude FDA from communicating with pharmaceutical companies and community pharmacists about the importance of providing information to patients about their prescription drugs. In other words, nothing in this bill should be construed as restricting the ability of the FDA to use its existing authority regarding the provision of written patient information on a product-by-product basis with certain prescription medications.

Let the competitive retail pharmacy marketplace continue to make great strides in providing consumers with meaningful, accurate and easily understood written information about prescription drugs. I urge my colleagues to co-sponsor the ''Pharmacist's Patient Protection Act of 1999.''•

By Mr. BINGAMAN:

S. 1093. A bill to establish the Galisteo Basin Archaeological Protection Sites, to provide for the protection of archaeological sites in the Galisteo Basin of New Mexico and for other purposes; to the Committee on Energy and Natural Resources.

GALISTEO BASIN ARCHAEOLOGICAL PROTECTION ACT OF 1999

Mr. BINGAMAN. Mr. President, I rise today to introduce a bill designed to provide for the protection of various historical sites in the Galisteo Basin. The Basin is located in and around Santa Fe County, New Mexico, as depicted by this map. (See, map) To understand the importance of these sites, it's important to understand the history of this Basin.

Mr. President, when the Spanish Conquistadores arrived in New Mexico in 1598, they found a thriving native Pueblo culture with its own unique traditions of religion, architecture, and art, which was enriched and influenced by an extensive system of trade. The subsequent history of conflict and coexistence between these two cultures, Pueblo Indian and Spanish, shaped much of the language, art, and cultural worldview of New Mexicans today.

That initial history of cultural interaction in New Mexico encompassed a period of a little over one hundred years from the 1598, through the Pueblo revolt in 1680, and the recolonization by the Spanish in the early 1700s. Among these sites are examples of both the stone and adobe pueblo architectural styles which typified Native American pueblo communities prior to and during early Spanish colonization, including two of the largest of these ancient towns, San Marcos and San Lazaro Pueblos, which each had thousands of rooms at their peak. Also included in these sites are spectacular examples of Native American petroglyph art as well as historic missions which were constructed as part of the Spaniards' drive to convert the native populace to Catholicism. The twenty six archeological sites addressed in this bill provide cohesive picture of this crucial nexus in New Mexican history, depicting the culture of the pueblo people, and illustrating how it was affected by the Spanish settlers .

Mr. President, through these sites, we have an opportunity to truly understand the simultaneous growth and the coexistence of these two cultures. Unfortunately, this is an opportunity we may soon lose. Most of these sites are not currently part of any preservation program and through weathering, erosion, vandalism, and amateur excavations are losing their interpretive value.

This legislation creates a program under the Department of the Interior to preserve these sites, and to provide interpretive research in an integrated manner. While many of these sites are on federal public land, many are privately owned and a few are on state trust lands. The vision behind this legislation is that an integrated preservation program at sites on Federal lands could serve as a foundation for archaeological research that could be augmented with voluntary cooperative agreements with state agencies and private land owners. These agreements would provide landowners with the opportunity for technical and financial assistance to preserve the sites on their property. Where the parties deem

it appropriate, the legislation would also allow for the purchase or exchange of property to acquire these very valuable sites. With such a program in place, we should be able to preserve the history embodied in these sites for future generations.

Mr. President, I would also like to add that this legislation is supported by Cochiti Pueblo which is culturally and historically tied to these sites. I have received a letter from Isaac Herrera , the Governor of Cochiti Pueblo expressing his support and that of the tribal council. Governor Herrera notes that the tribe has already donated $10,000 to the preservation of one of these sites. This legislation is also supported by the State Land Commissioner.

Let me conclude by showing you some examples of these magnificent sites. These first 2 charts are from the Comanche Gap site, they are outstanding examples of petroglyph art. The next three charts I have show three of the various pueblo sites. The first, Pueblo Blanco. As you can see the drywash at the top of the picture and the road at the bottom, these are the types of erosion threats which I mentioned earlier. The next picture is Arroyo Hondo. Again, you have a drywash at the top, a major road along the site, and development around the site, which shows the threats posed. Finally is the Pueblo of Colorado, once again showing the threat of erosion from the drywashes above.

Mr. President, I want to especially thank Jessica Schultz who has been an intern in my office this past year, and has done yeoman work in providing research for this bill and in helping to draft it.

Mr. President, I ask unanimous consent to have the text of the Galisteo Basin Archaeological Protection Act of 1999 printed in the RECORD.

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

S. 1093

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 ''Galisteo Basin Archaeological Protection Act''.

SEC. 2. FINDINGS.

(a) The Congress finds the following:

(1) The Galisteo Basin and surrounding area of New Mexico is the location of many well preserved prehistoric and historic archaeological resources of Native American and Spanish colonial cultures;

(2) These resources include the largest ruins of Pueblo Indian settlements in the United States, spectacular examples of Native American rock art, and ruins of Spanish colonial settlements; and

(3) These resources are being threatened by natural causes, urban development, vandalism, and uncontrolled excavations.

(b) PURPOSE.—The purpose of this Act is to provide for the preservation, protection, and interpretation of the nationally significant archaeological resources in the Galisteo Basin in New Mexico.

SEC. 3. ESTABLISHMENT OF GALISTEO BASIN ARCHAEOLOGICAL PROTECTION SITES.

(a) IN GENERAL.—The archaeological sites listed in subsection (b), as generally depicted on a map entitled ''Galisteo Basin Archaeological Protection Sites,'' and dated May 1999, are hereby designated as ''Galisteo Basin Archaeological Protection Sites'' (in this Act referred to as the ''archaeological protection sites'').

(b) SITES DESCRIBED.—The archaeological sites referred to in subsection (a) consist of 26 sites in the Galisteo Basin, New Mexico, totaling approximately 4022 acres, as follows:

Name	*Acres*
Arroyo Hondo Pueblo	21
Burnt Corn Pueblo	110
Camino Real Site	1
Chamisa Locita Pueblo	40
Comanche Gap Petroglyphs	768
Espinoso Ridge Site	160
La Cienega Pueblo & Petroglyphs	126
La Cienega Pithouse Village	179
La Cieneguilla Petroglyphs	186
La Cieneguilla Pueblo	12
Lamy Pueblo	30
Lamy Junction Site	65
Las Huertas	20
Pa'ako Pueblo	29
Petroglyph Hill	90
Pueblo Blanco	533
Pueblo Colorado	120
Pueblo Galisteo/Las Madres	284
Pueblo Largo	60
Pueblo She	120
Rote Chert Quarry	1
San Cristobal Pueblo	390
San Lazaro Pueblo	416
San Marcos Pueblo	152
Tonque Pueblo	97
Upper Arroyo Hondo Pueblo	12
Total Acreage	4,022

(c) AVAILABILITY OF MAP.—The Secretary shall keep the map referred to in subsection (a) on file and available for public inspection in appropriate offices in New Mexico of the Bureau of Land Management and the National Park Service.

(d) BOUNDARY ADJUSTMENTS.—The Secretary may make minor boundary adjustments by publishing notice thereof in the Federal Register.

SEC. 4. ADDITIONAL SITES.

(a) IN GENERAL.—The Secretary of the Interior (in this Act referred to as the ''Secretary'') shall

(1) continue to search for additional Native American and Spanish colonial sites in the Galisteo Basin area of New Mexico; and

(2) submit to Congress, within three years after the date funds become available and thereafter as needed, his recommendations for additions to, deletions from, and modifications of the boundaries of the list of archaeological protection sites in section 4 of this Act.

(b) ADDITIONS ONLY BY STATUTE.—Additions to or deletions from the list in section 3(b) shall be made only by an Act of Congress.

SEC. 5. ADMINISTRATION.

(a) IN GENERAL.—The Secretary shall administer the archaeological protection sites, which are located on Federal lands, in accordance with the provisions of this Act, the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.), and the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et. seq.), and other applicable laws in a manner that will protect, preserve, and maintain the archaeological resources and provide for research thereon.

(b) MANAGEMENT PLAN.—

(1) IN GENERAL.—Within three complete fiscal years after the date funds are made available, the Secretary shall prepare and transmit to the Committee on Energy and Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives, a general management plan for the identification, research, protection, and public interpretation of the archaeological protection sites located on Federal land and for those sites for which the Secretary has entered into Cooperative Agreements regarding sites that are located on private or state lands.

(2) CONSULTATION.—The plan shall be developed by the Secretary in consultation with the Governor of New Mexico, the New Mexico State Land Commissioner, affected Native American pueblos, and other interested parties.

SEC. 6. COOPERATIVE AGREEMENTS.

The Secretary is authorized to enter into cooperative agreements with the owners of non-Federal land with regard to the inclusion of the archaeological protection sites located on their property. The purposes of such an agreement shall be to protect, preserve, maintain, and administer the archaeological resources and associated lands of such a site. Where appropriate, such agreement may also provide for public interpretation of an archaeological protection site.

SEC. 7. ACQUISITIONS.

(a) IN GENERAL.—The Secretary is authorized to acquire lands and interests therein within the boundaries of the archaeological protection sites, and access thereto, by donation, by purchase with donated or appropriated funds, or by exchange.

(b) CONSENT OF OWNER REQUIRED.—The Secretary may only acquire lands or interests therein within the consent of the owner thereof.

(c) STATE LANDS.—The Secretary may acquire lands or interests therein owned by the State of New Mexico or a political subdivision thereof only by donation or exchange.

SEC. 9. WITHDRAWAL.

Subject to valid existing rights, all Federal lands within the protection sites are hereby withdrawn—

(1) from all forms of entry, appropriation, or disposal under the public land laws and all amendments thereto;

(2) from location, entry, and patent under the mining law and all amendments thereto; and

(3) from disposition under all laws relating to mineral and geothermal leasing, and all amendments thereto.

SEC. 10. AUTHORIZATION OF APPROPRIATION.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this act.

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

S. 1095. A bill to amend section 29 of the Internal Revenue Code of 1986 to extend the placed in service date for biomass and coal facilities; to the Committee on Finance.

THE BIOMASS AND COAL FACILITIES EXTENSION ACT

• Mr. CONRAD. Mr. President, today I join again with my friend from Utah, Senator HATCH, to introduce the Biomass and Coal Facilities Extension Act. This legislation would extend by eight months the placed-in-service date under section 29 of the Internal Revenue Code.

We are offering the same bill we offered in the 105th Congress because the problem addressed by the bill remains uncorrected. The change we propose is

necessary in order to alleviate a hardship taxpayers are suffering as a result of their reliance on actions taken by Congress nearly three years ago.

A number of taxpayers made substantial commitments of resources to develop alternative fuel technology projects in good faith reliance on the incentives provided in the Small Business Protection Act of 1996. Under that law, Congress intended to ensure that alternative fuel technology projects involving coal and biomass would qualify for the credit provided under section 29 of the Internal Revenue Code as long as projects were subject to a binding contract by December 31, 1996 and placed in service by June 30, 1998.

That should have settled the matter. However, a proposal offered by the Administration in February 1997 contained a proposal to shorten the placed-in-service deadline by a full year for facilities producing gas from biomass and synthetic fuel from coal. The Administration was concerned about what it characterized as rapid growth in the section 29 credit. Congress considered that argument, but concluded that no change in the 1996 legislation was necessary.

In the tax legislative arena, even a mere proposal can have consequences. When the Joint Committee on Taxation published its analysis of the Administration's budget proposals in March 1997, it warned Congress about just such a consequence as it observed that ''[b]ecause the binding contract date has already passed * * * the proposal might place an unfair financial burden on those taxpayers who are bound to contracts entered into prior to the Administration's announcement.''

Mr. President, that is exactly what happened—many taxpayers who found themselves in that situation lost their sources of funding because financial institutions were obligated to take into account the possibility that the Administration's proposal could have become law. Because the tax credit plays a significant role in the financial examination lenders must make, its potential loss made securing the necessary financing impossible for taxpayers who were proceeding in good faith under binding contracts made in reliance on the provisions of the Small Business Protection Act of 1996.

The bill would extend the placed-in-service date for a period eight months from the date of the bill's enactment. This would restore some of the time that taxpayers lost as a result of the confusion which resulted from the events of 1997.

Let me emphasize that the bill would not authorize any ''new starts.'' The binding contract date provided in the 1996 Act would not be altered. The sole purpose of this bill is to allow taxpayers who began projects under the 1996 Act to proceed in an orderly manner to create the kinds of facilities that will help increase the country's useful energy resources.●

Mr. HATCH. Mr. President, I stand today with my colleague, Senator CONRAD, to introduce legislation aimed at helping companies to develop technologies for cleaner burning fuels. This is important to the people in my home state of Utah where air pollution is one of the top concerns of citizens.

I believe that cleaner burning fuels that will reduce emissions is a key element of the solution to this problem. The Biomass and Coal Facilities Extension Act would provide a tool for companies that are stepping into this void and developing clean burning fuels by extending the ''placed in service'' date under section 29 for facilities that produce alternative fuels.

Section 29 was originally created to encourage the development of alternative fuels to reduce our dependence on imports and to reduce the environmental impacts of certain fuels. With the enormous reserves of low rank coals and lignite in the United States and around the world, and with the potential for use of biomass and other alternatives, it is particularly important to the American economy and to our environment that new, more environmentally friendly fuels are brought to market both here and in developing nations.

Bringing new technologies to market is financially risky. In particular, finding investors to take a new technology from a laboratory table to the marketplace is difficult because working the bugs out of a first-of-a-kind, full-sized plant is a costly undertaking. Incentives to bring new, clean energy technologies to the market in the U.S. are a worthwhile use of the tax code.

In 1996, Congress provided sufficient incentives to make the development of alternative fuels a viable pursuit by extending the section 29 ''placed in service'' date for facilities designed to produce energy from biomass or processed coals to July 1, 1998, provided that those facilities were constructed pursuant to a binding contract entered into before January 1, 1997. Many contracts were signed and construction projects started.

Then the Administration released its budget in February 1997. It contained a proposal to eliminate the extension granted just one year before, cutting off the section 29 credit for plants not completed by July 1, 1997, which is an impossible deadline to meet for many of these projects.

Without the assurance of the section 29 tax credit, financing for these projects dried up. Taxpayers were stranded in contracts, some of which contained significant liquidated damages clauses. As a result of the Administration's proposal, taxpayers essentially lost a significant amount of the extension given them by Congress in 1996.

The bill before us would give companies with projects already in progress and contracts signed by January 1, 1997 some additional time to finish these projects. The bill does not extend the contract deadline, allow more projects to be initiated, or change the 2008 deadline for receiving the section 29 tax credit. This bill simply restores some of the time that taxpayers lost in their efforts to develop environmentally friendly fuels under section 29.

Bringing new alternative fuel technologies to the market is an important part of our commitment to a cleaner environment and a secure economy. Congress reflected that commitment in our efforts to mitigate some of the financial risk involved in developing this much needed technology in 1996. This bill maintains that commitment. I urge my colleagues to support this legislation.

By Mr. BAUCUS (for himself, Mr. BINGAMAN, Mr. DORGAN, Mr. KERREY, Mr. JOHNSON, and Mr. DASCHLE):

S. 1099. A bill to establish a mechanism for using the duties imposed on products of countries that fail to comply with WTO dispute resolution decision to provide relief to injured domestic producers; to the Committee on Finance.

TRADE INJURY COMPENSATION ACT

Mr. BAUCUS. Mr. President, on behalf of myself and Senators BINGAMAN, DORGAN, KERREY, JOHNSON, and DASCHLE. I rise to introduce the Trade Injury Compensation Act of 1999.

Under U.S. trade law, we may retaliate when a trading partner improperly closes its market to American goods or services. In certain circumstances, the World Trade Organization endorses that retaliation. The normal form of trade retaliation is to increase the tariff to one hundred percent on a designated list of imported goods.

The intention of retaliation is not protectionist. It is just the opposite—use the leverage of access to the huge United States market to open up a foreign market and expand trade. Retaliation is a tool designed to inflict enough economic pain on a trading partner that he returns to the negotiating table and removes the trade barriers that started the problem in the first place. Sometimes these negotiations restart quickly, sometimes even before the retaliation goes into effect. Other times, the negotiations start again only after the impact of retaliation sinks in.

In some cases, the new one hundred percent tariff raises the price of the imported good so prohibitively that it is priced completely out of the market. In other cases, the product is still sold in the United States, perhaps at a higher price, or perhaps at the original price with the importer absorbing the added tariff.

The United States is increasingly taking trade disputes to the WTO's Dispute Settlement Body. However, some of our trading partners have been, in effect, snubbing their nose at the WTO's decisions. The most egregious example of this is the European Union, whose approach to WTO dispute

settlement is, frankly, outrageous. First, in bananas, and now in beef, the EU is using legal and procedural technicalities to delay implementation of important and legitimate WTO panel decisions. Each time they do this, the EU seriously undermines the credibility of the WTO as a fair and even-handed place to get trade justice.

The Trade Injury Compensation Act establishes a mechanism for using the tariffs imposed when a country fails to comply with WTO dispute resolution decisions. Normally, the additional tariff revenues received from retaliation go to the Treasury. This bill establishes a trust fund so that the affected industry will receive those revenues as compensation for its injury.

In the case of agriculture, the money will be spent on promotion and development of products for the industry. In non-agriculture cases, the money will go to additional Trade Adjustment Assistance payments to the affected industry.

Mr. President, the WTO is a critically important institution that sets the foundation and framework to make world trade grow. We all recognize that it needs improvement, and I, along with many of my colleagues, are working on ways to fix it, starting with the WTO Ministerial in Seattle. But, while the United Staes is striving to support and improve the WTO system, the EU seems to be working overtime to undercut the WTO. We must stop this abuse of the WTO, and we must provide assistance to our industries that are damaged by these illegal actions of the EU or others in the future.

Within two weeks, the Administration will implement retaliatory measures against the European Union because of its WTO-illegal restrictions on beef. My bill would provide the American beef industry with much needed compensation while the retaliatory measures remain in place.

I encourage all my colleagues to support this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1099

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 ''Trade Injury Compensation Act of 1999''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) United States goods and services compete in global markets and it is necessary for trade agreements to promote such competition.

(2) The current dispute resolution mechanism of the World Trade Organization is designed to resolve disputes in a manner that brings stability and predictability to world trade.

(3) When foreign countries refuse to comply with a panel or Appellate Body report of the World Trade Organization and violate any of the Uruguay Round Agreements, it has a deleterious effect on the United States economy.

(4) A WTO member can retaliate against a country that refuses to implement a panel or Appellate Body report by imposing additional duties of up to 100 percent on goods imported from the noncomplying country.

(5) In cases where additional duties are imposed on imported goods, the duties should be used to provide relief to the industry that is injured by the noncompliance.

SEC. 3. DEFINITIONS.

In this Act:

(1) AGRICULTURAL COMMODITY.—The term ''agricultural commodity'' has the meaning given the term by section 102 (1) of the Agricultural Trade Act of 1978 (7 U.S.C. 5602(1)).

(2) INJURED AGRICULTURAL COMMODITY PRODUCER.—The term ''injured agricultural commodity producer'' means a domestic producer of an agricultural commodity with respect to which a dispute resolution proceeding has been brought before the World Trade Organization, if the dispute resolution is resolved in favor of the agricultural commodity producer, and the foreign country against which the proceeding has been brought has failed to comply with the report of the panel or Appellate Body of the WTO.

(3) INJURED PRODUCER.—The term ''injured producer'' means a domestic producer of a product (other than an agricultural product) with respect to which a dispute resolution proceeding has been brought before the World Trade Organization, if the dispute resolution is resolved in favor of the producer, and the foreign country against which the proceeding has been brought has failed to comply with the report of the panel or Appellate Body of the WTO.

(4) RETALIATION LIST.—The term ''retaliation list'' means the list of products of a foreign country that has failed to comply with the report of the panel or Appellate Body of the WTO and with respect to which the United States Trade Representative is imposing duties above the level that would otherwise be imposed under the Harmonized Tariff Schedule of the United States.

(5) URUGUAY ROUND AGREEMENTS.—The term ''Uruguay Round Agreements'' has the meaning given such term in section 2(7) of the Uruguay Round Agreements Act (19 U.S.C. 3501(7)).

(6) WORLD TRADE ORGANIZATION.—The term ''World Trade Organization'' means the organization established pursuant to the WTO Agreement.

(7) WTO AGREEMENT.—The term ''WTO Agreement'' means the Agreement Establishing The World Trade Organization entered into on April 15, 1994.

(8) WTO AND WTO MEMBER.—The terms ''WTO'' and ''WTO member'' have the meanings given those terms in section 2 of the Uruguay Round Agreements Act (19 U.S.C. 3501).

SEC. 4. TRADE INJURY COMPENSATION TRUST FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the ''Trade Injury Compensation Trust Fund'' (referred to in this Act as the ''Fund'') consisting of such amounts as may be appropriated to the Fund under subsection (b) and any amounts credited to the Fund under subsection (c)(2).

(b) TRANSFER OF AMOUNTS EQUIVALENT TO CERTAIN DUTIES.—

(1) IN GENERAL.—There are hereby appropriated and transferred to the Fund an amount equal to the amount received in the Treasury as a result of the imposition of additional duties imposed on the products on a retaliation list.

(2) TRANSFERS BASED ON ESTIMATES.—The amounts required to be transferred under paragraph (1) shall be transferred at least quarterly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury. Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(c) INVESTMENT OF TRUST FUND.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the Secretary's judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

(2) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

(d) DISTRIBUTIONS FROM FUND.—Amounts in the Fund shall be available as provided in appropriations Acts, for making distributions in accordance with subsections (e) and (f).

(e) CRITERIA FOR DETERMINING INJURED PRODUCERS AND AMOUNT TO BE PAID.—Not later than 30 days after the implementation of a retaliation list, the Secretary of the Treasury, in consultation with the Secretaries of Agriculture and Commerce, shall promulgate such regulations as may be necessary to carry out the provisions of this Act. The regulations shall include the following:

(1) Procedures for identifying injured producers and injured producers of agricultural commodities.

(2) Standards for determining the eligibility of injured producers and injured producers of agricultural commodities to participate in the distribution of any money from the Fund.

(3) Procedures for determining the amount of the distribution each injured producer and injured producers of agricultural commodities should be paid.

(4) Procedures for establishing separate accounts for duties collected with respect to each retaliation list and for making distributions to the group of injured producers and injured producers of agricultural commodities with respect to each such retaliation list.

(f) DISTRIBUTION TO INJURED PRODUCERS.—

(1) DISTRIBUTION TO AGRICULTURAL PRODUCERS.—The Secretary of the Treasury shall transfer to the Secretary of Agriculture such sums as may be transferred or credited to the Fund as the result of items on a retaliation list because of injury to producers of agricultural commodities. The Secretary of Agriculture shall distribute to each injured producer of an agricultural commodity that the Secretary determines is eligible a portion of the amount so transferred. The distribution shall be made in accordance with the subsection (e) and shall be used by the producers for the promotion and development of products of the injured producers.

(2) DISTRIBUTION TO OTHER INJURED PRODUCERS.—The Secretary of the Treasury shall transfer to the Secretary of Commerce such sums as may be transferred or credited to the Fund as the result of items on a retaliation list because of injury to producers (other than producers of agricultural commodities). The Secretary of Commerce shall distribute to each injured producer (other than a producer described in paragraph (1)) that the Secretary determines is eligible a portion of the amount so transferred. The distribution shall be made in accordance with subsection (e) and in accordance with the procedures applicable to the provision of assistance under chapter 3 of title II of the Trade Act of 1974 (19 U.S.C. 2341 et seq.).

(g) REPORT TO CONGRESS.—The Secretary of the Treasury shall, after consultation with the Secretaries of Agriculture and Commerce, submit a report to the Congress each year on—

(1) the financial condition and the results of the operations of the Fund during the preceding fiscal year; and

(2) the expected condition and operations of the Fund during the fiscal year following the fiscal year that is the subject of the report.

SEC. 5. PROHIBITION ON REDUCING SERVICES OR FUNDS.

No payment made to an injured producer or an injured agricultural commodity producer under this Act shall result in the reduction or denial of any service or assistance with respect to which the injured producer or injured agricultural commodity producer would otherwise be entitled.

By Mr. CHAFEE (for himself, Mr. CRAP, and Mr. DOMENICI):

S. 1100. A bill to amend the Endangered Species Act of 1973 to provide that the designation of critical habitat for endangered and threatened species be required as part of the development of recovery plans for those species; to the Committee on Environment and Public Works.

CRITICAL HABITAT LEGISLATION

Mr. CHAFEE. Mr. President, I am pleased to introduce a bill, together with my distinguished colleagues, Senators DOMENICI and CRAPO, to address one of the most problematic, controversial and misunderstood provisions of the Endangered Species Act of 1973. This is the provision relating to the designation of critical habitat for endangered or threatened species.

As I have often said, the key to protecting our nation's fish and wildlife is to protect the habitat on which those species depend. This is particularly true for endangered and threatened species, which often fall into such precarious condition precisely because of habitat loss and degradation. This makes habitat protection for those species all the more vital. It is thus terribly ironic that the provisions in the ESA relating to habitat are those that present the most problems. My bill goes a long way to fix those problems. It is virtually identical to the critical habitat provisions contained in S. 1180 from the last Congress, which was approved by the Environment and Public Works Committee by a vote of 15 to 3, with strong bipartisan support.

Landowners fear that critical habitat imposes severe restrictions on use of their own lands; the Secretary frequently does not designate critical habitat to avoid these controversies; and environmental groups often bring lawsuits over this failure to designate. Of almost 1,200 species listed by the Fish and Wildlife Service, only 113—nine percent—have critical habitat designated. Indeed, of the 256 species listed since April 1996, the Service has designated critical habitat for only two. As a result, numerous lawsuits have been brought against the Service in recent years. Currently, 15 active lawsuits are pending, with six already decided—all against the Secretary—and prospective challenges for another 40 species are on the horizon.

These statistics underscore the problems with the existing law with respect to critical habitat designations. The root of these problems lies in the fact that designation of critical habitat requires knowledge of the conservation needs of the species as well as an assessment of the economic impacts of the designation, neither of which is generally known, or can be determined, at the time of listing.

Designation of critical habitat is more appropriate in the context of developing a recovery plan for a listed species, because the recovery plan specifically addresses the conservation needs of the species and provides for an estimate of the costs for recovery actions. Indeed, numerous individuals and organizations, including the National Research Council, have suggested that the requirement to designate critical habitat be moved from the time of listing to the time of recovery plan development.

As for recovery plans, the Secretary is required to develop and implement recovery plans for listed species. However, there is no deadline for the Secretary to do so. Less than 70 percent of listed species are covered in a recovery plan, and 56 percent of those species without plans have been listed for longer than one year. These statistics underscore the need for a mandatory deadline for developing recovery plans.

The bill that I introduce today would move the requirement to designate critical habitat from the time of listing to the time of recovery plan development. The bill would also require that a recovery team be appointed, unless the Secretary states otherwise through notice and comment. The bill would also provide a deadline for development of recovery plans, no later than 36 months after listing. In the event that the designation is necessary to avoid the imminent extinction of the species, the bill allows the Secretary to designate critical habitat concurrently with listing. A new provision would be added to the citizen suit section that would require any lawsuit challenging the actual designation of critical habitat to be brought in conjunction with a suit challenging the recovery plan on which the designation is based. Other than these changes, the critical habitat provisions would remain virtually the same as in existing law.

Let me say that I do not have any desire to open the broader question of reauthorization of the ESA. I believe that this bill addresses a narrow fix in a way that answers the complaints of both environmental groups and the regulated community. I do not advocate the inclusion of other issues not related to critical habitat. There may be another time and vehicle for that, but this is not the time, and this bill should not be the vehicle.

In closing, I would like to express my sincere gratitude to the distinguished Senator from New Mexico for his cooperation on this issue, and for his decision to work on this bill together in lieu of offering a rider on the recent supplemental appropriations bill. I know this issue is of no great importance to the constituents in his home State, and I am pleased to work with him to find a resolution.

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. 1100

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

SECTION 1. RECOVERY PLANS AND CRITICAL HABITAT DESIGNATIONS.

The Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) is amended—

(1) by inserting after section 4 the following:

''RECOVERY PLANS AND CRITICAL HABITAT DESIGNATIONS

''SEC. 4A.'';

(2) by moving subsection (f) of section 4 to appear at the end of section 4A (as added by paragraph (1)); and

(3) in section 4A (as amended by paragraph (2))—

(A) by striking ''(f)(1) RECOVERY PLANS.—The'' and inserting the following:

''(a) IN GENERAL.—The'';

(B) by redesignating paragraphs (2) through (5) as subsections (b) through (e), respectively;

(C) in subsection (b) (as so redesignated)—

(i) by striking ''(b) The Secretary'' and inserting the following:

''(b) RECOVERY TEAMS.—

''(1) IN GENERAL.—The Secretary''; and

(ii) by adding at the end the following:

''(2) APPOINTMENT OF A TEAM.—Not later than 60 days after the date of publication under section 4 of a final determination that a species is a threatened species or endangered species, the Secretary, in cooperation with any State affected by the determination, shall—

''(A) appoint a recovery team to develop a recovery plan for the species; or

''(B) after public notice and opportunity for comment, determine that a recovery team shall not be appointed.''; and

(D) by adding at the end the following:

''(f) SCHEDULE.—For each species determined to be an endangered species or a threatened species after the date of enactment of this subsection for which the Secretary is required to develop a recovery plan under subsection (a), the Secretary shall publish—

''(1) not later than 18 months after the date of the publication under section 4 of the final regulation containing the listing determination, a draft recovery plan; and

''(2) not later than 3 years after the date of publication under section 4 of the final regulation containing the listing determination, a final recovery plan.''.

SEC. 2. CRITICAL HABITAT DESIGNATIONS.

(a) IN GENERAL.—Section 4A of the Endangered Species Act of 1973 (as added by section 1) is amended by adding at the end the following:

''(g) CRITICAL HABITAT DESIGNATIONS.—

''(1) RECOMMENDATION OF THE RECOVERY TEAM.—

''(A) RECOVERY TEAM APPOINTED.—Not later than nine months after the date of publication under section 4 of a final regulation containing a listing determination for a species, the recovery team (if a recovery team has

been appointed for the species) shall provide the Secretary with a description of any habitat of the species that is recommended for designation as critical habitat pursuant to this subsection and any recommendations for special management considerations or protection that are specific to the habitat.

''(B) NO RECOVERY TEAM APPOINTED.—If a recovery team is not appointed by the Secretary, the Secretary shall perform all duties of the recovery team required under this section.

''(2) DESIGNATION BY THE SECRETARY.—The Secretary, to the maximum extent prudent and determinable, shall by regulation designate any habitat that is considered to be critical habitat of an endangered species or a threatened species that is indigenous to the United States or waters with respect to which the United States exercises sovereign rights or jurisdiction.

''(A) DESIGNATION.—

''(i) PROPOSAL.—Concurrently with publication of a draft recovery plan, the Secretary, after consultation and in cooperation with the recovery team, shall publish in the Federal Register a proposed regulation, based on the draft recovery plan for the species, that designates critical habitat for the species.

''(ii) PROMULGATION.—Concurrently with publication of a final recovery plan, the Secretary, after consultation and in cooperation with the recovery team, shall publish a final regulation, based on the final recovery plan for the species, that designates critical habitat for the species.

''(B) OTHER DESIGNATIONS.—If a recovery plan is not developed under this section for an endangered species or a threatened species, the Secretary shall publish a final critical habitat determination for the endangered species or threatened species not later than three years after making a determination that the species is an endangered species or a threatened species.

''(C) ADDITIONAL AUTHORITY.—The Secretary may publish a regulation designating critical habitat for an endangered species or a threatened species concurrently with the final regulation implementing the determination that the species is endangered or threatened if the Secretary determines that designation of such habitat at the time of listing is essential to avoid the imminent extinction of the species.

''(3) FACTORS TO BE CONSIDERED.—The designation of critical habitat shall be made on the basis of the best scientific and commercial data available and after taking into consideration the economic impact, impacts to military training and operations, and any other relevant impact, of specifying any particular area as critical habitat. The Secretary shall describe the economic impacts and other relevant impacts that are to be considered under this subsection in the publication of any proposed regulation designating critical habitat.

''(4) EXCLUSIONS.—The Secretary may exclude any area from critical habitat for a species if the Secretary determines that the benefits of the exclusion outweigh the benefits of designating the area as part of the critical habitat, unless the Secretary determines that the failure to designate the area as critical habitat will result in the extinction of the species.

''(5) REVISIONS.—The Secretary may, from time-to-time and as appropriate, revise a designation. Each area designated as critical habitat before the date of enactment of this subsection shall continue to be considered so designated, until the designation is revised in accordance with this subsection.

''(6) PETITIONS.—

''(A) DETERMINATION THAT REVISION MAY BE WARRANTED.—To the maximum extent practicable, not later than 90 days after receiving the petition of an interested person under section 553(e) of title 5, United States Code, to revise a critical habitat designation, the Secretary shall make a finding as to whether the petition presents substantial scientific or commercial information indicating that the revision may be warranted. The Secretary shall promptly publish the finding in the Federal Register.

''(B) NOTICE OF PROPOSED ACTION.—Not later than one year after receiving a petition that is found under subparagraph (A) to present substantial information indicating that the requested revision may be warranted, the Secretary shall determine how to proceed with the requested revision, and shall promptly publish notice of the intention in the Federal Register.

''(7) PROPOSED AND FINAL REGULATIONS.—Any regulation to designate critical habitat or implement a requested revision shall be proposed and promulgated in accordance with paragraphs (4), (5), and (6) of section 4(b) in the same manner as a regulation to implement a determination with respect to listing a species.''.

(b) CITIZEN SUITS.—Section 11(g) of the Endangered Species Act of 1973 (16 U.S.C. 1540(g)) is amended—

(1) in paragraph (1)(C), by inserting ''or section 4A'' after ''section 4''; and

(2) in paragraph (2), by adding at the end the following:

''(D) ACTIONS RELATING TO CRITICAL HABITAT DESIGNATION.—With respect to an action relating to an alleged violation of section 4A(g) concerning the area designated by the Secretary as critical habitat, no action may be commenced independently of an action relating to an alleged violation of subsection (a) or (f) of section 4A.''.

(c) PLANS FOR PREVIOUSLY LISTED SPECIES.—

(1) IN GENERAL.—In the case of species included in the list published under section 4(c) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)) before the date of enactment of this Act, and for which no final recovery plan was developed before the date of enactment of this Act, the Secretary of the Interior or the Secretary of Commerce, as appropriate, shall develop a final recovery plan in accordance with the requirements of section 4A of the Endangered Species Act of 1973, including the priorities of subsection (a)(1) of that section, for not less than one-half of the species not later than 36 months after the date of enactment of this Act and for all species not later than 60 months after such date.

(2) DESIGNATIONS OF CRITICAL HABITAT.—The Secretary of the Interior or the Secretary of Commerce, as appropriate, shall review and revise as necessary any designation of critical habitat for a species described in paragraph (1) based on the final recovery plan for the species and in accordance with section 4A(g) of the Endangered Species Act of 1973.

(d) CONFORMING AMENDMENTS.—

(1) Section 3(5)(A) of the Endangered Species Act of 1973 (16 U.S.C. 1532(5)(A)) is amended—

(A) in clause (i), by striking '', at the time it is listed in accordance with the provisions of section 4 of this Act,''; and

(B) in clause (ii), by striking ''at the time it is listed in accordance with the provisions of section 4 of this Act''.

(2) Section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533) (as amended by section 1(2)) is amended—

(A) in subsection (a), by striking paragraph (3);

(B) in subsection (b)—

(i) by striking paragraph (2);

(ii) in paragraph (3), by striking subparagraph (D);

(iii) in paragraph (5), by striking '', designation, or revision referred to in subsection (a)(1) or (3),'' and inserting ''referred to in subsection (a)(1),'';

(iv) in paragraph (6)—

(I) by striking ''(6)(A)'' and all that follows through the end of subparagraph (A) and inserting the following:

''(6) FINAL REGULATIONS.—

''(A) IN GENERAL.—Within the one-year period beginning on the date on which general notice is published in accordance with paragraph (5)(A)(i) regarding a proposed regulation, the Secretary shall publish in the Federal Register—

''(i) a final regulation to implement the determination;

''(ii) notice that the one-year period is being extended under subparagraph (B)(i); or

''(iii) notice that the proposed regulation is being withdrawn under subparagraph (B)(ii), together with the finding on which the withdrawal is based.'';

(II) in subparagraph (B)(i), by striking ''or revision'';

(III) in subparagraph (B)(iii), by striking ''or revision concerned, a finding that the revision should not be made,''; and

(IV) by striking subparagraph (C); and

(v) by redesignating paragraph (8) as paragraph (2) and moving that paragraph to appear after paragraph (1);

(C) in subsection (c)(1)—

(i) in the second sentence, by inserting ''designated'' before ''critical habitat''; and

(ii) in the third sentence, by striking ''determinations, designations, and revisions'' and inserting ''determinations'';

(D) by redesignating subsections (g) through (i) as subsections (f) through (h), respectively; and

(E) in subsection (g)(4) (as so redesignated), by striking ''subsection (f) of this section'' and inserting ''section 4A''.

(3) Section 4A of the Endangered Species Act of 1973 (as added by section 1) is amended—

(A) in subsection (a)—

(i) in the first sentence—

(I) by striking ''this subsection'' and inserting ''this section''; and

(II) by striking ''this section'' and inserting ''section 4'';

(ii) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively; and

(iii) in paragraph (2) (as so redesignated)—

(I) by redesignating clauses (i) through (iii) as subparagraphs (A) through (C), respectively; and

(II) in subparagraph (B) (as so redesignated), by striking ''the provisions of this section'' and inserting ''section 4'';

(B) in subsection (c), by striking ''this section'' and inserting ''section 4''; and

(C) in subsection (e), by striking ''paragraph (4)'' and inserting ''subsection (d)''.

(4) Section 6(d)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1535(d)(1)) is amended in the first sentence by striking ''section 4(g)'' and inserting ''section 4(f)''.

(5) Section 10(f)(5) of the Endangered Species Act of 1973 (16 U.S.C. 1539(f)(5)) is amended by striking the last sentence.

(6) Section 104(c)(4)(A)(ii)(I) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1374(c)(4)(A)(ii)(I)) is amended by striking ''section 4(f)'' and inserting ''section 4A''.

(7) Section 115(b)(2) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1383b(b)(2)) is amended by striking ''section 4(f) of the Endangered Species Act of 1973 (16 U.S.C. 1533(f))'' and inserting ''section 4A of the Endangered Species Act of 1973''.

(8) Section 118(f)(11) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1387(f)(11)) is amended by striking ''section 4'' and inserting ''section 4A''.

(9) The table of contents in the first section of the Endangered Species Act of 1973 (16 U.S.C. prec. 1531) is amended by inserting after the item relating to section 4 the following:

''Sec. 4A. Recovery plans and critical habitat designations.''.

Mr. DOMENICI. Mr. President, just a few weeks ago I rose to speak and share with my fellow Senators an extraordinary exchange that occurred between myself and Interior Secretary Babbitt regarding the failings of the Endangered Species Act in a situation on the Rio Grande River in New Mexico. I told you that the Secretary's remarks were significant because they acknowledged that this law, however well intentioned, is not working.

I felt Secretary Babbitt's testimony before the Senate Interior Appropriations Subcommittee could open the door to significant reform of the Endangered Species Act, permitting all parties to work together. I pledged to begin serious work on improving the Endangered Species Act, and I am immensely pleased today to be cosponsoring this bill with Senators CHAFEE and CRAPO to do just that.

I was in the Senate to vote in favor of the Endangered Species Act, but the courts are implementing it in a cart before the horse fashion never contemplated by the Congress. The focus of saving species should be on planning recovery, not using premature habitat designation as a hammer on the heads of humans sharing that habitat. We want to protect endangered species, but we don't want to unnecessarily hurt people. Tying critical habitat designation to recovery plan implementation is logical, defensible, and the right thing to do. This legislation goes directly to the heart of this issue.

The protection of endangered species is supposed to be accomplished by first figuring out the necessary habitat for survival, then designating that critical habitat. But the Endangered Species Act and the courts are rushing the process. According to Interior Secretary Bruce Babbitt, recent litigation will ''strait jacket'' the federal government into prematurely designating the critical habitat for, in one case, the Rio Grande silvery minnow.

People in D.C. tend to forget that the western United States is the arid, ''great American desert.'' Western rivers and streams are primarily supported by melting snow pack. They change annually from roaring torrents in April to bare trickles in June, to dried up river beds in August. The Rio Grande, despite its ''big river'' title, is no exception to this cyclical flow. As a child, I often walked across the dry riverbed in Albuquerque.

This will be a very dry year in the normally arid New Mexico. The historical hydrographic record shows that between 1899 and 1936, long before Albuquerque grew, or the Middle Rio Grande Conservancy District started to farm, the Rio Grande was dry twenty percent of the time in August as measured at the San Marcial Gauge.

Now, the U.S. Fish and Wildlife Service, prodded by various groups, are claiming a ''new'' water demand on the river for the silvery minnow. They should assert the interest in the water needed for the minnow, but the demand isn't new. The issue, however, is how should that interest be asserted and what the need really is. And, once known, how do we continue to address the human water needs, and at what cost?

I believe something is terribly wrong in the way the courts are handling this situation because you may have to close down a river to human users without knowing the habitat needs for an endangered species. The Secretary of Interior is required to base critical habitat designation on the best scientific data available, after taking into consideration the economic impact of that designation.

I asked Secretary Babbitt whether the Interior Department had sufficient data to determine the true water needs to sustain the silvery minnow in the Rio Grande, and to make an accurate economic and social assessment of what a critical habitat designation would mean to existing water rights owners. Babbitt testified that his department does not have sufficient information, but that it has no choice but to act because of federal court orders.

The U.S. Supreme Court has unanimously agreed that the best scientific and commercial data available must be used to designate a critical habitat. Designation of critical habitat is more appropriate in the context of a final recovery plan for an endangered species, because that plan must specifically address conservation needs and costs of recovery. This bill will move the requirement to designate habitat from the time of listing to the time of recovery plan development.

The quantity of water needed by the Rio Grande silvery minnow is unknown. The Fish and Wildlife Service has conceded that there has never been a thorough study of the economic consequences of providing water as a critical habitat for the minnow.

While we all want the silvery minnow and other endangered species to have their critical habitat, the Fish and Wildlife Service and the Bureau of Reclamation acknowledge that they do not know what the ''critical habitat'' is or should be. Were the consequences of designation insignificant, a guesstimate might be acceptable. However, as noted by the Bureau of Reclamation, a designation requiring year-round continuous flows on a river that has never produced such flows could have a ''profound effect on downstream water users.''

We must not try to cure the problem of endangered species with premature, uninformed, unscientific critical habitat designation, the validity of which has not been substantiated by adequate economic, scientific and social research. When the scientific facts on the possible side effects of a drug are unknown, the Food and Drug Administration does not authorize the sale of that drug. Likewise, the Endangered Species Act should not permit designation of critical habitat until we have scientifically determined that the habitat designation will be helpful to the species and does not impose unnecessary social and economic side effects.

It is abundantly clear that a complete environmental analysis of a critical habitat designation is an absolute necessity. Senator CHAFEE, Senator CRAPO, and I are now addressing this illogical and unworkable current situation with this bill. I thank them for their leadership on the Environment Committee. We will be working with the administration, and I encourage all my fellow Senators to participate in this limited, local and necessary endangered Species Act reform.

This bill will now tie designation of critical habitat to the development of recovery plans for endangered and threatened species, as it should be. Federal agencies should not have their hands tied by premature designation, forced by litigation. If we want to save species, as was and is the intent of the Endangered Species Act, then we have to plan how to recover them.

Recovery plans require objective and measurable criteria for saving species, specific descriptions of management actions, and cost estimates for those actions. This bill will create a mandatory deadline for developing final, comprehensive recovery plans. Critical habitat will now be designated in conjunction with those plans.

These changes will go towards achieving the original goal of the Endangered Species Act. I am very proud to be a part of this historic legislation, and I anticipate a bipartisan group, along with the administration, feels as I do. The time has come for commonsense reform to the Endangered Species Act.

By Mr. REED:

S. 1101. A bill to provide for tort liability of firearms dealers who transfer firearms in violation of Federal firearms law; to the Committee on the Judiciary.

GUN DEALER RESPONSIBILITY ACT OF 1999

Mr. REED. Mr. President, I rise today to introduce legislation to help turn the tide of gun violence by requiring greater responsibility from those in the business of selling weapons.

Currently, there are over 104,000 federally licensed firearms dealers in the United States. While most of these dealers are responsible small business people, recent tracing of crime-related guns by the Bureau of Alcohol, Tobacco and Firearms (ATF) has found substantial evidence that some dealers are selling guns to minors, convicted felons, and others who are prohibited by federal law from purchasing firearms. This direct diversion of weapons from retail to illegal markets is taking place both through off-the-book sales

by corrupt dealers and through so-called straw purchases, when an ineligible buyer has a friend or relative buy a firearm for him.

While federal law already prohibits a person from transferring a firearm when a person knows that the gun will be used to commit a crime, it is very difficult for victims of gun violence to seek legal redress from gun dealers who sell guns to those prohibited from buying firearms. There is very little case law and no federal law giving victims of gun violence the right to sue gun dealers who make illegal gun sales.

To remedy this situation, my legislation, the Gun Dealer Responsibility Act, would provide a statutory cause of action for victims of gun violence against dealers whose illegal sale of a gun directly contributes to the victim's injury.

I believe this legislation will make unscrupulous gun dealers think twice about selling weapons to minors, convicted felons, or any other ineligible buyer, either directly or through straw purchases.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

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

S. 1101

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 ''Gun Dealer Responsibility Act of 1999''.

SEC. 2. DEFINITIONS.

In this Act:

(1) DEALER.—The term ''dealer'' has the meaning given such term in section 921(a)(11) of title 18, United States Code.

(2) FIREARM.—The term ''firearm'' has the meaning given such term in section 921(a)(3) of title 18, United States Code.

(3) LAW ENFORCEMENT OFFICER.—The term ''law enforcement officer'' means any officer, agent, or employee of the United States, or of a State or political subdivision thereof, who is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of law.

SEC. 3. CAUSE OF ACTION; FEDERAL JURISDICTION.

Any person suffering bodily injury as a result of the discharge of a firearm (or, in the case of a person who is incapacitated or deceased, any person entitled to bring an action on behalf of that person or the estate of that person) may bring an action in any United States district court against any dealer who transferred the firearm to any person in violation of chapter 44 of title 18, United States Code, for damages and such other relief as the court deems appropriate. In any action under this section, the court shall allow a prevailing plaintiff a reasonable attorney's fee as part of the costs.

SEC. 4. LIABILITY.

(a) IN GENERAL.—Except as provided in subsection (b) of this section, the defendant in an action brought under section 3 shall be held liable in tort, without regard to fault or proof of defect, for all direct and consequential damages that arise from bodily injury or death proximately resulting from the illegal sale of a firearm if it is established by a preponderance of the evidence that the defendant transferred the firearm to any person in violation of chapter 44 of title 18, United States Code.

(b) DEFENSES.—

(1) INJURY WHILE COMMITTING A FELONY.—There shall be no liability under subsection (a) if it is established by a preponderance of the evidence that the plaintiff suffered the injury while committing a crime punishable by imprisonment for a term exceeding 1 year.

(2) INJURY BY LAW ENFORCEMENT OFFICER.—There shall be no liability under subsection (a) if it is established by a preponderance of the evidence that the injury was suffered as a result of the discharge, by a law enforcement officer in the performance of official duties, of a firearm issued by the United States (or any department or agency thereof) or any State (or department, agency, or political subdivision thereof).

SEC. 5. NO EFFECT ON OTHER CAUSES OF ACTION.

This Act shall not be construed to limit the scope of any other cause of action available to a person injured as a result of the discharge of a firearm.

SEC. 6. APPLICABILITY.

This Act applies to any—

(1) firearm transferred before, on, or after the date of enactment of this Act; and

(2) bodily injury or death occurring after such date of enactment.

ADDITIONAL COSPONSORS

S. 14

At the request of Mr. COVERDELL, the name of the Senator from Tennessee (Mr. THOMPSON) was added as a cosponsor of S. 14, a bill to amend the Internal Revenue Code of 1986 to expand the use of education individual retirement accounts, and for other purposes.

S. 247

At the request of Mr. ROBB, his name 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. 254

At the request of Mr. HATCH, the names of the Senator from Vermont (Mr. LEAHY), the Senator from Delaware (Mr. BIDEN), and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 254, a bill to reduce violent juvenile crime, promote accountability by rehabilitation of juvenile criminals, punish and deter violent gang crime, and for other purposes.

S. 296

At the request of Mr. FRIST, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 296, a bill to provide for continuation of the Federal research investment in a fiscally sustainable way, and for other purposes.

S. 303

At the request of Mr. ROTH, his name was added as a cosponsor of S. 303, a bill to amend the Communications Act of 1934 to enhance the ability of direct broadcast satellite and other multichannel video providers to compete effectively with cable television systems, and for other purposes.

S. 344

At the request of Mr. BOND, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 344, a bill to amend the Internal Revenue Code of 1986 to provide a safe harbor for determining that certain individuals are not employees.

S. 348

At the request of Ms. SNOWE, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 348, a bill to authorize and facilitate a program to enhance training, research and development, energy conservation and efficiency, and consumer education in the oilheat industry for the benefit of oilheat consumers and the public, and for other purposes.

S. 424

At the request of Mr. COVERDELL, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of S. 424, a bill to preserve and protect the free choice of individuals and employees to form, join, or assist labor organizations, or to refrain from such activities.

S. 429

At the request of Mr. DURBIN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 429, a bill to designate the legal public holiday of ''Washington's Birthday '' as ''Presidents' Day'' in honor of George Washington, Abraham Lincoln, and Franklin Roosevelt and in recognition of the importance of the institution of the Presidency and the contributions that Presidents have made to the development of our Nation and the principles of freedom and democracy.

S. 542

At the request of Mr. ABRAHAM, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 542, a bill to amend the Internal Revenue Code of 1986 to expand the deduction for computer donations to schools and allow a tax credit for donated computers.

S. 593

At the request of Mr. COVERDELL, the name of the Senator from Mississippi (Mr. COCHRAN) 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. 632

At the request of Mr. DEWINE, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 632, a bill to provide assistance for poison prevention and to stabilize the funding of regional poison control centers.

S. 664

At the request of Mr. CHAFEE, the name of the Senator from Maine (Ms.