symptoms of patients, especially in terminally ill patients, including the use of controlled substances; (2) the program must provide information and education on the applicable laws on controlled substances, including those permitting dispensing or administering them to relieve pain even in cases wheresuch efforts may unintentionally increase the risk of death, and (3) the information and education must provide recent findings and developments in the improvement of pain management and palliative care. Health professions schools, residency training programs, continuing education, graduate programs in the health professions, hospices, and other sites as determined by the Secretary will be used as program sites.

This section also requires the Secretary to evaluate the programs directly or through grants or contracts and mandates that the Secretary include individuals with expertise and experience in pain management and palliative care for the population of patients whose needs are to be served in each peer review group involved in the selection of the grantees.

Five million dollars annually are authorized to carry out these programs.

Section 103. Decade of pain control and research

This section designates the decade beginning January 1, 2001, as the ''Decade of Pain Control and Research.''

Section 104. Effective date

This section makes title I effective on the date of enactment.

Section 201. Reinforcing existing standard for the legitimate use of controlled substances

This section amends the Controlled Substances Act to establish that physicians and other licensed health care professionals holding DEA registrations are authorized to dispense, distribute, or administer controlled substances for the legitimate medical purpose of alleviating a patient's pain or discomfort in the usual course of professional practice even if the use of these drugs may increase the risk of death.

Essentially, this provision makes clear that there exists a ''safe harbor'' for those who dispense controlled substances for pain relief and palliative care, even if such treatment increases a patient's risk of death. The Department of Justice (DOJ) has taken the position that the Pain Relief Act ''would eliminate any ambiguity about the legality of using controlled substances to alleviate the pain and suffering of the terminally ill by reducing any perceived threat of administrative and criminal sanctions in this context.''

Without creating any new Federal standard, this section also ensures that the new safe harbor is not construed to change the proper interpretation of current law that the administration, dispensing, or distribution of a controlled substance for the purpose of assisting a suicide is not authorized by the Controlled Substances Act. Individuals covered by the CSA would not be subject to any new liability under the statute—with the exception of those who would attempt in the future to rely on the Oregon Act as a defense to alleged violations of the CSA.

This section further provides that the Attorney General in implementing the Controlled Substances Act shall not give force or effect to any State law permitting assisted suicide or euthanasia. This effectively overturns the June 5, 1998 ruling of the Attorney General insofar as that ruling concluded ''the CSA does not authorize DEA to prosecute, or to revoke the DEA registration of, a physician who has assisted in a suicide in compliance with Oregon law [or the law of any other state that might authorize assisting suicide of euthanasia.''

This section provides that the provisions of the bill are effective only upon enactment with no retroactive effect. This means that the Oregon statute will serve as a defense for any actions taken in complaince under the Oregon law prior to the enactment of H.R. 5544.

This section further provides that nothing in it shall be construed to alter the roles of the Federal and State governments in regulating the practice of medicine, affirming that regardless of whether a practitioner's DEA registration is deemed inconsistent with the public interest, the status of the practitioner's State professional license and State prescribing privileges remain solely within the discretion of State authorities.

This section also provides that nothing in the act is to be construed to modify Federal requirements that a controlled substance may be dispensed only for a legitimate medical purpose nor to authorize the Attorney General to issue national standards for pain management and palliative care clinical practice, research, or quality, except that the Attorney General may take such other actions as may be necessary to enforce the act.

This section provides that in any proceeding to revoke or suspend a DEA registration based on alleged intent to cause or assist in causing death in which the practitioner claims to have been dispensing, distributing, or administering controlled substances to alleviate pain or discomfort in the usual course of professional practice, the burden rests with the Attorney General to prove by clear and convincing evidence that the practitioner's intent was to cause or assist in causing the death.

Section 202. Education and training programs

This section directs educational and research training programs for law enforcement to include means by which they may better accommodate the necessary and legitimate use of controlled substances in pain management and palliative care.

Section 203. Funding authority

This section designates the source of funds for carrying out duties created under some provisions of the Controlled Substances Act, as amended by H.R. 5544.

Section 204. Effective date

This section establishes that the effective date of the act is that of its enactment.

THE COUNTERTERRORISM ACT OF 2000

Mr. LEAHY. Mr. President, Senator KYL spoke on the floor yesterday about the Counterterrorism Act of 2000, S. 3205, which he introduced two weeks ago on October 12, 2000. I had planned to speak to him directly about this legislation when I got into the office yesterday, but before I had the opportunity to speak to him, even by telephone, my colleague instead chose to discuss this matter on the Senate floor.

I have worked with Senator KYL to pass a number of matters of importance to him in past Congresses and in this one. Most recently, for example, the Senate passed on November 19, 1999, S. 692, the Internet Gambling Prohibition Act, and on September 28, 2000, S. 704, the Federal Prisoner Health Care Copayment Act. Moreover, in the past few months, we have worked together to get four more judges in Arizona. I was happy to help Senator KYL clear each of those matters.

Unlike the secret holds that often stop good bills from passing often for no good reason, I have had no secret hold on S. 3205. On the contrary, when asked, I have made no secret about the concerns I had with this legislation.

An earlier version of this legislation, which Senator KYL tried to move as part of the Intelligence Authorization bill, S. 2507, prompted a firestorm of controversy from civil liberties and human rights organizations, as well as the Department of Justice. I will include letters from the Department of Justice, the Center for Democracy and Technology, the Center for National Security Studies and the American Civil Liberties Union for the RECORD at the end of my statement. I shared many of the concerns of those organizations and the Justice Department.

I learned late last week that Senator KYL was seeking to clear S. 3207 for passage by the Senate, even though it had been introduced only the week before. I do not believe the Senate should move precipitously to pass a bill that has garnered so much serious opposition before having the opportunity to review it in detail and ensure that earlier pitfalls had been addressed. Let me say that having reviewed the bill introduced by Senator KYL, it is apparent that he has made efforts to address some of those serious and legitimate concerns.

Senator KYL has suggested that if the Justice Department was satisfied with his legislation, I or my staff had earlier indicated that I would be satisfied. I respect the expertise of the Department of Justice and the many fine lawyers and public servants who work there and, where appropriate, seek out their views, as do many Members. That does not mean that I always share the views of the Department of Justice or follow the Department's preferred course and recommendations without exercising my own independent judgment. I would never represent that if the Justice Department were satisfied with his bill, I would automatically defer to their view. Furthermore, my staff has advised me that no such representation was ever made.

That being said, I should note that the Department of Justice has advised me about inaccurate and incorrect statements in Senator KYL's bill, S. 3205, which are among the items that should be fixed before the Senate takes up and passes this measure.

I have shared those items and other suggestions to improve this legislation with the cosponsor of the bill, Senator FEINSTEIN, whose staff requested our comments earlier this week. My staff provided comments to Senator FEINSTEIN, and understood that at least in the view of that cosponsor of this bill, some of those comments were well-taken and would be discussed with Senator KYL and his staff. Indeed, my staff received their first telephone call about S. 3205 from Senator KYL's staff just yesterday morning, returned the call without finding Senator KYL's

staff available, and hoped to have constructive conversations to resolve our remaining differences. Yet, before these conversations could even begin, Senator KYL chose to conduct our discussions on the floor of the Senate. There may be more productive matters on which the Senate should focus its attention, but I respect my colleague's choice of forum and will lay out here the continuing concerns I have with his legislation.

First, the bill contains a sense of the Congress concerning the tragic attack on the U.S.S. *Cole* that refers to outdated numbers of sailors killed and injured. I believe that each of the 17 sailors killed and 39 sailors injured deserve recognition and that the full scope of the attack should be properly reflected in this Senate bill. I have urged the sponsors of the bill to correct this part of the bill. I note that last week the Senate passed at least two resolutions on this matter, expressing the outrage we all feel about the bombing attack on that Navy ship.

Second, this sense of the Congress urges the United States Government to ''take immediate actions to investigate rapidly the unprovoked attack on the'' U.S.S. *Cole*, without acknowledging the fact that such immediate action has been taken. The Navy began immediate investigative steps shortly after the attack occurred, and the FBI established a presence on the ground and began investigating within 24 hours. The Director himself went to Yemen to guide this investigation. That investigation is active and ongoing, and no Senate bill should reflect differently, as this one does. We should be commending the Administration for the swift and immediate actions taken to this attack and the strong statements made by the President making clear that no stone will be left unturned to find the criminals who planned this bloody attack.

Third, as I previously indicated, the Department of Justice has suggested several corrections to the ''Findings'' section of this bill. For example, the bill suggests there are ''38 organizations'' designated as Foreign Terrorist Organizations (FTOs) when there are currently 29. The bill also states that ''current practice is to update the list of FTOs every two years'' when in fact the statute requires redesignation of FTOs every two years. The bill also states that current controls on the transfer and possession of biological pathogens were ''designed to prevent accidents, not theft,'' which according to the Justice Department is simply not accurate.

Fourth, the bill requires reports on issues within the jurisdiction of the Senate Judiciary Committee without any direction that those reports be submitted to that Committee. For example, section 9 of the bill would require the FBI to submit to the Select Committees on Intelligence of the Senate and the House a feasibility report on establishing a new capability within the FBI for the dissemination of law enforcement information to the Intelligence community. I have suggested that this report also be required to be submitted to the Judiciary Committees. As the Chairman of the Senate Judiciary Subcommittee on Technology, Terrorism and Government Information, I would have expected that Senator KYL would support this suggested change.

Fifth, the bill would require reports, with recommendations for appropriate legislative or regulation changes, by the Attorney General and the Secretary of Health and Human Services on safeguarding biological pathogens at research labs and other facilities in the United States. No definition of ''biological pathogen'' is included in the bill and the scope could therefore cover a vast array of biological materials. I have suggested that the focus of these requested reports could be better directed by more carefully defining this term.

Finally, the bill would require reimbursement for professional liability insurance for law enforcement officers performing official counterterrorism duties and for intelligence officials performing such duties outside the United States. I have asked for an explanation for this provision. I have scoured the record in vain for explanatory statements by the sponsors of this bill for this provision. It is unclear to me why law enforcement officers conducting investigations here in the United States need such insurance, let alone intelligence officers acting overseas. There may be a good reason why these officers need this special protection, beyond the limited immunity they already have and beyond what other law enforcement and intelligence officers are granted. I need to know the reason for this special protection before any of us are able to evaluate the merits of this proposal.

I stand ready, as I always have, to work with the sponsors of S. 3205 to improve their bill.

I ask unanimous consent to print in the RECORD the two letters to which I referred.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

SEPTEMBER 25, 2000.

Hon. RICHARD C. SHELBY,
Chairman, Senate Select Committee on Intelligence, Hart Senate Office Bldg., Washington, DC,

Hon. RICHARD H. BRYAN,
Vice Chairman, Senate Select Committee on Intelligence, Hart Senate Office Bldg, Washington, DC.

DEAR MR. CHAIRMAN AND MR. VICE CHAIRMAN: We are writing to express our opposition to the ''Counterterrorism Act of 2000,'' which we understand Senators Kyl and Feinstein are seeking to add to the intelligence authorization bill. At least three provisions of the Act pose grave threats to constitutional rights, and others raise serious questions as well.

SECTION 10

Section 10 of the Counterterrorism Act would amend the federal wiretap statute (''Title III'') to allow law enforcement agencies conducting wiretaps within the United States to share information obtained from such surveillance with the intelligence agencies. The provision breaches the well-established and constitutionally vital line between law enforcement and intelligence activities. The provision has no meaningful limitations. It allows the CIA and other intelligence agencies to acquire, index, use and disseminate information collected within the US about American citizens. It is not subject to any meaningful judicial controls.

Efforts have been underway for a number of years to improve the sharing of information between law enforcement and intelligence agencies, particularly in areas concerning terrorism and trans-national criminal activity. Significant improvements have been achieved. However, it has been recognized consistently in all these efforts that the fundamental distinction between intelligence and law enforcement serves important values and must be maintained.

Paramount among the reasons why we distinguish between law enforcement and intelligence agencies, and confine them to their separate spheres, is to protect civil and constitutional rights. The intelligence agencies operate in secret without many of the checks and balances, the judicial review and the public accountability that our Constitution demands for most exercises of government power. The secretive data gathering, storage and retention practices of the intelligence agencies are appropriate only when conducted overseas for national defense and foreign policy purposes and only when directed against people who are not US citizens or permanent residents.

Therefore, we have always maintained strict rules against intelligence agency activities in the US or directed against US citizens and residents. From the outset, the National Security Act of 1947 has specifically provided that the Central Intelligence Agency shall ''have no police, subpoena or law enforcement powers or internal security functions.'' This was intended to prevent the CIA from collecting information on Americans. Likewise, the National Security Agency has very strict rules about the collection or dissemination of information concerning Americans.

This prohibition against intelligence agencies collecting and disseminating information about people in the US would be rendered meaningless if the FBI could give personally identifiable information about US citizens to the CIA or NSA, which then could retain the information in files retrievable by name. Yet that is what the proposed amendment does. The proposed amendment contains no meaningful limitations. It does not say that the information to be shared can relate only to non-US persons. It does not say that the information could be kept by the receiving intelligence agencies only in non-personally retrievable form (a restriction that increasingly loses meaning anyhow as agencies develop the capability to search the full next of their files).

Moreover, this breach would involve one of the most intrusive of law enforcement techniques—electronic interception of telephone conversations, e-mail and other electronic communications. In recognition of the especially intrusive nature of wiretapping, section 2.4 of E.O. 12333 expressly states that the CIA is not authorized to conduct electronic surveillance within the United States. All Title III interceptions take place in the US. The overwhelming majority of targets of law enforcement wiretapping are US persons. In this information age, when so much sensitive personal information is exchanged electronically, the American public is increasingly concerned about the breadth and intrusiveness of government wiretapping.

The problems posed by the proposed Section 10 are compounded by the secrecy with which the intelligence agencies operate. There is little likelihood that a person who was the subject of a file at the CIA would ever learn about it, and even less likelihood that they would ever learn that information in the file was obtained by a law enforcement wiretap. So there would be little opportunity for uncovering abuses and little recourse to the judiciary for misuse of the information.

The provision stands in fundamental contradiction to the specificity and minimization requirements of Title III, which are central to the privacy protection scheme of that law. The minimization rule requires every wiretap to be ''conducted in such a way as to minimize the interception of communications not otherwise subject to interception'' under Title III. 18 U.S.C. 2518(5). Every order under Title III must include ''a particular description of the type of communication sought to be intercepted and a statement of the particular offense to which it relates,'' 18 U.S.C. 2518(4)(c). Together, these provisions make it illegal to intercept under Title III communications that do not relate to a criminal offense. Yet the proposed amendment would seem to mean either that officials conducting Title III wiretaps would be intercepting communications involving foreign intelligence that is not relevant to crimes in the U.S. or the CIA would be compiling information about crimes, including crimes inside the U.S., in violation of the National Security Act.

SECTION 9

Section 9 of the Counterterrorism Act of 2000 also threatens to erase the dividing line between law enforcement and intelligence agencies that protects individuals in the U.S. against secret domestic intelligence activity. Section 9 would require the Director of the FBI to submit to Congress a report on the feasibility of establishing within the Bureau a comprehensive intelligence reporting function having the responsibility for disseminating to the intelligence agencies information collected and assembled by the FBI on international terrorism and other national security matters.

But Section 9 calls for far more than an objective study. It requires the FBI to submit a proposal for such an information sharing function, including a budget, an implementation proposal and a discussion of the legal restrictions associated with disseminating law enforcement information to the intelligence agencies. This is putting the cart before the horse. With the emphasis in recent years on cooperation between the FBI and the CIA, the factual predicate has not been established for even concluding that the FBI is not already properly sharing intelligence information. Further, only recently the FBI adopted a strategy that stresses intelligence collection and analysis—it would be prudent first to examine the effectiveness and civil liberties implications of that strategy before directing the FBI to design a new intelligence sharing mechanism. Then it would be prudent to draw distinctions among the various types of information that the FBI is collecting, to ensure that information sharing does not infringe on the rights of Americans and does not involve the intelligence agencies in domestic law enforcement matters. All of these nuances are missing from Section 9. All of them could be accomplished by the relevant Congressional committees in a neutral and objective fashion without the need for this amendment.

The provision does not draw a distinction between information collected by the FBI under its counterintelligence authority and information collected by the Bureau in criminal matters. While there are overlaps between foreign intelligence and criminal investigations, especially in international terrorism matters, there are nonetheless important and long-standing rules intended to enforce the distinction. Since the period of COINTELPRO and the Church Committee, it has been recognized that the rights of American are better protected (and the FBI may be more effective) when international terrorism and national security investigations are conducted under the rules for criminal investigations. Section 9 is flawed for failing to recognize this distinction and seeming to encourage its obliteration.

SECTION 11

Section 11 of the bill is essentially a direction to the Executive Branch to be more aggressive in investigating ''terrorist fundraising'' of an undefined nature. Fundraising to support violent activities is properly a crime. But in the 1996 Antiterrorism and Effective Death Penalty Act, Congress also made it a crime to support the legal, peaceful political activities of groups that the Executive Branch designates as terrorist organizations. The 1996 Act was supposed to allow the government to respond to fundraising in the US on behalf of terrorist groups. At the time, opponents of the law argued that there was no evidence that extensive fundraising of this nature occurred and worried that the law would be used as an excuse to launch intimidating investigations into the political activities of Arab immigrants and other ethnic communities. We opposed the 1996 Act on the ground that it unconstitutionally criminalized support activities that were protected under the First Amendment. The proposed amendment to the intelligence authorization bill reaches even more broadly than the 1996 Act.

Section 11 of the bill essentially tells the Executive Branch to go out and punish fundraising conduct where little or none has been found. The recent case of Wen Ho Lee highlights the dangers of Congress telling the Executive Branch to be more aggressive in investigating and prosecuting a particular crime. The last time something like this happened was in the 1980s, when some in Congress urged the FBI to be more aggressive in investigating what they believed to be a Communist-supported conspiracy in the US to support terrorism in El Salvador. The resulting ''CISPES'' investigation intruded on the First Amendment rights of thousands of Americans peacefully opposed to US policy in Central America, turned up no evidence of wrongdoing, and proved a major embarrassment for the FBI. This danger is exacerbated by the proposed amendment, which encourages the Executive Branch to use Civil and administrative remedies, including the tax laws, that are not subject to the protections of criminal due process. It is further exacerbated since the amendment encourages the commingling of criminal information and intelligence information collected with the most intrusive of techniques and such secrecy that the targets of any adverse action may have a hard time defending themselves.

We also have concerns with other sections of the proposed amendment: (1) Section 6, concerning the guidelines on recruitment of CIA informants, implicitly questions the historical lessons and value judgments reflected in the guidelines and is clearly intended to be seen as a signal from Congress that the CIA should be freer in recruiting informants who are human rights abusers. This practice has embarrassed our country in the past and would embarrass us again if the practice were renewed, undercutting American foreign policy support for the rule of law and our efforts to discourage and resolve violence in emerging democracies and other transitional societies. (2) Section 12 would require IHIS to take ''actions'' to make standards for the physical protection and security of biological pathogens ''as rigorous as the current standards'' for critical nuclear materials.'' The questions posed by the threat of biological weapons require a far more carefully designed policy than a blanket direction to establish for ''biological pathogens'' the same protections that apply to critical nuclear materials. Take the case of West Nile virus, or the AIDS virus. Are these ''biological pathogens?'' Does section 12 mean that all medical research and all medical facilities handling research and treatment of the West Nile or AIDS viruses must institute the security clearance checks, polygraphs, and pre-publication review requirements (all of which raise serious constitutional due process, privacy and civil liberties concerns) that apply to workers at nuclear weapons facilities?

For these reasons, we urge you to oppose the addition of the Counterterrorism Act to the intelligence authorization bill.

Respectfully,

LAURA W. MURPHY,
Director,
American Civil Liberties Union, Washington National Office.

JAMES X. DEMPSEY,
Senior Staff Counsel,
Center for Democracy and Technology.

KATE MARTIN,
Executive Director,
Center for National Security Studies.

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, September 28, 2000.

Hon. RICHARD SHELBY,
Chairman, Select Committee on Intelligence, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This letter expresses the views of the Justice Department on the proposed counterterrorism amendment (the ''Counterterrorism Act of 2000'') to S. 2507, the ''Intelligence Authorization Act for Fiscal Year 2001.'' The Department opposes the amendment.

Section 10 would amend 18 U.S.C. §2517 to permit the sharing of foreign intelligence or counterintelligence information, collected by investigative or law enforcement officers under title III, with the intelligence community. We oppose this provision, Although we recognize the arguments for allowing title III information to be shared as a permissive matter, this would be a major change to existing law and could have significant implications for prosecutions and the discovery process in litigation. Any consideration of the sharing of law enforcement information with the intelligence community must accommodate legal constraints such as Criminal Rule 6(e) and the need to protect equities relating to ongoing criminal investigations. While we understand the concerns of the Commission on Terrorism, we believe that law enforcement agencies have authority under current law to share title III information regarding terrorism with intelligence agencies when the information is of overriding importance to the national security.

Section 10 also raises significant issues regarding the sharing with intelligence agencies of information collected about United States persons. Such a change to title III should not be made lightly, without full discussion of the issues and implications.

Section 9 of the amendment presumptively would give the FBI 60 days to resolve these and other concerns in a report to Congress on the feasibility of establishing a dissemination center within the FBI for information collected and assembled by the FBI on international terrorism and other national security matters. In our view, the issues involved

in the dissemination of this information do not avail themselves of resolution in this very short time frame. In addition, we note that law enforcement officials conducting operations that result in the collection or assembly of this kind of information often will not be in a position to discern whether the information they have gathered actually qualifies as pertinent to foreign intelligence or counterintelligence. Accordingly, to the extent that disclosure becomes mandatory, we anticipate that a substantial and costly effort would be necessary to create the necessary screening process.

Section 11 of the amendment would require the creation of a joint task force to disrupt the fundraising activities of international terrorist organizations. We believe that this type of rigid, statutory mandate would interfere with the need for flexibility in tailoring enforcement strategies and mechanisms to fit the enforcement needs of the particular moment.

Section 12 of the amendment would require the Attorney General to submit a report on the means of improving controls of biological pathogens and the equipment necessary to produce biological weapons. Subsection 12(a)(2)(A) would require that the report include a list of equipment critical to the development, production, and delivery of biological weapons. We question the utility of such a list because it is our understanding that much of this equipment is dual-use and widely used for peaceful purposes. Section 12(b) directs the Secretary of Health and Human Services to undertake certain actions relating to protection and security of biological pathogens described in subsection (a). In keeping with the concerns regarding Executive branch authority, as discussed above, and the complexity and scope of this matter, the Administration believes that any authority should be vested in the President.

Moreover, section 12(a)(2)(B) would purport to require that the Attorney General submit a report to Congress on biological weapons that ''shall include'' the following:

(B) Recommendations for legislative language to make illegal the possession of the biological pathogens;

(C) Recommendations for legislative language to control the domestic sale and transfer of the equipment so identified under subparagraph A;

(D) Recommendations for legislative language to require the tagging or other means of marking of the equipment identified under subsection A.

We believe that these provisions are invalid under the Recommendations Clause, which provides that the President ''shall from time to time . . . recommend to [Congress] . . . such Measures as he shall judge necessary and expedient.'' U.S. Const. art. II, §3. Legislation requiring the President to provide the Congress with policy recommendations or draft legislation infringes on powers reserved to the President by the Recommendations Clause, including the power to decline to offer any recommendation if, in the President's judgment, no recommendation is necessary or expedient. Legislation that requires the President's subordinates to provide Congress with policy recommendations or draft legislation interferes with the President's efforts to formulate and present his own recommendations and proposals and to control the policy agenda of his Administration.

The constitutional concerns raised by the proposed amendment would be addressed by revising these provisions in either of the following ways: (1) provide that the reports the Attorney General submits may, instead of shall, include recommendations or (2) provide that ''the Attorney General shall, to the extent that she deems it appropriate,'' submit such recommendations to Congress.

More generally, we understand that this amendment may bypass the hearing and referral process and be appended immediately to S. 2507, the Intelligence Authorization bill, now headed for consideration on the floor of the Senate. Given the complexity of the issues, we would welcome a more considered dialogue between the branches of Government.

Thank you for the opportunity to present our views. The Office of Management and Budget has advised us that from the perspective of the Administration's program, there is no objection to submission of this letter.

Sincerely,

ROBERT RABEN,
Assistant Attorney General.

SUBMITTING CHANGES TO THE BUDGETARY AGGREGATES AND APPROPRIATIONS COMMITTEE ALLOCATION

Mr. DOMENICI. Mr. President, section 314 of the Congressional Budget Act, as amended, requires the Chairman of the Senate Budget Committee to adjust the appropriate budgetary aggregates and the allocation for the Appropriations Committee to reflect amounts provided for emergency requirements.

I hereby submit revisions to the 2001 Senate Appropriations Committee allocations, pursuant to section 302 of the Congressional Budget Act, in the following amounts:

[Dollars in millions]

	Budget authority	Outlays
Current Allocation:		
General purpose discretionary	$607,973	$597,098
Highways	.....	26,920
Mass transit	.....	4,639
Mandatory	327,787	310,215
Total	935,760	938,872
Adjustments:		
General purpose discretionary	+468	+105
Highways	.....	.....
Mass transit	.....	.....
Mandatory	.....	.....
Total	+468	+105
Revised Allocation:		
General purpose discretionary	608,441	597,203
Highways	.....	26,920
Mass transit	.....	4,639
Mandatory	327,787	310,215
Total	936,228	938,977

I hereby submit revisions to the 2001 budget aggregates, pursuant to section 311 of the Congressional Budget Act, in the following amounts:

[Dollars in millions]

	Budget authority	Outlays	Surplus
Current Allocation: Budget Resolution	$1,534,078	1,495,819	7,381
Adjustments: Emergencies	+468	+105	−105
Revised Allocation: Budget Resolution	1,534,546	1,495,924	7,276

COLORADO UTE INDIAN WATER RIGHTS SETTLEMENT ACT

Mr. GORTON. Mr. President, I regret I was unable to vote on the final passage of the Colorado Ute Indian Water Rights Settlement Act, S. 2508. Had I been present, I would have voted in favor of this legislation.

This legislation has the support of the Governor and Attorney General of Colorado, the Ute Mountain Ute Tribe and the Southern Ute Indian Tribe, the Native American Rights Fund, the Clinton Administration, not to mention the bi-partisan efforts of the Colorado and New Mexico delegations.

In addition, I would have voted in favor of the H.J. 115, the continuing resolution.

TRIBUTE TO SENATOR MOYNIHAN

Mr. FEINGOLD. Mr. President, today I rise to pay tribute to one of the greatest public servants among us: DANIEL PATRICK MOYNIHAN. For 24 years he has lent us the wisdom of his experience, the insights of his keen mind, and above all, the honor of his friendship. Senator MOYNIHAN reminds all of us what a Senator was intended to be. He is a leader who not only addresses the needs of his state, but who wrestles with the challenges facing the nation. Senator MOYNIHAN has been a great servant to the people of New York, but the legacy of accomplishments he leaves reach beyond New York's borders to touch the lives of every American.

With a brilliant intellect and an unwavering dedication, DANIEL PATRICK MOYNIHAN has helped us think through some of the toughest issues before this body, from welfare reform to taxation policy. He has worked to return secrecy to its limited but necessary role in government, an effort which I applaud. And he has lent his support to ''The Fisc,'' the annual compilation of the balance of payments between the states and the federal government, which brings needed attention to the ''donor'' status of New York, Wisconsin and other states. He has done a great service to our understanding of federal spending with his longtime support of this effort.

Recently, I was proud to work with Senator MOYNIHAN on the Mother-to-Child HIV Prevention Act of 2000, S. 2032, the substance of which was incorporated into the Global AIDS and Tuberculosis Relief Act of 2000, and signed into law in August. It was an honor to work with him to get this legislation to the President's desk. Senator MOYNIHAN's keen grasp of foreign affairs, as well as his mastery of domestic and urban issues, will be missed as he retires from the Senate.

Senator MOYNIHAN's lifetime of public service, his wisdom and experience, have been a wonderful gift to this body. I know my colleagues join me in my admiration for Senator MOYNIHAN as a public servant, my respect for him as a colleague, and my appreciation for him as a friend. It has been a distinct honor for me to serve with Senator MOYNIHAN since I came to this body in 1993. PAT, I wish you all the best as you retire from the U.S. Senate, and I look forward to your continued contributions to the nation as one of the greatest political thinkers of our age.