United States of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 106th CONGRESS, FIRST SESSION

Vol. 145 WASHINGTON, TUESDAY, MARCH 2, 1999 No. 32

# Senate

The Senate met at 9:30 a.m., and was called to order by the President pro tempore (Mr. THURMOND).

## PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, Sovereign of history and personal Lord of our lives, today we join with Jews throughout the world in the joyous celebration of Purim. We thank You for the inspiring memory of Queen Esther who, in the fifth century B.C., threw caution to the wind and interceded with her husband, the King of Persia, to save the exiled Jewish people from persecution. The words of her uncle, Mordecai, sound in our souls: ''You have come to the kingdom for such a time as this.''—Esther 4:14.

Lord of circumstances, we are moved profoundly by the way You use individuals to accomplish Your plans and arrange what seems like coincidence to bring about Your will for Your people. You have brought each of us to Your kingdom for such a time as this. You whisper in our souls, ''I have plans for you, plans for good and not for evil, to give you a future and a hope.''—Jeremiah 29:11.

Grant the Senators a heightened sense of the special role You have for each of them to play in the unfolding drama of American history. Give them a sense of destiny and a deep dependence on Your guidance and grace.

Today, during Purim, we renew our commitment to fight against sectarian intolerance in our own hearts and religious persecution in so many places in our world. This is Your world; let us not forget that ''though the wrong seems oft so strong, You are the Ruler yet.'' Amen.

## RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

Mr. BOND. Thank you, Mr. President.

## THE CHAPLAIN'S PRAYER

Mr. BOND. Mr. President, I thank the Chaplain for the most wonderful words of guidance.

## SCHEDULE

Mr. BOND. Mr. President, this morning the Senate will begin consideration of S. 314, a bill providing small business loans regarding the year 2000 computer problems. Under a previous order, there will be 1 hour for debate on the bill equally divided between Senators BOND and KERRY of Massachusetts with no amendments in order to be followed by a vote on passage of the bill at 10:30 a.m. Following that vote, the Senate will recess to allow Members to attend a confidential hearing regarding the Y2K issue in room S. 407 of the Capitol. At 2:15 p.m., under a previous order, the Senate will begin consideration of S. Res. 7, a resolution to fund a special committee dealing with the Y2K issue.

There will be 3 hours for debate on the resolution with no amendments or motions in order. A vote will occur on adoption of the resolution upon the expiration or yielding back of the time, which we anticipate to be approximately 5:15 p.m.

I thank my colleagues for their attention.

## SMALL BUSINESS YEAR 2000 READINESS ACT

The PRESIDENT pro tempore. The clerk will report the pending business.

The legislative clerk read as follows:

A bill (S. 314) to provide the loan guarantee program to address the year 2000 computer problems of small business concerns, and for other purposes.

The Senate proceeded to consider the bill.

Mr. BOND. Mr. President, I thank you very much. I will begin, although my colleague and my cosponsor on this measure is on his way over. Let me begin the discussion of this measure.

I thank my colleagues, Senators BENNETT and DODD, particularly for the work of the Special Committee on the Year 2000 Technology Problem communicating to both the government agencies and the private sector about the seriousness of the year 2000 computer problem. I look forward to their presentations to the Senate today on the potential economic and national security concerns that this problem raises. I also thank Senators BENNETT and DODD, and particularly my ranking member, Senator KERRY, the ranking member of the Small Business Committee, for their cooperation and valuable assistance in the drafting of this important piece of legislation.

As my colleagues on the Committee on Small Business and the Special Committee on the Year 2000 Technology Problem know very well, the year 2000 computer problems may potentially cause great economic hardships and disruptions to numerous Americans and to numerous sectors of our economy. I am very pleased that the Senate has decided to make this problem one of its top priorities and has scheduled discussions on this topic early in the legislative session this year. It is commendable that the Senate is taking action on this problem quickly, and that we are taking action before the calamity happens, instead of after it occurs, which could otherwise be the case.

It is imperative that we move quickly on this measure. And I hope that we can work with our colleagues in the House to pass it and send it to the President, because by definition, since this is 1999, the year 2000 problem grows closer every day with the coming of the end of this calendar year.

The bill before us is an important step toward ensuring the continuing viability of many small businesses after

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



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December 31, 1999. The bill will establish a loan guarantee program to be administered by the Small Business Administration that will provide small businesses with capital to correct their Year 2000 computer problems and provide relief from economic injuries sustained as a result of Y2K computer problems. Last year I introduced a similar bill that the Committee on Small Business adopted by an 18–0 vote and that the full Senate approved by unanimous consent. Unfortunately, the House of Representatives did not act on the legislation prior to adjournment. I reintroduced the bill this year because the consequences of Congress not taking action to assist small businesses with their Y2K problems are too severe to ignore. My colleagues on the Committee on Small Business unanimously approved this legislation once again and I sincerely hope that we can pass this bill, and as I said earlier, that the House of Representatives will act on this legislation promptly.

The problem that awaits this country, and indeed the entire world, at the end of this year is that many computers and processors in automated systems will fail because such systems will not recognize the Year 2000. Small businesses that are dependent upon computer technology, either indirectly or directly, could face failures that could jeopardize their economic futures. In fact, a small business is at risk if it uses any computers in its business, if it has customized software, if it is conducting e-commerce, if it accepts credit card payments, if it uses a service bureau for its payroll, if it depends on a data bank for information, if it has automated equipment for communicating with its sales or service force or if it has automated manufacturing equipment.

Last June, the Committee on Small Business, which I chair, held hearings on the effect the Y2K problem will have on small businesses. The outlook is not good—in fact it is poor at best, particularly for the smallest business. The Committee received testimony that the entities most at risk from Y2K failures are small and medium-sized companies, not larger companies. Two major reasons for this anomaly is that many small companies have not begun to realize how much of a problem Y2K failures could be for them, and many may not have the access to capital to cure such problems before they cause disastrous results.

A study on Small Business and the Y2K Problem sponsored by Wells Fargo Bank and the NFIB found that an estimated 4.75 million small employers are potentially subject subject to the Y2K problem. The committee has also received alarming statistics on the number of small businesses that could potentially face business failure or prolonged inactivity due to the Year 2000 computer problem. The Gartner Group, an international information technology consulting firm, has estimated that between 50% and 60% of small companies worldwide would experience at least one mission critical failure as a result of Y2K computer problems. The committee has also received information indicating that approximately 750,000 small businesses may either shut down due to the Y2K problem or be severely crippled if they do not take action to cure their Y2K problems.

Such failures and business inactivity affect not only the employees and owners of small businesses, but also their creditors, suppliers and customers. Lenders will face significant losses if their small business borrowers either go out of business or have a sustained period in which they cannot operate. Most importantly, however, is the fact that up to 7.5 million families may face the loss of paychecks for a sustained period of time if small businesses do not remedy their Y2K problems. Given these facts, it is easy to forecast that there will be severe economic consequences if small businesses do not become Y2K compliant in time and there are only 10 months to go. Indeed the countdown is on.

A good example of how small businesses are dramatically affected by the Y2K problem is the experience of Lloyd Davis, the owner of Golden Plains Agricultural Technologies, Inc., a farm equipment manufacturer in Colby, Kansas. Like many small business owners, Mr. Davis' business depends on trailing an international information technology consulting firm, has estimated that between 50% and 60% of small companies worldwide would experience at least one mission critical failure as a result of Y2K computer problems. The Committee has also received information indicating that approximately 750,000 small businesses may either shut down due to the Y2K problem or be severely crippled if they do not take action to cure their Y2K problems.

Such failures and business inactivity affect not only the employees and owners of small businesses but also their creditors, suppliers and customers. Lenders will face significant losses if their small business borrowers either go out of business or have a sustained period in which they cannot operate. Most importantly, however, is the fact that up to 7.5 million families may face the loss of paychecks for a sustained period of time if small businesses do not remedy their Y2K problems. Given these facts, it is easy to forecast that there will be severe economic consequences if small businesses do not become Y2K compliant in time and there are only 10 months to go. Indeed the countdown is on.

A good example of how small businesses are dramatically affected by the Y2K problem is the experience of Lloyd Davis, the owner of Golden Fields Agricultural Technologies, Inc., a farm equipment manufacturer in Colby, Kansas. Like many small business owners, Mr. Davis' business depends on trailing technology purchased over the years, including 386 computers running custom software. Mr. Davis uses his equipment to run his entire business, including handling the company's payroll, inventory control, and maintenance of large databases on his customers and their specific needs. In addition, Golden Fields has a web site and sells the farm equipment it manufactures over the internet.

Unlike many small business owners, however, Mr. Davis is aware of the Y2K problem and tested his equipment to see if it could handle the Year 2000. His tests confirmed his fear—the equipment and software could not process the year 2000 date and would not work properly after December 31, 1999. That is when Mr. Davis' problems began. Golden Fields had to purchase an upgraded software package. That cost $16,000. Of course, the upgraded software would not run on 386 computers, so Golden Fields had to upgrade to new hardware. Golden Fields had a computer on each of its 11 employees' desks, so that each employee could access the program that essentially ran the company and assist filling the internet orders the company received. Replacing all the hardware would have cost Golden Fields $55,000. Therefore Golden Fields needed to expend $71,000 just to put itself in the same position it was in before the Y2K problem.

Like many small business owners facing a large expenditure, Mr. Davis went to his bank to obtain a loan to pay for the necessary upgrades. Because Golden Fields was not already Y2K compliant, his bank refused him a loan because it had rated his company's existing loans as ''high-risk.'' Golden Fields was clearly caught in a Catch-22 situation. Nevertheless, Mr. Davis scrambled to save his company. He decided to lease the new hardware instead of purchasing it, but he will pay a price that ultimately will be more expensive than conventional financing. Moreover, instead of replacing 11 computers, Golden Fields only replaced six at a cost of approximately $23,000. Golden Fields will be less efficient as a result. The experience of Mr. Davis and Golden Fields has been and will continue to be repeated across the country as small businesses realize the impact the Y2K problem will have on their business.

A recent survey conducted by Arthur Andersen's Enterprise Group on behalf of National Small Business United indicates that, like Golden Fields, many small businesses will incur significant costs to become Y2K compliant and are very concerned about it. The survey found that to become Y2K compliant, 29% of small businesses will purchase additional hardware, 24% will replace existing hardware and 17% will need to convert their entire computer system. When then asked their most difficult challenge relating to their information technology, more than 54% of the businesses surveyed cited ''affording the cost.'' Congress must ensure that these businesses do not have the same trouble obtaining financing for their Y2K

corrections as Mr. Davis and Golden Fields Agricultural Technologies. Moreover, Congress must deal with the concerns that have recently been raised that there may be a ''credit crunch'' this year with businesses, especially small businesses, unable to obtain financing for any purposes if they are not Y2K compliant.

In addition to the costs involved, there is abundant evidence that small businesses are, to date, generally unprepared for, and in certain circumstances, unaware of the Y2K problem. The NFIB's most recent survey indicates that 40 percent of small businesses don't plan on taking action or do not believe the problem is serious enough to worry about. In addition, the Gartner Group has estimated that only 5 percent of small companies worldwide had repaired their Y2K computer problems as of the third quarter of 1998.

The Small Business Year 2000 Readiness Act that the Senate is considering today will serve the dual purpose of providing small businesses with the means to continue operating successfully after January 1, 2000, and making lenders and small firms more aware of the dangers that lie ahead. The act requires the Small Business Administration to establish a limited-term loan program whereby SBA guarantees the principal amount of a loan made by a private lender to assist small businesses in correcting Year 2000 computer problems. The problem will also provide working capital loans to small businesses that incur substantial economic injury suffered as a direct result of its own Y2K computer problems or some other entity's Y2K computer problems.

Each lender that participates in the SBA's 7(a) business loan program is eligible to participate in the Y2K loan program. This includes more than 6,000 lenders located across the country. To ensure that the SBA can roll out the loan program promptly, the act permits a lender to process Y2K loans pursuant to any of the procedures that the SBA has already authorized for that lender. Moreover, to assist small business that may have difficulty sustaining sufficient cash flows while developing Y2K solutions, the loan program will permit flexible financing terms so small businesses are able to service the new debt with available cash flow. For example, under certain circumstances, a borrower may defer principal payments for up to a year. Once the Y2K problem is behind us, the act provides that the loan program will sunset.

To assure that the loan program is made available to those small businesses that need it and to increase awareness of the Y2K problem, the legislation requires that SBA market this program aggressively to all eligible lenders. Awareness of this loan program's availability is of paramount importance. Financial institutions are currently required by federal banking regulators to contact their customers to ensure that they are Y2K compliant. The existence of a loan program designed to finance Y2K corrections will give financial institutions a specific solution to offer small companies that may not be eligible for additional private capital and will focus the attention of financial institutions and, in turn, their small business customers to the Y2K problem. To increase awareness of this program, I have already contacted the governor of each State to make them aware of the potential availability of the program. Moreover, so that we can state that we directed our best efforts to mitigating the Year 2000 problem, I am seeking to find other ways that the Federal government can assist State efforts to help small businesses become Y2K compliant.

The Small Business Year 2000 Readiness Act is a necessary step to ensure that the economic health of this country is not marred by a substantial number of small business failures following January 1, 2000, and that small businesses continue to be the fastest growing segment of our economy in the Year 2000 and beyond.

Mr. President, I thank the Chair, and I yield to my good friend and distinguished colleague from Massachusetts, the ranking member of the Small Business Committee.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Massachusetts is recognized.

Mr. KERRY. I thank the Chair. I thank my colleague, the chairman of the committee. I thank him for his work on this act and for his leadership within the committee so that we can proceed as he has described.

Most of the media attention with respect to the Y2K problem has been on big businesses, the challenges they face and the costs they are going to bear in order to fix the problem. But as my colleague has mentioned, small businesses face the same effects of Y2K as big businesses. However, they often have little or no resources available to devote to detecting the extent of the problem or to developing a workable and cost-effective solution. That is why we on the Small Business Committee are proceeding with this particular response which I think is most important.

It is in our economic best interest to make sure that all of our small businesses, some 20 million if we include the self-employed—are up and running soundly and effectively, creating jobs and providing services, on and after January 1 of the year 2000.

There are a lot of questions about what the full impact of the Y2K problem is going to be. Is it going to bring a whole series of nationwide glitches? Could it, in fact, induce a worldwide recession?

One hears differing opinions on the extent of that. I was recently at the World Economic Forum in Davos, Switzerland, and there was a considerable amount of focus there from sizable numbers of companies on this issue. I think it is fair to say that here in the United States we have had a greater response than has taken place in Europe or in many other countries. But it is interesting to note that the Social Security Administration, I understand, spent about 6 years and some 600 people, and spent upwards of $1 billion, in order to be ready and capable of dealing with the Y2K problem. Other Departments have spent significant amounts of money as well and have had very large teams of people working in order to guarantee that they are going to be safe. Compared to that, you have very large entities in Europe and elsewhere that are only just beginning.

So, if you look at the numbers of people and the amount of money and the amount of years people have been spending in order to try to put together solutions—obviously those experiences can be helpful to many other entities around the world as we cope with this problem. But the bottom line is, we know our economy is interdependent. We know that most of our technology, interdependent as it is, is date-dependent, and much of it is incapable of distinguishing between the years 2000 and 1900.

We have 10 short months now to become completely Y2K compliant, and national studies have found that the majority of small businesses in the United States are not ready and they are not even preparing. Specifically, the 1998 ''Survey of Small and Mid-Sized Business'' by Arthur Andersen Enterprise Group and National Small Business United found that only 62 percent of all small- and mid-sized businesses have even begun addressing Y2K issues. The good news is that a greater percentage of small- and mid-sized businesses are preparing for Y2K than last summer. The bad news is that they have only just begun that process and a significant group is taking a ''wait and see'' approach.

On a local level, Y2K consultants and commercial lenders in Massachusetts, from Bank Boston to the Bay State Savings Bank, tell us of reactions to the Y2K dilemma that vary from complete and total ignorance, or complete and total denial, to paralysis or simply to apathy.

I will give you an example. Bob Miller, the president of Cambridge Resource Group in Braintree, MA, shared with us what he has observed. Though his company specializes in the Y2K compliance of systems with embedded processors for Fortune 1000 companies and large State projects, he knows how real the technology problem is and how expensive a consultant can be. He has tried to help small companies through free seminars, but literally no one shows up. One time, in Maine, only 2 out of 400 companies responded. ''Small businesses just don't get it. Many think it is a big company problem, but it is not. It will bite them,'' says Mr. Miller. He advises companies to start now, and to build a contingency plan first, because it is so late in the game.

The owner of Coventry Spares, Ltd., a vintage motorcycle parts company, would not disagree with that. John Healy was one of those small business owners who thought it was somebody else's problem. It couldn't happen to him. Luckily for John Healy and his business, he got a scare and so he decided to test his computer system by creating a purchase order for motorcycle pistons with a receivable date of early January 2000. So what happened when he put the order into his system? He punched a key and he waited for his software to calculate how many days it would take to receive the order. He got back a series of question marks.

Then he turned to the company's software that publishes its ''Vintage Bikes'' magazine and he tested it with a 2000 date. His indispensable machine told him the date was not valid.

Mr. Healy's computer problems are, ironically, compounded by his own Yankee ingenuity. As his business evolved, he combined and customized a mishmash of computer systems. It saved money, it worked well, handling everything from the payroll to inventory management, but making these software programs of the various computers Y2K-compliant is all but impossible. As Mr. Healy said:

> ''[These programs] handle 85 percent of the business that makes me money. If I didn't fix this by the year 2000, I couldn't do anything. I'd be a dead duck in the water.''

When all is said and done, Mr. Healy estimates he is going to pay more than $20,000 to become Y2K-compliant, and that includes the cost of new hardware, operating system and database software and conversion.

So, how do we reach those small business owners who have been slow to act, or who, to date, have no plans at all to act? How do we help them facilitate assessment and remediation of their businesses? We believe the way we do that is by making the solution affordable.

According to the same Andersen and NSBU study that I quoted a moment ago, 54 percent of all respondents said ''affording the cost [was the] most difficult challenge in dealing with information technology.''

That sentiment was echoed by David Eddy, who is a Y2K consultant who owns Software Sales Group in Boston, and who testified before the Small Business Committee when we were putting this legislation together last June. Mr. Eddy recently wrote:

> ''Basically, all of our customers are having trouble paying for Y2K. . ..The cost varies from client to client, but no business has ''extra'' money around, so they are struggling.''

So, Mr. President, cost is a very legitimate, albeit risky, reason to delay addressing the Y2K problem—saving until you are a little ahead or waiting until the last possible moment to take on new debt to finance changes. Those are strategies that many companies are forced to adopt, but those are strategies that can still leave you behind the eight ball as of January 1, year 2000.

If you own your own facility, you have to ask yourself, Is the security system going to need an upgrade? What will the replacement cost be? Will simple things work? Will the sprinklers in your plant work? What happens if there is a fire? If you own a dry cleaning store and you hire a consultant to assess the equipment in your franchise, will remediation eat up all of your profit and set you back?

These are the basic questions of any small business person in this country. Some business owners literally cannot afford to hear the answers to those questions. It may come down to a choice between debt or dissolution, or rolling the dice, which is what a lot of small companies are deciding to do. They say to themselves: I can't really afford to do it, I am not sure what the implications are, I am small enough that I assume I can put the pieces together at the last moment—so they are going to roll the dice and see what happens.

There is another problem with waiting. Just as regulators have forced lenders to bring their systems into compliance, the lenders themselves are now requesting the same compliance of existing borrowers and loan applicants. In Massachusetts, for instance, the Danvers Savings Bank, one of the State's top SBA lenders, has stated publicly that it will not make loans to businesses unless they are in control of their Y2K problems. The bank fears that if a small company isn't prepared for Y2K problems, it could adversely affect its business, which could then, obviously, adversely affect the loan that the bank has made and the small business ability to repay the loan, which adversely affects the bottom line for the bank.

The Year 2000 Readiness Act gives eligible business owners a viable option. And that is why we ask our colleagues to join in supporting this legislation today.

This legislation will make it easy for lenders, and timely for borrowers, and it is similar to the small business loan bill that I introduced last year in Congress. It expands the 7(a) loan program, one of the most popular and successful guaranteed lending programs of the Small Business Administration.

Currently, this program gives small businesses credit, including working capital, to grow their companies. If the Year 2000 Readiness Act is enacted, those loans can be used until the end of the year 2000 to address Y2K problems ranging from the upgrade or replacement of date-dependent equipment and software to relief from economic injury caused by Y2K disruptions, such as power outages or temporary gaps in deliveries of supplies and inventory.

The terms of 7(a) loans are very familiar to those, obviously, within the small business community, and they have taken advantage of them. The fact is, these loans are very easy to apply for and to process. They are structured to be approved or denied, in most cases, in less than 48 hours. So for those who fear paperwork or fear the old reputation of some Government agencies, we believe this is a place where they can find a quick answer and quick help to their problems. We expect the average Y2K loan to be less than $100,000.

In addition, Mr. President, to give lenders an incentive to make 7(a) loans to small businesses for Y2K problems, the act raises the Government guaranties of the existing program by 10 percent, from 80 percent to 90 percent for loans of $100,000 or less, and from 75 to 85 percent for loans of more than $100,000. Under special circumstances, the act also raises the dollar cap of loan guarantees from $750,000 to $1 million for Y2K loans.

Eligible lenders can use the SBA Express Pilot Program to process Y2K loans. Under this pilot, lenders can use their own paperwork and make same-day approval, so there can be a streamlined process without a whole lot of duplication for small businesses, which we know is one of the things that most drives small business people crazy. The tradeoff for the ease and loan approval autonomy is a greater share of the loan risk. Unlike the general 7(a) loans, SBA Express Pilot loans are guaranteed at 50 percent.

We know that many small-business owners also have shoestring budgets, and that they are going to be hard-pressed to pay for another monthly expense. With this in mind, we have designed the Small Business Year 2000 Readiness Act to encourage lenders to work with small businesses addressing Y2K-related problems by arranging for affordable financing terms. For example, when quality of credit comes into question, lenders are directed to resolve reasonable doubts about the applicant's ability to repay the debt in favor of the borrower. And, when warranted, borrowers can get a moratorium for up to 1 year on principal payments on Y2K 7(a) loans, beginning when the loans are originated.

Mr. President, one final comment. As important as this Y2K loan program is, in my judgment, it has to be available in addition to, not in lieu of, the existing 7(a) program. It is a vital capital source for small businesses. We provided 42,000 loans in 1998, and they totaled $9 billion. That is not an insignificant sum. What we do not want to have happen is to diminish the economic up side of that kind of lending. With defaults down—and they are—and recoveries up and the Government's true cost under the subsidy rate at 1.39 percent, we should not create burdens that would slow or reverse the positive trend that we have been able to create.

To protect the existing 7(a) program, we have to make certain that it is adequately funded for fiscal years 1999 and 2000. And because the Y2K loan program is going to be part of the 7(a) business lending program, funds that have already been appropriated for the 7(a) program can be used for the Y2K loan program.

Already this year, demand for that lending is running very high. Typically, the demand for 7(a) loans increases by as much as 10 percent in the spring and in the summer. So we are entering the high season of cyclical lending within the SBA itself. If that holds true for the current fiscal year, the program may use nearly all of its funds to meet the regular loan demand. There may be even greater demand for Y2K lending as people become more aware of the problem with increased publicity and discussion of it in a national dialogue.

Under these circumstances, we need to be diligent about monitoring the 7(a) loan program to make certain there is adequate funding. I appreciate that Chairman BOND, who also serves on the Appropriations Committee, shares this concern and has agreed to work with me to secure the necessary funds targeted specifically for the Y2K loan program, and I thank Chairman BOND for his commitment.

I also thank Senators BENNETT and DODD and the Small Business Administration for working with our committee on this important initiative. We have tackled some tough policy issues, and the give-and-take, I believe, has made this legislation more helpful for businesses that face the Y2K problems.

I am very hopeful that all of our colleagues will join with us in voting yes today and that our friends on the House side will act as quickly as possible to pass S. 314. It is, obviously, a good program that will have a profound impact on the year 2000 and on the long-term economic prospects of our Nation.

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

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. Senator BOND.

Mr. BOND. Mr. President, I thank the ranking member, once again. His work on this measure, as so many others, and the work of his staff has been essential to assuring a product that meets the needs of small business and also deals with legitimate concerns which were raised initially by the SBA and others, and we are grateful to him for that effort. I thank him for his strong leadership and the very compelling case he makes.

Obviously, all the members of the Small Business Committee believe very strongly that small business needs some help, and we would love to have more people talking about the Y2K problem, but I should advise my colleagues, and those who are watching, that there is, as we speak, a hearing going on in the Y2K Committee where Senator DODD and Senator BENNETT are exploring some of the other issues.

This is really ''Y2K Day'' in the Senate because, as I stated in the opening, when we finish the vote on this measure—which I hope will be overwhelming in favor of it—there will be a confidential hearing regarding the Y2K issue in room S–407, and at 2:15 p.m., we will begin consideration of a resolution to fund this special committee dealing with the Y2K issues.

I noticed on one of the morning television shows that we are getting some good coverage and discussion in the media about the Y2K problem, and today certainly the Senate has explored in many, many different aspects how we can help smooth the transition to January 1, 2000, and beyond, when computers, if they are not fixed, might think that it is 1900 all over again.

Mr. President, we invite Members who want to come down to speak on this issue to do so. We hope they will have some time. We have 20 minutes more. And after, I may use some time on another matter, but I want to find out if there are other Members who wish to address the Y2K problem first.

I yield the floor.

Ms. LANDRIEU. Mr. President, today I rise in support of S. 314, the Small Business Year 2000 Readiness Act. I also want to thank Chairman BOND and Senator KERRY for their leadership on this issue. Without this legislation a large percentage of the 97,000 small businesses in Louisiana and nearly 5 million small business nationwide would not have access to needed credit necessary to repair Year 2000 computer problems.

According to recent studies and information provided to the Senate Small Business Committee, as estimated 750,000 small businesses are at risk of being temporarily shut down or incurring significant financial loss. Another four million businesses could be affected in other ways. In fact, any small business is at risk if it uses any computers in its business or related computer applications. For example, any e-commerce business or other businesses that use credit card payments, the use of a service bureau for its payroll, or automated manufacturing equipment could be affected. It is difficult to predict how serious the implications could be. But it is clear that if the Congress does not act, millions of small businesses, so important to our national economy, and millions of families dependent on these enterprises will suffer greatly.

A recent survey conducted on behalf of National Federation of Independent Business, NFIB, by Arthur Andersen indicated that many small businesses will incur significant costs to become Y2K compliant and are very concerned. The survey found that to become Y2K compliant, 29 percent of small to medium sized businesses will purchase additional hardware, 24 percent will replace existing hardware and 17 percent will need to convert their entire computer system. Then, when asked their most difficult challenge relating to their information technology, more than 54 percent of the businesses surveyed cited ''affording the cost.''

However, according to the NFIB, while these studies indicated many are worried, 40 percent of small businesses don't plan on taking action or do not believe the problem is serious enough to worry about. Fortunately, the Small Business Year 2000 Readiness Act, tries to address this problem as well as other credit issues, facing small businesses. First and foremost, it allows the Small Business Administration the authority to expand its guaranteed loan program to provide these businesses with the means to continue operating successfully after January 1, 2000. Moreover, it will provide technical assistance in order to help educate lenders and small firms about the dangers that lie ahead. And, finally, this measure allows small businesses to use Y2K loan proceeds to offset economic injury sustained after the year 2000, due to associated computer glitch problems.

Mr. President, with less than a year to go, and many small businesses not prepared for the unforeseeable consequences, Congress must respond expeditiously with the passage of this legislation. Without adequate capital and computer related costs that could result in millions of dollars of damages, the economic consequences could be severe. This legislation is a very positive step to help mitigate the potential loss of thousands of small businesses and the associated impact on our States' and national economies.

I ask that my colleagues join me in support of this critical legislation and know that the Congress will be able to send a positive message with the enactment of this legislation in the very near future.

Thank you, I yield the floor.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I yield 3 minutes to the Senator from Vermont.

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

Mr. LEAHY. Mr. President, there have been a number of hearings on Y2K. One was held yesterday in the Judiciary Committee. And in that meeting I offered a very simple and direct principle: Our goal should be to encourage Y2K compliance. No matter how much we talk about liabilities or who is to blame, or anything else, the bottom line is for people who want to go from December 31 to January 1, at the end of this year, we should look for compliance. That is what we are doing by passing this, the Small Business Year 2000 Readiness Act, S. 314. It offers help to small businesses working to remedy their computer systems before the millennium bug hits.

I want to commend Senators BOND and KERRY for their bipartisan leadership in the Small Business Committee on this bill. It is going to support small businesses around the country in the Y2K remedial efforts. I am proud to be a cosponsor of this legislation.

We know that small businesses are the backbone of our economy, whether it is the corner market in a small city, or the family farm, or a smalltown doctor. In my home State of Vermont, 98

percent of the businesses are small businesses. They have limited resources. That is why it is important to provide these small businesses with the resources to correct their Y2K problems —but to do it now.

Last month, for example, I hosted a Y2K conference in Vermont to help small businesses prepare for the year 2000. Hundreds of small business owners from across Vermont attended this conference. They took time out of their work so they could learn how to minimize or eliminate Y2K computer problems. Those who could not join us at the site joined us by interactive television around the State.

Vermonters are working hard to identify their vulnerabilities. They should be encouraged and assisted in these efforts. That is the right approach. The right approach is not to seek blame but to fix as many of the problems ahead of time as we can. Ultimately, the best business policy—actually, the best defense against Y2K-based lawsuits—is to be Y2K compliant.

The prospect of Y2K problems requires remedial efforts and increased compliance, not to look back on January 1 and find out who was at fault but to look forward on March 2 and say what can we do to fix it.

Unfortunately, not all small businesses are doing enough to address the year 2000 issue because of a lack of resources in many cases. They face Y2K problems both directly and indirectly through their suppliers, customers and financial institutions. As recently as last October the NFIB testified: ''A fifth of them do not understand that there is a Y2K problem. . . . They are not aware of it. A fifth of them are currently taking action. A fifth have not taken action but plan to take action, and two-fifths are aware of the problem but do not plan to take any action prior to the year 2000.'' Indeed, the Small Business Administration recently warned that 330,000 small businesses are at risk of closing down as a result of Y2K problems, and another 370,000 could be temporarily or permanently hobbled.

Federal and State government agencies have entire departments working on this problem. Utilities, financial institutions, telecommunications companies, and other large companies have information technology divisions working to make corrections to keep their systems running. They have armies of workers—but small businesses do not.

Small businesses are the backbone of our economy, from the city corner market to the family farm to the small-town doctor. In my home State of Vermont, 98 percent of the businesses are small businesses with limited resources. That is why it is so important to provide small businesses with the resources to correct their Y2K problems now.

Last month, I hosted a Y2K conference in Vermont to help small businesses prepare for 2000. Hundreds of small business owners from across Vermont attended the conference to learn how to minimize or eliminate their Y2K computer problems. Vermonters are working hard to identify their Y2K vulnerabilities and prepare action plans to resolve them. They should be encouraged and assisted in these important efforts.

This is the right approach. We have to fix as many of these problems ahead of time as we can. Ultimately, the best business policy and the best defense against Y2K-based lawsuits is to be Y2K compliant.

I am studying the Report from our Special Committee on the Year 2000 Technology Problem and thank Chairman BENNETT and Vice Chairman DODD for the work of that Committee. I note that they are just beginning their assessment of litigation. As they indicate in the Report released today: ''The Committee plans to hold hearings and work closely with the Judiciary and Commerce Committees to make legislative proposals in this area.''

I understand that the Special Committee is planning hearings on Y2K litigation soon. As best anyone has been able to indicate to me, only 52 Y2K-related lawsuits have been commenced to date. Of those, several have already been concluded with 12 having been settled and 8 dismissed.

At our Judiciary Committee hearing earlier this week we heard from a small businessman from Michigan who was one of the first Y2K plaintiffs in the country. He had to sue to obtain relief from a company that sold him a computer and cash register system that would not accept credit cards that expired after January 1, 2000 and crashed.

We also heard from an attorney who prevailed on behalf of thousands of doctors in an early Y2K class action against a company that provided medical office software that was not Y2K compliant.

Recent legislative proposals by Senator HATCH and by Senator MCCAIN raise many questions that need to be answered before they move forward. I look to the hearings before the Special Committee and to additional hearings before the Judiciary Committee to gather the factual information that we need in order to make good judgments about these matters. We heard Monday of a number of serious concerns from the Department of Justice with these recent proposals. Those concerns are real and need to be addressed.

If we do not proceed carefully, broad liability limitation legislation could reward the irresponsible at the expense of the innocent. That would not be fair or responsible. Removing accountability from the law removes one of the principal incentives to find solutions before problems develop.

Why would congressional consideration or passage of special immunity legislation make anyone more likely to expend the resources needed to fix its computer systems to be ready for the millennium? Is it not at least as likely to have just the opposite effect? Why should individuals, businesses and governments act comprehensively now if the law is changed to allow you to wait, see what problems develop and then use the 90-day ''cooling off'' period after receiving detailed written notice of the problem to think about coming into compliance? Why not wait and see what solutions are developed by others and draw from them later in the three-month grace period, after the harm is done and only if someone complains?

I would rather continue the incentives our civil justice systems allows to encourage compliance and remediation efforts now, in advance of the harm. I would rather reward responsible business owners who are already making the investments necessary to have their computer systems fixed for Y2K.

I sense that some may be seeking to use fear of the Y2K millennium bug to revive failed liability limitation legislation of the past. These controversial proposals may be good politics in some circles, but they are not true solutions to the Y2K problem. Instead, we should be looking to the future and creating incentives in this country and around the world for accelerating our efforts to resolve potential Y2K problems before they cause harm.

I also share the concerns of the Special Committee that ''disclosure of Y2K compliance is poor.'' We just do not have reliable assessments of the problem or of how compliance efforts are going. In particular, I remain especially concerned with the Special Committee's report that: ''Despite an SEC rule requiring Y2K disclosure of public corporations, companies are reluctant to report poor compliance.'' I have heard estimates that hundreds if not thousands of public companies are not in compliance with SEC disclosure rules designed to protect investors and the general public.

I hope that the Special Committee will follow through on its announced ''plans to address certain key sectors in 1999 where there has been extreme reluctance to disclose Y2K compliance.'' We should not be rewarding companies that have not fulfilled their disclosure responsibilities by providing them any liability limitation protections.

On the contrary, after all the talk earlier this year about the importance of the rule of law, we ought to do more to enforce these fundamental disclosure requirements. As the Special Committee reports: ''Without meaningful disclosure, it is impossible for firms to properly assess their own risks and develop necessary contingency plans.

Disclosure is also important in the context of congressional oversight. The Special Committee will continue to promote this important goal in 1999.'' The Senate should do nothing to undercut this effort toward greater disclosure in accordance with law.

Sweeping liability protection has the potential to do great harm. Such legislation may restrict the rights of consumers, small businesses, family farmers, State and local governments and the Federal Government from seeking redress for the harm caused by Y2K computer failures. It seeks to restructure the laws of the 50 states through federal preemption. Moreover, it runs the risk of discouraging businesses from taking responsible steps to cure their Y2K problems now before it is too late.

By focusing attention on liability limiting proposals instead of on the disclosures and remedial steps that need to be taken now, Congress is being distracted from what should be our principal focus—encouraging Y2K compliance and the prompt remedial efforts that are necessary now, in 1999.

The international aspect of this problem is also looming as one of the most important. As Americans work hard to bring our systems into compliance, we encounter a world in which other countries are not as far along in their efforts and foreign suppliers to U.S. companies pose significant risks for all of us. This observation is supported by the Report of the Special Committee, as well. We must, therefore, consider whether creating a liability limitation model will serve our interests internationally.

The Administration is working hard to bring the Federal Government into compliance. President Clinton decided to have the Social Security Administration's computers overhauled first and then tested and retooled and retested, again. The President was able to announce on December 28 that social security checks will be printed without any glitches in January 2000. That is progress.

During the last Congress, I joined with a number of other interested Senators to introduce and pass into law the consensus bill known as ''The Year 2000 Information and Readiness Disclosure Act.'' We worked on a bipartisan basis with Senator BENNETT, Senator DODD, the Administration, industry representatives and others to reach agreement on a bill to facilitate information sharing to encourage Y2K compliance. The new law, enacted less than five months ago, is working to encourage companies to share Y2K solutions and test results. It promotes company-to-company information sharing while not limiting rights of consumers.

The North American Electric Reliability Council got a great response from its efforts to obtain detailed Y2K information from various industries. We also know that large telephone companies are sharing technical information over websites designed to assist each other in solving year 2000 problems. Under a provision I included, that law also established a National Y2K Information Clearinghouse and Website at the General Services Administration. That website is a great place for small businesses to go to get started in their Y2K efforts.

If, after careful study, there are other reasonable efforts that Congress can make to encourage more computer preparedness for the millennium, then we should work together to consider them and work together to implement them.

Legislative proposals to limit Y2K liability now pending before the Commerce and Judiciary Committees were printed in last Wednesday's CONGRESSIONAL RECORD. Given the significant impact these bills might have on State contract and tort law and the legal rights of all Americans, I trust that the Senate will allow all interested Committees to consider them carefully before rushing to pass liability limitation provisions that have not been justified or thoroughly examined.

The prospect of Y2K problems requires remedial efforts and increased compliance, which is what the ''Small Business Year 2000 Readiness Act,'' S.314, will promote. It is not an excuse for cutting off the rights of those who will be harmed by the inaction of others, turning our States' civil justice administration upside down, or immunizing those who recklessly disregard the coming problem to the detriment of their customers and American consumers.

Ms. SNOWE. Mr. President, I rise today in support of the Small Business Year 2000 Readiness Act, of which I am an original cosponsor.

I would like to begin by thanking Senator BOND, who serves as Chairman of the Senate Small Business Committee, for his leadership on this important issue. As a member of the Small Business Committee and a Senator from a state where virtually all the businesses are small businesses, I strongly believe that assisting small businesses prepare for the Year 2000 must be a top priority.

So many aspects of our lives are influenced by computers. I believe the Y2K computer glitch is an issue of such importance that it demands decisive action on our part, because any delay at this point will make this problem exponentially more difficult to solve.

The bill before us today authorizes loan guarantees for small businesses to help with Y2K compliance. Loan guarantees will permit small businesses to assess their computers' Y2K compatibility, identify changes to assure compatibility, and finance purchase or repair of computer equipment and software to ensure that is compatible with Y2K. The loans will also allow small businesses to hire third party consultants to support their efforts.

Maine has an historical record of self-reliance and small business enterprise, and I am extremely supportive of the role the federal government can play in promoting small business growth and development. Small businesses are increasingly essential to America's prosperity, and they should and will play a vital role in any effort to revitalize our communities if we help them enter the 21st Century in a strong position.

As we all know, this problem stems from a simple glitch—how the more than 200 million computers in the United States store the date within their internal clocks.

Some computers and software may not run or start if the internal clock fails to recognize ''00'' as a proper year. The computer can continue waiting for you to enter what it thinks is a correct date and prevent you from accessing your records until you have done so. Without access to your records, you will be unable to track your inventory, sales, or even your bank accounts.

I began to wonder what the effects would be on small business when the Commerce Committee held a hearing on the issue last year. And after questioning officials, specifically Deputy Secretary of Commerce Robert Mallett, it became evident that many small businesses simply didn't have the kind of time and resources that many larger business may have at their disposal to fix this potentially serious problem.

At the Maine forums I sponsored last year as a member of both the Commerce and Small Business Committees, I worked to educate small businesses on the Y2K threat, and it was a learning experience for me as well.

The impact of Y2K on the small business community could be devastating. According to a National Federation of Independent Business and Wells Fargo Bank study, 82 percent of small businesses are at risk.

Fortunately, it doesn't have to be that way. With the benefit of foresight and proper planning, we can diffuse this ticking time bomb and ensure that the business of the nation continues on without a hitch—or a glitch.

From a technical standpoint, the necessary corrections are not difficult to make. However, determining that there's a problem, finding people qualified to fix the problem, and crafting a solution to fit the individual needs of different computers and programs poses significant challenges.

We must put ourselves in the position that a small business or entrepreneur is in. Consider that this problem effects more than just your business. By checking your system you are only halfway to solving the problem. You must also take time to ensure your supplier, distributer, banker, and accountant are also ''cured'' of the Year 2000 problem.

For example, if you manufacture a product on deadline, you'll want to make sure your computers will be able to keep track of your delivery schedule, inventory, and accounts receivable and payable. If your system fails to do this, the consequences could be debilitating for a business.

But think about this: suppose your suppliers aren't compatible, and their system crashes. You may not receive the raw materials you need to get your product to market on time—devastating if you're in a ''just in time'' delivery schedule with your supplier. And

what happens when your shipper's computers go down for the count?

That is why it is so important that we take steps to fix the problem now. The year 2000 is almost upon us, and each day that goes by trades away valuable time.

For the vast majority of businesses, there are five simple steps toward compliance. First, awareness of the problem. Second, assessing which systems could be affected and prioritizing their conversion or replacement. Third, renovating or replacing computer systems. Fourth, validating or testing the computer systems. And fifth, implementing the systems.

The bill before us today will help small business address these steps, and I urge my colleagues to join in an overwhelming show of support for our nation's small businesses by voting for this important legislation.

Mr. President, I yield the floor.

Mr. LEVIN. Mr. President, as a member of the Senate Small Business Committee and cosponsor of this legislation, I am pleased the Senate is acting expeditiously on S. 314, the Small Business Year 2000 Readiness Act. Making affordable government guaranteed loans available to small businesses to correct the computer problem associated with the Year 2000, or Y2K, is a critical part of that the federal government can do to ensure that all businesses can become Y2K compliant by the turn of the century.

As everyone knows by now, experts are concerned that on January 1, 2000, many computers will recognize a double zero not as the year 2000 but as the year 1900. This technical glitch could cause the computers to stop running altogether or start generating erroneous data. It is a serious problem that should be taken seriously by businesses, large and small.

Unfortunately, surveys show that many small businesses are not taking the action they should be taking to fix the problem and as a result could face costly consequences on January 1, 2000. According to recent research, nearly 25 percent of all businesses, of which 80 percent are small companies, have not begun to prepare for the serious system issues that are predicted to occur on January 1, 2000.

One of the reasons for this lack of preparedness by small businesses could be the lack of access to funds to pay for the needed repairs. That is why the Senate Small Business Committee reported by a unanimous vote this legislation to establish a special loan program for small businesses to pay for Y2K repairs. Our hope is to move this legislation expeditiously through the 106th Congress so that the special loan program established by this bill will be available in time to do Y2K repairs. The full extent of the year 2000 problem is unknown, but we can reduce the possibility of problems by taking action now.

System failures can be costly and that's why it's better to avoid them rather than fix them after failure. As we count down the remaining months of this century, let's give small businesses who have been the backbone of our great economic prosperity access to the funds they need to correct the Y2K computer bug. For many of our small businesses, S. 314 could help keep them from suffering severe financial distress or failure.

S. 314 requires the Small Business Administration to establish a limited-term government guaranteed loan program to guarantee loans made by private lenders to small businesses to correct their own Y2K problems or provide relief from economic injuries sustained as a result of its own or another entity's Y2K computer problems. It offers these loans at more favorable terms than other government guaranteed loans available to small businesses and it allows small businesses to defer interest for the first year. The bill report language also includes a provision I suggested allowing the favorable terms of this lending program to be applied to loans already granted to small businesses that were used primarily for Y2K repairs but under less favorable terms than offered under this program. Since this loan program already passed the Senate last year as a component of a larger bill, some small businesses may have already made the decision to take out small business loans to pay for Y2K repairs based on the reasonable expectation that this program would be enacted into law.

Ms. COLLINS. Mr. President, I rise in support of S. 314, the Small Business Year 2000 Readiness Act. The bill establishes a guaranteed loan program for small businesses in order to remediate existing computer systems or to purchase new Year 2000 compliant equipment. The loan program would be modeled after the Small Business Administration's popular 7(a) loan program, which has provided thousands of small businesses funding to grow their operations.

Many small businesses are having difficulty determining how they will be affected by the millennium bug and what they should do about it. Many of them face not only technological but also severe financial challenges in becoming Y2K-compliant. This legislation will help provide peace of mind to the small business community throughout the nation, which we must help prepare now for the coming crisis.

The Small Business Year 2000 Readiness Act would encourage business to focus on Year 2000 computer problems before they are upon us. A successful program being operated in my State underscores the benefits to such forethought.

Through the efforts of the Maine Manufacturing Extension Partnership (MEP), a program funded through the National Institutes of Science and Technology, small businesses have been successful in addressing their Y2K problems. With the use of an assessment tool, the Maine MEP is able to provide small business owners road maps for addressing critical Y2K issues concerning accounting systems, computerized production equipment, environmental management systems, and supplier vulnerabilities.

Once the Maine MEP completes an assessment of technical Y2K problems, it instructs the small business owner on how to apply for a loan from the Small Business Administration. As it turns out, this step is crucial. Small business owners have commented that, while they need help in determining their Y2K exposure, it is just as important to have a place to turn for funding so that they can take action to correct possible problems. Because businesses often do not budget for Y2K problems, it is vital to give businesses some assurance that they will be able to borrow the funds necessary to remediate their systems. The Small Business Year 2000 Readiness Act does exactly that.

My home State of Maine has over 35,000 small businesses, which were responsible for all of the net new jobs created in our State from 1992 through 1996. With their diversity and innovation, small businesses are the backbone of our economy and the engine fueling job growth.

Mr. President, by their very definition entrepreneurs are risk managers. In the years that I have been working with small businesses, I am aware of countless experiences where the entrepreneurial spirit has propelled business owners to overcome major obstacles to succeed. With the financial assistance that this new SBA loan program will offer, it is my expectation that small businesses will indeed succeed in squashing their Y2K bug.

Mr. MOYNIHAN. Mr. President, I am delighted to see that the Senate passed S. 314, the Small Business Year 2000 Readiness Act, today. I introduced this bill with Senators CHRISTOPHER S. BOND, JOHN F. KERRY, ROBERT F. BENNETT, CHRISTOPHER J. DODD, and OLYMPIA SNOWE on January 27, 1999. S. 314 establishes a loan guarantee program to help small businesses prepare for the year 2000. Because our economy is interdependent, we must make sure that our small businesses are still up and running and providing services on January 1, 2000. This bill will help ensure that that is the case.

I began warning about the Y2K problem 3 years ago. Since that time, people have begun to listen and progress has been made on the Y2K front. The federal government and large corporations are expected to have their computers functioning on January 1, 2000. Good news indeed. But small businesses continue to lag behind in fixing the millennium problem. I am confident that the Readiness Act will help small businesses remediate their computer systems and I urge the House to consider it forthwith. There is no time to waste.

Mr. JEFFORDS. Mr. President, most small businesses in Vermont rely on

electronic systems to operate. Many of these businesses are looking to the Year 2000 with apprehension or outright despair. Small businesses rely on microprocessors for manufacturing equipment, telecommunications for product delivery, and the mainstay of data storage—computer chips. These businessmen and women are concerned about the financial effects of the Year 2000 Computer Bug will have on their efforts to remedy the problem, as well as those after-effects caused by system failures. This is why I firmly believe that the quick enactment of Senator BOND's bill, S. 314, the Small Business Year 2000 Readiness Act should be a top priority for Congress.

The legislation will go a long way toward providing vitally needed loans for the nation's small businesses. This bill serves three purposes: first, it will authorize the U.S. Small Business Administration (SBA) to expand its guaranteed loan program so eligible small businesses have the means to continue operating successfully after January 1, 2000. Second, the bill will allow small businesses to use Y2K loan proceeds to offset economic injury sustained after the year 2000 as a result of Y2K problems. Third, the legislation will highlight those potential vulnerabilities small businesses face from Y2K so small businessmen and women understand the risks involved.

Unfortunately, while many small businesses are well aware of the Y2K Millennium Bug, recent surveys indicate that a significant proportion of them do not plan on taking action because they do not believe it is a serious enough threat. This bill will raise awareness of Y2K risks so small businesses who may face problems will choose to upgrade their hardware and software computer systems. As costs of doing so could be prohibitive for small businesses the legislation will meet the financial needs of small businesses by ensuring access to guaranteed SBA loans.

The operation of this legislation will remain the same as the current SBA loan program, where the agency guarantees the principal amount of a loan made by a private lender to assist new small businesses seeking to correct Y2K computer problems. Those lenders currently participating in the SBA's 7(a) business loan program will also be able to participate in the Y2K loan program by accessing additional guaranteed loan funds.

Mr. President, I commend the efforts of Chairman BOND on this legislation and I hope for its quick enactment. While this legislation will not eradicate the potential effects Y2K may have on electronic systems, it will at least ensure that resources are available to those small businesses who try to protect themselves from the threat, or recuperate following a Y2K-related difficulty.

Mr. KERREY. Mr. President, I rise to make a few remarks concerning S. 314. I am pleased that the Senate took a step forward today to help small businesses prepare for the Year 2000 Problem. I am very concerned about Y2K's potential affect on small businesses and rural communities, particularly in my home state of Nebraska where technology is increasingly playing a vital role in all aspects of commerce. In addition to the many small businesses that use technology in everyday transactions, Nebraska is home to a growing high-technology industry that could be derailed if we fail to take additional steps to solve the Year 2000 problem.

High-technology companies account for a significant portion of Nebraska's economic output. According to the United States Bureau of Labor Statistics, forty-four of every one-thousand private sector workers in Nebraska are employed by high-tech firms at an average salary of $37,000. Astonishingly, that's nearly $15,000 more than the average private sector wage.

This rapidly growing sector of Nebraska's economy is a testament to the ingenuity and work ethic that characterize the citizens of our state. From the data processing industry in Omaha to the telecommunications and technology interests in Lincoln to electronic retail commerce and agribusiness interests in the panhandle, Nebraskans are using and developing unique technologies to improve their lives. It's clear that the information age has arrived on the plains as nearly one-fourth of Nebraska's exports come through high-tech trade.

Currently, Nebraska ranks 32nd in high-tech employment and 38th in high-tech average wage. The hard work of community leaders across the state has encouraged new technology companies to put down roots in Nebraska. One of my top priorities is fostering the continued development of advanced communications networks and providing Nebraska's kids with the math, science and technology skills they need to become productive members of this industry. Telemedicine, distance learning and other telecommunications services offer exciting new possibilities for our businesses, schools and labor force. I mention these successes, to underscore how important technology has become not only to Nebraska's economy but to the nation's economy.

S. 314 provides a new resource to guarantee that the nation's small businesses, high-tech and otherwise, will have somewhere to turn to for financial help in solving this difficult problem. I hope the House will follow the Senate's lead and quickly take up this important bill.

Mr. ASHCROFT. Mr. President, I want to take an opportunity to congratulate the senior Senator from my home State for introducing and reporting the Small Business Year 2000 Readiness Act. This is an important bill that I am happy to co-sponsor and support. The bill represents an important step in Congress' ongoing efforts to limit the scope and impact of the Year 2000 problem before it is too late. Last year, we passed the Year 2000 Information and Readiness Disclosure Act, which was an important first step in removing any legal barriers that could prevent individuals and companies from doing everything possible to eliminate Year 2000 problems before they happen. I was particularly gratified that I was able to work with Senators HATCH and LEAHY to include the provisions of my temporary antitrust immunity bill, S. 2384, in last year's act. However, as I said at the time, the Disclosure Act must be understood as only the first step in our efforts to deal with this problem. Senator BOND'S bill, along with the liability bills working their way through the Commerce and Judiciary Committees, on which I sit, are the next logical steps in this ongoing effort.

Countless computer engineers and experts are busy right now trying to solve or minimize the Year 2000 and related date failure problems. Part of what makes this problem so difficult to address is that there is no one Year 2000 problem. There are countless distinct date failure problems, and no one silver bullet will solve them all. The absence of any readily-available one-size-fits-all solution poses particularly serious challenges for small business.

The Small Business Year 2000 Readiness Act addresses this problem by providing loan guarantees to small businesses to remedy their year 2000 problems. The act provides the necessary resources so that small businesses can nip this problem in the bud, so that the Year 2000 problem does not become the Year 2000 disaster.

The act is narrowly targeted at enabling small business to remedy Year 2000 issues before they lead to costly damages and even more costly litigation. Like the antitrust exemption I authored in the last Congress, this provision automatically sunsets once the window of opportunity for avoiding Year 2000 problems closes.

Finally, let me say, that like Year 2000 Information and Readiness Disclosure Act we enacted last year, this law does not offer a complete solution to the Year 2000 problem. There are many aspects to this problem—both domestic and international—and there may be limits to what government can do to solve this problem. These loan guarantees are one constructive step Congress can take. Another constructive step is to remove government-imposed obstacles that limit the ability of the private sector to solve this problem. For example, Congress needs to address the liability rules that govern litigation over potential Year 2000 problems. That process is ongoing in both the Commerce and Judiciary Committees, and I look forward to working with my colleagues on both committees to reach an acceptable approach that can be enacted quickly.

The remaining issues are difficult, but we cannot shrink from tackling the tough issues. Many have talked about the unprecedented prosperity generated by our new, high-tech economy.

I want to make sure that the next century is driven by these high-tech engines of growth and is stamped made in America. But we will not make the next century an American Century by dodging the tough issues and hoping the Year 2000 problem will just go away. We need to keep working toward a solution.

Resources to address the Year 2000 problem, particularly time, are finite. They must be focused as fully as possible on remediation, rather than on unproductive litigation. This issue is all about time, and we have precious little left before the Year 2000 problem is upon us. I hope we can continue to work together on legislation like this to free up talented individuals to address this serious threat.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. I ask unanimous consent that the Senator from Kentucky, Senator BUNNING, be added as a cosponsor to the bill.

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

Mr. BOND. Mr. President, if there are no colleagues who wish to speak on the Y2K bill, I ask unanimous consent that time continue to be charged against me on S. 314 but that I may be permitted to speak up to 5 minutes as in morning business to introduce a piece of legislation.

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

(The remarks of Mr. BOND pertaining to the introduction of S. 495 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. Under the previous order, the hour of 10:30 a.m. having arrived, the Senate will now proceed to vote on passage of S. 314.

Mr. BOND. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The question is on passage of the bill.

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

The bill clerk called the roll.

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

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

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 28 Leg.]

YEAS—99

| | | |
|---|---|---|
| Abraham | Enzi | Lott |
| Akaka | Feingold | Lugar |
| Allard | Feinstein | Mack |
| Ashcroft | Fitzgerald | McConnell |
| Baucus | Frist | Mikulski |
| Bayh | Gorton | Moynihan |
| Bennett | Graham | Murkowski |
| Biden | Gramm | Murray |
| Bingaman | Grams | Nickles |
| Bond | Grassley | Reed |
| Boxer | Gregg | Reid |
| Breaux | Hagel | Robb |
| Brownback | Harkin | Roberts |
| Bryan | Hatch | Rockefeller |
| Bunning | Helms | Roth |
| Burns | Hollings | Santorum |
| Byrd | Hutchinson | Sarbanes |
| Campbell | Hutchison | Schumer |
| Chafee | Inhofe | Sessions |
| Cleland | Inouye | Shelby |
| Cochran | Jeffords | Smith (NH) |
| Collins | Johnson | Smith (OR) |
| Conrad | Kennedy | Snowe |
| Coverdell | Kerrey | Specter |
| Craig | Kerry | Stevens |
| Crapo | Kohl | Thomas |
| Daschle | Kyl | Thompson |
| DeWine | Landrieu | Thurmond |
| Dodd | Lautenberg | Torricelli |
| Domenici | Leahy | Voinovich |
| Dorgan | Levin | Warner |
| Durbin | Lieberman | Wellstone |
| Edwards | Lincoln | Wyden |

NOT VOTING—1

McCain

The bill (S. 314) was passed, as follows:

S. 314

*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 ''Small Business Year 2000 Readiness Act''.

**SEC. 2. FINDINGS.**

Congress finds that—

(1) the failure of many computer programs to recognize the Year 2000 may have extreme negative financial consequences in the Year 2000, and in subsequent years for both large and small businesses;

(2) small businesses are well behind larger businesses in implementing corrective changes to their automated systems;

(3) many small businesses do not have access to capital to fix mission critical automated systems, which could result in severe financial distress or failure for small businesses; and

(4) the failure of a large number of small businesses due to the Year 2000 computer problem would have a highly detrimental effect on the economy in the Year 2000 and in subsequent years.

**SEC. 3. YEAR 2000 COMPUTER PROBLEM LOAN GUARANTEE PROGRAM.**

(a) PROGRAM ESTABLISHED.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding at the end the following:

''(27) YEAR 2000 COMPUTER PROBLEM PROGRAM.—

''(A) DEFINITIONS.—In this paragraph—

''(i) the term 'eligible lender' means any lender designated by the Administration as eligible to participate in the general business loan program under this subsection; and

''(ii) the term 'Year 2000 computer problem' means, with respect to information technology, and embedded systems, any problem that adversely effects the processing (including calculating, comparing, sequencing, displaying, or storing), transmitting, or receiving of date-dependent data—

''(I) from, into, or between—

''(aa) the 20th or 21st centuries; or

''(bb) the years 1999 and 2000; or

''(II) with regard to leap year calculations.

''(B) ESTABLISHMENT OF PROGRAM.—The Administration shall—

''(i) establish a loan guarantee program, under which the Administration may, during the period beginning on the date of enactment of this paragraph and ending on December 31, 2000, guarantee loans made by eligible lenders to small business concerns in accordance with this paragraph; and

''(ii) notify each eligible lender of the establishment of the program under this paragraph, and otherwise take such actions as may be necessary to aggressively market the program under this paragraph.

''(C) USE OF FUNDS.—A small business concern that receives a loan guaranteed under this paragraph shall only use the proceeds of the loan to—

''(i) address the Year 2000 computer problems of that small business concern, including the repair and acquisition of information technology systems, the purchase and repair of software, the purchase of consulting and other third party services, and related expenses; and

''(ii) provide relief for a substantial economic injury incurred by the small business concern as a direct result of the Year 2000 computer problems of the small business concern or of any other entity (including any service provider or supplier of the small business concern), if such economic injury has not been compensated for by insurance or otherwise.

''(D) LOAN AMOUNTS.—

''(i) IN GENERAL.—Notwithstanding paragraph (3)(A) and subject to clause (ii) of this subparagraph, a loan may be made to a borrower under this paragraph even if the total amount outstanding and committed (by participation or otherwise) to the borrower from the business loan and investment fund, the business guaranty loan financing account, and the business direct loan financing account would thereby exceed $750,000.

''(ii) EXCEPTION.—A loan may not be made to a borrower under this paragraph if the total amount outstanding and committed (by participation or otherwise) to the borrower from the business loan and investment fund, the business guaranty loan financing account, and the business direct loan financing account would thereby exceed $1,000,000.

''(E) ADMINISTRATION PARTICIPATION.—Notwithstanding paragraph (2)(A), in an agreement to participate in a loan under this paragraph, participation by the Administration shall not exceed—

''(i) 85 percent of the balance of the financing outstanding at the time of disbursement of the loan, if the balance exceeds $100,000;

''(ii) 90 percent of the balance of the financing outstanding at the time of disbursement of the loan, if the balance is less than or equal to $100,000; and

''(iii) notwithstanding clauses (i) and (ii), in any case in which the subject loan is processed in accordance with the requirements applicable to the SBAExpress Pilot Program, 50 percent of the balance outstanding at the time of disbursement of the loan.

''(F) PERIODIC REVIEWS.—The Inspector General of the Administration shall periodically review a representative sample of loans guaranteed under this paragraph to mitigate the risk of fraud and ensure the safety and soundness of the loan program.

''(G) ANNUAL REPORT.—The Administration shall annually submit to the Committees on Small Business of the House of Representatives and the Senate a report on the results of the program carried out under this paragraph during the preceding 12-month period, which shall include information relating to—

''(i) the total number of loans guaranteed under this paragraph;

''(ii) with respect to each loan guaranteed under this paragraph—

''(I) the amount of the loan;

''(II) the geographic location of the borrower; and

''(III) whether the loan was made to repair or replace information technology and other automated systems or to remedy an economic injury; and

''(iii) the total number of eligible lenders participating in the program.''.

(b) GUIDELINES.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall issue guidelines to carry out the program under section 7(a)(27) of the Small Business Act, as added by this section.

(2) REQUIREMENTS.—Except to the extent that it would be inconsistent with this section or section 7(a)(27) of the Small Business Act, as added by this section, the guidelines issued under this subsection shall, with respect to the loan program established under section 7(a)(27) of the Small Business Act, as added by this section—

(A) provide maximum flexibility in the establishment of terms and conditions of loans originated under the loan program so that such loans may be structured in a manner that enhances the ability of the applicant to repay the debt;

(B) if appropriate to facilitate repayment, establish a moratorium on principal payments under the loan program for up to 1 year beginning on the date of the origination of the loan;

(C) provide that any reasonable doubts regarding a loan applicant's ability to service the debt be resolved in favor of the loan applicant; and

(D) authorize an eligible lender (as defined in section 7(a)(27)(A) of the Small Business Act, as added by this section) to process a loan under the loan program in accordance with the requirements applicable to loans originated under another loan program established pursuant to section 7(a) of the Small Business Act (including the general business loan program, the Preferred Lender Program, the Certified Lender Program, the Low Documentation Loan Program, and the SBAExpress Pilot Program), if—

(i) the eligible lender is eligible to participate in such other loan program; and

(ii) the terms of the loan, including the principal amount of the loan, are consistent with the requirements applicable to loans originated under such other loan program.

(c) REPEAL.—Effective on December 31, 2000, this section and the amendments made by this section are repealed.

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

I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. I ask unanimous consent for 7 minutes as in morning business.

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

## RESTRAINING CONGRESSIONAL IMPULSE TO FEDERALIZE MORE LOCAL CRIME LAWS

Mr. LEAHY. Mr. President, every Congress in which I have served—I have served here since 1975—has focused significant attention on crime legislation. It doesn't make any difference which party controls the White House or either House of Congress, the opportunity to make our mark on the criminal law has been irresistible. In fact, more than a quarter of all the Federal criminal provisions enacted since the Civil War—a quarter of all Federal criminal provisions since the Civil War—have been enacted in the 16 years since 1980, more than 40 percent of those laws have been created since 1970.

In fact, at this point the total number is too high to count. Last month, a task force headed by former Attorney General Edwin Meese and organized by the American Bar Association released a comprehensive report. The best the task force could do was estimate the Federal crimes to be over 3,300. Even that doesn't count the nearly 10,000 Federal regulations authorized by Congress that carry some sort of sanction.

I have become increasingly concerned about the seemingly uncontrollable impulse to react to the latest headline-grabbing criminal caper with a new Federal prohibition. I have to admit, I supported some of the initiatives. Usually, the expansion of Federal authority by the creation of a new Federal crime is only incremental. Some crime proposals, however, are more sweeping, and they invite Federal enforcement authority into entirely new areas traditionally handled by State and local law enforcement.

In the last Congress, for example, the majority on the Senate Judiciary Committee reported to the Senate a juvenile crime bill that would have granted Federal prosecutors broad new authority to investigate and prosecute Federal crimes committed by juveniles—crimes now normally deferred to the State. In addition, it would have compelled the States to revise the manner in which they dealt with juvenile crime, overridden all the State legislatures and told them to comport with a host of new Federal mandates. I strenuously opposed this legislation on federalism and other grounds.

Even the Chief Justice of the U.S. Supreme Court went out of his way in his 1997 Year-End Report of the Federal Judiciary to caution against ''legislation pending in Congress to 'federalize' certain juvenile crimes.'' The Meese Task Force also cites this legislation ''as an example of enhanced Federal attention where the need is neither apparent nor demonstrated.''

The Meese Task Force report chided Congress for its indiscriminate passage of new Federal crimes wholly duplicative of existing State crimes. This Task Force was told by a number of people that these new Federal laws are passed not because they were needed ''but because Federal crime legislation in general is thought to be politically popular. Put another way, it is not considered politically wise to vote against crime legislation, even if it is misguided, unnecessary, and even harmful.'' We all appreciate the hard truth in this observation.

While the juvenile crime bill was not enacted, we have not always generated such restraint. The Meese Task Force examined a number of other Federal crimes, such as drive-by shooting, interstate domestic violence, murder committed by prison escapees, and others, that encroach on criminal activity traditionally handled by the States—almost reaching the point that jaywalking in a suburban subdivision could become a Federal crime because that street may lead to a State road which may lead to a Federal road. You see where we are going. The Task Force found that federal prosecution of those traditional State crimes was minimal or nonexistent. Given the dearth of Federal enforcement, one is tempted to conclude that maybe the Federal laws do not encroach and that any harm to State authority from passage of these laws is similarly minimal. But the task force debunks the notion that federalization is ''cost-free.''

Federalizing criminal activity already covered by State criminal laws that are adequately enforced by State or local law enforcement authorities raises three significant concerns, even if the Federal enforcement authority is not exercised.

*First*, dormant Federal criminal laws may be revived at the whim of a federal prosecutor. Even the appearance—let alone the actual practice—of selectively bringing Federal prosecutions against certain individuals whose conduct also violates State laws, and the imposition of disparate Federal and State sentences for essentially the same underlying criminal conduct, offends our notions of fundamental fairness and undermines respect for the entire criminal justice system. The Task Force criticizes the ''expansive amount of unprincipled overlap in which very large amounts of conduct are susceptible to selection for prosecution as either federal or state crime is intolerable.''

*Second*, every new Federal crime results in an expansion of Federal law enforcement jurisdiction and further concentration of policing power in the Federal government. Americans naturally distrust such concentrations of power. That is the policy underlying our posse comitatus law prohibiting the military from participating in general law enforcement activities. According to the Task Force, Federal law enforcement personnel have grown a staggering 96 percent from 1982 to 1993 compared to a growth rate of less than half that for State personnel. The Task Force correctly notes in the report that:

> Enactment of each new federal crime bestows new federal investigative power on federal agencies, broadening their power to intrude into individual ives. Expansion of federal jurisdiction also creates the opportunity for greater collection and maintenance of data at the federal level in an era when various databases are computerized and linked.

Finally, and most significantly, Federal prosecutors are simply not as accountable as a local prosecutor to the people of a particular town, county or State. I was privileged to serve as a State's Attorney in Vermont for eight years, and went before the people of Chittenden County for election four times. They had the opportunity at every election to let me know what they thought of the job I was doing.

By contrast, Federal prosecutors are appointed by the President and confirmed by the Senate, only two Members of which represent the people who actually reside within the jurisdiction of any particular U.S. Attorney. Federalizing otherwise local crime not only establishes a national standard for particular conduct but also allows enforcement by a Federal prosecutor, who is not directly accountable to the people against whom the law is being enforced. The Task Force warns that the ''diminution of local autonomy inherent in the imposition of national standards, without regard to local community values and without regard to any noticeable benefits, requires cautious legislative assessment.''

Distrust and dismay at the exercise of Federal police power fueled the public outcry at the tragic endings of the stand-offs with Federal law enforcement authorities at Ruby Ridge in 1992 and at Waco in 1993. I participated in the Judiciary Committee oversight hearings into those incidents, and was struck that both of those standoffs were sparked by enforcement of Federal gun laws. The regulation of firearms is a subject with extraordinary variance among the States and requires great sensitivity and accountability to local mores.

Vermont has virtually no gun laws, and we also have one of the lowest crime rate in the country, but our laws reflect our needs. We should be very careful not just about federalizing a prohibition that already exists at most State levels, but also creating a Federal criminal prohibition where none exists at the State level, like mine.

Proposals to create new Federal crimes that run roughshod over highly sensitive public policy choices normally decided at the local level prompt significant concern over Federal overreaching and the exercise of Federal police power. For example, the majority on the Judiciary Committee reported in the last Congress a bill that would have made it a Federal crime to travel with a minor across State lines to get an abortion without complying with the parental consent law of the minor's home State. This law, if enacted, would invite Federal prosecutors to investigate and prosecute the violation of one State's parental consent law even if neither State would subject the conduct to criminal sanction. Establishing a national standard through creation of a new Federal crime to deal with conduct that the States have addressed in a different manner is a dangerous usurpation of local authority.

The death penalty is a good example. Congress has increasingly passed Federal criminal laws carrying the death penalty, even though twelve States, including Vermont, and the District of Columbia have declined to adopt the death penalty. Federal prosecutors in those States are free, with the Attorney General's approval, to buck the State's decision and seek the death penalty in certain Federal cases which have resulted in murder—for which every State has overlapping jurisdiction. In Vermont, for example, we are for the first time confronting a Federal death penalty case. These cases always present facts that could have been prosecuted by the State, and often involve high-profile cases that have generated press attention.

In the aftermath of a heinous murder, the public may cry out for blood vengeance. But the considered judgment of the State against the death penalty should not be easily bypassed, and Federal prosecutors should not be encouraged to find some basis for the exercise of Federal jurisdiction merely to be able to seek the death penalty.

The Task Force report concludes with a ''fundamental plea'' to legislators and members of the public alike ''to think carefully about the risks of excessive federalization of the criminal law and to have these risks clearly in mind when considering any proposal to enact new federal criminal laws and to add more resources and personnel to federal law enforcement agencies.'' This is a plea I commend to all Senators as we return to the business of legislating and are asked to consider any number of crime proposals in this Congress.

Mr. President, I urge Senators to think very carefully. We should not feel that the only way we show that we are against crime is to suddenly federalize all crimes and basically tell our State legislatures, our State law enforcement, our State prosecutors that they are insignificant. Let us resist that impulse. Maybe we can pass a resolution saying that all Senators are opposed to crime—as we are. But let the States do what they do best.

The PRESIDING OFFICER. Under the previous order, the Senator from Utah is recognized to make a motion to recess the Senate.

## RECESS

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate now stand in recess until the hour of 2:15 today in order for Members to attend a confidential briefing in room S. 407 of the Capitol, and this briefing is in respect to the Y2K event.

There being no objection, the Senate, at 10:58 a.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. INHOFE).

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent to speak as in morning business.

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

## TEXAS INDEPENDENCE DAY

Mrs. HUTCHISON. Mr. President, I rise today to talk about a point of important history in our Nation; that is, to commemorate this day 163 years ago, Texas Independence Day.

Each year, I look forward to March 2nd. This is a special day for Texans, a day that fills our hearts with pride. On this day 163 years ago, a solemn convention of 54 men, including my great, great grandfather Charles S. Taylor, met in the small settlement of Washington-on-the-Brazos. There they signed the Texas Declaration of Independence. The declaration stated:

> We, therefore . . . do hereby resolve and declare . . . that the people of Texas do now constitute a free, sovereign and independent republic.

At the time, Texas was a remote territory of Mexico. It was hospitable only to the bravest and most determined of settlers. After declaring our independence, the founding delegates quickly wrote a constitution and organized an interim government for the newborn republic.

As was the case when the American Declaration of Independence was signed in 1776, our declaration only pointed the way toward a goal. It would exact a price of enormous effort and great sacrifice. For instance, when my great, great grandfather was there, signing the declaration of independence, and then, as most of the delegates did, went on eventually to fight the Battle of San Jacinto, he didn't know it at the time, but all four of his children who had been left back at home in Nacogdoches died trying to escape from the Indians and the Mexicans who they feared were coming after them. Fortunately, he and his wife, my great, great grandmother, had nine more children. But it is just an example of the sacrifices that were made by people who were willing to fight for something they believed in. That, of course, was freedom—freedom, in that instance, of Texas at that time. But that is something, of course, all Americans cherish greatly.

While the convention sat in Washington-on-the-Brazos, 6,000 Mexican troops were marching on the Alamo to challenge this newly created republic. Several days earlier, from the Alamo, Col. William Barrett Travis sent his immortal letter to the people of Texas and to all Americans. He knew the Mexican Army was approaching and he knew that he had only a very few men to help defend the San Antonio fortress. Colonel Travis wrote:

> FELLOW CITIZENS AND COMPATRIOTS: I am besieged with a thousand or more of the Mexicans under Santa Anna. I have sustained a continual Bombardment and cannonade for 24 hours and have not lost a man.

The enemy has demanded surrender at discretion, otherwise, the garrison is to be put to the sword, if the fort is taken. I have answered the demand with a cannon shot, and our flag still waves proudly over the wall. I shall never surrender or retreat. Then I call on you in the name of Liberty, of patriotism, of everything dear to the American character, to come to our aid with all dispatch. The enemy is receiving reinforcements daily and will no doubt increase to three or four thousand in four or five days. If this call is neglected I am determined to sustain myself as long as possible and die like a soldier who never forgets what is due his honor and that of his country—VICTORY OR DEATH.

WILLIAM BARRETT TRAVIS, *Lt. Col. Commander.*

What American, Texan or otherwise, can fail to be stirred by Col. Travis' resolve?

In fact, Colonel Travis' dire prediction came true—4,000 to 5,000 Mexican troops laid siege to the Alamo. In the battle that followed, 184 brave men died in a heroic but vain attempt to fend off Santa Anna's overwhelming army. But the Alamo, as we all in Texas know, was crucial to Texas' independence. Because those heroes at the Alamo held out for so long, Santa Anna's forces were battered and diminished.

Gen. Sam Houston gained the time he needed to devise a strategy to defeat Santa Anna at the Battle of San Jacinto, just a month or so later, on April 21, 1836. The Lone Star was visible on the horizon at last.

Each year, on March 2, there is a ceremony at Washington-on-the-Brazos State Park where there is a replica of the modest cabin where the 54 patriots laid down their lives and treasure for freedom. Each day on this day, I read Colonel Travis' letter to my colleagues in the Senate, a tradition started by my friend, Senator John Tower. This is a reminder to them and to all of us of the pride Texans share in our history and in being the only State that came into the Union as a republic.

Mr. President, I am pleased to continue the tradition that was started by Senator Tower, because we do have a unique heritage in Texas where we fought for our freedom. Having grown up in the family and hearing the stories of my great great grandfather, it was something that was ingrained in us—fighting for your freedom was something you did.

I think it is very important that we remember the people who sacrificed, the 184 men who died at the Alamo, the men who died at Goliad, who made it possible for us to win the Battle of San Jacinto and become a nation, which we were for 10 years before we entered the Union as a State.

I might add, we entered the Union by a margin of one vote, both in the House and in the Senate. In fact, we originally were going to come into the Union through a treaty, but the two-thirds vote could not be received and, therefore, President Tyler said, ''No, then we will pass a law to invite Texas to become a part of our Union,'' and the law passed by one vote in the House and one vote in the Senate. Now we fly both flags proudly—the American flag and the Texas flag—over our capitol in Austin, TX.

I am very pleased to, once again, commemorate our great heritage and history. Thank you, Mr. President.

## INCREASING FUNDING OF THE SPECIAL COMMITTEE ON THE YEAR 2000 TECHNOLOGY-RELATED PROBLEMS

The PRESIDING OFFICER. Under the previous order, the hour of 2:15 having arrived, the Committee on Rules and Administration is discharged from further consideration of S. Res. 7, and the Senate will proceed immediately to its consideration.

The clerk will report.

The bill clerk read as follows:

A resolution (S. Res. 7) to amend Senate Resolution 208 of the 105th Congress to increase funding of the Special Committee on the Year 2000 Technology-Related Problems.

The Senate proceeded to consider the resolution.

The PRESIDING OFFICER. Under the previous order, the time for debate on the resolution shall be limited to 3 hours, equally divided between the Senator from Utah, Mr. BENNETT, and the Senator from Connecticut, Mr. DODD.

PRIVILEGE OF THE FLOOR

Mr. BENNETT. Mr. President, I ask unanimous consent that for the duration of this debate, the following members of the staff detailed to the Special Committee on the Year 2000 Technology Problems be granted the privilege of the floor: Frank Reilly, John Stephenson, Paul Hunter, J. Paul Nicholas, Ron Spear and Tom Bello.

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

UNANIMOUS CONSENT AGREEMENT

Mr. BENNETT. Mr. President, I ask unanimous consent that the consent agreement with respect to the consideration of S. Res. 7 be modified to allow one technical amendment to the resolution, to be offered by myself and Senator DODD.

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

AMENDMENT NO. 30

(Purpose: To make a conforming change)

Mr. BENNETT. The technical amendment is now at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Utah [Mr. BENNETT], for himself and Mr. DODD, proposes an amendment numbered 30.

The text of the amendment follows:

On page 1, line 5, strike ''both places'' and insert ''the second place''.

Mr. BENNETT. Mr. President, I ask unanimous consent that the amendment be agreed to and that the motion to reconsider be laid upon the table.

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

The amendment (No. 30) was agreed to.

Mr. BENNETT. Thank you, Mr. President.

As I have said somewhat facetiously, today is ''Y2K Day in the neighborhood.'' We have had a series of events with respect to Y2K legislation, starting with the debate this morning on the Small Business Administration bill offered by Senator BOND of Missouri. We then went into a closed session where it was my privilege, along with Senator DODD, to make a presentation to Members of the Senate with respect to the impact of Y2K on our national defense and our intelligence capabilities. And now this afternoon, we have 3 hours to discuss the funding request for the Special Committee on the Year 2000 Technology Problems and, in that process, take the opportunity of the debate to lay out for the Senate and for the television public exactly what we are dealing with.

To summarize ''Y2K in the neighborhood,'' I have a single chart that we used in the press conference earlier that outlines what it is we are talking about.

Specifically, as you see, Mr. President, it says, ''Y2K—What is it?'' There are some who think it is a rock band and we will make that clear. And then, Why are we vulnerable? Where are the greatest risks? What is being done? What should we be doing next? And what can we expect? It is in the framework of those questions that I will be making my presentation today.

In the closed session, we talked about national defense issues, international assessments country by country and the preparedness of the U.S. intelligence community. I report to the Senate as a whole, for those Senators who were not able to be there, that we announced these conclusions to the Senators who were there and, I might say, Mr. President, we were very gratified by the number of Senators who did appear. The room was full, and the Senators were very attentive, which I think is appropriate given the significance of this issue.

We believe that there is a low-to-medium probability of exploitation of Y2K by any terrorist groups. People in the press conference asked me, ''Well, can you be specific?'' And the answer is no. We know of no intention on the part of terrorist groups to exploit Y2K uncertainty, but these groups are there, they are up to mischief, and so we say there is a probability, but it is at the low end of things.

There is a low probability of a nuclear launch coming by accident as a result of Y2K. Again, we cannot rule it out absolutely, but we think the probability of it is very low.

There is a medium probability of economic disruptions that could lead to civil unrest in various parts of the world, and we will discuss that here in the open session as we outline for you how vulnerable some parts of the world may be to Y2K interruptions.

There is a high probability of an economic impact with consequences unknown. Here we can only guess, but I think there is a high probability that Y2K will, in fact, produce some kind of economic dislocation that we will feel.

As far as U.S. preparedness is concerned, the U.S. Armed Forces will not lose their mission-critical capability, their war-fighting capacity. The United States will remain the world's superpower, and the U.S. intelligence community will not lose its capability to carry out its duties.

To go to, first, the question—What is Y2K?—in case there is anyone who really doesn't understand what we are talking about here, it goes to the inability of a computer to recognize the difference between 1900 and 2000 as a date if that computer is programmed for only two digits for the date field for years. This goes back to the 1960s, maybe even the 1950s when memory space was very, very expensive, very, very crucial and, in order to save space, programmers said, ''Well, we can just drop the ''19'' off the year and go to ''69'' for 1969, ''70'' for 1970, and so on. And when someone said, ''Well, what happens when you get to the year 2000 and you get two zeros and the computer will think it is 1900?'' The answer on the part of those programmers was, ''This program will be obsolete and abandoned long before we get to the year 2000.''

They didn't realize the ingenuity of programmers. They figured out a way to preserve those ancient programs and to lay other layers of programming on top of them in such a fashion that the old programs look like the new ones, but deep down in the bowels of all of that programming, you have programs that are scheduled to fail when they get to the crucial time when they go over from 99 to 00.

There are many other manifestations of it, going down to embedded chips, computers no bigger than my little fingernail that nonetheless have in them the capacity to fail over this issue. But basically that is the issue. That is what Y2K is. The failure of computers, when they have to transition from 1999 to 2000, those computers that are programmed with two digits for the annual date may fail—some of them certainly will fail—and that is what Y2K is all about.

By the way, people ask, What does ''Y2K'' stand for? ''Y'' stands for year, ''2'' stands for 2—that is fairly easy to follow—and ''K,'' from the Greek, standing for kilo, meaning 1,000. It is computer speech for the year 2000. My wife says to me, ''Why do you use that acronym? You just confuse people. Why don't you say 'year 2000' instead of 'Y2K.'" And I say, ''Well, it's quicker.'' She says, '''Y2K,' 'year 2000,' you only save one syllable. What is the point? You just do it to confuse people.'' But I guess I have been in Government long enough now that confusing people is part of the program.

So what is Y2K? I think that is the answer to the question.

Why are we vulnerable? We are vulnerable because at virtually every point of importance in the modern economy and modern activity there stands the computer—whether it is on a chip or in a huge mainframe—with the capacity to fail.

Let's take an event that we hope never happens to any of us, but that is a demonstration of a true emergency—a fire in a building—and see what happens. Here is a picture of a burning building.

In order to muster the firefighting capability to deal with this emergency, you have a number of people and a number of systems that are involved. There is the computer-aided dispatching system to send the firefighter to where the challenge is. There is the telecommunications system where the telephone calls go back and forth to send the message from the dispatching system; the building security and fire detection systems that make the phone call back to the dispatching system.

The firefighters jump in their cars or their trucks. The trucks have to be filled with fuel. And the pumps that control the fuel supply that goes into the firetrucks all have computers in them—embedded chips. The traffic control system that controls the ability of the fire engine to get through town all has computers in it. The water supply, when they get to the hydrant, is regulated by computers. And, of course, the personnel management systems that get the firefighters into the fire station in the first place now are all managed by computers.

A single event we take for granted, all of the things that are done to bring to bear on this event—some firefighting capability, but there are computers at virtually every step of the way.

Now, just another example of how interconnected we are in this world. Let's take a single transaction that takes place this time across international lines. This will be, perhaps, a little hard to follow because the chart is relatively smaller and less dramatic than a burning building, but just let me walk you through this as to what happens when there is a commercial transaction that goes across national lines.

An import-export kind of transaction. Every red arrow that you see there on the chart, Mr. President, is a transmission of information by computer. Every single time something takes place with the purchase and delivery of an item across national lines—you start the contracts, the negotiations by the Internet, a checking of credit, the contract by the Internet—all the way through. The white arrows on the chart are where something physically moves, when you are moving a piece of merchandise out of a factory onto a ship or out of the truck into a retail store or whatever.

Without going through all of the steps, I just point out that there are more red arrows than there are white ones. There are more opportunities for computer failure to ruin the ability of this transaction to go forward than there are physical opportunities for it to fail. We are so heavily interconnected in this world now that we are completely vulnerable to a computer failure. And at every red arrow on that chart right now there is a computer with a potential Y2K problem.

Someone once said to me, This problem is really very simple. You just get into the computer and find out where the date is and fix it; change it from two digits to four digits. And I say, yes, that is very simple, very simple problem, very simply solved. The only problem is, you do not know where that date field is, particularly in those old programs that I talked about.

It has been likened to this kind of a challenge: Suppose someone said to you, Mr. President, the Golden Gate Bridge has some bad rivets in it, and if you do not replace those faulty rivets, the Golden Gate Bridge will fall down. All you have to do is very simple: Knock out the bad rivet, put in a good rivet, and the bridge is made secure.

Now, one out of seven of those rivets in the Golden Gate Bridge is bad, and we cannot tell you which ones they are. You have to go through the Golden Gate Bridge and check every rivet to see which seventh rivet has to be fixed. And by the way, if you do not get every single one, the bridge will collapse, and you do this remediation work at rush hour while the bridge is being used. That is roughly comparable to the challenge that we face here. And that is why we are vulnerable. OK.

The next question is, Where are the greatest risks? Well, we can answer that two ways. On our committee, we have decided to rate the greatest risks in terms of which sectors of the economy have the greatest importance to us. And when you rank risk by importance, No. 1 immediately leaps to the top of the list; and that is power.

If the power goes off, it does not matter if your computer works otherwise. The only computers that will work in the world, if the power goes off, will be those that have batteries, and that is about 2 or 3 hours, and they are all gone. So we have put our first focus on power.

Second, telecommunications. If the telephone goes off, the power grid fails, because many of the signals that keep the power grid functioning go over telephone lines. So once again, everything stops.

Third, transportation. If transportation fails, you cannot get coal, for example, from coal mines into power-generating plants. If the switches on all of the railroad lines fail—and they are controlled by computers—there is no coal in the powerplants. The power grid fails, everything fails.

You begin to see, again, how interconnected everything is.

Fourth, finance. If the banks cannot clear checks, if there can be no transfer of funds, if the financial system collapses, then business collapses. Once

again, the chain starts, and you end up ultimately with no power, all the rest of it.

Then, general government. We are so dependent on government services to keep the economy running that if the general government services were to fail—in the Federal Government, for example, if the Health Care Financing Administration were to fail and be unable to make any Medicare reimbursements, it would ultimately destroy the health care industry, because 40 percent of the health care reimbursements are Medicare reimbursements. And you simply could not keep a health care facility going if you cut their cash by 40 percent and left it that way for a while.

Finally, general business.

Those are the ranks of importance that we have looked at in our committee.

Let me take this opportunity to make this statement about what we found. The committee has been operating for roughly a year now, and in that process people who have looked at the list I have just recited have gotten very excited. Indeed, they have begun to create a cottage industry of panic.

You can get on the Internet and you can look up any kind of web site, and they will take the possibility of computer failure in any of the areas I have just outlined and translate that into what has come to be known in the world of Y2K hyperbole as TEOTWAWKI. Now, TEOTWAWKI is the acronym that stands for ''The End Of The World As We Know It.'' They use that phrase so often, they created an acronym. Now you can get on the Internet and they will talk about TEOTWAWKI.

Mr. President, I am here to announce that TEOTWAWKI is not going to come to pass. We are satisfied, as a result of the hearings we held, and the interviews we held, and the investigations we have undertaken on the Senate Special Committee on the Year 2000 Technology Problem, that the world is not, in fact, going to come to an end over this problem—certainly not in the United States. We will have problems. There is no question, given the ubiquitous nature of the problem, that it will cause interruptions and difficulties in the United States, but it will not bring everything to a halt. It will not cause the shutdown of vital services. In our opinion, it will be a bump in the road for the United States.

Now, people say: What does that mean? How serious a bump and how long will it last, Senator BENNETT? I don't know, and I don't know anybody who does, because this is a moving target, there are so many potentials for challenge, that we cannot quantify it with the kind of accuracy that the press always searches for when they ask you these questions. It will have an impact. It will be felt. But how long it will last and how deep it will go I don't know. That is why the committee is going to continue, so that we can continue to study it, and as we get closer to it, we will be in a better position to make that kind of assessment.

Now, if we ask the question, Where are the greatest risks? —not in the pattern of the impact on the economy that I have talked about, but on our current state of readiness—we find that the greatest impact, based on what we now know in the committee, is probably going to be in the health care field. This is the field that we think is the least prepared to deal with the year 2000 problem in the United States.

One of the reasons for that is it so fragmented. There are so many hospitals. There are so many separate doctors' offices. Some of them have done nothing to prepare for the year 2000. Frankly, some of them can solve their problem in an afternoon. Some of them that are operating off of a single PC can get a patch downloaded from the Internet that can solve their problem. Some of them are going to require substantially more than that. And some of them, frankly, are far enough behind the curve, if they are not on top of it by now, it is too late and they ought to start thinking about contingency plans. We simply do not know. What we do know causes us to believe that health care is vulnerable.

Senator DODD, I am sure, will be addressing this in greater detail because he is the one who has focused on this to a greater extent than any other member of the committee.

Another area of readiness that we are concerned about is local government. I gave this Y2K speech at a Rotary Club meeting in a small town in Utah and people asked me, ''What should we do to get ready for Y2K?'' I gave them the same answer I always give them, which is, you should take charge of your own life; you should check with your own bank to make sure they are going to be Y2K compliant; you should check with your own employer to be sure he or she is getting things under control; and, among other things, I said, call your mayor to make sure your water system is going to be all right in your local community.

I have done that in Salt Lake City. I have had some long discussions with the mayor of Salt Lake, and she assures me it will be safe for me to be in Salt Lake on New Year's Eve because the water system will work.

After I gave the speech, a man came up, shook my hand, and said, ''You have caused me some problems.'' I asked why, and he said, ''I am the mayor.'' I said, ''Mr. Mayor, is your water system going to be all right?'' He said, ''I don't have the slightest idea but I am sure going to find out.'' He said, ''It never occurred to me that we had computer problems in our water purification plant.''

We have held hearings on this issue. I have been in a water purification plant. While I think most local governments are responsible enough and will be on top of it, I am concerned that there will be local governments where there will be critical emergency response systems that will fail—fire departments, ambulances, and so on, water systems, federally funded services. Many of the federally funded services are administered at the local level. Welfare checks are mailed out by county governments, not by the Federal Government, in many instances. And in these communities, there can be serious disruption even while the Nation as a whole is doing fine.

In the economy as a whole, the area that is at the greatest risk is where we find medium-sized businesses. The big businesses are probably just fine. Citigroup announced when we first got into this they were going to spend $500 million fixing their year 2000 problem. That went up to $650 million by the time we got around to drafting the report. Now, the day the report is issued, we are told they are spending closer to $800 million to get this solved. But Citigroup will get it solved. They have the money and the muscle and the will to get it taken care of.

The very small businesses will probably get it solved because, again, for them, they are dealing with a single computer that runs their payroll and maybe does their taxes, and they do everything else by hand. They can solve that problem in a short-term period of time. The middle-sized businesses that don't have the money of a Citigroup and that have a much bigger problem than a mom-and-pop store are running into difficulty. The surveys we are conducting tell us that these companies are where the problems are going to be.

Now you may say, so what? We should really care if an individual business here or an individual business there should fail or should have serious problems. In today's economy, we live in a world of outsourcing and just-in-time inventory. That means that General Motors has literally tens of thousands of suppliers. General Motors does not make everything themselves; they outsource. That is a fancy name for buying it from somebody else. They are dependent on these medium-sized businesses for their parts. One of the scary things is that many of these medium-sized businesses on which General Motors and other big manufacturers are dependent are overseas.

I used to run a very small business, so small that it wouldn't really attract anybody's attention, but the key component of our business, without which we had no product, was manufactured in Taiwan, and if we were unable to get that from Taiwan because of Y2K problems in Taiwan, we were out of business. We sold our product to a much bigger company. They were dependent upon us. They could have all of their computers Y2K compliant and be unable to get product from us and therefore have to drop a major product line for them. We couldn't supply it because we couldn't get this product from Taiwan. You see the chain of suppliers that runs throughout the economy in this just-in-time inventory world.

When I say I am concerned about medium-sized firms as an area of high

risk, it could affect big firms and could affect the economy as a whole.

Now, the next question after where is the greatest risk: What are we doing about it? What is being done? Here, I think, it is time for the Senate and the Congress, if I might, to be a little bit self-congratulatory. When this problem first came to the attention of the Congress, Senator BURNS of Montana has said he held hearings on this issue, or had been involved in hearings on this issue back in the early 1990s. He said we couldn't get anybody interested; nobody paid any attention. He was on the Commerce Committee. He said the thing just kind of dropped without a trace.

We first became aware of this on the Senate Banking Committee in 1996. That is where Senator DODD and I became zealots on this issue, and we began to work on this with respect to the financial services area. The more we got into that, the more we realized that it encompassed all of the things that I have described here this afternoon.

One example demonstrates what I am talking about when I say that Congress can be a little bit self-congratulatory about the question of what is being done. My son-in-law works for one of the major banks in this country. He said at a family gathering, ''You know, I don't know what's happened, but the bank examiners from the Federal Reserve who come into our bank now have only one thing on their minds, and that is Y2K, and they have made it the top priority in the bank.'' I thought, you know, we have finally done something in Congress that has produced a result because, at Senator DODD's suggestion, we got the bank regulators before our subcommittee of the Banking Committee and we raised this issue with them; we discovered several things. No. 1, they were not raising it as part of the safety and soundness examination they were doing in banks. No. 2, their own computers weren't going to work in the year 2000. They would not be able to conduct their regulatory activities if we didn't get it fixed. The mere act of holding a hearing and bringing these people forward produced a salutary result that actually got out into the economy and changed the way things are being done.

Well, now, I think we can take some credit for having raised that alarm. Senator MOYNIHAN wrote to the President and urged him to appoint a Y2K czar or coordinator. The President did not respond. I wrote to the President after we had our hearings in the Banking Committee and recommended it. He did not respond to me, either. But in February of 1998, he did, in fact, appoint a Y2K coordinator. I think the track record says it is the Congress that possibly spurred that. And we now have a President's Council on the Year 2000 Conversion, headed by John Koskinen, working very diligently to make sure the Federal Government and the economy as a whole is ready for this. We are doing everything we can to create awareness of the challenge. At the same time, we want to be sure, in words that we have used before, that while we are ''Paul Revere,'' we are not ''Chicken Little.'' We have to get everybody aroused to the fact that the British really are coming. They have to get out of their warm beds and pick up their muskets and get ready for this; but the sky is not falling and it will not be TEOTWAWKI; it will not be the end of the world as we know it.

Well, I see that the vice chairman of our committee, Senator DODD, has come on to the floor. Soon I will reserve the remainder of my time and give him an opportunity for a statement about this.

Other members of the committee have expressed an interest to come to the floor and talk about this issue. I want to acknowledge the tremendous support we have had on this committee. This is a unique kind of committee in that we have had tremendous bipartisan support. My staff and Senator DODD's staff function almost as one on this committee. We have made every effort to keep any kind of partisanship out of it. We go out on field visits together. Senator DODD has been indefatigable in his effort to keep this thing going, and he prods me in areas where I need it and keeps the committee focused in areas where sometimes I stray in other places. It has been one of the most satisfying legislative experiences that I have ever had.

Other members of the committee, the same way. Senator MOYNIHAN was into this issue before we even discovered it and came onto the committee with great enthusiasm. Senator SMITH of Oregon, who came to the Senate as a businessman, took charge of dealing with business and Y2K's impact on business and has been tremendously helpful. We have had Senator BINGAMAN, who we have asked to focus on the national defense issues. Senator COLLINS, as a representative of the Governmental Affairs Committee, has held hearings in that committee based on what she has come up with out of our committee. Senator KYL did all of the heavy lifting on the committee for last year's bill on disclosure and has been enormously valuable.

And then we have, unlike any other committee in the Senate, two ex officio members, TED STEVENS of Alaska and ROBERT C. BYRD of West Virginia; and the fact that the Federal Government received literally billions of dollars in emergency funds in the last supplemental, which, I think, have dealt with the true emergency. I think we are responsible for our being where we are in many of the government agencies. I don't think that would have happened if the chairman and ranking member of the Senate Appropriations Committee were not involved directly and particularly in the work of this particular special committee.

So, with that tribute to my fellow Senators on this committee and the work that has been done, I will reserve the remainder of my time, Mr. President, to allow the vice chairman of the committee and the ranking Democrat, Senator DODD, to make his statement.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. Without breaking into the colloquy, I wonder if I can have 5 seconds to introduce a bill.

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senator from Alaska be recognized for the purpose of introducing a bill.

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

(The remarks of Mr. MURKOWSKI pertaining to the introduction of S. 501 are located in today's RECORD under ''Statements on introduced Bills and Joint Resolutions.'')

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Thank you, Mr. President.

Mr. President, let me begin these remarks by seconding everything that my colleague from Utah has said about the other members of this committee. I will add, as I know he has expressed on numerous occasions, the tremendous work done by our respective staffs. They have done a tremendous amount of work in providing us with the kind of detailed information that we have been able to produce at this juncture in our interim report, which we released today.

Let me also, on behalf of other members of the committee, say to you and to our colleagues here that we have been truly fortunate to have BOB BENNETT lead this effort. I have said this on numerous occasions. He has literally been the leader on this in the Senate. He began early on and insisted that the Banking Committee have a subcommittee that would look at the implications of this year 2000 ''bug,'' as it is affectionately referred to, on financial institutions. It was as a result of his efforts that my curiosity was piqued.

As a member of that committee—not as the ranking Democrat, but as a member of that committee—I attended a number of hearings we had on financial services, and I quickly learned through that process that this issue went far beyond the individual institutions that had to do their own assessments. What Senator BENNETT discovered very early on and what others of us who sat in on those committee hearings soon learned, was that it wasn't enough to be a financial service and have your own house in shape when it came to the Y2K issue, and that the bank, or the savings and loan, or the stock brokerage, or any other financial service, insurance agent, or company—if they were in good shape internally, that wasn't enough. They had to also determine whether or not suppliers and customers, all sorts of contractors with

whom they do business, would also have to be in good shape.

That obviously drew us to the conclusion that this was an issue that deserved broader attention than just looking at the financial services sector. As a result, Senator BENNETT and I went to our respective leaders and asked and urged them to support this special committee that has no legislative authority. We have no authority to pass any laws or do anything, but merely try to make an assessment as we now approach the millennium date 304 days from today.

As a result of those efforts, beginning last year, TRENT LOTT, our majority leader, and TOM DASCHLE, the Democratic leader in the Senate, supported our efforts to form this committee. We owe them a great debt of gratitude, as well, as leaders for giving us the kind of support that has been necessary to do our jobs.

Today, at the conclusion of this discussion, there will be a vote on a matter that would provide an additional $300,000 over the next year for us to complete our work as we now enter this second phase of this assessment of how the Nation and the world is responding to this issue. So we hope that our colleagues will be supportive of that effort to allow us to complete our work.

Again, at the outset, I want to thank my friend and colleague from Utah whose own background in business—and a successful business, I might add—has brought some wonderful awareness and knowledge to all of this. It has been truly enjoyable to work with him and his staff over these past number of months which has brought us to the place we are today.

The Senate special committee, which formed in April, as I have said, has been working hard to assess a variety of industry sectors. Some sectors have been very cooperative. We should tell you that in this kind of effort so much information and so much news is focused on what is wrong. We need to take some time to tell you about what is right, too.

There is a lot that is going on that is right when it comes to this issue. It doesn't get the same attention. The old axiom that the media doesn't report about planes that fly is certainly true in the Y2K issue. The headlines are going to tell you about where the problems are. That is the nature of the news media and what gets covered. But there are a lot of planes that are flying, if you will, both literally and figuratively when it comes to the year 2000 issue. Those that have been doing the work getting the job done deserve to be recognized as well. Others have needed more persuasion, unfortunately. We will get to that.

After 10 months of research, we have now completed our report, which I have referred to already, which gives you the status on seven major sectors. It is not an all-conclusive list. But we came up with this list. Senator BENNETT did. He came up with a list of seven critical areas that we thought most people would have questions about and legitimate concerns. I will get to that in a second. I know Senator BENNETT has already discussed that to some degree.

The report was intended to provide as comprehensive as we could an analysis, and described as thoroughly as we could in a single document how ready we are to face this millennium issue that is going to be upon us in 304 days; in some cases before.

Reflecting on what we have learned from our research and hearings, I think it would be an understatement to say that Y2K is an important issue. Expert opinions on the subject have ranged from denial to the coming of Armageddon.

While we don't foresee any major disruptions, anyone who hasn't begun to consider the ramifications of this problem should do so immediately, in our opinion. Some businesses within different industries have been extremely forward thinking in their year 2000 preparation efforts. George Washington Memorial Hospital, right in our own Nation's Capital in the city of Washington, began its remediation efforts a half a decade ago in order to be ready for the year 2000 issue. State Street, an international financial service in Boston, MA, began fixing its year 2000 problem 6 years ago and is projected to spend some $200 million on remediation efforts. The cost has been significant. For some it will continue to rise as companies continue to discover problems and work through them.

Consider for a moment, if you would, Mr. President, the cost of not being ready, especially with regard to exposure to litigation. Projected litigation costs have ranged from $500 billion to $1 trillion. You can be sure that these costs in one way or another will be passed on to consumers in other groups.

Let me just mention the litigation issue. As my colleague from Utah knows, and others know, I have been a strong advocate of litigation reform. Senator GRAMM of Texas, Senator DOMENICI, myself, and others authored the securities litigation reform bill, and then last year we passed the uniform standards legislation to reduce the proliferation of computer-driven complaints where mere stock fluctuations would generate lawsuits. I think it was a good effort and was endorsed by the Securities and Exchange Commission, and overwhelmingly supported by our colleagues on both sides of the aisle. I am a supporter of litigation reform in this area, too. I think it is going to be very important that we do something in this area to reduce the potential costs of unwarranted litigation.

Having said that, however, Mr. President, I also want to say that there should be no mistake out there that this committee and this Congress are not about to create some firewall that protects businesses or industries when they should have known better and done better and didn't do so. If you are sitting back and saying, I hear Congress is about to pass some legislation that is going to insulate me and protect me from consumers and businesses and others that would have a legitimate complaint against a company that did not do its Y2K work, you would be mistaken. I think I am speaking for most of us here who feel that way. That is not to say we will not be able to pass a bill. I hope we can. But we shouldn't leave the impression that this is going to be somehow an abolition of tort law in this country.

There is a reason why we call these problems bugs or viruses. Like a disease, this issue can corrupt the functioning of vital systems, can cause damage, shutdown, and can bring the flow of work to a halt. They can take a business out of business very quickly. They can stop the flow of information and communication.

As concerned as I am, let me make the point that we believe the United States is one of the most prepared nations in the world. We have the resources we need both in terms of economics and expertise. However, most countries lag behind the United States in the year 2000 preparation.

I cannot stress to you enough, Mr. President, the serious nature of this topic. This is not an imaginary problem just because we can't at this time quantify as exactly as we would like, or forecast as exactly as we would like, the extent of this problem. We don't know for sure what is going to happen, and where it is going to happen. So we must prepare, in our view, for a bad situation. We hope it doesn't occur. There is no information we have that it is likely to occur. But we don't know. We just don't know with the kind of certainty we would like to share with our colleagues and share with the Nation.

Some chief executive officers and government leaders assume because this is a technical problem and they lack technical expertise that their hands are somehow tied. This is not the case. There is no singlehanded resolution to this crisis. A successful resolution will call for cooperation across the board. This is not just a technology problem. It will require managers who are willing to get involved at all levels. It will take leaders in business, in the U.S. Congress, and at the executive branch level to take the initiative and find out where companies and organizations, nonprofits and for-profits, are in their Y2K remediation and contingency planning.

Large, medium and small businesses must cooperate to find solutions. Chief executive officers must be aware of the extent of their companies' Y2K exposure. Companies must develop contingency plans. In fact, this is a critical issue right now. It doesn't mean you ought to stop remediation, but if you are concerned that you are not going to be able to get ready in 304 days, you ought to be actively involved in looking at contingency planning.

If there were no other message I could leave our colleagues with, or others who may be following this discussion today, the most important point I would like to make is the need for contingency planning. I can't think of anything more important. You ought to know how important contingency planning will be.

They also must insist that vital suppliers and vendors resolve their own problems and have their own contingency plans in place. The true heroes on January 1, 2000, will be those organizations, private and public companies—small, medium and large—that have found a way to adapt to this potential problem. A business owner who wants to prosper in the new millennium must prepare for the Y2K problem in such a way that the business—that their business, his or her business—does not skip a beat come New Year's Day.

As of today, as I have said repeatedly now today, we have 304 days remaining, but much can still be done in that time, as short as it is.

If you have lived in the Southeast of our country where there are hurricanes on almost an annual basis, or the Midwest and South where tornadoes are common, you may have heard warnings that gave you little time to make survival decisions. The year 2000 is a storm on the not-too-distant future horizon. It is a disaster, in some cases pervasive throughout the First World and beyond, but is one for which we can prepare.

It is one that we can work to neutralize. We on this committee have been assessing all that we can to understand more about this coming storm, and we have learned a great deal. Small businesses do not have any compliance plans in place.

Preparation for the continued health of our Nation's businesses and industries is vital, but paramount is the health of our health care. It is not an exaggeration to say that lives could be lost as a result of this crisis. I point to disturbing examples of what could happen relative to health care and the Y2K issue not to be an alarmist, quite the contrary, but to shed light on something that needs the attention of everyone in this country. Sixty million people are dependent on medication for the treatment of health problems from cancer to heart disease. Some require daily doses of life-sustaining medicines to keep their bodies from rejecting transplanted organs or to prevent cancers from spreading.

Let me just cite one example of what I am talking about of which this committee has become keenly aware. Laurene West is a registered nurse and a computer expert. She brings together some wonderful talents. And if you were to meet her, you would see a seemingly healthy woman. Were it not for the fact that I tell you now, you would never guess that her state of health will put her more at risk than any of us when the year 2000 arrives. Ms. West had a tumor removed from her brain and requires daily medication to prevent the regrowth of that tumor.

During her first of 13 surgeries, she developed a staph infection that does not respond to any known oral antibiotic. She is dependent on IV antibiotics which she cannot store because they have no shelf life. Any disruption to the supply of these antibiotics could be fatal to her. She knows health care. She knows computers. And she knows all too well the impact that the year 2000 could have on her health care.

Ms. West has been the most proactive voice calling upon us to take action. She worries that HMOs and physicians, to a certain extent, view the impending crisis with a degree of disbelief and apathy. Many health insurance organizations will not pay for the storage of even the most critical of drugs. We now are aware that as much as 80 percent—80 percent—of the ingredients of drugs manufactured in the United States of America come from overseas.

Let me repeat that. As much as 80 percent of the ingredients of drugs manufactured in this country come from overseas. Foreign companies account for 70 percent of the insulin market in the United States. Unfortunately, patients have been prevented from stocking lifesaving drugs because of restrictions placed on pharmacists by insurers and physicians who may not fully understand the magnitude of this problem. Ms. West has brought this to our attention. We applaud her efforts, and we are going to try to do something about her case and cases like it.

Health care is this Nation's single largest industry. It generates $1.5 trillion annually. There are 6,000 hospitals in America, 800,000 physicians, and 50,000 nursing homes, as well as hundreds of biomedical equipment manufacturers, health care insurers, suppliers of drugs and bandages that may be unprepared for the year 2000. According to the Gartner Group, 64 percent of our Nation's 6,000 hospitals have no plans to test their Y2K preparedness. About 80 to 85 percent of doctors' offices are said to be unaware of the Y2K problem.

Struggling compliance efforts by the Health Care Finance Administration and unaddressed concerns about medical devices are major roadblocks to the industry's year 2000 readiness. In short, the health care industry is one of the least prepared with 304 days to go for dealing with the Y2K problem and carries, in my opinion, the greatest potential for harm at this juncture. Due to limited resources and a lack of awareness, rural and inner-city hospitals are particularly at high risk.

Each industry we have examined is critical to the functioning of our society. We have all heard the analogies about making a phone call on December 31 around midnight and getting the bill the next month with a charge for 100 years of long-distance calls. But what if the phone doesn't work at all; what if you lose contact with your work, your family doctor, your 911 dispatcher. Think what would happen if the ability to communicate was taken from governments, militaries, businesses and people.

The U.S. has never experienced a widespread telecommunications outage, yet the telecom network is one of the most Y2K-vulnerable systems. And while 95 percent of telephone systems are expected to be compliant in time, there is no industry-wide effort to test data networks, cellular and satellite communications systems or the Nation's 1,400 regional telecom carriers. Despite telecom infrastructure readiness, customer equipment and company switchboards may experience some problems, leaving no guarantee of getting a dial tone on January 1.

A forum that included the Nation's largest telecom companies was formed in 1997 to address the year 2000 concerns and was early, to their credit, in formulating a compliance plan. We are awaiting a final industry report which is expected early this year.

With all of our assessment, research and hearings, we have learned a great deal about many sectors of our infrastructure. We have learned who is compliant and who is making headway, who is lagging behind, and who has failed to disclose their status. We discuss and recommend legislation to move the process forward, and we must look hard into the mirror. The Federal Government should be setting an example, in our view, for the rest of our country in preparing for the Y2K issue, yet the Federal Government's Y2K preparations vary widely.

The Social Security Administration, for instance, got an early start and is well prepared—we commend them for their efforts—while other agencies such as the Department of Defense and the Health Care Finance Administration are lagging somewhat behind. The Federal Government will spend somewhere, we are told, between $7.5 billion—and I apologize for the disparity—and $20 billion. I would like to make that number more definitive for you, but we are getting wide-ranging cost figures here. Those are the numbers we are being told just for the remediation at the Federal agencies, but it will not be able to renovate, test, and implement all of its critical missions in time. After a late start, the Federal Emergency Management Administration is now engaged in national emergency planning in the event of year 2000 disruptions, but many State and local governments are not prepared to deliver critical services such as benefit payments, 911, and emergency services.

Both Senator BENNETT and I have had a particular interest in small businesses. This is because small businesses fulfill such a crucial role in our Nation's economy, providing 51 percent of the total private sector output. Small businesses are absolutely vital to the economic well-being of our Nation. There are approximately 14 million small businesses in the United States today and, according to the NFIB Education Foundation, nearly a quarter of

these 14 million businesses haven't spent a dime on year 2000 remediation. Fifty-five percent of them correspond with suppliers via electronic interaction and 17 percent say that they would lose at least half their sales or production if automated processes were to fail. Many of these companies are playing wait and see—in reality, gambling that the problems are small, or at least they will be able to repair the damage before they go out of business.

In our February 5 hearing, we heard testimony from Mr. Ken Evans, president of the Arizona Farm Bureau Federation. Part of the responsibility of his organization is to look out for a type of small business that is literally the bread and butter of our country—the family farm. Some reports have indicated that these small businesses may not be affected by the year 2000 problem since few of the systems used by family farms are automated. However, as Mr. Evans pointed out before our committee hearing, smaller farms rely heavily on vendors, telecommunications services, bankers, and transportation companies that are all highly automated.

I know the Presiding Officer in the Chair comes from one of our rural States and knows better than most about just what I have said here, that people have sort of a mythological perception about the family farm and how it works. But today to succeed as a family farmer you have to be connected with these other vehicles to provide the services you need and to get your products and produce to the consumers.

The smooth functioning, as Mr. Evans pointed out, of day-to-day business on the small farm requires that phones work, the refrigeration is in service, and the transportation services are available.

In general, we think the level of preparedness seems to be determined by the relative size of the business or by how much the business is regulated by State and Federal agencies. While the heavily regulated insurance, investment, and banking industries are the furthest ahead in the Y2K compliance efforts, health care, oil, education, agriculture, farming, food processing, and the construction industries are lagging behind.

The cost to regain lost operational capability for mission-critical failures will range, we are told, from $20,000 to $3.5 million per business, depending upon the size of your company. It is estimated that it will take an average of 3 to 15 days to fix the problems. Large companies with greater resources, of course, are better able to deal with the year 2000 problem. Small and medium-sized businesses, however, are the most vulnerable to the year 2000 disruptions. One survey shows that more than 40 percent of 14 million small businesses do not have any compliance plans in place.

Mr. President, I am only going to speak briefly about the problem of litigation. I already mentioned my concerns about this and my desire for legislation. I think the price tag of $500 billion to $1 trillion speaks for itself. That would be a staggering cost to our Nation, not to mention to the individual businesses that may be the subject of litigation. It would be contrary, in my view, to our goal of preparation, to walk blindly into the next year without taking into consideration the question of litigation reform.

Any reform would have to be, in my view, specific. It ought to be bipartisan, especially considering this is a very unusual circumstance. There is no established precedent upon which to rely in making recommendations for reform. Reform would have to be narrowly tailored, in my view, for a very specific purpose. It would have to encourage businesses and organizations to seek solutions and disclose progress without fear of litigious retribution. At the same time, companies and organizations must not be allowed to choose to do nothing and escape responsibility. We will be looking at this in the coming weeks. Clearly, much is left to be resolved.

Again, Senator BENNETT has spoken about the interconnected relationships of governments, all organizations, all companies and people. To say that everything is connected is to put simple words to a very complex reality. To those chief executive officers who have told us that their Y2K exposure is nonexistent, due to early planning and remediation efforts, I would only ask: What will you do if power is disrupted on the grids? What will you do if you cannot ship products? What will you do if your vendors are not Y2K compliant? To government leaders at the local and State level who have not planned for this, we would ask: What will you tell the people you serve if their government cannot function? To those HMOs and physicians who are not anticipating a Y2K-related problem, my question to you is: What will happen if you are wrong and you do nothing?

Even if our country solves this problem, the fact that many of our industry sectors are tied closely to international businesses and economies will have an unknown effect on all of us. Plants grown overseas affect the supply of pharmaceuticals here. America imports goods ranging from produce to electronic equipment. How will our economy be affected if some of these products do not arrive on our shores? The fact is, what I am saying here, and what Senator BENNETT has said over and over again, is we are all in this together. You are not protected by geographical boundaries, by political entities, or by lamenting what is not happening offshore.

There is a storm on the horizon. We have seen the warning signs. The question is, do we have the ability to weather this storm? We think we do, but we have to work hard and all of us need to work together. In weathering this potential storm, we need to continue to look closely at the sectors of infrastructure that we have reported on in this interim report. We need to work closely with our international neighbors who are of particular interest to the United States, both economically and politically, in order to better assess their problems and better anticipate the effect that problems in their countries will have on us.

Our list of priorities for the coming months include the following: We need to revisit the domestic industry and infrastructure sectors first examined last year. As I indicated, we need to place increased emphasis on international Y2K preparedness. We hope to identify national and international security issues and concerns, some of which we have been briefed on even as late as today, as Members of this body, by the respective agencies of our Federal Government. We will continue to monitor Federal Government preparedness, but also turn our attention more to State and local government preparedness. Evaluating contingency emergency preparedness and planning is a high priority for this year. We need to determine the need for additional Y2K implementation or delaying implementation dates of new regulations.

I should have made note, by the way, when speaking about our paying attention to local governments and to municipalities, our colleague from New York, who I think is going to come shortly to the floor, has raised the issue.

Here he is. He has already raised the issue of how we might help the municipalities and State governments, and I commend him once again for bringing to this chamber the kind of vision he historically has brought on so many other matters. I leave it to the Senator from New York to discuss his ideas in that regard, and I leave him to comment on those matters.

In closing, I want to reiterate the words of our colleagues when they said we must work together. We must not let our differences keep us apart. If we are going to cooperate, if we are going to keep this from becoming a larger problem than it has to become, then the finger-pointing and name-calling and recriminations that can often be associated with this kind of an issue need to be eliminated entirely.

Again, I commend my colleague from Utah who has led this effort so well over the past year or two—several years, now. I am very, very confident that, whatever else may happen, we will be doing our very best in these coming 10 months to keep our colleagues and the American public well informed about this issue, raising concerns where we think they are legitimate, not engaging in the hyperbolic kind of rhetoric that can create a panic which poses its own set of problems, but to be realistic with people, backup what we say with the kind of evidence we think is important for the American public and others to have as we try to work our way through this issue.

With that, I reserve the remainder of my time and am glad to yield to my colleague from New York. I apologize, I didn't see him come in earlier or I would have yielded to him earlier.

The PRESIDING OFFICER (Mr. CRAPO). The senior Senator from New York.

Mr. MOYNIHAN. Mr. President, I rise in the first instance to congratulate the chairman of our committee and his vice chairman for the extraordinary work they have done in less than a year. I make the point, it is a point of Senate procedure, that it is rare there is a chairman and vice chairman, not chairman and ranking member. This has been a wholly bipartisan effort from the first, and I think we can see that from the results in so brief a span.

The issue has been with us for some while, and it would be derelict of me not to mention that it was brought to my attention by a dear friend from New York, a financial analyst, John Westergaard, who began talking to me about the matter in 1995. On February 13 of 1996, I wrote to the Congressional Research Service to say: Well, now, what about this? Richard Nunno authored a report which the CRS sent to me on June 7 saying that ''the Y2K problem is indeed serious and that fixing it will be costly and time-consuming. The problem deserves the careful and coordinated attention of the Federal Government, as well as the private sector, in order to avert major disruptions on January 1, 2000.''

I wrote the President, on July 31 of that year, to relay the findings of the CRS report and raise the issue generally. And, in time, a Presidential appointment was made to deal with this in the executive branch, to which I will return. But last spring—less than one year ago—the majority leader and the minority leader had the perception to appoint this gifted committee, with its exceptional staff, and now we have its report before us.

Two points, followed by a coda, if I may. Shortly after the committee s establishment, Senator BENNETT and I convened a field hearing—on July 6—in New York in the ceremonial chamber of the U.S. Federal Court House for the Southern District of New York at Foley Square. We found we were talking to the banks, the big, large, international banks in the city, and the stock exchange. And we found them well advanced in their preparations regarding this matter. I think my colleague from Connecticut would agree. They were not only dealing with it in their own terms, they had gone to the Bank for International Settlements in Basel where a Joint Year 2000 Council had been established at our initiative. They were hard at work on their own problems. They were worried about others.

One witness told us that 49 Japanese banks planned to spend some $249 million as a group on Y2K compliance; 49 banks are thinking of spending in combination $249 million. Citicorp was planning $600 million, and it already expended a goodly share of that.

Indeed, it was not all our initiative, but certainly it was serendipitous, if I can use that term, that the security industry commenced massive testing just a week later—on July 13, 1998. The tests went very well. The industry was on to this subject. The point being, if you are on to this, you can handle it. It is those who aren't who will leave us in the greatest trouble. There will be another industry-wide test later this month. So much for private initiative.

We should be grateful for what we have learned, here and abroad. As the Senator from Utah and the Senator from Connecticut have made clear, there are countries that have understood this, as we have done, and are on top of this. But there are too many other countries that don't know the problem exists or might as well not.

As a sometime resident in India, I was interested to find that Indian enterprises, concentrated in the Bangalore area, are very much involved in doing the computer remediation. If you would like to know something about the world we live in, Mr. President, the work for the day is sent to them from San Francisco or New York or Chicago; they do it overnight, which is not overnight for them, it is the daytime, and it is back on our desks in the morning. It is that kind of world we live in.

Hence, to the second subject, which is the nuclear one. There is potential here for the kind of unintended disaster of an order we cannot describe in terms of medical care or financial statements or, for that matter, air travel at New Year's—which is to say that the failure of computer systems in Russia to give the correct information about early warning systems, such that 6,000 nuclear warheads still in Russia are not inadvertently launched. They could be, you know. They are in place—not all—but enough. A hundred would do. Three would be a calamity. Two were dropped on Japan and ended the Second World War. These are all huge weapons, far above the tonnage and of a different chemical composition than the early atomic bombs, as we have come to know them.

The Russians seem to know they have a problem—or they may have a problem. Or they don't know whether they do or they don't. In that situation, ''we didn't quite catch it'' could bring incomprehensible catastrophe just at the moment when we thought that long, dark half a century was ended, the half century that began in 1946, when the Soviets exploded their first nuclear device.

We have a danger here and we have an opportunity, and we ought to respond to the one and seize the other. We are given to understand that our Department of Defense officials have begun some negotiations, discussions in Moscow to invite a Russian team to Colorado Springs—where it happens our facilities in these regards are located—to let us watch each other's nuclear launches, nuclear alerts, false alarms.

We can think, Mr. President, that this was something behind us, surely a matter of passing. It wasn't. We have learned just recently that in 1983, one Soviet officer, a Stanislav Petrov, a 44-year-old lieutenant colonel, was in the Serpukhov–15 installation where the Soviet Union monitored its early warning satellites over the United States, and all of a sudden the lights began to flash ''Start,'' because the warning time is very short.

He made a decision on his own: they only supposed that they had picked up a launching; the equipment picked up five ICBMs. Mankind was spared by one lieutenant colonel in the Soviet Army who knew enough strategic doctrine to know that the United States would never launch five. It might launch 5,000. So as the information went up, by the nanoseconds, through the chain of command, it was decided not to launch a counterstrike.

That is how close we came, probably never in a more mortal way. He is still alive and has told his tale. I ask unanimous consent that at the end of my remarks David Hoffman's account of this in the Washington Post be printed in the RECORD.

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

(See Exhibit 1.)

Mr. MOYNIHAN. Mr. President, I suggest that we seek to reach an agreement for the Russians to come and bring with them all their codes and their classified communications modes, learn what our early warning system is, tell us what they will of theirs, perhaps be open about its own weaknesses, which are so great. These are the people who still have the fate of mankind in their hands, and they haven't been paid in 6 months. What they talk about, evidently, is the need for money. How in God's name we cannot provide it I fail to see. The maintenance of our nuclear system in the course of a half century cost $5.5 trillion. I sometimes forget this, but in my years on the Finance Committee, I have learned that a billion minutes ago, Saint Peter was just 30 years dead. A billion is a large number. A trillion is beyond our capacity. They are asking thousands of millions. Very little.

I hope Beijing might want to join. I would invite Islamabad and New Delhi, places which are unstable and have nuclear devices. Out of that, Mr. President, out of this immediate crisis, we might find a longrun institution or institutions—they need not be here, exclusively—they can be in many places—in which we would monitor one another's nuclear activity while, pray God, we develop it down, and relearn the confidence-building measures that were so important in the cold war. That telephone between the Kremlin and the White House made more of a difference than we probably know. It is this kind of thing.

I note to my dear friends—and I will get complete agreement—this body has

known fewer persons with a greater understanding of the cold war than Senator Sam Nunn and the late Senator Henry Jackson who, in the early 1980s, brought up the concept of a joint early warning system. And then the MX was deployed, and we moved from essentially a deterrence position on nuclear matters, a second-strike, if you will, to a first-strike capacity, such that the Soviet systems had to be constantly alarmed.

Now, maybe that idea of Senators Nunn and Jackson will come, come at last. I would hope for two things. And I do not want to impose, and I do not want to presume, but I will do. This is not a time for too much delicacy.

I would hope that our chairman and vice chairman—I make that point: the Intelligence Committee and, I believe, the Ethics Committee have a chairman and vice chairman; all the rest is majority rule around here, which is fine, but this is bipartisan—if they might find it possible to visit Moscow and talk with members of the Duma there where the START II treaty, which we took all the 1980s to negotiate, lies unratified. And our plans for START III are, accordingly, on hold. They might go or they might invite—some action from the Congress, I think, is in order. And it would be no harm to point out to the Russian Government that they now have a legislative branch. And if it acts in ways that are not always agreeable to the executive, well, that is not an unknown phenomena. It has been going on for two centuries in the United States. It is an important and necessary initiative we ought to somehow pursue.

One final point. I hope my friends will not feel I am trespassing on their—our concerns, as I am a member and am honored to be a member of the committee—the Pentagon is too much disposed to discuss this matter in secret session. This is a time for more openness. This is a time the American people can be trusted with information which the Russian authorities already have.

One of the phenomenons of the cultural secrecy which has developed over the last century is that the U.S. Government is continuing to keep information from us which our adversaries know perfectly well. It is only we who do not know. This has done a perceptible harm to American democracy. We have no idea how distant it is from the beginning of the century when Woodrow Wilson could proclaim, as a condition of peace to conclude the First World War, ''open covenants openly arrived at.''

Now, mind you, that same President Wilson, to whom I am devoted, in the day after he asked for a declaration of war, he sent a series of 17 bills, which were rolled together and called the Espionage Act. It provided for prior restraint, as lawyers call it, censorship of the press. First Henry Lodge, on this floor, the chairman of the Foreign Relations Committee, said, ''Yes, I think that is a good idea.'' The next day he came back and said, ''You know, I don't think it's a good idea. The press should be free in this country.''

President Wilson wrote the bill manager on the House side, and said, ''Please keep it.'' It was not kept. But it was assumed it was kept, so much so that when the Pentagon Papers were released, the executive branch of our Government just assumed that was a crime and proceeded to prevent their publication and find out more about the person who had released them. And the next thing you know, we had an impeachment hearing in the Federal Government—a crisis that all grew out of secrecy and presumptions of secrecy.

I would hope—I doubt there is anybody in the Pentagon listening, but I see the chairman and vice chairman listening—I would hope they would say we could have an open briefing. The American people will respond intelligently to dangers of which they are appropriately apprised. And this surely is one.

But, sir, I have spoken sufficiently. I beg to say one last thing. On the House side, our colleague and friend, Representative STEPHEN HORN of California, has been very active producing ''report cards'' on the status of the different departments of the Government and keeping it up regularly. As the Senator from Connecticut observed, the Social Security Administration got A's all along. Others have not.

It would not be a bad idea for the chairmen and ranking members of our standing committees to review Representative HORN's report cards and keep an eye on the departments that report to them.

Other than that, I think I have spoken long enough. I do not think, however, I have sufficiently expressed my admiration and at times awe of the performance of our chairman and vice chairman. The Senate is grateful, is in their debt. So is the Nation. The Nation need not know that; it just needs to pay attention to their message, sir.

Mr. President, I yield the floor.

EXHIBIT 1

[From the Washington Post, Feb. 10, 1999]

''I HAD A FUNNY FEELING IN MY GUT''—SOVIET OFFICER FACED NUCLEAR ARMAGEDDON

(By David Hoffman)

MOSCOW—It was just past midnight as Stanislav Petrov settled into the commander's chair inside the secret bunker at Serpukhov-15, the installation where the Soviet Union monitored its early-warning satellites over the United States.

Then the alarms went off. On the panel in front of him was a red pulsating button. One word flashed: ''Start.''

It was Sept. 26, 1983, and Petrov was playing a principal role in one of the most harrowing incidents of the nuclear age, a false alarm signaling a U.S. missile attack.

Although virtually unknown to the West at the time, the false alarm at the closed military facility south of Moscow came during one of the most tense periods of the Cold War. And the episode resonates today because Russia's early-warning system has fewer than half the satellites it did back then, raising the specter of more such dangerous incidents.

As Petrov described it in an interview, one of the Soviet satellites sent a signal to the bunker that a nuclear missile attack was underway. The warning system's computer, weighing the signal against static, concluded that a missile had been launched from a base in the United States.

The responsibility fell to Petrov, then a 44-year-old lieutenant colonel, to make a decision: Was it for real?

Petrov was situated at a critical point in the chain of command, overseeing a staff that monitored incoming signals from the satellites. He reported to superiors at warning-system headquarters; they, in turn, reported to the general staff, which would consult with Soviet leader Yuri Andropov on the possibility of launching a retaliatory attack.

Petrov's role was to evaluate the incoming data. At first, the satellite reported that one missile had been launched—then another, and another. Soon, the system was ''roaring,'' he recalled—five Minuteman intercontinental ballistic missiles had been launched, it reported.

Despite the electronic evidence, Petrov decided—and advised the others—that the satellite alert was a false alarm, a call that may have averted a nuclear holocaust. But he was relentlessly interrogated afterward, was never rewarded for his decision and today is a long-forgotten pensioner living in a town outside Moscow. He spoke openly about the incident, although the official account is still considered secret by authorities here.

On the night of the crisis, Petrov had little time to think. When the alarms went off, he recalled, ''for 15 seconds, we were in a state of shock. We needed to understand, what's next?''

Usually, Petrov said, one report of a lone rocket launch did not immediately go up the chain to the general staff and the electronic command system there, known as Krokus. But in this case, the reports of a missile salvo were coming so quickly that an alert had already gone to general staff headquarters automatically, even before he could judge if they were genuine. A determination by the general staff was critical because, at the time, the nuclear ''suitcase'' that gives a Soviet leader a remote-control role in such decisions was still under development.

In the end, less than five minutes after the alert began, Petrov decided the launch reports must be false. He recalled making the tense decision under enormous stress—electronic maps and consoles were flashing as he held a phone in one hand and juggled an intercom in the other, trying to take in all the information at once. Another officer at the early-warning facility was shouting into the phone to him to remain calm and do his job.

''I had a funny feeling in my gut,'' Petrov said. ''I didn't want to make a mistake. I made a decision, and that was it.''

Petrov's decision was based partly on a guess, he recalled. He had been told many times that a nuclear attack would be massive—an onslaught designed to overwhelm Soviet defenses at a single stroke. But the monitors showed only five missiles. ''When people start a war, they don't start it with only five missiles,'' he remembered thinking at the time. ''You can do little damage with just five missiles.''

Another factor, he said, was that Soviet ground-based radar installations—which search for missiles rising above the horizon—showed no evidence of an attack. The ground radar units were controlled from a different command center, and because they cannot see beyond the horizon, they would not spot incoming missiles until some minutes after the satellites had.

Following the false alarm, Petrov went through a second ordeal. At first, he was

praised for his actions. But then came an investigation, and his questioners pressed him hard. Why had he not written everything down that night? ''Because I had a phone in one hand and the intercom in the other, and I don't have a third hand,'' he replied.

Petrov, who was assigned to the satellite early-warning system at its inception in the 1970s, said in the interview that he knew the system had flaws. It had been rushed into service, he said, and was ''raw.''

Petrov said the investigators tried to make him a scapegoat for the false alarm. In the end, he was neither punished nor rewarded. According to Petrov and other sources, the false alarm was eventually traced to the satellite, which picked up the sun's reflection off the tops of clouds and mistook it for a missile launch. The computer program that was supposed to filter out such information was rewritten.

It is not known what happened at the highest levels of the Kremlin on the night of the alarm, but it came at a climactic stage in U.S.-Soviet relations that is now regarded as a Soviet ''war scare.'' According to former CIA analyst Peter Pry, and a separate study by the agency, Andropov was obsessed with the possibility of a surprise nuclear attack by the West and sent instructions to Soviet spies around the world to look for evidence of preparations.

One reason for Soviet jitters at the time was that the West had unleashed a series of psychological warfare exercises aimed at Moscow, including naval maneuvers into forward areas near Soviet strategic bastions, such as the submarine bases in the Barents Sea.

The 1983 alarm also came just weeks after Soviet pilots had shot down Korean Air Lines Flight 007 and just before the start of a NATO military exercise, known as Able Archer, that involved raising alert levels of U.S. nuclear forces in Europe to simulate preparations for an attack. Pry has described this exercise as ''probably the single most dangerous incident of the early 1980s.''

Mr. BENNETT addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. I thank the Senator from New York for his generous remarks. He is always generous and gracious. I never deserve all the nice things he says about me, but I am always glad to have him say them nonetheless. I am grateful on this occasion as well.

PRIVILEGE OF THE FLOOR

I ask unanimous consent that Tania Calhoun, a detailee to the committee, be granted floor privileges for the balance of the debate.

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

Mr. BENNETT. Thank you, Mr. President.

Mr. MOYNIHAN. Mr. Chairman, would you allow me to request a similar privilege of the floor?

I ask unanimous consent that Jason Klurfeld of my staff, a designee on the committee, have privileges of the floor.

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

The Senator from Utah is recognized.

Mr. BENNETT. Thank you.

In the list of questions I laid out at the beginning of my presentation, we are now at the point where we are asking the two questions: What should we be doing next and what can we expect?

The Senator from Connecticut talked about the liability bill. I agree with him absolutely that we cannot take this particular emergency and turn it into a stealth operation to slip through other legislation, even though I would be for it. The Senator from Connecticut would be opposed to it. I would love to do that. But I think that would be an inappropriate thing to try to do.

It has just come to my attention a demonstration of why we need some kind of limited liability relief tied to this. I had an interview with an individual who is following Y2K matters, and she said, ''What are you going to do about insurance companies that are canceling policies over Y2K?'' And quite frankly, I was skeptical. I said, ''I don't know of any insurance companies that are canceling policies.''

Well, she sent me one. And here it is; it arrived today. I think that is appropriate since this is the day we are talking about Y2K. Here—in an area that the Senator from Connecticut has pioneered, health care—is an insurance company that has sent out an endorsement on one, two, three, four, five, six, seven, eight different health care policies that they write.

They say:

The following exclusion is added to Section III [of these policies]:

This Policy does not apply to, and the Company will not pay any DAMAGES or CLAIM EXPENSES . . . arising out of, or in any way involving any actual or alleged failure of any . . . ''equipment'' . . . [relating to]:

(A) any date or time after September 8, 1999;

The reason for that, Mr. President, is because the 9th day of the 9th month of the 99th year could trigger four 9's in a computer program and cause it to fail.

(B) any date, time, or data representing or referring to different centuries or more than one century;

(C) the change of the Year 1999 to the Year 2000;

Or,

(D) the Year 2000 as a leap year.

The reason for that, Mr. President, is that the algorithm used in computers to compute dates—for reasons I won't take the time to explain—will not recognize the 29th of February, a leap year, in the year 2000; it recognizes it in every other leap year but it does not recognize it in the year 2000.

Here is an insurance company that says, ''We will not pay any claims arising from these predictable Y2K kinds of problems.'' So you have that added burden to a company that is doing its very best to get the Y2K thing under control and suddenly finds that their insurance policy is being unilaterally canceled.

Now, as I have said on this floor before, I am unburdened with a legal education, so I don't know quite how to deal with this one, but I am sure this is something that ought to go in the mix of what we might do with respect to some kind of legislation this year.

Another thing we should be doing next—should be doing now—has to do with more disclosure. Here we are working very closely with the SEC. Chairman Arthur Levitt of the SEC has been in close touch with the committee, with Senator DODD and me, as we have gone through this. The SEC is working very hard to get more disclosure. Unfortunately, we haven't had the kind of disclosure that I think shareholders are entitled to in this area. This is one thing we ought to keep pushing for. We ought to have more hearings. The Senator from New York talked about that.

The authorizing committees, committees of jurisdiction, should take up the burden of conducting oversight hearings of the Departments that they have responsibility for. This has already happened. The Armed Services Committee of the Senate held a very useful hearing last week with the level of preparedness of the Secretary of Defense. I won't repeat all the information that was developed there because it is already in the RECORD, but there ought to be more of that going on as we get closer to this. The burden of paying attention to what is going on in the executive branch should not fall exclusively on John Koskinen and the President's Council on the Year 2000. It should be shared by the Congress. We should have more activity rather than less, as the Congress stays involved in this.

Finally, we have suggested to Senators that they should meet with their own constituents. Senator DODD has done this in Connecticut, as I have in Utah. Senator SMITH has done it regularly in Oregon and as part of his own education as a member of this committee. But other Senators who are not members of the committee have been working in this way. We on the committee are prepared to help them in this effort. We are going to put together, in addition to the report that has been released today, talking points and guidance information for Senators who decide they want to hold town meetings or other meetings while they are back in their own home States.

That is very worthwhile. It helps accomplish the twin goals of the committee: No. 1, to calm down the panic so that people are not Chicken Little; and, at the same time, raise the awareness in a responsible way. Individual Senators speaking in their individual States have a higher profile than speeches on the floor of the Senate. That is something we ought to be doing and something that our committee will do its very best to facilitate.

Now, this is a moving target, as we have both said. One of the areas that has just come to light that we are going to need more information on is the chemical industry. We were assured that everything was all right in the chemical industry, and now we are discovering that maybe that is not the case. The chemical industry might replace the health care industry as an industry that we look at. This is going to require us to pay attention through the

remainder of this year, which is why the resolution funding the committee for the coming year is the subject of this debate.

There have been some questions, by the way, raised as to: Where is this money coming from, and how is Senator BENNETT going to pay for it? Where is the offset? I can assure all Senators, this is part of the overall allocation of Senate business. This is not new money; this is money that is already in the budget. It is just being allocated to this committee as opposed to some other use. We do not have to come up with an offset for it under the Budget Act. For those who are concerned about that, I assure you that is not of concern. It is a little heartening and indicates that Senators are indeed watching this on their television sets in their own offices. They are making these phone calls. If they weren't calling the cloakroom asking this, then we would know they were not paying attention.

The final question which we get all the time with respect to Y2K—Senator DODD gets it, I am sure; I get it almost everywhere I go—What can we expect? Are we going to be all right? We addressed this in our opening remarks in saying yes, we are probably going to be all right, generally. The United States is going to have some problems, but it is not going to be the end of the world as we know it.

I want to now focus on what I think we can expect outside of the United States, because that is the area of greatest concern as we have gone through this situation. There are far too many countries in the world where Y2K has not been given the kind of attention it deserves. Recently, to his credit, John Koskinen, the President's Y2K czar, working with officials at the United Nations, helped put together a Y2K Day at the United Nations and invited the Y2K coordinators from all of the countries around the world to come to New York and participate in this discussion at the United Nations. I went to New York, along with Congressman HORN, to represent the legislative branch there and demonstrate that it was not just the executive branch of the Government that was concerned about this.

There was a very heartening turnout. A large number of countries sent Y2K coordinators. It was a very useful day. That is the good news. The bad news is that many of these Y2K coordinators didn't know anything about Y2K up to about 2 weeks before they were appointed coordinator and given a ticket to New York. They had no idea what this was about. The fact that the United Nations was holding a day and they were invited to come, their government said, ''Maybe we need a Y2K coordinator to go; you go; name somebody''—he or she got on the airplane, flew to New York, and didn't have the slightest idea what we were talking about. That is the bad news.

The other bad news is that some of them simply could not afford a ticket. The World Bank funded the airline tickets for some of these Y2K coordinators, which raises the demonstration of the problem we have in many countries around the world. As our consultants have spanned out and talked to these people, many of them say, ''We recognize we have a problem; we recognize it is very serious. We are completely broke. What do you suggest we do about it? We simply can't afford the kind of remediation that you are going through in the United States.''

We just had a team of consultants that came back from Russia and they did a very valid job of assessing where things are in that country. But they said every official that they spoke to began the conversation by asking for money. Every single one said, ''We have a problem. Now, can you help us solve it, because we can't afford to do anything about it.'' Senator MOYNIHAN was talking about the Russian military not having been paid for months and months, and they say, ''If we haven't got any money to pay to our military, we don't have any money to deal with the Y2K problem.''

What will be the impact? There will be economic dislocation in many countries as a result of this. In some countries it will be more serious than others. The unknowable question is, What will be the impact on the United States? I cannot quantify that for you, but I will give you this overall assessment. I think Y2K will trigger what the economists call a ''flight to quality.'' That is, I think investors around the world, as they decide that infrastructure problems are going to arise in certain countries, will decide as a matter of prudence on their part, to withdraw their financial support for economic activity in that country, which will cripple the country further. The speed with which money moves around the world is now very different than it used to be as recently as 10 or 15 years ago. It used to be when there was foreign investment in a country, getting that investment out meant couriers going through airports with attache cases filled with crinkly pieces of paper handcuffed to their wrists.

Senator Dole assigned me to work on the Mexican peso problem in early 1995 when the Mexicans devalued the peso. The flight of foreign investment from Mexico took place in a matter of hours, and it was all done electronically—a few keystrokes at a keyboard and the money was gone. The speed with which foreign investment fled Mexico stunned a number of economists who had no idea that the foreign money would disappear virtually overnight.

I think you are going to see that kind of thing repeated as foreign investors say: Our Y2K assessment says Country X's infrastructure is going to fail, their power system is going to go down, their telecommunications system will fail and they won't be able to function. Even though we are confident in the management of the company we are backing in that country, we can't run the risk of having them shut down because of an infrastructure failure. We are going to call the loan, sell the stock, and do whatever is necessary to get our money out before it really hits.

This ''flight to quality'' may very well mean that the rich get richer and the poor get poorer as a result of Y2K, which raises the other two unknowables, but that we need to be concerned about: One, civil unrest in some of these countries and what that might mean to their economies and their place in the world markets; second, humanitarian requirements.

I say, somewhat facetiously, that we have foreign policy by CNN in this country. That is, when the CNN cameras go into a particular area of the world and send images back to the United States, we then respond. CNN cameras showed starving children in Somalia and George Bush sent in troops. I am not criticizing that decision to send in troops, but I wonder if there might not have been starving children in other parts of Africa that CNN didn't get into and that was the reason we didn't intervene in those countries as well. I have a nightmare of CNN cameras in villages or cities where there is no power, no telecommunications, the banking system is broken down, widespread rioting, and then the request is: What is the United States going to do about it? The United States has its Y2K problem under control—the richest country in the world—and we will be faced with the humanitarian challenge of some real hardship in some real areas.

So, again, Mr. President, that is one of the reasons why the special committee on year 2000 should be funded and continued, so that we can monitor these things in the way we have in the past and provide information and guidance to policymakers who have come to depend upon us as a repository of information in this whole situation.

Mr. DODD. Will the chairman yield?

Mr. BENNETT. Yes, I am through with my formal statement.

Mr. DODD. I see that our colleague is here, and I won't be long.

First, I want to commend Senator MOYNIHAN from New York for an excellent statement. He has been a real value to us on the committee. He brings such a wealth of knowledge, information and experience. I thought his observation about at least some of the material the Defense Department has is a worthwhile suggestion. We might want to explore how to make more of that information available to the general public. I think those who are skeptical about whether or not there is legitimacy in pursuing this committee and making the information available as we require it, their concern would be further dispelled were they to have the ability to share some of the information we have come across.

I commend my colleague from Utah. I think this memo where he has left off the name—and I will respect that as

well here, although I will point out that it is not a Connecticut company. Most people would assume that since it is an insurance company, it is probably located in Connecticut; but it is not. We may want to compose a letter to send to the industry as a whole. I would be very curious as to whether or not this is a unique, isolated case, or whether or not it is being duplicated by others.

For those who may not have heard this, we have come across a memo which details a number of different kinds of health care policies that would be significantly affected. In fact, they would be excluded from payment if, in fact, the damages occur ''as a result of failure of any machine, equipment, device, system, or component thereof, whether it is used for the purposes or whether or not the property of the insurer to correctly recognize, accept, and process or reform any function: any date or any time after September 8, 1999, to January 1.''

Clearly, this is the insurance companies saying ''we are not covering you here on this one,'' which is a very important piece of information. I think we ought to examine and look at that.

This is an early version of OMB's March report that we have been given which rates the Federal agencies in terms of their year 2000 compliance. Basically, there is good news here, Mr. President. An awful lot of agencies are doing pretty well. Some have a long way to go here. I think this may be a worthwhile item to be included in the RECORD.

I ask unanimous consent that Predictions by Country and Worldside Predictions by Industry be printed in the RECORD.

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

PREDICTIONS BY COUNTRY

| Rate (percent) | Country |
|---|---|
| 15 | Australia, Belgium, Bermuda, Canada, Denmark, Holland, Ireland, Israel, Switzerland, Sweden, United Kingdom, United States. |
| 33 | Brazil, Chile, Finland, France, Hungary, Italy, Japan, Korea, Mexico, New Zealand, Norway, Peru, Portugal, Singapore, Spain, Taiwan. |
| 50 | Argentina, Armenia, Austria, Bulgaria, Columbia, Czech Republic, Egypt, Germany, Guatemala, India, Japan, Jordan, Kuwait, Malaysia, Poland, Puerto Rico, Saudi Arabia, South Africa, Sri Lanka, Thailand, Turkey, U.A.E., Venezuela, Yugoslavia. |
| 66 | Afghanistan, Bahrain, Bangladesh, Cambodia, Chad, China, Costa Rica, Ecuador, El Salvador, Ethiopia, Fiji, Indonesia, Kenya, Laos, Lithuania, Morocco, Mozambique, Nepal, Nigeria, Pakistan, Philippines, Romania, Russia, Somalia, Sudan, Uruguay, Vietnam, Zaire, Zimbabwe. |

WORLDWIDE PREDICTIONS BY INDUSTRY

| Rate (percent) | Industry |
|---|---|
| 15 | Aerospace, Banking, Computer Manufacturing, Insurance, Investment Services, Pharmaceuticals. |
| 33 | Biotechnology, Chemical Processing, Consulting, Discrete Manufacturing, Heavy Equipment, Medical Equipment, Publishing, Semiconductor, Software, Telecom, Power, Water. |
| 50 | Broadcast News, Hospitality, Food Processing, Law Enforcement, Law Practices, Medical Practices, Natural Gas, Ocean Shipping, Pulp and Paper, Television, Transportation. |
| 66 | City and Town Municipal Services, Construction, Education, Farming, Government Agencies, Healthcare, Oil. |

Mr. DODD. Lastly, I don't have this with me, but I am going to ask unanimous consent that it be printed in the RECORD as well, Mr. President. I spent a couple of hours yesterday in my State with the Garner Group, a successful firm that represents 35,000 clients worldwide—public and private entities—and has a pretty good fix on what is happening at home and abroad. They have a new assessment, an updated assessment, an industry-by-industry assessment worldwide, national assessments, and for major nations around the globe as to where they are in all of this. I thought it might be worthwhile for the public and our colleagues to see that most recent information.

I ask unanimous consent that they be printed in the RECORD.

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

GOVERNMENT-WIDE SUMMARY—YEAR 2000 STATUS MISSION-CRITICAL SYSTEMS

[In percent]

| Agency status | All systems | Systems being repaired transpose | | | |
|---|---|---|---|---|---|
| | Y2K complaint [1] | Assessment complete | Renovation complete [2] | Validation complete [3] | Implementation complete [4] |
| Tier Three: | | | | | |
| NASA, FEMA, Education, OPM, HUD, Interior, GSA, VA, SBA, EPA, NSF, NRC, SSA | 96 | 100 | 100 | 99 | 96 |
| Tier Two: | | | | | |
| Agriculture, Commerce, Defense, Energy, Justice, Labor, State, Treasury | 77 | 100 | 94 | 83 | 74 |
| Tier One: | | | | | |
| U.S. Agency for International, Development Health and Human Services, Transportation | 63 | 100 | 98 | 79 | 42 |
| All Agencies | 79 | 100 | 96 | 87 | 76 |

[1] Percentage of all mission-critical systems that will accurately process data through the century change; these systems have been tested and are operational and includes those systems that have been repaired and replaced, as well as those that were found to be already compliant.

[2] Percentage of mission-critical systems that have been or are being repaired; ''Renovation complete'' means that necessary changes to a system's databases and/or software have been made.

[3] Percentage of mission-critical systems that have been or are being repaired; ''Validation complete'' means that testing of performance, functionality, and integration of converted or replaced platforms, applications, databases, utilities, and interfaces within an operational environment has occurred.

[4] Percentage of mission-critical systems that are being or have been repaired; ''Implementation Complete'' means that the system has been tested for compliance and has been integrated into the system environment where the agency performs its routine information processing activities. For more information on definitions, see GAO/AIMD–10.1.14, ''Year 2000 Computing Crisis: An Assessment Guide,'' September 1997, available at http://cio.gov under year 2000 Documents.

Mr. DODD. I point out to my chairman that one of the industries they point out that is not doing very well—it is not doing badly, but not very well—in terms of being Y2K compliant; it is the broadcast news industry, and particularly television. So when my colleague refers to ''foreign policy by CNN,'' he is accurate, but one of the problems is that CNN may have a problem—and I am sure they will respond very quickly. But I thought it was interesting when I went over this last evening detailing some of the industries identified as ones that have work to do, and broadcast news was one that is lagging behind.

I also see our colleague from Oregon. Before he shares his thoughts, I want to thank him as well. He has been a tremendous asset to our committee. He has brought a wonderful perspective since he joined this body, and comes from the public sector as well as the private sector. He served in the legislature in his own State with great distinction, but also he comes with a private sector perspective, which has been tremendously helpful throughout the hearings. And I thank him for his attention and for the time he has brought to this issue as well.

I yield the floor.

Mr. BENNETT. Mr. President, I join my friend from Connecticut in thanking the Senator from Oregon for his diligence on this committee. He comes to the hearings and he contributes. He pays attention. He has blazed a way with the meetings he held in his home State. As I say, I would encourage all other Senators to follow his example. I am happy to yield to him such time as he may require.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH of Oregon. Thank you, Mr President. I thank Chairman BENNETT and Senator DODD. It has been a great pleasure and a real privilege for me to participate in this committee with them.

I can tell you that I sought membership on the committee when I heard about its creation. I sought membership not because I am some computer whiz—in fact, my kids are always trying to teach me new things we can do with it—but, frankly, because I recognized that my State, as well as yours, is very much focused on the development of the high-tech industry. Oregon has grown in high-technology in a remarkable fashion in the last decade. So I thought it would be important. I didn't realize how important it would be until feeling my oats as a member of this new committee.

Last year, I held a town hall meeting in Medford, OR. We published notice of it. Usually at a town hall you get 20 or 30 people to show up who want to talk about some public policy. But we said it was going to be about Y2K. There were over 1,000 people who came to that meeting. I realized we were on to something here.

If any of my colleagues are listening to me at this time, I would say to them that no matter what State you are from, if you want to get the attention of the people you are trying to serve, call a Y2K town hall. You will be amazed. And you will perform a great public service to the people who are becoming aware of this, mindful of it, some afraid of it, some panicked by it.

What I have found in Oregon is that by going home to meet with my constituents and saying, ''Look, don't panic, but begin to be prepared,'' has had a calming effect on my State. I thank these two leaders in the Senate, these men who led this committee, because when they first began talking about this issue —and I know in the Republican caucus Bob BENNETT was sort of Chicken Little; he is Paul Revere now, and I honor him and salute him as that. I think, frankly, Chris DODD has done the same thing in the Democratic caucus. We all look to them with renewed respect, and deserved respect, because they have been the Paul Reveres for this country on this issue. It has been a great pleasure to serve with them.

I encourage my colleagues to vote for this bill that will allow the committee to continue to do its wonderful work. I was proud to vote this morning for another bill that would allow the SBA to help small businesses become Y2K compliant.

Chairman BENNETT asked me to focus my service on the committee on the whole business industry. Having come from the private sector, I will tell you that businesses have a ways to go, but they are making great progress, because the motive of the business man or woman is to make a profit. I found that for a food processor, for example—whatever the Government standard was, it was an important standard. It was always the floor and was never the ceiling. And when I wanted to sell frozen peas, I wasn't trying to sell it to the Government, I was trying to sell it to Campbell Soup, whose standard is much higher than those of the Government.

So for me as a business person, when Y2K would come to my desk, I would say, ''How does this affect my ability to sell my product and make a profit?''

So I say to all business people, this could affect your ability to stay in business and make a profit. So if you are interested in a profit, get interested in Y2K and figure out how it is that this computer glitch might affect either your energy supply, your financial services, your transportation, and your ability to communicate with the world. These things are all interconnected.

I never realized as fully as I do now as a member of the committee just how interconnected we are as a country, and now as an entire world. I would predict, as others have, that our problems in this country will be theirs. This is real. But it will not be of a millennial nature, like some fear. But in some parts of the world it may well be. And a business man or woman is going to have to figure out how to deal with an international trade world that is having to adjust to these Y2K problems.

I want to also say, to comfort the people out there, that the United States is prospering right now relative to the rest of the world in a remarkable way, in part because during the 1980s and the 1990s American industry began to retool. As we have retooled and restored our industrial base, we have done so with Y2K-compliant equipment and computerization. This will all make the bump in this country much smaller than it otherwise would be.

So there are lots of reasons for optimism. But there is still much work to be done.

I am just pleased to participate with my colleagues today, and I know that a vote is pending. So, Mr. President, without further delay, I encourage all of my colleagues to vote for this legislation. Today, I think has become something of a Y2K Day, and it does a great service to our whole country to alert them to the real dangers and not the mirages.

In a hearing I recently held in my State, I heard a tragic story about a gentleman who had listened to some literature that caused him to panic. He went out and took all of his savings from his personal account, roughly $30,000. But somebody heard that he had done it and went and robbed him of his life savings.

So don't panic; just simply be prepared. Find a reasonable level of storage for food and water for your family, take some copies of your financial statements, check your own computers, but don't do things that are unwarranted, because that will be something of a self-fulfilling prophecy. We are not here to be self-fulfilling prophets; we are here to be Paul Reveres, as Senator BENNETT and Senator DODD have shown us how to be.

Mr. President, I yield the remainder of my time. I urge an ''aye'' vote on this bill.

Mr. BENNETT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SESSIONS). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. BENNETT. Mr. President, I am prepared to yield back all time, both for myself and Senator DODD, and call for the yeas and nays on the underlying question.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to S. Res. 7, as amended. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

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

Mr. REID. I announce that the Senator from West Virginia (Mr. BYRD) is absent attending a funeral of a family member.

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

The result was announced—yeas 92, nays 6, as follows:

[Rollcall Vote No. 29 Leg.]

YEAS—92

| | | |
|---|---|---|
| Abraham | Enzi | Mack |
| Akaka | Feingold | McConnell |
| Ashcroft | Feinstein | Mikulski |
| Baucus | Fitzgerald | Moynihan |
| Bayh | Frist | Murkowski |
| Bennett | Gorton | Murray |
| Biden | Graham | Nickles |
| Bingaman | Grams | Reed |
| Bond | Grassley | Reid |
| Boxer | Hagel | Robb |
| Breaux | Harkin | Roberts |
| Brownback | Hatch | Rockefeller |
| Bryan | Hollings | Roth |
| Bunning | Hutchinson | Santorum |
| Burns | Inhofe | Sarbanes |
| Campbell | Inouye | Schumer |
| Chafee | Jeffords | Sessions |
| Cleland | Johnson | Shelby |
| Cochran | Kennedy | Smith (NH) |
| Collins | Kerrey | Smith (OR) |
| Conrad | Kerry | Snowe |
| Coverdell | Kohl | Specter |
| Craig | Kyl | Stevens |
| Crapo | Landrieu | Thompson |
| Daschle | Lautenberg | Thurmond |
| DeWine | Leahy | Torricelli |
| Dodd | Levin | Voinovich |
| Domenici | Lieberman | Warner |
| Dorgan | Lincoln | Wellstone |
| Durbin | Lott | Wyden |
| Edwards | Lugar | |

NAYS—6

| | | |
|---|---|---|
| Allard | Gregg | Hutchison |
| Gramm | Helms | Thomas |

NOT VOTING—2

| | |
|---|---|
| Byrd | McCain |

The resolution (S. Res. 7), as amended, was agreed to.

S. RES. 7

*Resolved*, That section 5(a)(1) of Senate Resolution 208, agreed to April 2, 1998 (105th Congress), as amended by Senate Resolution 231, agreed to May 18, 1998, is amended by—

(1) striking ''$575,000'' the second place it appears and inserting ''$875,000''; and

(2) striking ''$200,000'' and inserting ''$500,000''.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I would like to take just a moment to once again express my appreciation to the leaders on the subject matter just passed overwhelmingly. The Senator from Utah, Senator BENNETT, and the Senator from Connecticut, Senator DODD, have done outstanding work.

I think they have served not only the Senate but the country well by highlighting the problems in this area with Y2K, but doing it in a way that does not cause undue alarm or panic. But it has been very helpful to Senators to hear what they have had to say, both in the closed session and also here on the floor this afternoon. I believe they have contributed mightily to the prospect of us dealing much more with the problems adherent in this area and getting some results before we face the turn of the century. So I commend them for their fine work.

## EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999—MOTION TO PROCEED

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now turn to a motion to proceed to the education flexibility bill, S. 280, and there be 30 minutes under the control of Senator WELLSTONE tonight with 3 hours 30 minutes under his control tomorrow and 30 minutes under the control of Senator JEFFORDS, or his designee, and following the conclusion or yielding back of that time, the Senate proceed to a vote on the motion.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Reserving the right to object. I am just inquiring of the leader—since this is the legislation, I would like to, as the ranking member, make a brief opening statement, as we proceed to this motion, for 10 minutes. I ask for 10 minutes tonight.

Mr. LOTT. That probably would even be helpful if the Senator could do that tonight.

Mr. KENNEDY. Yes. And then if it is agreeable——

Mr. LOTT. Do I need to modify, then, my unanimous consent request to that effect? I don't believe I would. I will take care to make sure we get that 10 minutes designated in the balance of our request.

Mr. KENNEDY. At the start.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senate proceeded to consider the motion to proceed.

The PRESIDING OFFICER. The pending question is the motion to proceed to S. 280.

Who yields time?

Several Senators addressed the Chair.

Mr. LOTT. Mr. President, I need to just clarify a couple points before we begin this time. I further ask unanimous consent that before we proceed to the time designated for Senator WELLSTONE that Senator KENNEDY have 10 minutes to make an opening statement as the manager of the legislation.

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

### ORDER OF PROCEDURE

Mr. LOTT. Therefore, in light of this consent, there will be no further votes this evening. The Senate will debate the motion to proceed to the education flexibility bill this evening.

Mr. President, I appreciate the cooperation of my colleagues on both sides of the aisle in working out this agreement. I know the Senator from Minnesota wishes to have some extended time to talk on this matter, but we have worked it out in a way he will have his time to talk, we will get the vote, and we can go on to debate the substance of this very important, broadly bipartisan supported bill.

I thank Senator DASCHLE for his cooperation in helping make this arrangement.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 10 minutes and the Senator from Minnesota will be recognized for 30 minutes.

Mr. KENNEDY. Mr. President, first of all, I welcome the opportunity that the Senate of the United States now in this early part of March will be considering various education policy questions because I believe, like other Members of this body, that the issues of education are of central concern to families all over America. I firmly believe that what families all over America are looking for is some form of partnership between the local community, the State, and the Federal Government, working in harmony to try to enhance the academic achievement and accomplishment for the young people in this country.

I think all of us are very much aware that enhancing education achievement is a complex issue, and therefore we have a variety of different kinds of ideas about how best that can be achieved. I think all of us understand that the Federal role has been a limited role. It has been a limited role in identifying where, as a matter of national policy, we want to give focus and attention to children in this country. Historically, that has been the focus and attention in terms of the neediest, the disadvantaged children in this country.

There have been other areas. For example, those that have some special needs. We have also been helpful in providing help and assistance to schools in terms of nutrition programs, breakfast and lunch programs. There has been a program in terms of the bilingual, help and assistance in Goals 2000 under President Clinton to try and help and assist local communities to move ahead in terms of education reform, and a number of other very important areas.

Tomorrow we will begin the debate on education policy. The issue that is going to be before the Senate will be whether we are going to provide additional kinds of flexibility to the States and the school districts in their use of a number of the Federal programs that reach out into the communities.

In 1994, we had reauthorization of the title 1 program. I joined in the initiative with Senator Hatfield. It was his initiative in providing a test program where we permitted a number of States to effectively waive the regulations on the title I programs with the assurance that the objective of the title I programs would be maintained and that the resources could be targeted to needy children. We have seen over a period of time a number of States take advantage of this flexibility.

There have been other school districts which have had the opportunity to make application—some of them have, but not many. What is before the Senate now is the consideration to effectively permit greater flexibility in the States and local communities for the using of title I funds. Ninety percent of the waivers that have been considered to date have been on the title I programs. There are other programs that can be waivers, but those have been the title I programs.

By and large, it is for reasons that have been best established within the local community. There have been waivers granted when they have not been able to reach a 50-percent standard of poor and needy children. It might be 48 or 45 or in some instances 40-percent poverty children. Without that waiver, there would not be the kinds of additional resources that would be available to that school to help and assist the needy children.

Now we are embarked on a more extensive kind of a consideration of a waiver program. What I think we understand is if we are going to get into providing additional waivers, we need to have important accountability about how these resources that are going to be expended are going to be used to help and assist the academic achievement of the targeted group, which are the neediest children. Tomorrow we will have an opportunity to go over that particular issue with Senator FRIST and others after we have an opportunity to move toward the bill.

Mr. President, I think, quite frankly, I would have agreed that there is a certain logic in considering the waiver provisions when we reauthorize the total bill. I don't have an objection to the consideration of this legislation. It may be a valuable tool in terms of a local community if we are going to be assured that these scarce resources that we have available that today are targeted on the neediest children, are going to go to the neediest children; that we are going to ensure that parents are going to be involved in any decisions; that it is going to affect those children, and that we are going to maintain our content and performance standards which are out there now so we can have some opportunity to be assured that those children are actually benefiting from any alteration or change from what has been the Federal policy; and that there will be ultimately the judgment of the Secretary of Education that if the measure is going to violate the fundamental principle of the intent of the legislation, then the power still retains within the Secretary of Education not to permit

such a waiver to move ahead. That is basically the initial issue that we will be debating.

We will also, I think, have an important opportunity to debate the President's proposal for smaller class size. That is something which is very, very important. We made a downpayment with Republicans and Democrats alike at the end of the last session to ensure additional schoolteachers in local school districts, and now the school districts themselves are going to wonder whether that was really a one-time only or whether it will be as the President intended to be—a commitment over a period of some 6 years. The afterschool programs which have been such a success, which the President and Secretary Riley have talked about—there will be initiatives, hopefully, in those areas. There are excellent programs by Senator BINGAMAN in terms of school dropouts that has been accepted in the past by this body; I hope we will be able to give attention to that area.

There will be a limited but important group of amendments which we think can be enormously helpful and valuable to our local communities in terms of being that kind of constructive partner in enhancing the education for the children of this country.

So that is where we are going, and I welcome the chance to have that debate over the period of these next several days. There are many things that are important in this session, but this will be one of the most important.

Finally, let me say I want to pay tribute to my friend and associate from Minnesota, Senator WELLSTONE, who has very strong views in terms of making sure these resources are going to actually be targeted to the neediest children in this country. He has been an effective and forceful fighter for those children. I know he will speak for himself, but he really questions whether any of these kinds of waivers can still give the kinds of assurances, as we have them in the current legislation, that will target those funds to the children. It is a powerful case that he makes—one that should be listened to by our colleagues—and it is a very persuasive case that he makes. We have come to a different conclusion, but I have enormous respect and friendship for him.

I must say that our colleagues should listen to him carefully on the points he is making, because I think he speaks for the neediest children in this country, as he has so often. It is a position that is a respectable position and I think a very defensible position, and I think it underlies the kind of central concerns many of us have if we fail to have the kind of accountability that hopefully will be included in the legislation. So I thank him for all of his work and for his consistency in protecting the title I children. I hope that all of our colleagues will pay close attention to what I know will be a very important statement.

I yield whatever time I have back, Mr. President.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota has 30 minutes.

Mr. WELLSTONE. Mr. President, first of all, let me thank Senator KENNEDY for his very gracious remarks. There is nobody in the Senate that I have more respect for, and I much appreciate what he had to say. I hope that we will, in fact, be in partnership on some critical amendments. In fact, I know we will be in partnership on some critical amendments that the Senate will be voting on.

Mr. President, I am debating this motion to proceed, and I am going to use a half hour tonight to kind of spell out or give an outline of where I am going to be heading, and then I will use 3½ hours tomorrow.

Mr. President, this is what I want to say on the floor of the Senate, and I hope that it is important. We have a piece of legislation that is on the floor of the Senate and I wonder why. This bill is called the Ed-Flex legislation, the Ed-Flex bill. But we never had a hearing in the U.S. Senate—not one hearing in one committee, the Labor and Human Resources Committee, on this bill. We never had an opportunity to listen to different people who are down in the trenches working with children. We never had an opportunity to carefully evaluate the pluses and minuses. Yet, my Republican colleagues bring this bill to the floor.

Secondly, it is absolutely true—and Senator KENNEDY did an excellent job of summarizing this—that there are a number of States that have moved forward. I voted for the legislation—and Senator KENNEDY was a coauthor of it—to give the States flexibility. I thought the agreement was that we would then be able to see what States have done and then reach a final judgment as to whether or not we wanted to pass such a sweeping piece of legislation. I will talk about why I think it is sweeping, not in the positive but in the negative. As the General Accounting Office pointed out, we don't have any evaluation of what these different States have done with this flexibility. Have they used this Ed-Flex bill to dramatically improve the opportunities for poor children in their States or not? We don't know. Yet, this bill is now on the floor of the U.S. Senate.

Mr. President, I am opposed to this piece of legislation. It passed 18–1 in committee, but I am opposed to this piece of legislation. I hope other colleagues will join me as this debate goes forward, for several reasons. First and foremost, I believe this legislation—just taking this bill for what it is—is a retreat from a commitment that we made as a nation in 1965 to poor children in America. We made this commitment and had title I as a provision in the Elementary and Secondary Education Act because we knew, unfortunately, that for all too many poor children and their families—you know, they are not the ones with the clout—they were not receiving the educational assistance and support that they deserved; thus, the title I program. It is now about $8 billion a year. I want to talk about the funding level of this program a little later on.

What this legislation does is it essentially turns the clock back 30 or 35 years. This legislation now says that we no longer, as a nation, as a Federal Government, will continue with this commitment. We will give money to States and they will decide what they want to do.

I am all for flexibility. I just wonder, where is the accountability? At the very minimum, in such a piece of legislation shouldn't there be clear language that points out that the basic core provisions of title I, which provide the protection for poor children in America, are fenced off and no State will be exempt from those provisions? That is to say that these children, low-income children, will have highly qualified teachers who will be working with them, that these low-income children will be held to high standards, that these low-income children will have an opportunity to meet those standards, and that the poorest communities with the highest percentage of low-income children will have first priority on the title I funding that is spent. All of that, with the legislation that is before us, can be waived. No longer will we have any of these standards.

So you have two issues. No. 1, you have the lack of accountability on the very core provisions of title I that are so important in making sure that this is a program that works for poor children. No. 2, you have a problem just in terms of dilution of funding.

One of the amendments I will have on the floor will say that this title I funding that goes to different States—that those schools with 75 percent low-income students, or more, will have first priority in that funding. The funding has to first go to those schools. Right now, with this legislation, we have moved away from that. In 1994, when we went through this, we had an amendment that said that schools with over 75 percent low-income students had first priority for this funding. Now we abandon that in this legislation. So, first of all, let me be crystal clear about why I object to this. I object to this piece of legislation because it represents an abandonment of a national commitment to poor children in America, and, frankly, I am disappointed in my colleagues. I am disappointed in my colleagues on both sides of the aisle, but I am especially disappointed in my Democratic colleagues. Where is our sense of justice? Whatever happened to our fight for poor children? How could we have let this legislation just move forward and come right to the floor in its present form? Where is our voice? I don't understand it.

I am sorry if I sound—well, I am worried about sounding self-righteous; I

don't want to, but I certainly feel strongly about this. I think the silence of the Democrats is deafening on this question.

Now, second of all, Mr. President, I am going to take time tonight—I won't take much time tonight, but I will have a lot of time tomorrow—to raise another question about this legislation. No wonder people in our country become cynical about politics because this Ed-Flex bill—see, I understand the politics of it. It is hard to vote against it. It is called Ed-Flex, which is a great title.

Then we say get the money to the States, get the Federal Government out, it is politically—yes. I see how it works. But do you want to know something? I don't want to let anybody—any Republican or any Democrat—pass this legislation off as some great step forward in expanding opportunities for children. It is not a great step forward for children. It is a great leap backwards. It is a great leap backwards because it is an abandonment of our commitment to poor children. It is an abandonment of our standard which should be met by title I programs for poor children. I will tell you something else; it is a great leap backwards, or a great leap sideways, because it doesn't represent what we should be doing for children in this country. Tomorrow I will have an opportunity to outline some of the directions that I am going to go in. But let me just raise a few questions.

When I am home, what most people in communities tell me that are down in the trenches working with children, and what most of the State legislators tell me who are education legislators, is, ''PAUL, the Federal Government is a real player in a number of different areas.'' Title I is one, and another is early childhood development. Here is how you can help us out pre-K. We have a White House conference on the development of the brain. We have all this literature that has come out. I have read a lot of it about the development of the brain. The fact is irrefutable and irreducible—that if we don't get it right for children by age 3, many of them will never be prepared for school. They will come to kindergarten way behind and then they will fall further behind and further behind and then they will wind up in prison.

But we don't have a piece of legislation out here on early childhood development. And, frankly, the President's budget is pathetic, much less the Republicans' proposing even less. I mean, in the President's budget, I think maybe at best 20 percent of those low-income families that would be eligible for assistance are going to be able to receive any. And what about middle-income? I cannot believe that we are continuing to play symbolic politics with children's lives.

If we were serious about a piece of legislation on the floor of the U.S. Senate that would really do something positive for children, then we would be about the business of making sure that working families can afford the very best child care for their children. And we don't do that. Instead, we get Ed-Flex, which won't do one additional positive thing that will help expand educational opportunities for children in this country, especially among poor children of this country.

Mr. President, let me talk about another area that I think is really important.

Children's Defense Fund study this past year: Every day in America three young people under age 25 die from HIV infection, 6 children commit suicide; 13 children are homicide victims; 14 children are killed by firearms; 81 babies die; 280 children arrested for violent crime; 434 babies are born to mothers who have late or have no prenatal care; 781 babies are born at low-birth weights; 1,403 babies are born to teen mothers; 1,087 babies are born without health insurance; 2,430 babies are born into poverty; 2,756 children drop out of high school every schoolday; 3,346 babies are born to unmarried mothers; 5,753 children are arrested; 8,470 children are reported abused or neglected; 11.3 million children are without health insurance; and, 14.5 million children live in poverty.

Do we have a piece of legislation out here on the floor that deals with the fact that one out of every four children under the age of 3 in America are growing up poor? Do we have a piece of legislation that deals with the reality that one out of every two children of color under the age of 3 in America are growing up poor?

I was talking to about 350 principals in Minneapolis-St. Paul about 2 weeks ago. And they said to me, ''There is another issue, PAUL.'' It is not just that so many kids come to school way behind. Ed-Flex does nothing for those children. It is also that a lot of children come to school emotionally scarred. These children have seen violence in their homes. They have seen violence in their neighborhood. And they need a whole lot of additional support.

Is there a piece of legislation out on the floor that calls for the Federal Government to get resources to local communities, then let them be flexible, let them design the programs that can provide the support for these children? No. Not at all. Instead we get Ed-Flex.

Mr. President, we have a program in this country called Head Start. It does just what the title says it does. It is an attempt to give a head start to children who come from impoverished backgrounds. I am amazed at the men and women that are Head Start teachers. I am amazed at the men and women that are child care workers. Their work is so undervalued. They barely make above minimum wage. Do we have a piece of legislation out here on the floor that provides more funding for Head Start? No. Mr. President, instead, we have a budget from the President that essentially says that we will get the funding to one-half of the eligible Head Start families and children at best. It is an embarrassment. It is an embarrassment. We have a program, a Head Start program, to provide a head start for children from impoverished backgrounds. We know it makes a real difference, and we don't even provide the funding for half of the children that could benefit. I don't think that is pre-teen. I think that is just 4 and 5-year-olds, much less early Head Start.

Does Ed-Flex do anything about providing the support for children for the Head Start program? No. Does it speak to early childhood development? No. Does it speak to afterschool care? No. My colleagues will have amendments on the floor. And good for them. We will be supporting them and speaking for them about smaller class sizes, about rebuilding crumbling schools, about involving parents, about giving children hope. All of that is important. Does this piece of legislation deal with any of that? No.

Mr. President, I am going to present some jarring statistics that translate into personal terms tomorrow about the whole lack of equity financing in education. I will draw from my friend, Jonathan Kovol, who wrote ''Savage Inequality.'' It is incredible that some children in our country—probably not the children of Senators and Representatives—go to schools without adequate lab facilities, without enough textbooks, without proper heat, delapidated buildings. And they don't have the financing. They don't have the financing for computers. They don't have the financing so students can be technologically literate. They don't have the financing for the best teachers. There are huge disparities.

Does this piece of legislation called Ed-Flex do anything to deal with the fact that we have such dramatic inequalities in access to good education for children in America? Does this piece of legislation, Ed-Flex, say that since our economy is doing so well, surely today we can provide a good educational opportunity for every child? No. It doesn't do any of that. What it does is it turns the clock back.

I can't believe so many of my colleagues have caved into this. How could we have let a bill come to the floor pretending to be a great initiative to improve the education of our children when it doesn't, and, in addition, turns the clock back and takes the accountability and takes some of the core requirements of title I, and no longer makes that the law of the land, no longer says that we have a national commitment, and essentially says to the States do what you want without any accountability? What do you think is going to happen to these children? Some States may be better. I hope it will be in Minnesota. I will tell you what. I will make some of my colleagues angry in other States. It will be worse. It will be worse.

That is why we have title I. That is why we have the IDEA program. We

know that unless you have a real commitment to children—IDEA is not covered in this bill. But unless you have a real commitment to children with disabilities, or low-income children, they are not going to get the assistance or the support.

Let me now turn to the third argument I want to make tonight, and I will develop this in much more detail tomorrow.

Here is the other thing that is so disingenuous about this Ed-Flex legislation. We ought to have some direction—and I will try to have an amendment that talks about this—for funding. We are spending $8 billion a year, and that is about a third, according to the Congressional Research Service, of what we need to be spending if we are, in fact, going to reach all the children who are eligible for this help and all the schools that are eligible. And you know what. When I met with the teachers, when I met with the principals, when I met with the educators in my State of Minnesota, they could not identify one provision in title I right now that needs to be changed in order for them to have the flexibility to do their best for children. And when we get into the debate, I am going to ask my colleagues to list what exactly the provisions are that create the problem, that create the impediment for the reform to do our best by these children. So far I haven't heard of any. I haven't heard of one statute. I haven't seen any of my colleagues identify one statute.

I will tell you what the men and women who are involved in education and who care about children tell me about title I. ''Senator, we don't have enough funding.'' That is what this is all about. We don't provide enough funding, and then it becomes a vicious zero sum game. So, for example, if you are a school with over 50 percent low-income children, you get some help for those children, but if you are under 50 percent, even though you have a lot of children, you don't get any funding at all. That is because we have such a limited amount of funding, and when we divide it up in our school districts, we allocate it to the schools with the highest percentage of poor children, but then many other schools with many poor children don't get any funding at all.

Let me give some examples. St. Paul. There are about 60 K–12 public schools in the St. Paul School District in Minnesota. There are 20 schools in St. Paul with at least 50 percent free and reduced lunch that receive no title I funds at all. One-third of St. Paul schools have significant poverty and receive no title I funds to help eliminate the achievement or learning gap.

There it is right there. Where is the discussion of the funding? We are making Ed-Flex out to be some great thing for our school districts and our local communities and we are not providing the resources that are needed.

Example. Five senior high schools receive no title I funding. Humboldt Senior High has 68 percent of its students on free and reduced lunch, no title I. A school with a 68 percent low-income population doesn't receive any title I funding because after we allocate it, there is so little that it goes to schools with an even higher percentage of low-income students. There is nothing left.

Let's get honest and let's get real and let's talk about funding if we want to make a difference.

Several middle schools receive no title I funding. Battle Creek Middle School has 77 percent free and reduced lunch but receives no title I funds. Frost Lake Elementary School, 68 percent free and reduced but no title I. Eastern Heights Elementary School, 64 percent free and reduced but no title I. Mississippi Magnet Elementary School, 67 percent of the students are low income, no title I.

The St. Paul School District in Minnesota, if it had another $8 million, could reduce class size, it could increase parental involvement, it could have good community outreach, and it could hire additional staff to work with the students who have the greatest need. But we don't have the funding. And we have a bill out here called Ed-Flex that pretends to be some great, some significant commitment to children and to education in our country. Can't we do better than that?

Let me talk about Minneapolis, and this is just a draft of what Minneapolis is expecting on present course. Here is what Minneapolis is going to get with Ed-Flex but no additional funding. This is basically what is going to happen. Of the 87 K–12 schools in Minneapolis, 31 schools will receive no title I funds, 14 schools which have at least a 50 percent low-income student population will receive no title I. That is unbelievable. Schools that have over 50 percent low-income student population do not receive any funding because there is not enough funding. I don't hear any discussion in this Ed-Flex bill about funding or pointing us in the direction of additional funding.

Let me give some examples. Burroughs Elementary School, 43 percent free and reduced, will receive no title I funding. Anthony Elementary School, 42 percent low-income, no title I funding. They would use the money for afterschool tutoring to improve math and science, to improve technology, to increase staffing and to improve parental involvement. Marcy Open Elementary School, 44 percent low-income, no title I funding. The school is in danger of losing 10 educational assistants because the funding level doesn't keep up with the kids and what needs to be done. Kenny Elementary School, 39 percent low-income, no title I funding. This school would use the additional resources, if they had them, for additional tutors in small group instruction, to buy certain computer-assisted instruction, make the ''Read Naturally'' Program available to more students, and focus on the students who are English language learners. No funding. Dowling Urban Environmental Learning Center, 45 percent free and reduced lunch, no title I, and they would use this to help prevent students from becoming special ed students, do early intervention to help students succeed.

Well, Mr. President, I don't know how much time I have remaining tonight. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 6 minutes.

Mr. WELLSTONE. Six minutes. Well, let me just kind of read from—I will give plenty of examples tomorrow of great success, but I have just a few comments from constituents of mine. Vicki Turner says:

> The title I program of the Minneapolis public schools provided not only help for my two children, but the parental involvement program was crucial in helping me develop as an individual parent and now as a teacher for the program.

Gretchen Carlson Collins, title I director, Hopkins School District, said:

> There is no better program in education than title I of the ESEA. We know it works.

John and Helen Matson say:

> How can anyone question the need for a strong ESEA. Ed-Flex waivers are an invitation to undermine the quality of public school systems.

High school senior Tammie Jeanelle Joby was in title I in third grade.

> Title I has helped make me the hard-working student that I am. My future plan after high school is to attend St. Scholastica. I may specialize in special education or kindergarten.

And the list goes on.

Mr. President, tomorrow I will develop each of these arguments. Tonight, let me just kind of signal to my colleagues that I am debating this motion to proceed, and I will have amendments and I will fight very hard on this piece of legislation because this is a rush to recklessness. Unfortunately, the recklessness has to do with the lives of children in America, specifically poor children in America. And I find it hard to believe that we have a piece of legislation which will have such a critical and crucial impact on the lack of quality of lives of children in our country that we brought this piece of legislation to the floor of the Senate without even a hearing, and we brought this piece of legislation to the floor of the Senate without even seeing how different Ed-Flex States, which are part of the demonstration projects, are doing right now.

Mr. President, I am not going to let my colleagues, Republicans or Democrats, pretend that this piece of legislation represents some major step forward for education for children in America. It does not. I think at least some of my colleagues—Senator KENNEDY spoke about this—are going to have some amendments that I think really will make a difference.

Second, I am going to make it as clear as I can tomorrow, and as crystal clear as I can with amendments and with debate—and I am ready for the debate—that in no way, shape or form is

it acceptable for the U.S. Senate to support a piece of legislation which essentially turns its back on or abandons our national commitment to poor children in America to make sure that the standards are met, that there are good teachers, that the money goes to the neediest schools and the neediest children, that there are high standards, that the schools are required to meet those standards, that we have some evidence of progress being made. The core requirements of title I must remain intact.

This piece of legislation on the floor right now does not require this to be the case. This piece of legislation essentially removes those core requirements and leaves up to the States what they want to do. This piece of legislation essentially wipes away the requirement that the money should go to the neediest schools first and allows States to do what they want to do. That is not acceptable. That is an abandonment of our commitment to low-income children in America. I look forward to this debate.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DURBIN. Mr. President, I ask unanimous consent to proceed as in morning business.

The PRESIDING OFFICER (Mr. BROWNBACK). Without objection, it is so ordered.

Mr. DURBIN. Thank you, Mr. President.

## SOCIAL SECURITY AND MEDICARE

Mr. DURBIN. Mr. President, the topic which I would like to speak about during this brief time on the floor is one which is important to millions of Americans and involves two of our most important and successful programs: Social Security and Medicare.

They are so important to so many families that President Clinton has proposed that 77 percent of the surplus which we anticipate over the next few years be invested in both of these programs so that they will be available for future generations of Americans.

There are some who believe that the surplus, as it is generated, should be spent instead and invested in tax cuts for Americans. Of course, any politician, any person in public life, proposing a tax cut is going to get a round of applause. People would like to pay less in taxes, whether they are payroll taxes, income taxes, or whatever. But we have to realize that a tax cut is instant gratification and what the President has proposed instead is that we invest the surplus in programs with long-term benefits to not only current Americans but those of us who hope in the years ahead to take advantage of them as well.

We have to keep the security in Social Security and the promise of good medical care in our Medicare Program. And I think we have to understand that just solving the problems of Social Security is not enough; income security goes hand in hand with health care security.

One of the proposals coming from some Republican leaders suggests that there would be a tax cut. And as you can see from this chart, the Republican investment in Medicare under this plan is zero, and the Republican investment in tax cuts, $1.7 trillion.

Now, of course, that is quite a stark contrast. Instead of prudent investments, I am afraid that many of those who suggest tax cuts of this magnitude are not really giving us the bread and butter that we really need for these important programs like Social Security and Medicare. Instead, they are handing out these candy bar tax cuts. I do not think that that is what America needs nor what we deserve. Let me take a look at the tax cut as it would affect individual American families.

There is a question that many of us have when we get into the topic of tax cuts, and that is the question of fairness, progressivity: Is this tax cut really good for the average working family? One of the proposals which has been suggested by a Republican leader and Republican candidate for President, who serves in the House of Representatives, is an across-the-board tax cut. Well, take a look at what this means for the families of average Americans.

For the lower 60 percent of wage earners in America, people making $38,000 or less, this Republican tax cut is worth $99 a year, about $8.25 a month—not even enough to pay the cable TV bill. But if you happen to be in the top 1 percent of the earners, with an average income of $833,000, your break is $20,697.

I listened over the weekend while one of our noted commentators, George Will, who was born and educated in my home State of Illinois, suggested: Well, of course, because people who make this much money pay so much more in taxes, they should get a larger tax cut.

We have been debating this for a while, but we really decided it decades ago. In a progressive tax system, if you are wealthy, if you have higher income, then in fact you will pay more in taxes. So I do not think it is a revelation to suggest that people making almost a million dollars a year in income are going to end up paying more in taxes. Well, the Republican tax cut plan, as it has been proposed, an across-the-board tax cut, does very little for the average person, but of course is extremely generous to those in the highest income categories.

Today in America, 38 million citizens rely on Medicare, including 1.6 million in my home State of Illinois. By the time my generation retires, this number will have increased substantially. With these increasing numbers of Americans relying on Medicare, and advances in health care technology currently increasing costs, any way you look at it, you need more money for the Medicare Program, unless you intend to do one of several things:

You can slash the benefits; you can change the program in terms of the way it helps senior citizens; you can ask seniors and disabled Americans who use Medicare, who are often on fixed incomes, to shoulder substantially higher costs; you can significantly reduce the payments to providers, the doctors and the hospitals; or you can increase payroll taxes by up to 18 percent for both workers and their employers.

A report that was released today by the Senate Budget Democrats lays out some of these harsh alternatives that would be necessary if the Republicans refuse to make investments in the Medicare Program.

President Clinton says, take 15 percent of the surplus, put it in Medicare; it will not solve all the problems of Medicare, but it will buy us 10 years to implement reforms in a gradual way. The Republicans, instead, suggest no money out of the surplus for Medicare, and instead put it into tax cuts. I think that is a rather stark choice.

Mrs. BOXER. Will my friend yield?

Mr. DURBIN. I am happy to yield to the Senator from California.

Mrs. BOXER. I am so pleased that the Senator from Illinois has once more come to the floor to discuss something so fundamental to our country. I think if you asked people in the country, ''What is good about your national Government?'' yes, they would say a strong military; they would also say Social Security and Medicare.

Has the Senator talked about the 1995 Government shutdown yet?

Mr. DURBIN. Go ahead.

Mrs. BOXER. I want to ask him a few questions and then let him finish his remarks.

As the Senator was talking and showing this chart, it brought back to me the 1995 Government shutdown. We remember what that was about. Essentially, the President took a very firm stand in favor of Medicare, the environment, and education, and against the kind of tax cuts for the wealthy that would have meant devastating those programs. And the Government actually shut down over this. I am sure my friend remembers, it was a stunning thing. But it was really tax cuts for the wealthy, taking it straight from Medicare.

Now what we have is a situation that is very similar. We know we have to fix Social Security. The Republicans have said they agree with that, but they are silent on the issue of Medicare. They do nothing about shoring it up whatsoever. And yet they propose the same kind of tax cuts.

So I say to my friend, in 1995 Republicans essentially shut down the Government because they wanted these tax cuts at the expense of Medicare. And this year it looks like they are shutting down Medicare so they can go back to these tax cuts.

I wonder if he sensed, as I did, as we watched this budgetary debate unfold—if it did not bring back all these memories, and how he feels about that, because it was a pretty tough time we went through and I do not want to see those times repeated.

I ask my colleague to comment.

Mr. DURBIN. Of course I remember that period of time. It was an amazing period. I recall particularly the commentator, Rush Limbaugh, who enjoys some notoriety across America. He said: You know, if they closed down the Federal Government, no one would even notice. They were kind of goading us to go ahead and call the bluff of those who wanted to shut it down.

Well, in fact the Government was shut down when Congress failed to pass the necessary bills to continue the funding of Government agencies. And across America people started noticing. I am sure the Senator from California—I was then a Congressman from Illinois—received phone calls from people saying, ''Wait a minute. You mean to tell me that these workers cannot go to work and they're going to be paid ultimately? You mean to say the services that we depend on, that Government needs to do, aren't going to be performed?'' And that is exactly what happened.

I think the American people were outraged over this, outraged that the Government would shut down. If there were those on the other side who believed that the American people would rally to their cause over this Government shutdown and say, ''Oh, you've got it right, give tax cuts to wealthy people, and go ahead and cut Medicare and cut the environmental protection and cut education programs,'' that did not happen.

Mrs. BOXER. I wonder if the Senator would share with us the chart that he has there, because that goes back to 1995.

Mr. DURBIN. Yes. I am happy to.

Really, it is a good illustration of what happened. Back in 1995 with the Government shutdown, this was a time when the Republican Party was calling for tax cuts of $250 billion and was going to cut Medicare for that to occur. And that is exactly what led to the President's veto of their bill and ultimately led to the shutdown of the Government.

Mrs. BOXER. Let me say to my friend again, I appreciate his leadership on this. We did hold a press conference today, the Democratic members of the Budget Committee, to call everyone's attention to this.

When you deal with a budget the size of this Federal budget, it has a lot of important things that we do. But this is one thing that we need to call attention to, the fact that if we are going to protect Social Security and Medicare, we are going to have to defer these tax cuts for the wealthiest people, some of them earning millions of dollars, who would get back tens of thousands of dollars, while the average person would get back $99. As a result, we would see Medicare essentially shut down as we know it, and we don't want to go through another Government shutdown of that nature. We don't want a Medicare shutdown; we don't want an education shutdown. We want a budget that addresses these issues.

Again, I thank my colleague. He and I have known each other a long time. We have both gone through the situation of aging parents together. We have talked many times about how important Medicare is. I will never forget my friend and I being on the floor of the Senate when there was a move to raise the eligible age for Medicare. He and I stood here and fought. We said right now people are praying that they will turn 65 so they can get some health insurance, and then if we increase that age when we should actually be reducing the age that people can get Medicare—we should allow the President's plan to go forward on that as well, to allow people to buy in if they have no Medicare at 55, 60, and 62. This was going to raise the age. We told the stories of our families and how Medicare brought peace to our aging parents.

So we are, I think, going to stand shoulder to shoulder through to the fight.

I want to again thank him for yielding.

Mr. DURBIN. I thank the Senator from California.

Of course, she raises a point near and dear to all of us. Some people think Medicare is a program that seniors worry about. I think it is a program that their children worry about. They want to make sure that their mothers and fathers—grandparents in some instances—have the protection of Medicare. It is hard to believe this program only dates back about 35 years. It is a program that has now become so essential, and it is a program that has worked.

As a result of the Medicare Program, people are living longer, the quality of health care for elderly people has improved. At the same time, the Medicare Program has really democratized health care across America. Hospitals, which once might have served the very elite clientele, now serve virtually everyone because they are part of the Medicare Program. I think that is a plus. I think that says a lot about our country.

I worry when I look at the alternative budget plans here because the Democratic plan is very specific. It says if there is to be a surplus—and we think there will be—that this surplus should be used for specific purposes: to save Social Security and to preserve Medicare. Unfortunately, on the other side, there is no mention of Medicare. The Republican proposal doesn't talk about putting any of the surplus into Medicare.

That, I think, is shortsighted, because if you don't put the surplus, a portion of it, into Medicare, it causes some terrible things to occur. For instance, to extend Medicare to 2020 without new investment, without the influx of capital which we are talking about in the surplus, and without benefit cuts and payroll tax increases, we would need to cut payments to providers by over 18 percent. That is a cut of $349 billion. For the average person, these figures, I am sure, swim through their head. They think, What can that mean?

What it means is your local hospital, your local doctor, the people who are providing home health care for elderly people to stay in their homes, would receive less in compensation. As they reduce their compensation, many of them will not be able to make ends meet. I have seen it happen in Illinois already.

I have been somewhat critical of the Clinton administration. Some of the changes they have made in home health care services, I think, are very shortsighted. Many seniors, for example, would love to stay in their homes. That is where they feel safe and comfortable. They have the furniture and the things they have collected through their lives and their neighbors who they know. They don't want to head off to some other place, a nursing home or convalescent home. They would much rather stay in their home. What do they need to stay there? Many times just a visit by a nurse, a stop by a doctor once in a while. Although that seems extraordinary in this day and age, the alternative is a much more expensive situation where someone finds himself in a nursing home with extended and expensive care.

I hope that we realize that we made a mistake in 1995 when we had this Republican tax cut of $250 billion at the expense of Medicare and the Government was shut down. I hope we don't repeat it. We called the hospitals in our State of Illinois back in 1995 and asked what would this mean to you, if, in fact, you lost some $270 billion in Medicare reimbursement; what would it mean? Most of the hospitals were reluctant to speak openly and publicly and on the record. They told us privately many of them would have to close because many hospitals in my home State of Illinois and rural States like Kansas depend to a great extent on Medicare and Medicaid to reimburse their services and to keep their doors open. So, cutbacks can cost us the kinds of hospitals we need in areas that, frankly, are underserved medically.

Large cuts that might be envisioned without dedicating part of the surplus could threaten many of these hospitals. When a hospital closes, it isn't just the seniors who are affected. The whole community suffers. It is a situation in

many of my rural towns and downstate Illinois where that emergency room is literally a matter of life or death. Farmers, miners and people who work around their homes count on the availability of their services. When a hospital's financial security is put under significant strain, they are forced to look for other sources of revenue. Cost shifting becomes inevitable. So virtually every American would pay for Congress' failure to invest in Medicare.

The second option, if we don't invest a portion of the surplus into Medicare, is one that would ask seniors and disabled to pay more for their own medical care. They would need to double their contributions to extend the solvency of Medicare to the year 2020 if the President's proposal of investing 15 percent of the surplus into Medicare is not made.

Take a look at this chart to get an idea of what it means to a senior citizen. This is a chart which shows the current amount that is being paid in part B premium of $1,262; then take a look, if we do not dedicate a part of the surplus, what the senior will have to pay instead. Instead of $100 a month, it is over $200 a month.

Some might say it is not too much to go from $100 to $200. I think they don't understand that many senior citizens live on fixed incomes, very low incomes, and that this kind of premium increase in order to continue Medicare as they know it would cause a great hardship to many of their families.

Today, on average, seniors pay 19 percent of their income to purchase the health care that they need. Medicare is currently only paying about half of their bills. These seniors living on fixed incomes are really going to face some sacrifice if this increase takes place. The medium total annual income of Americans over the age of 65 is a mere $16,000; for seniors over 85, it is even less, $11,251; for the oldest and frailest among us, such as those using home health services, the average income is less than $9,000. Now, can someone making about $800 a month, for example, see an increase in their Medicare premium from $100 to $200 without some personal sacrifice? I don't think so. Medicare as it is currently drawn up helps seniors to live with dignity. Medicare reform may involve tough choices but it shouldn't involve mean choices. This Medicare reform on the backs of seniors and disabled, unfortunately, leads us to that.

Reform and investment are clearly needed to strengthen Medicare. There are some who will say all you want to do is spend more money; you have to do more fundamental things like reform. I don't disagree with the concept of reform. I think it is part of the package. But the reality is, the Medicare Program has grown, the number of beneficiaries has doubled since the program was enacted, and Americans are living longer.

I think there is a fair argument to be made that one of the reasons that Americans are living longer is because of Medicare and the access to health care that it provides. Before Medicare, less than 50 percent of retirees had health insurance. Now, virtually every one of them does. This is a question of priority. How much do we value increased life expectancy? Are people in my generation who are working and actually contributing to the surplus—a surplus that we hope to soon have—willing to put off a tax cut to make sure that Social Security and Medicare are there for decades? Are we willing to invest in what is basically our own retirement health insurance program in the years to come?

By not enacting a massive tax cut that benefits the most wealthy Americas, but instead passing more limited tax cuts targeted to help working families, we can, in fact, get a tax cut that is reasonable and consistent with saving Social Security and Medicare. It seems very unwise to enact large tax cuts before we secure both of these important programs.

Let me close by saying that this budget season is one that causes many people's eyes to glaze over. I have served a combination now of about 8½ years on Budget Committees in the House and the Senate. I do my best to keep up with it. It is an arcane science to follow this budget politics. But I have to say that it does reflect our values. We have to decide what is important.

Last week, we had a bill on the floor here that was, on its face, a very good proposal—a bill that would have increased military pay and retirement benefits. I believe that those things should happen. The President proposed it, the Republican Party and Democratic Party agree on it. But the bill that came to the floor was significantly different than the President's proposal. In fact, it spent about $17 billion more over 6 years than the President had proposed.

This bill came to the floor of the Senate without one committee hearing. Some came to the floor and said we need to do this so that men and women will stay in the military, and that we give them adequate pay and the reward of retirement. So they suggested we vote for the bill. I didn't think it was a responsible thing to do. I can remember that, two years ago, on the floor of the Senate we tied ourselves in knots over amending the Constitution to provide for authority to the Federal courts to force Congress to stop deficit spending. We had reached our limits and we had said that the only thing that could control congressional spending is a constitutional amendment and court authority. Well, that constitutional amendment failed by one vote. But that was only two years ago. We were so despondent over dealing with deficits two years ago that we were at the precipice where we were about to amend the Constitution and virtually say we have given up on congressional responsibility in this area.

Well, here we are two years later, and the first bill we consider is not a constitutional amendment about deficits, but rather one over spending this surplus on military pay raises that we cannot justify in terms of their sources. I have asked a variety of members and people in the administration where would the extra money come from—the extra $17 billion—for military pay raises. They say, ''Frankly, we don't know.'' I don't think that is a good way to start the 106th Congress, in terms of its substantive issues; but it is a reminder that we need a budget resolution that honestly looks at our budget to maintain not only a balanced budget, but surpluses for years to come, and investment of those surpluses in a way that we can say to future generations that, yes, we understood; we had a responsibility not only to the seniors, but to the families and their grandchildren, to make sure that those programs would survive.

So, Mr. President, I hope that as this debate continues we can find some common ground to work together to make sure that the surplus as it exists in the future is invested in programs of real meaning to American families for many years to come.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

## MORNING BUSINESS

Mr. ALLARD. Mr. President, I ask unanimous consent that the Senate now proceed to a period for morning business with members permitted to speak therein for up to 10 minutes each.

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

## INTERNET TAX FREEDOM ACT AND THE ADVISORY COMMISSION ON ELECTRONIC COMMERCE

Mr. LOTT. Mr. President, the last Congress passed the Internet Tax Freedom Act. it was not an easy process, and compromises were reached. In the end, the debate resulted in a bill which made a good law. It calls for a 3-year moratorium on new taxes. This was important, Mr. President. The Internet is not only a new tool of communication and information but is fast becoming the most vibrant new marketplace as America goes into the next millennium. Having said that, I am aware of the concerns expressed by those on main street as well as mayors—from Greenwood to Belzoni to Shuqualak, Mississippi—and in towns all across America.

Mr. DASCHLE. Mr. President, I share the distinguished Majority Leader's enthusiasm for the potential of electronic

commerce and his assessment of the role of the Internet Tax Freedom Act in the encouragement of that potential. I also appreciate the concerns he referenced about the need for balance on the Advisory Commission on Electronic Commerce. The advisory panel can provide policymakers with valuable perspective on many of the issues that must be resolved if the potential of electronic commerce is to be fully realized.

Mr. LOTT. Mr. President, that is correct. Congress did recognize that an examination of e-commerce was needed to fully understand the ripple effects of taxing access to or transactions conducted on the Internet. During Senate deliberations on the bill, my colleagues and I listened intently to varying viewpoints. Consequently, the statute created a national Commission reflecting the stakeholders who would provide recommendations to Congress. Mr. President, the balance required by the statute has yet to be achieved. The Congressional leadership involved in the selection is taking another look at the current makeup of the membership and considering options to resolve the impasse.

Mr. DASCHLE. Mr. President, I concur with the Majority Leader. When Congress debated the Internet Tax Freedom Act, considerable attention was paid to the section of the bill that delineated the membership of the Advisory Commission. The legislation is very clear in specifying a balanced makeup of this panel. While some adjustments have already been made in an effort to achieve that goal, further discussion of the make up of the Commission and the requirements of the statute is clearly required.

As the Majority Leader knows, state and local governments have a lot at stake with respect to the deliberations of this Commission, and the Internet Tax Freedom Act anticipates their full participation on the panel. If we hope to reach consensus on a uniform taxation system that allows electronic commerce to flourish without eroding state and local tax bases, a balanced, representative Commission is in all parties' self-interest.

Mr. LOTT. Mr. President, the Internet has arrived, and it is worldwide. Let me share a few statistics. There are an estimated 66,000 new users a day, e-commerce is growing at about 200% a year, web sites went from 10,000 to 3.2 million in just 3 years. Congress needs the Commission's recommendations, and I look forward to reviewing them.

## THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, March 1, 1999, the federal debt stood at $5,643,045,679,358.32 (Five trillion, six hundred forty-three billion, forty-five million, six hundred seventy-nine thousand, three hundred fifty-eight dollars and thirty-two cents).

Five years ago, March 1, 1994, the federal debt stood at $4,554,537,000,000 (Four trillion, five hundred fifty-four billion, five hundred thirty-seven million).

Ten years ago, March 1, 1989, the federal debt stood at $2,743,808,000,000 (Two trillion, seven hundred forty-three billion, eight hundred eight million).

Fifteen years ago, March 1, 1984, the federal debt stood at $1,473,047,000,000 (One trillion, four hundred seventy-three billion, forty-seven million).

Twenty-five years ago, March 1, 1974, the federal debt stood at $470,866,000,000 (Four hundred seventy billion, eight hundred sixty-six million) which reflects a debt increase of more than $5 trillion—$5,172,179,679,358.32 (Five trillion, one hundred seventy-two billion, one hundred seventy-nine million, six hundred seventy-nine thousand, three hundred fifty-eight dollars and thirty-two cents) during the past 25 years.

## HANNAH COVINGTON MCGEE, AN EXCEPTIONAL LADY

Mr. HELMS. There are times, Mr. President, when every Senator, on one occasion or another, for one reason or another, feels the need to share with his colleagues a moment of grief or happiness or sadness or hope.

This being a time like that for me, Mr. President, my purpose is to share a few thoughts about a wonderfully gifted, beautiful, thoughtful lady named Hannah Covington McGee.

I suppose I should begin, Mr. President, by stating that Hannah married a young fellow named Jerry McGee 33 years ago. Dr. Jerry McGee today is president of Wingate University, a splendid Baptist institution in North Carolina. Jerry is the kind of friendly, caring and active husband and father with an enthusiasm for his responsibility as a top-flight educator—and his privilege of being Hannah's husband all those years.

Mr. President, Jerry and Hannah this past weekend were enjoying a six-week sabbatical at Tortola Island, one of the British Virgin Islands. Their stay on Tortola had been, both said last week, the happiest weeks of their lives. It all ended when Hannah was awakened Sunday morning suffering an excruciating numbness which quickly developed into the massive cerebral hemorrhage that claimed Hannah McGee's life at such an early age.

Hannah grew up in Rockingham in North Carolina. At age 14 she caught the eye of a star athlete at Richmond County Senior High School. She married that star athlete years later—after both of them had finished college. They immediately began together devoting their lives to young people.

A mutual friend asked Jerry about Hannah. Jerry's response was that Hannah provided the kind of relationship that everyone dreams of; he confirmed that he had been in love with Hannah since his high school football days when she was that 14-year-old girl with the ponytail.

Mr. President, services for that beautiful, loving and caring Hannah will be held at the Wingate Baptist Church tomorrow very close to the campus of Wingate University. She will be remembered as one who was forever and tirelessly doing things for others and, as Jerry McGee put it, ''It never once occurred to her that anybody ought to do anything for her.''

Mr. President, I certainly know nothing more than anyone else about the hereafter, or what will happen on that inevitable day for all of us. But I suspect that Saint Peter was standing at the Pearly Gate Sunday motioning for Hannah to come in and take her seat on the right hand of God who loves her just as all of us who know her do.

Mr. President, The Charlotte (N.C.) Observer this morning published a detailed story, written by Wendy Goodman, praising Hannah McGee. I ask unanimous consent that Wendy Goodman's fine article be printed in the RECORD.

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

[From the Charlotte (NC) Observer, Mar. 2, 1999]

WINGATE PRESIDENT'S WIFE—AND MUCH MORE—DIES

(By Wendy Goodman)

WINGATE.—When Wingate University celebrates the opening of the George A. Batte Fine Arts Center later this year, a woman who had a hand in making the center a reality won't be there.

Hannah McGee helped lead the fund-raising campaign and decorate the new building's interior. An art lover, McGee hoped Wingate would serve as a cultural center for Union County.

McGee died Sunday morning in San Juan, Puerto Rico, of a brain aneurysm. She was 54.

''She had a great eye for things beautiful and artistic,'' said friend Stelle Snyder. ''You could see her love for the arts in her home, in her work at Wingate, in anything she did.

''Hannah had so many responsibilities behind the scenes, and she loved her work.''

Monday, flags at Wingate University flew at half-staff in honor of Hannah McGee. As the wife of Wingate President Jerry McGee, she left a lasting impression on the university and the entire community.

A Rockingham native, she moved to Wingate about 6½ years ago when her husband was named president of the university. But Hannah McGee was more than a president's wife, friends said.

''Hannah touched so many things in her own special way here at Wingate,'' said friend Barbara Williamson. ''People never even knew all the hard stuff Hannah did because it was all behind the scenes.''

Hannah McGee helped launch English as a second language program in Union County. As a board member of the Union County Players, she made costumes and worked backstage for several performances.

She played a major role in beautifying and restoring the M.B. Dry Memorial Chapel at the school. She never hesitated to open the doors to her home and entertain students, faculty and other guests.

''Bit by bit, we'll see Hannah's no longer with us,'' Snyder said.

Jerry McGee had taken a three-month sabbatical leave from the university in January to relax and spend more time with his wife of 33 years. The McGees were childhood sweethearts, and Jerry McGee often referred to

Hannah as ''the girl with the ponytail who stole my heart.''

The couple were in Tortola in the British Virgin Islands when Hannah McGee got sick. She was flown to a San Juan hospital and died Sunday morning.

''She was the mother, wife, daughter and sister that everyone dreams of—one of the easiest people to love who ever lived,'' Jerry McGee said in a news release Monday.

Hannah McGee is survived by her husband and two adult sons, Ryan and Sam.

Funeral services will be 11 a.m. Wednesday at Wingate Baptist Church and burial will follow at Dockery Family Center in Rockingham. A memorial service also will be March 9 in Austin Auditorium on the Wingate University campus.

## JUDICIAL NOMINATIONS IN THE FIRST SESSION OF THE 106TH CONGRESS

Mr. LEAHY. Mr. President, as the Senate belatedly begins this congressional session, I look forward to working with the Democratic Leader, the Majority Leader, Senator HATCH, the Chairman of the Senate Judiciary Committee, and all Senators again this year with respect to fulfilling our constitutional duty regarding judicial nominations.

Last year the Senate confirmed 65 federal judges to the District Courts and Courts of Appeals around the country and to the Court of International Trade. That was 65 of the 91 nominations received for the 115 vacancies the federal judiciary experienced last year.

Together with the 36 judges confirmed in 1997, the total number of article III federal judges confirmed during the last Congress was a 2-year total of 101—the same total that was confirmed in one year when Democrats made up the majority of the Senate in 1994. The 104th Congress (1995–96) had resulted in a 2-year total of only 75 judges being confirmed. By way of contrast, I note that during the last two years of the Bush Administration, even including the presidential election year of 1992, a Democratic Senate confirmed 124 federal judges.

As we begin this year there are 64 current judicial vacancies and seven more on the horizon. In 1983, at the beginning of the 98th Congress there were only 31 vacancies. Even after the creation of 85 new judgeships in 1984, the number of vacancies had been reduced by a Democratic majority in the Senate for a Republican President to only 41 at the start of the 101st Congress in 1989.

After the first Republican Senate in a decade, during the 104th Congress (1995–96), the number of unfilled judicial vacancies increased for the first time in decades without the creation of any new judgeships. Vacancies went from 65 at the start of 1995, to 89 at the start of the 105th Congress in 1997. That is an increase in judicial vacancies of 37 percent without a single new judgeship having been authorized.

We made some progress last year when the Senate confirmed 65 judges. That only got us back to the level of vacancies that existed in 1995. If last year is to represent real progress and a change from the destructive politics of the two preceding years in which the Republican Senate confirmed only 17 and 36 judges, we need to at least duplicate those results again this year. The Senate needs to consider judicial nominations promptly and to confirm without additional delay the many fine men and women President Clinton is sending us.

We start this year already having received 19 judicial nominations. I am confident that many more are following in the days and weeks ahead. Unfortunately, past delays mean that 26 of the current vacancies, over 40 percent, are already judicial emergency vacancies, having been empty for more than 18 months. A dozen of the 19 nominations now pending had been received in years past. Ten are for judicial emergency vacancies. The nomination of Judge Paez to the Ninth Circuit dates back over three years to January 1996. Judge Paez along with three others were reported favorably by the Judiciary Committee to the Senate last Congress but were never considered by the full Senate. I hope that the Senate will confirm all these qualified nominees without further delay.

In addition to the 64 current vacancies and the seven we anticipate, there is also the longstanding request by the Federal judiciary for additional judges who are needed to hear the ever growing caseload in our Federal courts. In his 1998 Year-End Report of the Federal Judiciary, Chief Justice Rehnquist noted: ''The number of cases brought to the federal courts is one of the most serious problems facing them today.'' Criminal cases rose 15 percent in 1998, alone. Yet the Republican Congress has for the past several years simply refused to consider the authorization of the additional judges requested by the Judicial Conference.

In 1984 and in 1990, Congress did respond to requests for needed judicial resources by the Judicial Conference. Indeed, in 1990, a Democratic majority in the Congress created judgeships during a Republican presidential administration.

In 1997, the Judicial Conference of the United States requested that an additional 53 judgeships be authorized around the country. If Congress had passed the Federal Judgeship Act of 1997, S. 678, as it should have, the Federal judiciary would have 115 vacancies today. That is the more accurate measure of the needs of the federal judiciary that have been ignored by the Congress over the past several years.

In order to understand the impact of judicial vacancies, we need only recall that more and more of the vacancies are judicial emergencies that have been left vacant for longer periods of time. Last year the Senate adjourned with 15 nominations for judicial emergency vacancies left pending without action. Ten of the nominations received already this year are for judicial emergency vacancies.

In his 1997 Year-End Report, Chief Justice Rehnquist focused on the problem of ''too few judges and too much work.'' He noted the vacancy crisis and the persistence of scores of judicial emergency vacancies and observed: ''Some current nominees have been waiting a considerable time for a Senate Judiciary Committee vote or a final floor vote.'' He went on to note: ''The Senate is surely under no obligation to confirm any particular nominee, but after the necessary time for inquiry it should vote him up or vote him down.''

During the entire four years of the Bush Administration there were only three judicial nominations that were pending before the Senate for as long as 9 months before being confirmed and none took as long as a year. In 1997 alone there were 10 judicial nominations that took more than 9 months before a final favorably vote and 9 of those 10 extended over a year to a year and one-half. In 1998 another 10 confirmations extended over 9 months: Professor Fletcher's confirmation took 41 months—the longest-pending judicial nomination in the history of the United States—Hilda Tagle's confirmation took 32 months, Susan Oki Mollway's confirmation took 30 months, Ann Aiken's confirmation took 26 months, Margaret McKeown's confirmation took 24 months, Margaret Morrow's confirmation took 21 months, Judge Sonia Sotomayor's confirmation took 15 months, Rebecca Pallmeyer's confirmation took 14 months, Dan Polster's confirmation took 12 months, and Victoria Roberts' confirmation took 11 months.

I calculate that the average number of days for those few lucky nominees who are finally confirmed is continuing to escalate. In 1996, the Republican Senate shattered the record for the average number of days from nomination to confirmation for judicial confirmation. The average rose to a record 183 days. In 1997, the average number of days from nomination to confirmation rose dramatically yet again, and that was during the first year of a presidential term. From initial nomination to confirmation, the average time it took for Senate action on the 36 judges confirmed in 1997 broke the 200-day barrier for the first time in our history. It was 212 days. Unfortunately, that time is still growing and the average is still rising to the detriment of the administration of justice. Last year, in 1998, the Senate broke the record, again. The average time from nomination to confirmation for the 65 judges confirmed in 1998 was over 230 days.

At each step of the process, judicial nominations are being delayed and stalled. Judge Richard Paez, Justice Ronnie L. White, Judge William J. Hibbler and Timothy Dyk were each left on the Senate calendar without action when the Senate adjourned last October. Marsha Berzon, Matthew Kennelly and others were each denied a

vote before the Judiciary Committee following a hearing. Helene N. White, Ronald M. Gould and Barry P. Goode, were among a total of 13 judicial nominees never accorded a hearing last year before the Judiciary Committee.

At the conclusion of the debate on the nomination of Merrick Garland to the United States Court of Appeals for the District of Columbia, as 23 Republicans were preparing to vote against that exceptionally well-qualified nominee whose confirmation had been delayed 18 months, Senator HATCH said ''playing politics with judges is unfair, and I am sick of it.'' I agree with him. I look forward to a return to the days when judicial nominations are treated with the respect and attention that they deserve.

It is my hope that we can start in the right spirit and move in the right direction by reporting out the nominations of Timothy Dyk to the Federal Circuit; Judge Richard Paez and Marsha L. Berzon to the Ninth Circuit; William J. Hibbler and Matthew F. Kennelly to the District Court for the Northern District of Illinois; and Ronnie L. White to the District Court for the Eastern District of Missouri. They have each already had confirmation hearings before the Senate Judiciary Committee. Four of the six have previously been reported favorably by the Committee. The Senate should act to confirm these six nominees before the end of the month.

We should proceed to confirmation hearings for Helene N. White, Ronald M. Gould, Barry P. Goode, Lynette Norton, Legrome D. Davis and Virginia Phillips. Each of these nominations has been before the Committee for more than nine months already. It is time for us to proceed.

With the continued commitment of all Senators we can make real progress this year. We can help fill the long-standing vacancies that are plaguing the Federal judiciary and provide the resources needed to the administration of justice across the country.

## VETERANS' ACCESS TO MEDICARE

Mr. BURNS. Mr. President, I am pleased to join Mr. JEFFORDS in co-sponsoring the Veterans' Equal Access to Medicare Act. This bill requires the Secretary of Veterans Affairs and the Secretary of Health and Human Services to create a demonstration program to allow Medicare-eligible veterans to receive their treatment at VA treatment facilities. This is a thoughtful approach to try to help our veterans, especially our elderly veterans, receive all of their treatments in one place. In the process, we hope to save money for the taxpayers and get greater benefits for our treatment dollars.

This is a voluntary program to establish 10 regional sites nationwide to provide this new service. This bill calls out several criteria for potential sites: one must be near a closed military base, one must be in a predominantly rural area, and no new buildings must be built as part of this program. I'm especially interested in the potential for Montana to be the rural site. We currently have veterans traveling hundreds of miles for their VA treatments. By establishing some type of joint VA/Medicare program, we create opportunities to expand access and improve continuity of medical care for Montana Veterans.

I'm encouraged by the awareness being raised in the VA recently for our State. The recent town meetings by the VA officials are just the beginning. My presence there was intended to show the VA how serious we take the necessity of improvement. We have to get better. My commitment through the coming months is to look for additional ways to ease communication between Montana Veterans and the Washington, D.C. establishment. We also need to increase the opportunities for Veterans to hear more about the future plans for Veterans' health care. Again, I'll be working on both of these topics this spring.

We owe our veterans a debt of service for their sacrifices for our country. The program in this bill is a great opportunity for us to be fiscally responsible while improving the care and treatment of a group of honored citizens. I strongly encourage my colleagues to support this bill.

## SPACE TRANSPORTATION LOAN GUARANTEES

Mr. BURNS. Mr. President, I am pleased to join Mr. BREAUX in co-sponsoring the Commercial Space Transportation Cost Reduction Act. This is a appropriate extension of programs that we have used to encourage other fledgling industries such as shipbuilding and rail. Through this legislation, we hope to build a commercially competitive launch industry here in America that brings the world's satellites to our doorstep for launch into orbit.

This bill sets up loan guarantee programs; not grant handouts, but loan guarantees to help encourage commercial investment in start-up space industries. We want to encourage anyone with an idea good enough to raise some start up funds to approach the financial market with some assurance that their request for business loans will be approved. By placing $500 million in a NASA account in a guarantee program, we will leverage growth and investment to many times that. To encourage truly competitive ideas, we've placed a number of guidelines on this bill. We will only guarantee a maximum of 80% of the capitol required for a space vehicle construction project, the rest must be raised privately. Ten to twenty percent of the pool is set aside for small businesses, and we've specifically excluded the DoD launch vehicle development programs currently underway. There is a credit-worthiness requirement with specific loan criteria for being eligible for the loan. Finally, it guarantees the U.S. Government the best price for any launch system developed under this program. To make sure that no launch companies become dependent on this funding, we've provided for an expiration of this program in 10 years.

I'm especially interested in the potential benefit to Montana. Many start-up companies choose to locate in Western states where they have room to actively test their ideas and inventions. When combined with VentureStar's interest in Montana, this loan guarantee program could help develop a space technology region in our state that would attract high-tech companies with high-tech jobs. Montana already has a lot to offer, and I'm convinced that this program is one more way to give potential businesses a reason to make Montana their headquarters.

As seen this past summer, launching rockets is a risky business even for well-established companies. We need to find ways to encourage banks to qualitatively judge the overall risks and invest in creative new ways to get satellites into orbit. By providing loan guarantees to qualified companies, we can grow our capable domestic launch program into the world's choice for getting access to space. I strongly encourage my colleagues to support this bill.

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting one treaty and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## REPORT OF FEDERAL LABOR RELATIONS AUTHORITY FOR FISCAL YEAR 1997—MESSAGE FROM THE PRESIDENT—PM 12

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Governmental Affairs.

*To the Congress of the United States:*

In accordance with section 701 of the Civil Service Reform Act of 1978 (Public Law 95–454; 5 U.S.C. 7104(e)), I am pleased to transmit the Nineteenth Annual Report of the Federal Labor Relations Authority for Fiscal Year 1997.

The report includes information on the cases heard and decisions rendered by the Federal Labor Relations Authority, the General Counsel of the Authority, and the Federal Service Impasses Panel.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 2, 1999.*

## MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 350. An act to improve congressional deliberations on proposed Federal private sector mandates, and for other purposes.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BOND, from the Committee on Small Business, without amendment:

S. 364. A bill to improve certain loan programs of the Small Business Administration, and for other purposes (Rept. No. 106–6).

By Mr. GRAMM, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 313. A bill to repeal the Public Utility Holding Company Act of 1935, to enact the Public Utility Holding Company Act of 1999, and for other purposes (Rept. No. 106–7).

By Mr. HATCH, from the Committee on the Judiciary, with amendments:

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.

## EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committees were submitted:

By Mr. WARNER, from the Committee on Armed Services:

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

*To be brigadier general*

Col. James B. Armor, Jr., 7031
Col. Barbara C. Brannon, 0424
Col. David M. Cannan, 3149
Col. Richard J. Casey, 7432
Col. Kelvin R. Coppock, 0425
Col. Kenneth M. Decuir, 9876
Col. Arthur F. Diehl, III, 6363
Col. Lloyd E. Dodd, Jr., 5193
Col. Bob D. Dulaney, 3361
Col. Felix Dupre, 5938
Col. Robert J. Elder, Jr., 7484
Col. Frank R. Faykes, 4797
Col. Thomas J. Fiscus, 5444
Col. Paul J. Fletcher, 5438
Col. John H. Folkerts, 4060
Col. William M. Fraser, III, 9314
Col. Stanley Gorenc, 8279
Col. Michael C. Gould, 3374
Col. Paul M. Hankins, 1000
Col. Elizabeth A. Harrell, 1522
Col. Peter J. Hennessey, 1571
Col. William W. Hodges, 4545
Col. Donald J. Hoffman, 5449
Col. William J. Jabour, 2791
Col. Thomas P. Kane, 9763
Col. Claude R. Kehler, 6600
Col. Frank G. Klotz, 6089
Col. Robert H. Latiff, 2190
Col. Michael G. Lee, 9675
Col. Robert E. Mansfield, Jr., 9591
Col. Henry A. Obering, III, 3819
Col. Lorraine K. Potter, 9945
Col. Neal T. Robinson, 0542
Col. Robin E. Scott, 8526
Col. Norman R. Seip, 6765
Col. Bernard K. Skoch, 2109
Col. Robert L. Smolen, 7953
Col. Joseph P. Stein, 2625
Col. Jerald D. Stubbs, 0457
Col. Kevin J. Sullivan, 2930
Col. James P. Totsch, 3674
Col. Mark A. Volcheff, 3790
Col. Mark A. Welsh, III, 4911
Col. Stephen G. Wood, 7553
Col. Donald C. Wurster, 1815

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force, to the grade indicated under title 10, U.S.C., section 12203:

*To be brigadier general*

Col. Michael B. Smith, 0409

The following named officer for appointment in the Reserve of the United States Marine Corps to the grade indicated under title 10, U.S.C., section 12203:

*To be major general*

Brig. Gen. Leo V. Williams, III, 3893

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

*To be major general*

Brig. Gen. John R. Baker, 3934
Brig. Gen. John D. Becker, 8234
Brig. Gen. Robert F. Behler, 1612
Brig. Gen. Scott C. Bergren, 1312
Brig. Gen. Paul L. Bielowicz, 8502
Brig. Gen. Franklin J. Blaisdell, 5802
Brig. Gen. Robert P. Bongiovi, 5760
Brig. Gen. Carrol H. Chandler, 9115
Brig. Gen. Michael M. Dunn, 3491
Brig. Gen. Thomas B. Goslin, Jr., 2970
Brig. Gen. Lawrence D. Johnston, 1244
Brig. Gen. Michael S. Kudlacz, 4038
Brig. Gen. Arthur J. Lichte, 5483
Brig. Gen. William R. Looney, III, 5052
Brig. Gen. Stephen R. Lorenz, 2664
Brig. Gen. T. Michael Moseley, 1516
Brig. Gen. Michael C. Mushala, 4529
Brig. Gen. Larry W. Northington, 0293
Brig. Gen. Everett G. Odgers, 2279
Brig. Gen. William A. Peck, Jr., 3626
Brig. Gen. Timothy A. Peppe, 8336
Brig. Gen. Richard V. Reynolds, 1156
Brig. Gen. Earnest O. Robbins, II, 3677
Brig. Gen. Randall M. Schmidt, 1246
Brig. Gen. Norton A. Schwartz, 7542
Brig. Gen. Todd I. Stewart, 1167
Brig. Gen. George N. Williams, 5397

(The above nominations were reported with the recommendation that they be confirmed.)

Mr. WARNER. Mr. President, for the Committee on Armed Services, I report favorably 40 nomination lists in the Air Force, Army, Marine Corps, and Navy which were printed in full in the Congressional Records of February 3, 1999, and February 4, 1999 and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

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

In the Air Force nominations beginning Bruce R. Burnham, and ending Mahender Dudani, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

In the Air Force nominations beginning Malcolm M. Dejnozka, and ending Gaelle J. Glickfield, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

In the Air Force nominations beginning *Les R. Folio, and ending Daniel J. Feeney, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

In the Air Force nomination of Vincent J. Shiban, which was received by the Senate and appeared in the Congressional Record of February 3, 1999.

In the Air Force nomination of Kymble L. Mccoy, which was received by the Senate and appeared in the Congressional Record of February 3, 1999.

In the Air Force nominations beginning Robert S Andrews, and ending David J Zollinger, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

In the Air Force nominations beginning Richard L Ayres, and ending William C Wood, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

In the Air Force nominations beginning Peter C Atinopoulos, and ending George T Zolovick, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

In the Army nominations beginning George L. Hancock, Jr., and ending Sidney W. Atkinson, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

In the Army nominations beginning Samuel J. Boone, and ending Donna C. Weddle, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

In the Army nominations beginning Frederic L. Borch, III, and ending Stephanie D. Willson, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

In the Army nomination of Wendell C. King, which was received by the Senate and appeared in the Congressional Record of February 3, 1999.

In the Army nominations beginning George A. Amonette, and ending Kenneth R. Stolworthy, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

In the Army nominations beginning *Craig J. Bishop, and ending David W. Niebuhr, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

In the Army nominations beginning Dale G. Nelson, and ending Frank M. Swett, Jr., which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

In the Army nomination of Dennis K. Lockard, which was received by the Senate and appeared in the Congressional Record of February 3, 1999.

In the Army nominations beginning Stuart C. Pike, and ending Delance E. Wiegele, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

In the Army nomination of Franklin B. Weaver, which was received by the Senate and appeared in the Congressional Record of February 3, 1999.

In the Army nominations beginning Thomas J. Semarge, and ending *Jeffrey J. Fisher, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

In the Army nomination of *William J. Miluszusky, which was received by the Senate and appeared in the Congressional Record of February 3, 1999.

In the Army nomination of *Daniel S. Sullivan, which was received by the Senate and appeared in the Congressional Record of February 3, 1999.

In the Army nominations beginning Christopher A. Acker, and ending X1910, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

In the Army nominations beginning George L. Adams, III, and ending Juanita H

Winfree, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

In the Army nominations beginning Lisa Andersonlloyd, and ending Peter C Zolper, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

In the Army nominations beginning Mark O. Ainscough, and ending Arthur C Zuleger, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

In the Army nominations beginning Gregg T. Anders, and ending Carl C Yoder, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

In the Army nominations beginning Robert V. Adamson, and ending Jack W Zimmerly, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

In the Marine Corps nomination of Terry G. Robling, which was received by the Senate and appeared in the Congressional Record of February 3, 1999.

In the Marine Corps nomination of Milton J. Staton, which was received by the Senate and appeared in the Congressional Record of February 3, 1999.

In the Marine Corps nomination of Stephen W. Austin, which was received by the Senate and appeared in the Congressional Record of February 3, 1999.

In the Marine Corps nomination of William S. Tate, which was received by the Senate and appeared in the Congressional Record of February 3, 1999.

In the Marine Corps nomination of Robert S. Barr, which was received by the Senate and appeared in the Congressional Record of February 3, 1999.

In the Marine Corps nomination of John C. Lex, which was received by the Senate and appeared in the Congressional Record of February 3, 1999.

In the Marine Corps nomination of Lance A. Mcdaniel, which was received by the Senate and appeared in the Congressional Record of February 3, 1999.

In the Marine Corps nomination of Joseph M. Perry, which was received by the Senate and appeared in the Congressional Record of February 3, 1999.

In the Marine Corps nomination of Myron P. Edwards, which was received by the Senate and appeared in the Congressional Record of February 3, 1999.

In the Marine Corps nominations beginning David J Abbott, and ending Kevin H Winters, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

In the Navy nomination of Jose M. Gonzalez, which was received by the Senate and appeared in the Congressional Record of February 3, 1999.

In the Navy nomination of Douglas L. Mayers, which was received by the Senate and appeared in the Congressional Record of February 3, 1999.

In the Navy nominations beginning Errol F. Becker, and ending Eduardo R. Morales, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

In the Army nominations beginning Tim O. Reutter, and ending *John M. Griffin, which nominations were received by the Senate on February 3, 1999, and appeared in the Congressional Record of February 4, 1999.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. LAUTENBERG:

S. 491. A bill to enable America's schools to use their computer hardware to increase student achievement and prepare students for the 21st century workplace; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SARBANES (for himself, Ms. MIKULSKI, Mr. WARNER, Mr. ROBB, and Mr. SANTORUM):

S. 492. A bill to amend the Federal Water Pollution Act to assist in the restoration of the Chesapeake Bay, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SARBANES (for himself, Ms. MIKULSKI, and Mr. EDWARDS):

S. 493. A bill to require the Secretary of the Army, acting through the Chief of Engineers, to evaluate, develop, and implement pilot projects in Maryland, Virginia, and North Carolina to address problems associated with toxic microorganisms in tidal and non-tidal wetlands and waters; to the Committee on Environment and Public Works.

By Mr. GRAHAM (for himself, Mr. GRASSLEY, Mr. ROTH, Mr. MOYNIHAN, Mr. CHAFEE, Mr. ROCKEFELLER, Mr. MACK, Mr. BREAUX, Mr. KERREY, Ms. MIKULSKI, Mr. BRYAN, Mr. HOLLINGS, Mr. INOUYE, Mr. HARKIN, Mr. BAYH, Mr. ROBB, and Mr. MURKOWSKI):

S. 494. A bill to amend title XIX of the Social Security Act to prohibit transfers or discharges of residents of nursing facilities as a result of a voluntary withdrawal from participation in the medicaid program; to the Committee on Finance.

By Mr. BOND (for himself, Mr. ASHCROFT, and Mr. INHOFE):

S. 495. A bill to amend the Clean Air Act to repeal the highway sanctions; to the Committee on Environment and Public Works.

By Mr. REED (for himself and Mr. WYDEN):

S. 496. A bill to provide for the establishment of an assistance program for health insurance consumers; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MOYNIHAN:

S. 497. A bill to designate Great Kills Park in the Gateway National Recreation Area as ''World War II Veterans Park at Great Kills''; to the Committee on Energy and Natural Resources.

By Mr. WYDEN:

S. 498. A bill to require vessels entering the United States waters to provide earlier notice of the entry, to clarify the requirements for those vessels and the authority of the Coast Guard over those vessels, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. FRIST (for himself, Mr. JEFFORDS, Mr. DORGAN, Mr. LEVIN, Mrs. MURRAY, Mr. DEWINE, Mr. MURKOWSKI, Mr. THURMOND, Mr. DURBIN, and Mr. INOUYE):

S. 499. A bill to establish a congressional commemorative medal for organ donors and their families; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SMITH of New Hampshire (for himself, Mr. JEFFORDS, and Mr. HELMS):

S. 500. A bill to amend section 991(a) of title 28, United States Code, to require certain members of the United States Sentencing Commission to be selected from among individuals who are victims of a crime of violence; to the Committee on the Judiciary.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 501. A bill to address resource management issues in Glacier Bay National Park, Alaska; to the Committee on Energy and Natural Resources.

By Mr. ASHCROFT (for himself and Mr. DOMENICI):

S. 502. A bill to protect social security; 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. ALLARD:

S. 503. A bill designating certain land in the San Isabel National Forest in the State of Colorado as the ''Spanish Peaks Wilderness''; to the Committee on Energy and Natural Resources.

By Mr. CLELAND:

S. 504. A bill to reform Federal election campaigns; to the Committee on Rules and Administration.

By Mr. GRASSLEY:

S. 505. A bill to give gifted and talented students the opportunity to develop their capabilities; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. LINCOLN (for herself, Mr. MOYNIHAN, Mr. BREAUX, Mr. KERREY, Ms. LANDRIEU, and Mr. COCHRAN):

S. 506. A bill to amend the Internal Revenue Code of 1986 to permanently extend the provisions which allow nonrefundable personal credits to be fully allowed against regular tax liability; to the Committee on Finance.

By Mr. WARNER (for himself, Mr. CHAFEE, Mr. BAUCUS, Mr. VOINOVICH, Mr. LAUTENBERG, Mr. BENNETT, and Mrs. BOXER):

S. 507. A bill to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SANTORUM (for himself and Mr. ALLARD):

S. 508. A bill to prohibit implementation of ''Know Your Customer'' regulations by the Federal banking agencies; read the first time.

By Mr. DODD (for himself and Mr. COVERDELL):

S. 509. A bill to amend the Peace Corps Act to authorize appropriations for fiscal years 2000 through 2003 to carry out that Act, and for other purposes; to the Committee on Foreign Relations.

By Mr. CAMPBELL (for himself, Mr. CRAIG, Mr. KYL, Mr. CRAPO, Mr. GORTON, and Mr. GRAMS):

S. 510. A bill to preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve State sovereignty and private property rights in non-Federal lands surrounding those public lands and acquired lands; to the Committee on Energy and Natural Resources.

By Mr. MCCAIN:

S. 511. A bill to amend the Voting Accessibility for the Elderly and Handicapped Act to ensure the equal right of individuals with disabilities to vote, and for other purposes; to the Committee on Rules and Administration.

By Mr. GORTON (for himself, Mrs. FEINSTEIN, Mr. LAUTENBERG, Mr. TORRICELLI, Mr. LIEBERMAN, and Mr. EDWARDS):

S. 512. A bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the Department of Health and Human Services with respect to research on autism; to the Committee on Health, Education, Labor, and Pensions.

## 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. 55. A resolution making appointments to certain Senate committees for the 106th Congress; considered and agreed to.

By Mr. COVERDELL (for himself, Mr. TORRICELLI, and Mr. ROBB):

S. Res. 56. A resolution recognizing March 2, 1999 as the ''National Read Across America Day'', and encouraging every child, parent and teacher to read throughout the year; considered and agreed to.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LAUTENBERG:

S. 491. A bill to enable America's schools to use their computer hardware to increase student achievement and prepare students for the 21st century workplace; to the Committee on Health, Education, Labor, and Pensions.

THE ''EDUCATION FOR THE 21ST CENTURY ACT''

Mr. LAUTENBERG. Mr. President, I rise to introduce ''E–21''—the Education for the 21st Century Act.

The E–21 Act will help ensure that all middle school graduates attain basic computer literacy skills that will prepare them for high school and beyond, and ultimately, for the 21st Century workplace. The E–21 Act will also allow all school districts to obtain and utilize the latest high-quality educational software, free of charge.

Mr. President, the first piece of legislation I introduced in the Senate was to provide financial assistance to introduce computers into schools, to help students learn and expand their horizons. That was in 1983. Back then, it was the exceptional school that even had a computer. It was an unusual teacher or student who knew how to use one.

That legislation was enacted into law. Along with other resources, it helped bring computers into our schools as part of everyday learning.

Mr. President, as many of my colleagues know, I got my start in the computing business. Back then, computers filled large rooms and were so expensive that only the largest corporations could afford their own computing centers. Today, even more powerful computers sit on a desktop in millions of homes, schools and businesses across the nation.

Mr. President, we've made great strides toward introducing computers into schools, but too many of these computers are not being utilized to their potential due to lack of updated computer training for teachers.

Mr. President, a recent study by the Educational Testing Service confirmed that computers do increase student achievement and improve a school's learning climate. However—and this is critical—the study specified that to achieve those results, teachers must be appropriately trained and use effective educational software programs. Otherwise, these computers become mere furniture in a classroom.

To boost student achievement through computers and technology, my ''Education for the 21st Century Act'' will provide up to $30 million per year to train a team of teachers from every middle school in the nation in the most up-to-date computing technology. These Teacher Technology leaders could then share their training with the rest of the faculty in their schools, so all teachers are ready to pass these skills on to their students.

Mr. President, the E–21 Act will also create national educational software competitions, open to high school and college students, to work in partnership with university faculty and professional software developers. The best of these software packages would be available free-of-charge over the Internet through the Department of Education's web page.

Mr. President, I want to make clear to my colleagues that this emphasis on computer training is not at the expense of the fundamental, basic skills that underlie education: reading, writing and arithmetic. It's still important to master these traditional basics. But we should also add a ''new basic'' to the list—computer literacy. Americans will need those skills to compete in the 21st Century.

Mr. President, this proposal is part of President Clinton's FY 2000 Budget, and as Ranking Member of the Budget Committee and a member of the Appropriations Committee, I will work to see that it is funded for years to come.

Mr. President, as a businessman who got his start at the beginning of the computing age, I am proud to see the way our nation has led the world in computer technology. I want to make sure that we continue to lead—through the second computer century—the 21st Century.

I therefore ask my colleagues to support ''E–21''—the Education for the 21st Century Act.

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. 491

*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 ''Education for the 21st Century (e–21) Act''.

**SEC. 2. PURPOSE.**

It is the purpose of this Act to enable America's schools to use their computer hardware to increase student achievement and prepare students for the 21st century workplace.

**SEC. 3. FINDINGS.**

Congress makes the following findings:

(1) Establishing computer literacy for middle school graduates will help ensure that students are receiving the skills needed for advanced education and for securing employment in the 21st century.

(2) Computer literacy skills, such as information gathering, critical analysis and communication with the latest technology, build upon the necessary basics of reading, writing, mathematics, and other core subject areas.

(3) According to a study conducted by the Educational Testing Service (ETS), eighth grade mathematics students whose teachers used computers for simulations and applications outperformed students whose teachers did not use such educational technology.

(4) Although an ever increasing amount of schools are obtaining the latest computer hardware, schools will not be able to take advantage of the benefits of computer-based learning unless teachers are effectively trained in the latest educational software applications.

(5) The Educational Testing Service (ETS) study showed that students whose teachers received training in computers performed better than other students. The study also found that schools that provide teachers with professional development in computers enjoyed higher staff morale and lower absenteeism rates.

(6) Some of the most exciting applications in educational technology are being developed not only by commercial software companies, but also by university faculty and secondary school and college students. The fruit of this academic talent should be channeled more effectively to benefit our Nation's elementary and secondary schools.

**SEC. 4. MIDDLE SCHOOL COMPUTER LITERACY CHALLENGE.**

(a) GRANTS AUTHORIZED.—The Secretary of Education is authorized to award grants to States that integrate into the State curriculum the goal of making all middle school graduates in the State technology literate.

(b) USES.—Grants awarded under this section shall be used for teacher training in technology, with an emphasis on programs that prepare 1 or more teachers in each middle school in the State to become technology leaders who then serve as experts and train other teachers.

(c) MATCHING FUNDS.—Each State shall encourage schools that receive assistance under this section to provide matching funds, with respect to the cost of teacher training in technology to be assisted under this section, in order to enhance the impact of the teacher training and to help ensure that all middle school graduates in the State are computer literate.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $30,000,000 for each of the fiscal years 2000 through 2004.

**SEC. 5. HIGH-QUALITY EDUCATIONAL SOFTWARE FOR ALL SCHOOLS.**

(a) COMPETITION AUTHORIZED.—The Secretary of Education is authorized to award grants, on a competitive basis, to secondary school and college students working with university faculty, software developers, and experts in educational technology for the development of high-quality educational software and Internet web sites by such students, faculty, developers, and experts.

(b) RECOGNITION.—

(1) IN GENERAL.—The Secretary of Education shall recognize outstanding educational software and Internet web sites developed with assistance provided under this section.

(2) CERTIFICATES.—The President is requested to, and the Secretary shall, issue an official certificate signed by the President and Secretary, to each student and faculty member who develops outstanding educational software or Internet web sites recognized under this section.

(c) FOCUS.—The educational software or Internet web sites that are recognized under this section shall focus on core curriculum areas.

(d) PRIORITY.—

(1) FIRST YEAR.—For the first year that the Secretary awards grants under this section, the Secretary shall give priority to awarding grants for the development of educational software or Internet web sites in the areas of mathematics, science, and reading.

(2) SECOND AND THIRD YEARS.—For the second and third years that the Secretary awards grants under this section, the Secretary shall give priority to awarding grants for the development of educational software or Internet web sites in the areas described in paragraph (1) and in social studies, the humanities, and the arts.

(e) JUDGES.—The Secretary shall designate official judges to recognize outstanding educational software or Internet web sites assisted under this section.

(f) DOWNLOADING.—Educational software recognized under this section shall be made available to local educational agencies for free downloading from the Department of Education's Internet web site. Internet web sites recognized under this section shall be accessible to any user of the World Wide Web.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of the fiscal years 2000 through 2004.

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By Mr. SARBANES (for himself, Ms. MIKULSKI, Mr. WARNER, Mr. ROBB, and Mr. SANTORUM):

S. 492. A bill to amend the Federal Water Pollution Act to assist in the restoration of the Chesapeake Bay, and for other purposes; to the Committee on Environment and Public Works.

THE CHESAPEAKE BAY RESTORATION ACT OF 1999

Mr. SARBANES. Mr. President, today, I am introducing along with a number of my colleagues, a bill to continue and enhance the efforts to clean up the Chesapeake Bay. Joining me in sponsoring this bill are my colleagues from Maryland, Virginia, and Pennsylvania, Senators MIKULSKI, WARNER, ROBB, and SANTORUM.

Mr. President, the Chesapeake Bay is the largest estuary in the United States and the key to the ecological and economic health of the mid-Atlantic region. The Bay, in fact, is one of the world's great natural resources. We tend to take it for granted because it is right here at hand, so to speak, and I know many Members of this body have enjoyed the Chesapeake Bay. The Bay provides thousands of jobs for the people in this region and is an important component in the national economy. The Bay is a major commercial waterway and shipping center for the region and for much of the eastern United States. It supports a world-class fishery that produces a significant portion of the country's fin fish and shellfish catch. The Bay and its waters also maintain an enormous tourism and recreation industry.

The Chesapeake Bay is a complex system. It draws its life-sustaining waters from a watershed that covers more than 64,000 square miles and parts of six states. The Bay's relationship to the people, industries, and communities in those six states and beyond is also complex and multifaceted.

I could continue talking about these aspects of the Bay, but my fellow Senators are aware of the Bay's importance and have consistently regarded the protection and enhancement of the quality of the Chesapeake Bay as an important national objective.

Through the concerted efforts of public and private organizations, we have learned to understand the complexities of the Bay and we have learned what it takes to maintain the system that sustains us. The Chesapeake Bay Program is an extraordinary example of how local, State, regional, and Federal agencies can work with citizens and private organizations to manage complicated, vital, natural resources. Indeed, the Chesapeake Bay Program serves as a model across the country and around the world.

When the Bay began to experience serious unprecedented declines in water quality and living resources in the 1970s, the people in my state suffered. We lost thousands of jobs in the fishing industry. We lost much of the wilderness that defined the watershed. We began to appreciate for the first time the profound impact that human activity could have on the Chesapeake Bay ecosystem. We began to recognize that untreated sewage, deforestation, toxic chemicals, agricultural runoff, and increased development were causing a degradation of water quality, the loss of wildlife, and elimination of vital habitat. We also began to recognize that these negative impacts were only part of a cycle that could eventually impact other economic and human health interests.

Fortunately, over the last two decades we have come to understand that humans can also have a positive effect on the environment. We have learned that we can, if we are committed, help repair natural systems so that they continue to provide economic opportunities and enhance the quality of life for future generations.

We now treat sewage before it enters our waters. We banned toxic chemicals that were killing wildlife. We have initiated programs to reduce nonpoint source pollution, and we have taken aggressive steps to restore depleted fisheries.

The States of Maryland, Virginia, and Pennsylvania deserve much of the credit for undertaking many of the actions that have put the Bay and its watershed on the road to recovery. All three States have had major cleanup programs. They have made significant commitments in terms of resources. It is an important priority item on the agendas of the Bay States. Governors have been strongly committed, as have State legislatures and the public. There are a number of private organizations—the Chesapeake Bay Foundation, for example—which do extraordinary good work in this area.

But there has been invaluable involvement by the Federal Government as well. The cooperation and attention of Federal agencies has been essential. Without the Federal Clean Water Act, the Federal ban on DDT, and EPA's watershed-wide coordination of Chesapeake Bay restoration and cleanup activities, we would not have been able to bring about the concerted effort, the real partnership, that is succeeding improving the water quality of the Bay and is succeeding in bringing back many of the fish and wildlife species.

The Chesapeake Bay is getting cleaner, but we cannot afford to be complacent. There are still tremendous stresses on the Bay. This is a fast-growing area of the country, with an ever increasing population, development, and continuous changes in land use.

We need to remain vigilant in continuing to address the needs of the Bay restoration effort. The hard work, investment, and commitment, at all levels, which has brought gains over the last three decades, must not be allowed to lapse or falter.

The measure I am introducing today reauthorizes the Bay program and builds upon the Federal Government's past role in the Chesapeake Bay Program and the highly successful Federal-State-local partnership to which I made reference. The bill also establishes simple agency disclosure and budget coordination mechanisms to help ensure that information about Federal Bay-related grants and projects are readily available to the scientific community and the public.

As I mentioned before, the Chesapeake Bay Program is a model of efficient and effective coordination. Still, there is always room for improvement as experience informs and enlightens our judgments. While coordination between the various levels of government has been exemplary, coordination among Federal agencies can be strengthened. This legislation begins to develop a better coordination mechanism to help ensure that all Federal agency programs are accounted for.

In addition, this bill requires the Environmental Protection Agency to establish a ''Small Watershed Grants Program'' for the Chesapeake Bay region. These grants will help organizations and local governments launch a variety of locally-designed and locally-implemented projects to restore relatively small pieces of the larger Chesapeake Bay watershed. By empowering local agencies and community groups to identify and solve local problems, this grant program will promote stewardship across the region and improve the whole by strengthening the parts.

This bill was carefully crafted with the advise, counsel, and assistance of many hard working organizations in the Chesapeake Bay region, including the Chesapeake Bay Commission, the Chesapeake Bay Foundation, The Alliance for the Chesapeake Bay and various offices within the state governments of Maryland, Virginia, and Pennsylvania.

Mr. President, it is the hope of the cosponsors that this bill will ultimately be incorporated into a larger piece of legislation that is due to be reauthorized or considered this year. However, if such legislation is not considered or should become stalled in the legislative process—the larger legislation covers a wide range of issues—it is our intention to try to move forward with this legislation separately.

The Chesapeake Bay cleanup effort has been a major bipartisan undertaking in this body. It has consistently, over the years, been strongly supported by virtually all members of the Senate. I strongly urge my colleagues to join with us in supporting this legislation and contributing to the improvement and the enhancement of one of our Nation's most valuable and treasued natural resources.

Mr. President, I ask unanimous consent that the full text of the bill, a section-by-section analysis, and letters of support of the bill be inserted in the RECORD.

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

S. 492

*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 ''Chesapeake Bay Restoration Act of 1999''.

**SEC. 2. FINDINGS AND PURPOSES.**

(a) FINDINGS.—Congress finds that—

(1) the Chesapeake Bay is a national treasure and a resource of worldwide significance;

(2) over many years, the productivity and water quality of the Chesapeake Bay and its watershed were diminished by pollution, excessive sedimentation, shoreline erosion, the impacts of population growth and development in the Chesapeake Bay watershed, and other factors;

(3) the Federal Government (acting through the Administrator of the Environmental Protection Agency), the Governor of the State of Maryland, the Governor of the Commonwealth of Virginia, the Governor of the Commonwealth of Pennsylvania, the Chairperson of the Chesapeake Bay Commission, and the Mayor of the District of Columbia, as Chesapeake Bay Agreement signatories, have committed to a comprehensive cooperative program to achieve improved water quality and improvements in the productivity of living resources of the Bay;

(4) the cooperative program described in paragraph (3) serves as a national and international model for the management of estuaries; and

(5) there is a need to expand Federal support for monitoring, management, and restoration activities in the Chesapeake Bay and the tributaries of the Bay in order to meet and further the original and subsequent goals and commitments of the Chesapeake Bay Program.

(b) PURPOSES.—The purposes of this Act are—

(1) to expand and strengthen cooperative efforts to restore and protect the Chesapeake Bay; and

(2) to achieve the goals established in the Chesapeake Bay Agreement.

**SEC. 3. CHESAPEAKE BAY.**

The Federal Water Pollution Control Act is amended by striking section 117 (33 U.S.C. 1267) and inserting the following:

**''SEC. 117. CHESAPEAKE BAY.**

''(a) DEFINITIONS.—In this section:

''(1) ADMINISTRATIVE COST.—The term 'administrative cost' means the cost of salaries and fringe benefits incurred in administering a grant under this section.

''(2) CHESAPEAKE BAY AGREEMENT.—The term 'Chesapeake Bay Agreement' means the formal, voluntary agreements executed to achieve the goal of restoring and protecting the Chesapeake Bay ecosystem and the living resources of the Chesapeake Bay ecosystem and signed by the Chesapeake Executive Council.

''(3) CHESAPEAKE BAY ECOSYSTEM.—The term 'Chesapeake Bay ecosystem' means the ecosystem of the Chesapeake Bay and its watershed.

''(4) CHESAPEAKE BAY PROGRAM.—The term 'Chesapeake Bay Program' means the program directed by the Chesapeake Executive Council in accordance with the Chesapeake Bay Agreement.

''(5) CHESAPEAKE EXECUTIVE COUNCIL.—The term 'Chesapeake Executive Council' means the signatories to the Chesapeake Bay Agreement.

''(6) SIGNATORY JURISDICTION.—The term 'signatory jurisdiction' means a jurisdiction of a signatory to the Chesapeake Bay Agreement.

''(b) CONTINUATION OF CHESAPEAKE BAY PROGRAM.—

''(1) IN GENERAL.—In cooperation with the Chesapeake Executive Council (and as a member of the Council), the Administrator shall continue the Chesapeake Bay Program.

''(2) PROGRAM OFFICE.—

''(A) IN GENERAL.—The Administrator shall maintain in the Environmental Protection Agency a Chesapeake Bay Program Office.

''(B) FUNCTION.—The Chesapeake Bay Program Office shall provide support to the Chesapeake Executive Council by—

''(i) implementing and coordinating science, research, modeling, support services, monitoring, data collection, and other activities that support the Chesapeake Bay Program;

''(ii) developing and making available, through publications, technical assistance, and other appropriate means, information pertaining to the environmental quality and living resources of the Chesapeake Bay ecosystem;

''(iii) in cooperation with appropriate Federal, State, and local authorities, assisting the signatories to the Chesapeake Bay Agreement in developing and implementing specific action plans to carry out the responsibilities of the signatories to the Chesapeake Bay Agreement;

''(iv) coordinating the actions of the Environmental Protection Agency with the actions of the appropriate officials of other Federal agencies and State and local authorities in developing strategies to—

''(I) improve the water quality and living resources in the Chesapeake Bay ecosystem; and

''(II) obtain the support of the appropriate officials of the agencies and authorities in achieving the objectives of the Chesapeake Bay Agreement; and

''(v) implementing outreach programs for public information, education, and participation to foster stewardship of the resources of the Chesapeake Bay.

''(c) INTERAGENCY AGREEMENTS.—The Administrator may enter into an interagency agreement with a Federal agency to carry out this section.

''(d) TECHNICAL ASSISTANCE AND ASSISTANCE GRANTS.—

''(1) IN GENERAL.—In cooperation with the Chesapeake Executive Council, the Administrator may provide technical assistance, and assistance grants, to nonprofit organizations, State and local governments, colleges, universities, and interstate agencies to carry out this section, subject to such terms and conditions as the Administrator considers appropriate.

''(2) FEDERAL SHARE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the Federal share of an assistance grant provided under paragraph (1) shall be determined by the Administrator in accordance with guidance issued by the Administrator.

''(B) SMALL WATERSHED GRANTS PROGRAM.—The Federal share of an assistance grant provided under paragraph (1) to carry out an implementing activity under subsection (g)(2) shall not exceed 75 percent of eligible project costs, as determined by the Administrator.

''(3) NON-FEDERAL SHARE.—An assistance grant under paragraph (1) shall be provided on the condition that non-Federal sources provide the remainder of eligible project costs, as determined by the Administrator.

''(4) ADMINISTRATIVE COSTS.—Administrative costs shall not exceed 10 percent of the annual grant award.

''(e) IMPLEMENTATION AND MONITORING GRANTS.—

''(1) IN GENERAL.—If a signatory jurisdiction has approved and committed to implement all or substantially all aspects of the Chesapeake Bay Agreement, on the request of the chief executive of the jurisdiction, the Administrator—

''(A) shall make a grant to the jurisdiction for the purpose of implementing the management mechanisms established under the Chesapeake Bay Agreement, subject to such terms and conditions as the Administrator considers appropriate;

''(B) may make a grant to a signatory jurisdiction for the purpose of monitoring the Chesapeake Bay ecosystem.

''(2) PROPOSALS.—

''(A) IN GENERAL.—A signatory jurisdiction described in paragraph (1) may apply for a grant under this subsection for a fiscal year by submitting to the Administrator a comprehensive proposal to implement management mechanisms established under the Chesapeake Bay Agreement.

''(B) CONTENTS.—A proposal under subparagraph (A) shall include—

''(i) a description of proposed management mechanisms that the jurisdiction commits to take within a specified time period, such as reducing or preventing pollution in the Chesapeake Bay and its watershed or meeting applicable water quality standards or established goals and objectives under the Chesapeake Bay Agreement; and

''(ii) the estimated cost of the actions proposed to be taken during the fiscal year.

''(3) APPROVAL.—If the Administrator finds that the proposal is consistent with the Chesapeake Bay Agreement and the national goals established under section 101(a), the Administrator may approve the proposal for an award.

''(4) FEDERAL SHARE.—The Federal share of an implementation grant under this subsection shall not exceed 50 percent of the cost of implementing the management mechanisms during the fiscal year.

''(5) NON-FEDERAL SHARE.—An implementation grant under this subsection shall be made on the condition that non-Federal sources provide the remainder of the costs of implementing the management mechanisms during the fiscal year.

''(6) ADMINISTRATIVE COSTS.—Administrative costs shall not exceed 10 percent of the annual grant award.

''(7) REPORTING.—On or before October 1 of each fiscal year, the Administrator shall make available to the public a document that lists and describes, in the greatest practicable degree of detail—

''(A) all projects and activities funded for the fiscal year;

''(B) the goals and objectives of projects funded for the previous fiscal year; and

''(C) the net benefits of projects funded for previous fiscal years.

''(f) FEDERAL FACILITIES AND BUDGET COORDINATION.—

''(1) SUBWATERSHED PLANNING AND RESTORATION.—A Federal agency that owns or operates a facility (as defined by the Administrator) within the Chesapeake Bay watershed shall participate in regional and subwatershed planning and restoration programs.

''(2) COMPLIANCE WITH AGREEMENT.—The head of each Federal agency that owns or occupies real property in the Chesapeake Bay watershed shall ensure that the property, and actions taken by the agency with respect to the property, comply with the Chesapeake Bay Agreement, the Federal Agencies Chesapeake Ecosystem Unified Plan, and any subsequent agreements and plans.

''(3) BUDGET COORDINATION.—

''(A) IN GENERAL.—As part of the annual budget submission of each Federal agency with projects or grants related to restoration, planning, monitoring, or scientific investigation of the Chesapeake Bay ecosystem, the head of the agency shall submit to the President a report that describes plans for the expenditure of the funds under this section.

''(B) DISCLOSURE TO THE COUNCIL.—The head of each agency referred to in subparagraph (A) shall disclose the report under that subparagraph with the Chesapeake Executive Council as appropriate.

''(g) CHESAPEAKE BAY PROGRAM.—

''(1) MANAGEMENT STRATEGIES.—The Administrator, in coordination with other members of the Chesapeake Executive Council, shall ensure that management plans are developed and implementation is begun by signatories to the Chesapeake Bay Agreement to achieve and maintain—

''(A) the nutrient goals of the Chesapeake Bay Agreement for the quantity of nitrogen and phosphorus entering the Chesapeake Bay and its watershed;

''(B) the water quality requirements necessary to restore living resources in the Chesapeake Bay ecosystem;

''(C) the Chesapeake Bay Basinwide Toxins Reduction and Prevention Strategy goal of reducing or eliminating the input of chemical contaminants from all controllable sources to levels that result in no toxic or bioaccumulative impact on the living resources of the Chesapeake Bay ecosystem or on human health;

''(D) habitat restoration, protection, and enhancement goals established by Chesapeake Bay Agreement signatories for wetlands, riparian forests, and other types of habitat associated with the Chesapeake Bay ecosystem; and

''(E) the restoration, protection, and enhancement goals established by the Chesapeake Bay Agreement signatories for living resources associated with the Chesapeake Bay ecosystem.

''(2) SMALL WATERSHED GRANTS PROGRAM.—The Administrator, in cooperation with the Chesapeake Executive Council, shall—

''(A) establish a small watershed grants program as part of the Chesapeake Bay Program; and

''(B) offer technical assistance and assistance grants under subsection (d) to local governments and nonprofit organizations and individuals in the Chesapeake Bay region to implement—

''(i) cooperative tributary basin strategies that address the water quality and living resource needs in the Chesapeake Bay ecosystem; and

''(ii) locally based protection and restoration programs or projects within a watershed that complement the tributary basin strategies.

''(h) STUDY OF CHESAPEAKE BAY PROGRAM.—

''(1) IN GENERAL.—Not later than April 22, 2000, and every 5 years thereafter, the Administrator, in coordination with the Chesapeake Executive Council, shall complete a study and submit to Congress a comprehensive report on the results of the study.

''(2) REQUIREMENTS.—The study and report shall—

''(A) assess the state of the Chesapeake Bay ecosystem;

''(B) assess the appropriateness of commitments and goals of the Chesapeake Bay Program and the management strategies established under the Chesapeake Bay Agreement for improving the state of the Chesapeake Bay ecosystem;

''(C) assess the effectiveness of management strategies being implemented on the date of enactment of this section and the extent to which the priority needs are being met;

''(D) make recommendations for the improved management of the Chesapeake Bay Program either by strengthening strategies being implemented on the date of enactment of this section or by adopting new strategies; and

''(E) be presented in such a format as to be readily transferable to and usable by other watershed restoration programs.

''(i) SPECIAL STUDY OF LIVING RESOURCE RESPONSE.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Administrator shall commence a 5-year special study with full participation of the scientific community of the Chesapeake Bay to establish and expand understanding of the response of the living resources of the Chesapeake Bay ecosystem to improvements in water quality that have resulted from investments made through the Chesapeake Bay Program.

''(2) REQUIREMENTS.—The study shall—

''(A) determine the current status and trends of living resources, including grasses, benthos, phytoplankton, zooplankton, fish, and shellfish;

''(B) establish to the extent practicable the rates of recovery of the living resources in response to improved water quality condition;

''(C) evaluate and assess interactions of species, with particular attention to the impact of changes within and among trophic levels; and

''(D) recommend management actions to optimize the return of a healthy and balanced ecosystem in response to improvements in the quality and character of the waters of the Chesapeake Bay.

''(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000 for each of fiscal years 2000 through 2005.''.

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CHESAPEAKE BAY RESTORATION ACT OF 1999—SECTIONAL SUMMARY

**SECTION 1. SHORT TITLE**

This section establishes the title of the bill as the ''Chesapeake Bay Restoration Act of 1999.''

**SECTION 2. FINDINGS AND PURPOSE**

This section states that the purpose of the Act is to expand and strengthen the cooperative efforts to restore and protect the Chesapeake Bay and to achieve the goals embodied in the Chesapeake Bay Agreement.

**SECTION 3. CHESAPEAKE BAY**

(a) DEFINITIONS

This section defines the terms ''Administrative Cost,'' ''Chesapeake Bay Agreement,'' ''Chesapeake Bay Ecosystem,'' ''Chesapeake Bay Program,'' ''Chesapeake Executive Council,'' and ''Signatory Jurisdiction.''

(b) CONTINUATION OF CHESAPEAKE BAY PROGRAM

This section provides authority for EPA to continue to lead and coordinate the Chesapeake Bay Program, in coordination with other members of the Chesapeake Executive Council, and to maintain a Chesapeake Bay Liaison Office.

The Chesapeake Bay Program Office is required to provide support to the Chesapeake Executive Council for implementing and coordinating science, research, modeling, monitoring and other efforts that support the Chesapeake Bay Program.

The section requires the Chesapeake Bay Program Office, in cooperation with Federal, State and local authorities, to assist Chesapeake Bay Agreement signatories in developing specific action plans, outreach efforts and system-wide monitoring, assessment and public participation to improve the water quality and living resources of the Bay.

(c) INTERAGENCY AGREEMENTS

This section authorizes the Administrator of the EPA to enter into interagency agreements with other Federal agencies to carry out the purposes and activities of the Chesapeake Bay Program Office.

(d) TECHNICAL ASSISTANCE AND ASSISTANCE GRANTS

This section authorizes the EPA Administrator to provide technical assistance and assistance grants to nonprofit private organizations, State and local governments, colleges, universities, and interstate agencies.

(e) IMPLEMENTATION AND MONITORING GRANTS

The section authorizes the EPA to issue grants to signatory jurisdictions for the purpose of monitoring the Chesapeake Bay ecosystem.

The section establishes criteria for proposals and establishes limits on administrative costs (no more than 10% of grant amount) and the allowable ''Federal Share'' (no more than 50% of total project cost).

The EPA Administrator is required to produce a public document each year that describes all projects funded under this section.

(f) FEDERAL FACILITIES AND BUDGET COORDINATION

The Section requires Federal agencies that own or operate a facility within the Chesapeake Bay watershed to participate in regional and subwatershed planning and restoration programs, and to ensure that federally owned facilities are in compliance with the Chesapeake Bay Agreement.

The section establishes a mechanism for budget coordination to ensure efficiency across government programs.

(f) CHESAPEAKE BAY PROGRAM

This section directs the Administrator, in consultation with other members of the Executive Council, to ensure that management plans are developed and implementation is begun by signatory jurisdictions to achieve and maintain: the Chesapeake Bay Agreement goals for reducing and capping nitrogen and phosphorus entering the mainstem Bay; water quality requirements needed to restore living resources in the bay mainstem and tributaries; the Chesapeake Bay Basinwide Toxins Reduction and Prevention Strategy goals; and the Chesapeake Bay Agreement habitat restoration, protection, and enhancement goals are achieved.

This section also authorizes the EPA Administrator, in consultation with other members of the Executive Council, to offer the technical assistance and financial grants

assistance grants to local governments, nonprofit organizations, colleges, and universities to implement locally-based watershed protection and restoration programs or projects that complement the Chesapeake Bay tributary basin strategy.

(h) STUDY OF THE CHESAPEAKE BAY PROGRAM

This section requires the Administrator and other members of the executive Council to study and evaluate the effectiveness the Chesapeake Bay program management strategies and to periodically (every 5 years) submit a comprehensive report to Congress.

(i) SPECIAL STUDY OF LIVING RESOURCES RESPONSE

The section requires the EPA Administrator to conduct a five-year study of the Chesapeake Bay and report to Congress on the status of its living resources and to make recommendations on management actions that may be necessary to ensure the continued recovery of the Chesapeake Bay and its ecosystem.

(j) AUTHORIZATION OF APPROPRIATIONS

The section authorizes appropriations to the Environmental Protection Agency of $30,000,000 for each fiscal year from 2000 through and including 2005.

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STATE OF MARYLAND,
OFFICE OF THE GOVERNOR,
*February 23, 1999.*

Hon. PAUL S. SARBANES,
*U.S. Senate, Washington, DC.*

DEAR PAUL: Thank you for your continuing to support environmental initiatives that benefit Maryland citizens. You have long been a champion of our great Chesapeake Bay, and an outstanding advocate for the protection and restoration of all our State's natural treasures. Your current proposed legislation to amend the Federal Water Pollution Control Act to assist in restoration of the Chesapeake Bay is just another example of how you have been able to translate your concern into action. The work you have facilitated through the Chesapeake Bay Program has been an outstanding example of interstate cooperation and progressive environmental programs that have been invaluable to Maryland and Bay restoration.

If we are to be successful in the next century, we must look ahead and be ready to face new challenges as well as continue to meet the old ones. Your proposed legislation embodies that vision and therefore has my full support. Its content demonstrates your understanding of the needs of Maryland and the other states in the watershed. It also recognizes the critical role played by local governments and citizen groups. The legislation clearly moves the Bay cleanup in the direction needed. In addition to my personal support, the bill has been reviewed by the Maryland Bay Cabinet and received its endorsement as well. We are all eager to see the legislation move forward and would be happy to assist you.

Thank you again for taking this initiative. Should you require our assistance, you may contact John Griffin, Secretary, Department of Natural Resources at (410) 260–8101.

Sincerely,

PARRIS N. GLENDENING,
*Governor.*

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COMMONWEALTH OF VIRGINIA
OFFICE OF THE GOVERNOR,
*February 23, 1999.*

Hon. PAUL S. SARBANES,
*U.S. Senate, Washington, DC.*

DEAR SENATOR SARBANES: The Commonwealth of Virginia supports the language of the proposed Chesapeake Bay Restoration Act, as shown in the attached copy dated February 8, 1999.

The cooperative Chesapeake Bay Program has been and will continue to be essential to the restoration of the Chesapeake Bay system. Reauthorization will strengthen an already successful Program and help support an increased level of effort.

The proposed increase in Federal support is already more than matched by state monies put into the recently created Virginia Water Quality Improvement Fund. Since its creation in 1997 the Virginia General Assembly approves Governor Gilmore's current legislative initiative, it will appropriate an additional $45.15 million for 1999.

We thank you for being the sponsor of this bill, and we will assist in whatever way is appropriate to help ensure its passage by Congress.

Very truly yours,

JOHN PAUL WOODLEY, JR.

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CITIZENS ADVISORY COMMITTEE TO
THE CHESAPEAKE EXECUTIVE COUNCIL,
*February 22, 1999.*

Senator PAUL SARBANES,
*Senate Hart Office Building,*
*Washington, DC.*

DEAR SENATOR SARBANES: On behalf of the Citizens Advisory Committee to the Chesapeake Executive Council (CAC), I would like to express our appreciation for your leadership in developing the draft Chesapeake Bay Restoration Act. Provisions such as those embodied in this proposed legislation are vital to building upon one of the most successful partnerships ever assembled, involving every level of government and the private sector, to restore the health of an entire ecosystem.

The Citizens Advisory Committee was created by the Chesapeake Executive Council to represent residents and stakeholders of the Chesapeake Bay watershed in the Bay restoration efforts. By serving as a link with stakeholder communities in Maryland, Pennsylvania, Virginia and the District of Columbia, CAC provides a non-governmental perspective on the Bay cleanup effort and on how Bay Program policies affect citizens who live and work in the Chesapeake Bay watershed.

The successes of the past twelve years in restoring the health of the Bay are a direct result of hard work, funding, and the dedicated commitment of the partners. Each and every one of these factors is essential to continue fulfilling the long-term restoration goals, particularly as the Bay Program partners embrace a renewed Bay agreement in the next year. Reauthorization and enhancement of Bay Program legislation will signal to the states, local governments and citizens that the Congress and the federal government will continue to be a strong partner with them as they renew their commitment to these goals and to a cleaner, healthier Chesapeake Bay. I am particularly encouraged by the provisions to continue the Small Watershed Grant program which provides a mechanism for local groups and governments to take an active, hands-on role in the Bay restoration activities.

The members of CAC look forward to working with you and the other members of Congressional delegations from the Bay Program jurisdictions toward successful passage of this legislation. Again, thank you for your leadership. Please feel free to call upon CAC if there is any assistance that we can provide.

Sincerely,

ANDREW J. LOFTUS,
*Chair.*

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CHESAPEAKE BAY COMMISSION,
*Annapolis, MD, February 19, 1999.*

Hon. PAUL S. SARBANES,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR SARBANES: I am writing, in my new capacity as Chairman of the Chesapeake Bay Commission, to commend you for your endeavors to reauthorize the Chesapeake Bay Program through the introduction of the Chesapeake Bay Restoration Act of 1999. The Commission strongly supports this legislation. We commit to you our resources and expertise in working to secure its passage.

We believe that the cooperation of government at the federal, state and local level is, and will continue to be, essential to protecting and restoring the Bay. Your bill helps to establish the blueprint and financial support for that collaboration.

We strongly support the small watershed provisions of the bill. The health of the Bay depends on the cumulative effect of thousands of daily decisions that either compromise or improve water quality in our subwatersheds. Offering community groups financial support and direct access to the tremendous informational resources of the Chesapeake Bay Program can only help them to make environmentally-sound decisions.

We would also like to commend you for pursuing improved coordination of federal agency budgets. One of the great hallmarks of the Program is EPA's close coordination with the states in its expenditure of Bay Program monies. The Act calls for each federal agency with projects related to the Chesapeake Bay ecosystem to submit a plan detailing how the expenditure of these funds will proceed. This enhanced communication can only help to avoid unnecessary duplication and cultivate cooperation among our federal partners.

Finally, we are encouraged by your inclusion of a special study to better relate the health of our living resources to water quality improvements. Establishing better linkages will improve the public's support of restoration efforts.

Again and again you have proven yourself to be a tremendous leader for the Chesapeake Bay restoration effort. We hope that this legislation, with your support, will be enacted by the 106th Congress.

With gratitude, I remain

Sincerely yours,

ARTHUR D. HERSHEY,
*Chairman.*

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CHESAPEAKE BAY LOCAL
GOVERNMENT ADVISORY COMMITTEE,
*Easton, MD, February 17, 1999.*

Hon. PAUL S. SARBANES,
*Washington, DC.*

DEAR SENATOR SARBANES: The Chesapeake Bay Local Government Advisory Committee supports all efforts to sustain and enhance Chesapeake Bay Program activities through renewal of Federal legislation in the ''Chesapeake Bay Restoration Act of 1999.''

To date, the Chesapeake Bay Program has made great strides in solidifying multijurisdictional efforts to improve the condition of watershed resources in and around the Bay. It has magnified the importance of continued efforts to enhance water quality and to restore the living resources native to the Bay. The Chesapeake Bay Program has elevated the role and importance of local governments participating not only in the Bay Program, but in completing watershed restoration projects in their own jurisdiction.

On behalf of the Chesapeake Bay Local Government Advisory Committee, I thank you for your continuing leadership and commitment to the Bay Restoration effort. If there is any way that the Committee or its staff can assist you, please don't hesitate to call.

Sincerely,

RUSS PETTYJOHN,
*Chairman, Chesapeake Bay Local Government Advisory Committee.*

LITITZ BOROUGH,
*Mayor, Pennsylvania.*

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ALLIANCE FOR THE CHESAPEAKE BAY,
*February 25, 1999.*

Hon. PAUL S. SARBANES,
*U.S. Senate, Washington, DC.*

DEAR SENATOR SARBANES: On behalf of the board of directors of the Alliance for the Chesapeake Bay, I am writing to you to express our support for your efforts to draft new legislation to reauthorize the Chesapeake Bay Program.

Your leadership has been vital over the years in keeping congressional attention focused on the work being conducted in Maryland, Virginia and Pennsylvania to restore the Bay. There is ample evidence that the unique collaborative effort which was formalized in the 1987 amendment to the Clean Water Act is producing positive results for the Bay. It is also apparent that there is much left to do. The bill you have drafted adds some significant features to the Bay Program; the increase in the authorization level to $30 million will substantially enhance the ability of the Bay partners to meet the needs of the Bay in the next decade.

We are conveying our support for the reauthorization of the Bay Program to other members of Congress from the Bay states in the hope that all will join as co-sponsors.

Again, thank you for your vigilance and your vision with regard to the Bay.

Sincerely,

JOHN T. KAUFFMAN,
*President.*

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CHESAPEAKE BAY FOUNDATION,
*March 3, 1999.*

Hon. PAUL S. SARBANES,
*Washington, DC.*

DEAR SENATOR SARBANES: I am writing to express the Chesapeake Bay Foundation's support for the Chesapeake Bay Restoration Act of 1999. Although I realize that no single piece of legislation can save the Chesapeake Bay, I believe this bill will help push the Bay Program towards an increased effort to carrying out the commitments made by the signatories.

I am particularly glad to see the section enhancing the oversight and reporting responsibilities of the Environmental Protection Agency. CBF has long felt that it is important for the Environmental Protection Agency to take a stronger leadership role in assuring that the participants are held accountable for their commitments.

I am also enthusiastic about the provisions providing for a small watershed grant program. Restoration of the Bay's essential habitat—its forests, wetlands, oysters, and underwater grass beds—is a critical component of the effort to save the Bay, and this legislation should help move that effort forward.

In summary, this legislation provides a step forward for the Bay Program, and will help steer it in the right direction. I would like to thank you and your cosponsors for your efforts on behalf of this legislation and on behalf of the Chesapeake Bay.

Very truly yours,

WILLIAM C. BAKER,
*President.*

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By Mr. SARBANES (for himself, Ms. MIKULSKI, and Mr. EDWARDS):

S. 493. A bill to require the Secretary of the Army, acting through the Chief of Engineers, to evaluate, develop, and implement pilot projects in Maryland, Virginia, and North Carolina to address problems associated with toxic microorganisms in tidal and non-tidal wetlands and waters; to the Committee on Environment and Public Works.

TOXIC MICROORGANISMS ABATEMENT PILOT PROJECT ACT

Mr. SARBANES. Mr. President, last Thursday's Baltimore Sun reported that Pfiesteria, a sometimes toxic microorganism, has been found in five more Maryland rivers. The article explained that new research is proving what scientists have suspected since serious outbreaks of toxic Pfiesteria first occurred in 1997—namely that Pfiesteria exists in a wide area. While the organism isn't always toxic, the fact that it has been found in a wide area coupled with the fact that it has proved injurious in the past, strongly supports the assertion that Pfiesteria poses a potential threat to the economic well-being of thousands of businesses in the fishing, recreation, and tourism industries along the east coast.

In 1997, Maryland, Virginia, and North Carolina suffered from several separate incidents that involved fish behaving in an erratic manner, a large number of fish with lesions, and fish kills. State and outside scientists concluded that Pfiesteria was the most likely cause of the problem. In Maryland, the fishing industry alone, lost millions of dollars in revenue.

In 1998, the magnitude of reported Pfiesteria outbreaks was considerably less, however, we cannot become complacent. The report in the Baltimore Sun confirms that the 1997 Pfiesteria outbreaks may not have been a one-time phenomenon. We must begin to safeguard the economy, both regional and national, from the impacts of Pfiesteria.

Today, I am joined by my colleague from Maryland, Senator MIKULSKI, and my colleague from North Carolina, Senator EDWARDS in introducing a bill, entitled the Toxic Microorganism Abatement Pilot Project Act, which would authorize the Army Corps of Engineers to begin developing tools and techniques to abate the flow of nutrients into our waters and thereby prevent or at least minimize the effects of future toxic Pfiesteria outbreaks.

In 1997, the Administration directed that an interagency research and monitoring strategy be developed in response to the outbreaks of Pfiesteria in the Chesapeake Bay. Several Federal agencies participated in the development of this strategy including the National Oceanographic and Atmospheric Administration (NOAA), the Environmental Protection Agency (EPA), the Centers for Disease Control, and the Departments of Interior and Agriculture. Funding to implement the plan was included in the fiscal 1998 and 1999 budgets. Unfortunately, the key federal agency with expertise in habitat maintenance, water resources and engineering principles—the Army Corps of Engineers—was not included in the interagency task force and the agency's unique qualifications were not integrated into the strategic plan. While research into the exact causes of toxic Pfiesteria blooms is imperative, it is just as important that we take early, aggressive, and concrete steps to prevent such blooms if we can.

This bill is designed to ensure that all available expertise is brought to bear in combating these biotoxins. The legislation would authorize the Army Corps of Engineers to conduct an evaluation and to engage in pilot projects to develop tools and techniques for combating Pfiesteria and other toxic microorganisms. At the end of each pilot project, the Army Corps of Engineers will be required to submit a report to Congress that describes the project, its success, and the general applicability of the methods used in the project.

Because of its expertise in construction and watershed management, the Army Corps of Engineers has a vital role to play in responding to the threats posed by toxic microorganisms. This legislation provides the funding and authority for the agency to do so.

I ask unanimous consent that a copy of the bill and a copy of the Baltimore Sun article be inserted in the RECORD.

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

S. 493

*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 ''Toxic Microorganism Abatement Pilot Project Act''.

**SEC. 2. FINDINGS.**

Congress finds that—

(1) effective protection of tidal and nontidal wetlands and waters of the United States is essential to sustain and protect ecosystems, as well as recreational, subsistence, and economic activities dependent on those ecosystems;

(2) the effects of increasing occurrences of toxic microorganism outbreaks can adversely affect those ecosystems and their dependent activities;

(3) the Corps of Engineers is uniquely qualified to develop and implement engineering solutions to abate the flow of nutrients;

(4) because nutrient flow abatement is a new challenge, it is desirable to have the Corps of Engineers conduct a series of pilot projects to test technologies and refine techniques appropriate to nutrient flow abatement; and

(5) since the States of Maryland, North Carolina, and Virginia have recently experienced serious outbreaks of waterborne microorganisms and there is a large store of scientific data about outbreaks in those States, pilot projects in those States can be effectively evaluated.

**SEC. 3. DEFINITIONS.**

In this Act:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Army, acting through the Chief of Engineers.

(2) STATE.—The term ''State'' means Maryland, North Carolina, and Virginia.

(3) TOXIC MICROORGANISM.—The term ''toxic microorganism'' means Pfiesteria piscicida and any other potentially harmful aquatic dinoflagellate.

**SEC. 4. PILOT PROJECTS FOR AQUATIC HABITAT REMEDIATION.**

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the

Secretary shall evaluate, develop, and implement a pilot project in each State (on a watershed basis) to address and control problems associated with the degradation of ecosystems and their dependent activities resulting from toxic microorganisms in tidal and nontidal wetlands and waters.

(b) REPORT.—Not later than 1 year after the completion of the pilot project under subsection (a), the Secretary shall submit to Congress a report describing—

(1) the pilot project; and

(2) the findings of the pilot project, including a description of the relationship between the findings and the applications of the tools and techniques developed under the pilot project.

(c) FEDERAL AND NON-FEDERAL SHARES.—

(1) FEDERAL SHARE.—The Federal share of the cost of evaluating, developing, and implementing a pilot project under subsection (a) shall be 75 percent.

(2) NON-FEDERAL SHARE.—The non-Federal share of the cost of evaluating, developing, and implementing a pilot project under subsection (a) shall be provided in the form of—

(A) cash;

(B) in-kind services;

(C) materials; or

(D) the value of—

(i) land;

(ii) easements;

(iii) rights-of-way; or

(iv) relocations.

(d) LOCAL COOPERATION AGREEMENTS.—Subject to subsection (c), in carrying out this section, the Secretary shall enter into local cooperation agreements with non-Federal entities under which the Secretary shall provide financial assistance to implement actions taken to carry out pilot projects under this section.

(e) IMPLEMENTATION.—The Secretary shall carry out this section in cooperation with—

(1) the Secretary of the Interior;

(2) the Secretary of Agriculture;

(3) the Administrator of the Environmental Protection Agency;

(4) the Administrator of the National Oceanic and Atmospheric Administration;

(5) the heads of other appropriate Federal, State, and local government agencies; and

(6) affected local landowners, businesses, and commercial entities.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000.

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[From the Baltimore Sun, Feb. 25, 1999]

PFIESTERIA FOUND IN 5 MD. RIVERS—PRESENCE WIDESPREAD IN RIVERS, STREAMS BUT NOT ALWAYS HARMFUL

NO ''ONE-TIME PHENOMENON''

TOXIC MICROORGANISM DETECTED FOR FIRST TIME IN OCEAN CITY AREA

(By Heather Dewar)

New research is proving what scientists long suspected: that the toxic microorganism Pfiesteria piscicida lives in many Maryland rivers and streams, even though it doesn't always kill fish or make people sick.

Pfiesteria expert Dr. JoAnn Burkholder has found the dangerous dinoflagellates in samples taken from the bottom muck of five Maryland waterways, including two where it had not been found before. One of those waterways, the St. Martin River, flows into the state's coastal bays west of Ocean City.

It was the first time the toxic microorganism had turned up in a river that flows toward the Atlantic Coast tourist mecca, though it has not caused any known fish kills or human illnesses there, said David Goshorn of the Maryland Department of Natural Resources.

''We have suspected all along that Pfiesteria is pretty widespread,'' Goshorn said, ''and what she has done is to confirm our suspicion.''

A spokesman for the Maryland Coastal Bays Program said the finding of Pfiesteria cells in local waters was ''not surprising, but it is worrisome at the very least.''

''My guess is that Pfiesteria being there, as long as it isn't toxic in the real world, is not that harmful,'' said Dave Wilson Jr., a spokesman for the coastal bays conservation effort. ''Hopefully, people will understand that Pfiesteria is not running rampant in the coastal bays, but it does have the potential to do so.''

The aquatic organism has been found in coastal waters from New Jersey to Georgia, but it causes fish kills or human illnesses only when conditions are just right or just wrong, Burkholder said.

Pfiesteria ''is probably all over the bay,'' said Burkholder, who presented preliminary findings to Maryland officials at a two-day scientific meeting of Pfiesteria experts near Baltimore-Washington International Airport yesterday. ''It's just that most of the time it's going to be pretty benign.''

WEATHER AS A FACTOR

Experts say Pfiesteria seems most likely to multiply, attack fish and sicken people in warm, shallow, still waters that are a mix of fresh and salt, are rich in nutrients—like the pollutants that come from human sewage, animal manure or farm fertilizer—and also rich in fish, especially oily fish like menhaden. Weather also plays a role, but scientists aren't certain what it is.

Maryland experts think unusual weather patterns, combined with high nutrient levels, helped trigger significant Pfiesteria outbreaks in the Pocomoke River and two other Eastern Shore waterways in 1997. The three waterways were closed, and 13 people were diagnosed with memory loss and confusion after being on the water during the outbreaks.

Researchers think a different set of weather quirks helped limit Pfiesteria to three small incidents last year, none of which killed fish or caused confirmed cases of human illness.

A spokesman for Gov. Parris N. Glendening, who pushed for controversial controls on farm runoff after the 1997 incidents, said Burkholder's latest findings show that action was justified.

''What they point to is that this is not a one-time phenomenon,'' said Ray Feldmann of the governor's office. ''We cannot take a bury-our-heads-in-the-sand approach to the phenomenon we saw in the summer of 1997. We still need to be concerned about this.

''We're encouraged that we've got a plan in place that has the potential for helping to hold off future outbreaks.''

Burkholder, a North Carolina State University researcher who helped discover Pfiesteria in the late 1980s, said Maryland waters do not seem to be as prone to toxic outbreaks as the waters of North Carolina, which has experienced 88 Pfresteria-related fish kills in the past eight years.

The latest finding ''tells me that Chesapeake Bay is not ideal for toxic Pfiesteria, but you have the potential to go a lot more toxic unless you take appropriate precautions,'' Burkholder said. ''Do you want to be a center for toxic outbreaks, or do you not?''

The preliminary results are part of a study for the DNR, which is trying to map the extent of Pfiesteria in Maryland waters.

In October and November, when the dinoflagellate is usually burrowed into bottom mud, DNR workers took 100 sediment samples from 12 rivers. They were the Patuxent and Potomac on the Western Shore; the Chester, Choptank, Chicamacomico, Nanticoke, Wicomico, Manokin, Big Annemessex and Pocomoke, all flowing into the Chesapeake Bay on the Eastern Shore; and the St. Martin, which flows into Assawoman Bay near Ocean City, and Trappe Creek, which enters Chincoteague Bay near Assateague Island National Seashore.

In the first 30 samples, Burkholder found Pfiesteria piscicida in concentrations high enough to kill fish in the Big Annemessex, Chicamacomico, Pocomoke, and St. Martin. She found the same organism on the Wicomico, but the cells did not kill fish in her laboratory. In Trappe Creek, she found a dinoflagellate that did not kill fish and has not been identified.

Burkholder and other experts stressed that there have been no recent fish kills or signs that people have gotten sick at the sites where DNR workers took the Pfiesteria-infested samples in October and November.

The Patuxent, Potomac, Chester and Choptank turned up no traces of Pfiesteria, but Burkholder said she has about 70 more sediment samples waiting to be analyzed, and expects to find signs of the microorganism in at least some of them.

RHODE RIVER DISCOVERY

Another marine scientist discovered Pfiesteria almost by accident in the Rhode River south of Annapolis this fall.

Park Roblee of the University of North Carolina has developed a test that can spot Pfiesteria in the water, but he cannot tell whether the organism is in its toxic stage. He told scientists at this week's meeting that he got samples from the Rhode River expecting them to be Pfiesteria-free but to his surprise they came up positive. Again, there were no signs of a fish kill in the area.

Roblee said workers from his laboratory traveled the coast from New Jersey to Florida, taking water samples ''basically wherever I–95 crossed a river or stream that flowed into an estuary.'' The samples showed signs of Pfiesteria at eight out of 100 sites, he said.

In other findings reported yesterday, University of Maryland researcher David Oldach said no signs of serious illness were found in 1998, the first year of a five-year study of people who might come in contact with Pfiesteria. Oldach said 90 Eastern Shore watermen and 25 people who don't work near the water have volunteered for the study and undergone testing.

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By Mr. GRAHAM (for himself, Mr. GRASSLEY, Mr. ROTH, Mr. MOYNIHAN, Mr. CHAFEE, Mr. ROCKEFELLER, Mr. MACK, Mr. BREAUX, Mr. KERREY, Ms. MIKULSKI, Mr. BRYAN, Mr. HOLLINGS, Mr. INOUYE, Mr. HARKIN, Mr. BAYH, and Mr. ROBB):

S. 494. A bill to amend title XIX of the Social Security Act to prohibit transfers or discharges of residents of nursing facilities as a result of a voluntary withdrawal from participation in the Medicaid program; to the Committee on Finance.

NURSING HOME RESIDENT PROTECTION AMENDMENTS OF 1999

Mr. GRAHAM. Mr. President, I would like to take this opportunity to commend Senator GRASSLEY, Chairman ROTH and Senator MOYNIHAN for their bipartisan commitment to protect our nation's seniors from indiscriminate dumping by their nursing homes. I would like to request that their statements be added to the RECORD.

The Nursing Home Residential Security Act of 1999 has the support of the

nursing home industry and senior citizen advocates. It is with their support that we encourage the Senate to take action on this important piece of legislation. I also have letters of support from the American Health Care Association, the National Seniors Law Center, and the American Association for Retired Persons which I will include in the RECORD.

Mr. President, last year, it looked like 93-year-old Adela Mongiovi might have to spend her 61st Mother's Day away from the assisted living facility that she had called home for the last four years. Her son Nelson and daughter-in-law Geri feared that they would have to move Adela when officials at the Rehabilitation and Healthcare Center of Tampa told them that their Alzheimer's Disease-afflicted mother would have to be relocated so that the nursing home could complete ''renovations.''

As the Mongiovis told me when I met with them and visited their mother in Tampa last April, the real story far exceeded their worst fears. The supposedly temporary relocation was actually a permanent eviction of all 52 residents whose housing and care were paid for by the Medicaid program. Ms. Mongiovi passed away during the holiday season and I send my heartfelt condolences to her family.

The nursing home chain which owns the Tampa facility and several others across the United States wanted to purge its nursing homes of Medicaid residents, ostensibly to take more private insurance payers and Medicare beneficiaries which pay more per resident.

This may have been a good financial decision in the short run, however, its effects on our nation's senior citizens, if practiced on a widespread basis, would be even more disastrous.

In an April 7, 1998, Wall Street Journal article, several nursing home executives argued that state governments and Congress are to blame for these evictions because they have set Medicaid reimbursements too low. While Medicaid payments to nursing homes may need to be revised, playing Russian roulette with elderly patients' lives is hardly the way to send that message to Congress. And while I am willing to engage in a discussion as to the equity of nursing home reimbursement rates, my colleagues and I are not willing to allow nursing home facilities to dump patients indiscriminately.

The fact that some nursing home companies are willing to sacrifice elderly Americans for the sake of their bottom-line is bad enough. What is even worse is their attempt to evade blame for Medicaid evictions. The starkest evidence of this shirking of responsibility is found in the shell game many companies play to justify evictions. Current law allows nursing homes to discharge patients for inability to pay.

If a facility decreases its number of Medicaid beds, state and federal governments are no longer allowed to pay the affected residents' bills. They can then be conveniently and unceremoniously dumped for—you guessed it—their inability to pay.

Nursing home evictions have a devastating effect on the health and well-being of some of society's most vulnerable members. A recent University of Southern California study indicated that those who are uprooted from their homes undergo a phenomenon knows as ''transfer trauma.'' For these seniors, the consequences are stark. The death rate among these seniors is two to three times higher than that for individuals who receive continuous care.

Those of us who believe that our mothers, fathers, and grandparents are safe because Medicaid affects only low-income Americans need to think again. A three year stay in a nursing home can cost upwards of $125,000. As a result, nearly half of all nursing home residents who enter as privately-paying patients exhaust their personal savings and lose health insurance coverage during their stay. Medicaid becomes many retirees' last refuge of financial support.

On April 19, 1998, the Florida Medicaid Bureau responded to evidence of Medicaid dumping in Tampa by levying a steep $260,000 fine against the Tampa nursing home. That was a strong and appropriate action, but it was only a partial solution. Medicaid funding is a shared responsibility of states and the federal government.

While the most egregious incident occurred in Florida, Medicaid dumping is not just a Florida problem. Nursing homes which were once locally-run and family-owned are increasingly administered by multi-state, multi-facility corporations that have the power to affect seniors across the United States.

Mr. President, let me also point out that the large majority of nursing homes in America treat residents well and are responsible community citizens. Our bill is simple and fair and designed to prevent future abuses by bad actors. It would prohibit current Medicaid beneficiaries or those who ''spend down'' to Medicaid from being evicted from their homes.

Adele Mongiovi was not just a ''beneficiary.'' She was also a mother and grandmother. To Ms. Mongiovi, the Rehabilitation and Health Care Center of Tampa was not just an ''assisted living facility''—it was her home.

Mr. President, let us provide security and peace of mind for all of our nation's seniors and their families. Mr. President, I ask unanimous consent that letters of support for the bill be printed in the RECORD.

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

AMERICAN HEALTH CARE ASSOCIATION,
*Washington, DC, February 3, 1999.*

Hon. BOB GRAHAM,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR GRAHAM: I am writing to lend the support of the American Health Care Association to the Nursing Home Protection Amendments of 1999, which you introduced as S. 2308 last year and plan to reintroduce this year. This legislation helps to ensure a secure environment for residents of nursing facilities which withdraw from the Medicaid program.

We know firsthand that a nursing facility is one's home, and we strive to make sure resident are healthy and secure in their home. We strongly support the clarifications your bill will provide to both current and future nursing facility residents, and do not believe residents should be discharged because of inadequacies in the Medicaid program.

The bill addresses a troubling symptom of what could be a much larger problem. The desire to end participation in the Medicaid program is a result of the unwillingness of some states to adequately fund the quality of care that residents expect and deserve. Thus, some providers may opt out of the program to maintain a higher level of quality than is possible when relying on inadequate Medicaid rates. Nursing home residents should not be the victims of the inadequacies of their state's Medicaid program.

In 1996, the Congress voted to retain all standards for nursing facilities. We support those standards. In 1997, Congress voted separately to eliminate requirements that states pay for those standards. These two issues are inextricably linked, and must be considered together. We welcome the opportunity to have this debate as Congress moves forward on this issue.

Again, we appreciate the chance to work with you to provide our residents with quality care in a home-like setting that is safe and secure. We also feel that it would be most effective when considered in the context of the relationship between payment and quality and access to care.

Finally, we greatly appreciate the inclusive manner in which this legislation was crafted, and strengthened. When the views of consumers, providers, and regulators are considered together, the result, as with your bill, is intelligent public policy.

We look forward to working with you to further clarify Medicaid policy and preserve our ability to provide the best care and security for our residents.

Sincerely yours,

BRUCE YARWOOD,
*Legislative Counsel.*

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NATIONAL SENIOR CITIZENS LAW CENTER,
*Washington, DC, February 3, 1999.*

Senator BOB GRAHAM,
*Washington, DC.*

DEAR SENATOR GRAHAM: Last spring, the Vencor Corporation began to implement a policy of withdrawing its nursing facilities from participation in the Medicaid program. The abrupt, involuntary transfer of large numbers of Medicaid residents followed. Although Vencor reversed its policy, in light of Congressional concern, state agency action, and adverse publicity, the situation highlighted an issue in need of an explicit federal legislative solution—the rights of Medicaid residents to remain in their home when their nursing facility voluntarily ceases to participate in the federal payment program.

I supported the legislation you introduced in the last Congress and have read the draft bill that you will introduce to address this issue in this session. The bill protects residents who were admitted at a time when their facility participated in Medicaid by prohibiting the facility from involuntarily transferring them later when it decides to discontinue its participation. As you know, many people in nursing facilities begin their residency paying privately for their care and

choose the facility in part because of promises that they can stay when they exhaust their private funds and become eligible for Medicaid. In essence, your bill requires the facility to honor the promises it made to these residents at the time of their admission. It continues to allow facilities to withdraw from the Medicaid program, but any withdrawal is prospective only. All current residents may remain in their home.

This bill gives peace of mind to older people and their families by affirming that their Medicaid-participating facility cannot abandon them if it later voluntarily chooses to end its participation in Medicaid.

The National Senior Citizens Law Center supports this legislation. We look forward to working with your staff on this legislation and on other bills to protect the rights and interests of nursing facility residents and other older people. In particular, we suggest that you consider legislation addressing a related issue of concern to Medicaid beneficiaries and their families—problems of nursing facilities' discriminatory admissions practices.

Many facilities limit the extent of their participation in the Medicaid program by certifying only a small number of beds for Medicaid. As a consequence of their limited participation in the Medicaid program, they discriminate against program beneficiaries by denying them admission. In addition, residents who pay privately and become eligible for Medicaid during their residency in the facility because of the high cost of nursing facility care are also affected by limited bed, or distinct part, certification. Once such residents become impoverished and need to rely on Medicaid to help pay for their care, they are often told that ''no Medicaid beds are available'' and that they must move. Facilities engage in other practices that discriminate against people who need to rely on Medicaid for their care. We would be happy to work with your staff in developing legislative solutions to these concerns.

Thank you for your work and leadership on these important issues.

Sincerely,

TOBY S. EDELMAN.

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AARP

*Washington, DC, February 25, 1999.*

Hon. BOB GRAHAM,
*U.S. Senate,*
*Washington, DC*

DEAR SENATOR GRAHAM: AARP appreciates your leadership in sponsoring the Nursing Home Residential Security Act of 1999, a bill that protects low-income nursing home residents from discharge when a nursing home withdraws from the Medicaid program.

Across the country, some nursing home operators have been accused of dumping Medicaid residents—among the most defenseless of all health care patients. As with similar complaints about hospitals and physicians, these violations can be serious threats to people's health and safety. Yet, federal and state governments have been limited to their oversight and enforcement capacities. This bill would establish clear legal authority to prevent inappropriate discharges, even when a nursing home withdraws from the Medicaid program. AARP believes that this is an important and necessary step in protecting access to nursing homes for our nation's most vulnerable citizens.

This bill offers important protections because of the documented that Medicaid patients face, especially people seeking nursing home care. For years, there has been strong evidence demonstrating that people who are eligible for Medicaid have a harder time gaining entry to a nursing home than do private payers. In some parts of the country, there is a shortage of nursing home beds. Under such circumstances, only private-pay patients have real choice among nursing homes. Medicaid patients are often forced to choose a home that they would not have otherwise chosen, despite concerns about its quality of care or location.

Under the proposed legislation, government survey, certification, and enforcement authority would continue, even after the facility withdraws from the Medicaid program, and the facility would be required to continue to comply with it. The bill also protects prospective residents by requiring oral and written notice that the nursing home has withdrawn from the Medicaid program. Thus, the prospective nursing home resident would be given notice that the home would be permitted to transfer or discharge a new resident at such time as the resident is unable to pay for care.

Access to quality nursing homes has been a long-standing and serious concern for AARP. It is an issue that affects, in a real way, our members and their families. The current patchwork system of long-term care forces many Americans to spend down to pay for expensive nursing home care. Therefore, it is unfair to penalize such order, frail nursing home residents who must rely on Medicaid at a critical time in their lives.

Again, thank you for your leadership on this issue. If we can be of further assistance, please give me a call or have your staff contact Maryanne Keenan of our Federal Affairs staff at (202) 434–3772.

Sincerely,

HORACE B. DEETS.

Mr. GRASSLEY. Mr. President, today I am pleased to join Senators GRAHAM, ROTH, and MOYNIHAN in introducing legislation that will be an important step in safeguarding our most vulnerable citizens. The Nursing Home Residential Security Act of 1999 will protect nursing home residents who are covered by Medicaid from being thrown out of a facility to make room for a more lucrative, private-pay patient.

It is hard to believe that a facility would uproot a frail individual for the sole purpose of a few extra dollars. However, in the past year there have been documented cases of Medicaid beneficiaries who have been at risk of being forced to leave a facility based solely on reimbursement status. The result is often severe trauma and a mortality rate that is two to three times higher than other nursing home residents. This is no way to treat our elderly.

I want to make it clear that these situations are rare. The vast majority of nursing homes are compassionate and decent facilities. My state of Iowa has been privileged to have many nursing homes that stand as models of quality care. Unfortunately, a few bad apples can damage the reputation of an entire industry. That is why I am pleased that this bipartisan legislation has the support of the nursing home industry as well as senior citizens' advocates.

This commonsense proposal would prevent nursing homes who have already accepted a Medicaid patient from evicting or transferring the patient based solely on payment status. Nursing homes would still be entitled to decide who gains access to their facilities, however, they would be required to inform new residents that if they spend down to Medicaid, they are entitled to discharge or transfer them to another facility.

This legislation is an important step in protecting these frail individuals. People move into nursing homes for around-the-clock health care in a safe environment. The last thing they expect is to be put out on the street. That's also the last thing they deserve. This bill prevents residents from getting hurt if their nursing home pulls out of Medicaid and ensures that people know their rights up front, before they enter a facility.

This commonsense proposal has also been introduced in the House of Representatives by Congressman BILIRAKIS where it has received strong bipartisan support. I encourage my colleagues in the Senate to cosponsor this worthwhile proposal. And, I look forward to the passage of this resolution this year.

Mr. ROTH. Mr. President, today, I am pleased to join with Senator MOYNIHAN, Senator GRAHAM, and Senator GRASSLEY to introduce important legislation to protect some of our most vulnerable citizens—nursing home residents. Our bill will keep nursing home residents who rely on Medicaid from being ''dumped'' out of the facility they call home, should that facility decide to drop participation in the Medicaid program.

The problem we will solve with this bill does not occur often. In fact, nearly 90 percent of all nursing homes participate in the Medicaid program. Pullouts are very rare and usually result from facilities deciding to close. But when a still-functioning facility decides to stop serving Medicaid clients, our bill will ensure that current residents do not find themselves pushed out of the place they view as home.

Recently, Medicaid beneficiaries in facilities in Indiana and Florida found themselves in precisely this horrible situation. They were forced out of nursing homes that decided to drop participation in the Medicaid program. Residents' well-being was disrupted and families were forced to scramble to develop other care alternatives.

Our new legislation, and H.R. 540, its companion bill in the House, will protect current residents from displacement. The bill simply requires that facilities withdrawing from the Medicaid program continue to care for current residents under the terms and conditions of the Medicaid program until those residents no longer require care. Facilities would essentially phase-down participation in Medicaid rather than dropping from the program overnight.

Both the nursing home industry and senior citizens' advocates support our legislation. This is a common sense, good-government bill that will enhance the peace of mind of low-income elderly and disabled individuals.

I applaud the House Conference Committee for having already held a hearing on H.R. 540, and Representatives

BILIRAKIS and DAVIS are to be congratulated for their leadership on this important issue. As we introduce our bill in the Senate today, I would like to particularly thank Senator BOB GRAHAM, whose commitment to this legislation has been pivotal. Working with him, Senator MOYNIHAN, Senator GRASSLEY, and other original Finance Committee cosponsors Senators CHAFEE, MACK, ROCKEFELLER, BREAUX, BRYAN, and KERREY, I look forward to taking up the bill up in our committee.

Mr. MOYNIHAN. Mr. President, I am pleased to join my colleagues Senators GRAHAM, ROTH and GRASSLEY in introducing this legislation—the Nursing Home Residential Security Act of 1999. It is a modest modification providing an enormous protection for nursing home residents.

The situation today is as follows. Frail elderly individuals who require nursing home care are faced with costs of $40,000 to $50,000 on average per year. These sums quickly deplete family savings. As a result, about two-thirds of nursing home residents at some point spend down their assets and require the assistance of Medicaid coverage. Because Medicaid typically has low reimbursement rates, nursing homes, in turn, must carefully balance their finances by screening which patients to accept, limiting the number of Medicaid residents. When nursing homes can no longer operate with low Medicaid rates, they may choose to reduce the number of beds available for Medicaid residents or no longer participate in the Medicaid program altogether.

What, then, happens to the residents who depend on Medicaid to cover their nursing home costs? The Wall Street Journal first reported on April 7 of last year what has occurred: Vencor Inc., with the nation's largest nursing home chain of 310 facilities, decided to withdraw participation in the Medicaid program. Residents covered by Medicaid were so notified and told they would have to leave the nursing homes—their homes.

Industry analysts had predicted that some other companies may follow Vencor's lead in jettisoning Medicaid residents. For example, Renaissance Healthcare Corp. withdrew from Medicaid the year before due to rising expenses.

The evictions in Vencor's Indiana and Florida nursing homes caused panic among residents and their families, and aggravated some patients' frail medical conditions. In all, it was a wrenching experience for residents and their families.

Our legislation is a small modification amid an otherwise larger problem. The bill would merely protect current Medicaid residents in nursing homes from evictions if their nursing home decides to withdraw from the Medicaid program. Nursing homes will be able to continue to screen patients for acceptance into their facility. The screening process is quite sophisticated and includes collection of information about assets and income to determine when the individual will likely spend down his or her resources before requiring Medicaid coverage.

The larger dilemma still exists. We need a system that both covers our frail elderly in nursing homes after they spend themselves into poverty due to nursing home costs and ensures that nursing homes can stay in business in order to provide such services.

Momentum is moving behind this legislation. Our bill enjoys bipartisan support in Congress as well as support from the nursing home industry and advocates. On the Senate side, we introduce this bill today with a total of 15 sponsors. Last week, the House Commerce Subcommittee on Health and Environment held a hearing on this legislation. Chairman ROTH and I are committed to marking up this bill in our Committee in the near future. I commend Senator GRAHAM for his leadership in initiating this proposal, and urge its early adoption.

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By Mr. BOND (for himself, Mr. ASHCROFT, and Mr. INHOFE):

S. 495. A bill to amend the Clean Air Act to repeal the highway sanctions; to the Committee on Environment and Public Works.

LEGISLATION TO REPEAL CLEAN AIR ACT TO REPEAL THE HIGHWAY SANCTIONS

Mr. BOND. Mr. President, the purpose of this bill is simple and clear. The only thing the bill does is to repeal the highway sanction provisions in the Clean Air Act.

I want to start by saying that I know what the so-called environmental community is going to say. Actually, they have already said it. I recall a press release that said, ''Another smoggy stealth attack is in the works,'' and ''sharpening the dirty-air knives.'' Well, that sounds fancy and exciting, but it is just flat wrong.

Mr. President, I ask you, where is the common sense? I do not want dirty air. And I do not think anybody in this room, in this body, wants dirty air. But any attempt to change the status quo gets some spinmeisters at work.

Let me explain where there is a real problem. There is a provision in the Clean Air Act that allows the EPA Administrator, with the approval of the Secretary of Transportation, to halt highway funding for a nonattainment area. For instance, if a State does not have an approved clean air plan, after a certain period of time sanctions apply, and those sanctions include halting highway funding. Now, transit funding can continue and bike path money can go forward. There is also a ''safety'' exemption where the Secretary of Transportation determines that a ''project is an improvement in safety to resolve a demonstrated safety problem and likely will result in a significant reduction in, or avoidance of, accidents.''

I have several problems with that provision.

First, highway funding is a matter of safety. We dedicate transportation funds to specific improvement programs, like railroad crossings and programs on drunk driving. But highway safety is also an issue when it comes to road conditions.

In my own State of Missouri, I can tell you that highway fatality rates are higher than the national average because roads are more dangerous. In the period 1992 to 1996, 5,279 people died on Missouri highways. Nationally, Federal Highways estimates that road conditions are a factor in about 30 percent of traffic fatalities. Well, I believe that figure is higher in Missouri, because I have been on the narrow two-lane roads and have seen the white crosses where people have died.

Highway improvements, such as wider lanes and shoulders, adding or improving medians, and upgrading roads from two lanes to four lanes can reduce traffic fatalities and accidents. The Secretary can grant exemptions from the current law to allow a project to go forward, but he can also deny them. I have a problem with the Government, the Federal Government, micromanaging a State's transportation plan.

The law also says the State will have to submit data to justify that the ''principal purpose of the project is an improvement in safety.'' Tell that to the grandmother who has lost her granddaughter on a stretch of highway. She will never go to the prom, because she was killed on that highway.

I would argue that highway construction and improvements are almost always a matter of safety and that to have to seek an exemption is an unnecessary and inappropriate delay. Any further delay imposed by the Federal Government on highway projects which are necessary for safety is unacceptable.

Second, taking away or imposing any kind of delay on highway funding does nothing to improve air quality or to reduce congestion. According to the American Association of State Highway and Transportation Officials, ''Congestion damages air quality, increases travel times, costs an estimated $43 billion annually in delays in the country's 50 largest urban areas, and generates additional delay costs in rural and suburban areas.''

Some will argue, ''If you build it, they will come.'' That normally applies to baseball diamonds, but they are talking about highways. I am not denying that there is some truth to that, but congestion already exists. They are already there. People in our State and rural Missouri are driving, and they are driving on narrow highways because they have to. There are no trolleys; there are no regularly scheduled buses. Halting or delaying funds to address the problem is inappropriate.

I think the cliche, ''Pay now or pay more later,'' is appropriate. What we would be ''paying'' for is potentially the loss of life, loss of economic opportunities, and the loss of convenience for the traveling public. Isn't this an issue of quality of life? I think so.

Third, the Highway Trust Fund is supported by highway users for highway construction and maintenance. It is a dedicated tax for a dedicated purpose. The people of Missouri are paying highway fund taxes and not getting a full dollar back for their highways. And to take away some of the money that they have put in because of totally unrelated concerns is inappropriate as a punitive sanction.

The 105th Congress spent the entire Congress, almost, working on a transportation policy.

One of the most contentious debates we had at the time and the significant outcomes of that debate was the issue of the trust fund. The Congress finally agreed to and the President signed into law what I refer to as the Bond-Chafee provision which says that the money goes in as the money comes out the next year for transportation and programs authorized by law.

Included in TEA–21—highway dollars being spent on—is $8.1 billion over 6 years for the Congestion Mitigation and Air Quality Improvement Program. This is money dedicated to helping States and local governments meet the requirements of the Clean Air Act. Under current law, CMAQ—as it is called—funding will continue without interruption, but highway construction could be halted or face a delay.

Using a ''dedicated tax for a dedicated purpose'' as a hammer in this instance is, I believe, inappropriate and unfair.

I do not view this legislation as an attack on the Clean Air Act. It is a matter of common sense.

Some may ask, if they do not already know, what precipitated the introduction of this legislation. I contemplated introducing this bill in the past but had other matters that were more important. But on November 8, 1998, the San Francisco-based Sierra Club filed suit in the District of Columbia District Court against the EPA to force the EPA to mandate sanctions not just on St. Louis and the nonattainment area but on the entire State of Missouri and to make these sanctions retroactive. That action, I believe, is irresponsible and extreme.

The EPA itself chose not to impose sanctions on the St Louis area or the State of Missouri because the State and the nonattainment area are doing everything that is necessary to come into compliance. The St. Louis area has adopted an inspection/maintenance program. They have instituted a plan to reduce volatile organic compound emissions by at least 15 percent. They have opted into EPA's reformulated gasoline program. And the St. Louis Regional Clean Air Partnership has been formed to encourage voluntary actions. In these circumstances, the Sierra Club lawsuit is purely punitive and purely unwarranted, but it is possible as long as we have this legislation on the books.

I do not personally know one Member of the Senate who fought for highway funding for his or her State's highway needs who would support actions to take that funding away, especially in a frivolous lawsuit by a group with a different agenda, with different priorities than the citizens of the State who are paying in the money. If this provision of law is left in place, what is happening in Missouri could happen elsewhere. Highway sanctions are in place for Helena, MT, and a situation is developing in Atlanta, GA, which has been brought to my attention.

There are those who say you can count the number of times highway sanctions have been imposed on one hand, but that still is too many. I disagree with the linking of highway funds and clean air attainment. We must address both. Quality of life requires both clear air and safe highways. I am dedicated to both. I hope we can have hearings and move on this measure in the near future.

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By Mr. REED (for himself and Mr. WYDEN):

S. 496. A bill to provide for the establishment of an assistance program for health insurance consumers; to the Committee on Health, Education, Labor, and Pensions.

THE HEALTH CARE CONSUMER ASSISTANCE ACT

Mr. REED. Mr. President, I rise today to introduce the Health Care Consumer Assistance Act, along with my colleague from Oregon, Mr. WYDEN. This legislation creates a consumer assistance program that is key to patient protections in the health insurance market.

In 1997, President Clinton's Health Quality Commission identified the need for consumer assistance programs that allow consumers access to accurate, easily understood information and get assistance in making informed decisions about health plans and providers. Today, only a loose patchwork of consumer assistance services exists. And, while a number of sources provide assistance, most are limited. Many consumer groups have advocated for the establishment of consumer assistance programs to support consumers' growing need of information.

The legislation I am introducing today gives states grants to establish nonprofit, private health care ombudsman programs designed to help consumers understand and act on their health care choices, rights, and responsibilities. Under my bill, the Secretary of Health and Human Services will offer funds for states to select an independent, nonprofit agency to provide the following services to consumers: information relating to choices, rights, and responsibilities within the plans they select; operate a 1–800 telephone hotline to respond to consumer requests for information, advice and assistance; produce and disseminate educational materials about patients' rights; provide assistance and representation to people who wish to appeal the denial, termination, or reduction of health care services, or a refusal to pay for health services; and collect and disseminate data about inquiries, problems and grievances handled by the consumer assistance program.

This program has been championed by Ron Pollack of Families USA and Beverly Malone of the American Nurses Association, who served as members of the President's Commission on Quality, as well as numerous other consumer advocates.

Mr. President, I have joined with many of my Democratic colleagues in sponsoring S. 6, the Patients' Bill of Rights Act of 1999. I am pleased that S. 6 would establish a consumer assistance program, similar to that established by my legislation. My purpose today is to emphasize the importance of such a consumer protection program. This legislation is not without controversy, but I believe that American consumers deserve protection and assistance as they attempt to navigate the often confusing and complex world of health insurance.

Mr. President, I ask unanimous consent to have the text of my bill printed in the RECORD.

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

S. 496

*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 ''Health Care Consumer Assistance Act''.

**SEC. 2. GRANTS.**

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this Act as the ''Secretary'') shall award grants to States to enable such States to enter into contracts for the establishment of consumer assistance programs designed to assist consumers of health insurance in understanding their rights, responsibilities and choices among health insurance products.

(b) ELIGIBILITY.—To be eligible to receive a grant under this section a State shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a State plan that describes—

(1) the manner in which the State will solicit proposals for, and enter into a contract with, an entity eligible under section 3 to serve as the health insurance consumer office for the State; and

(2) the manner in which the State will ensure that advice and assistance services for health insurance consumers are coordinated through the office described in paragraph (1).

(c) AMOUNT OF GRANT.—

(1) IN GENERAL.—From amounts appropriated under section 5 for a fiscal year, the Secretary shall award a grant to a State in an amount that bears the same ratio to such amounts as the number of individuals within the State covered under a health insurance plan (as determined by the Secretary) bears to the total number of individuals covered under a health insurance plan in all States (as determined by the Secretary). Any amounts provided to a State under this section that are not used by the State shall be remitted to the Secretary and reallocated in accordance with this paragraph.

(2) MINIMUM AMOUNT.—In no case shall the amount provided to a State under a grant under this section for a fiscal year be less

than an amount equal to .5 percent of the amount appropriated for such fiscal year under section 5.

**SEC. 3. ELIGIBILITY OF STATE ENTITIES.**

To be eligible to enter into a contract with a State and operate as the health insurance consumer office for the State under this Act, an entity shall—

(1) be an independent, nonprofit entity with demonstrated experience in serving the needs of health care consumers (particularly low income and other consumers who are most in need of consumer assistance);

(2) prepare and submit to the State a proposal containing such information as the State may require;

(3) demonstrate that the entity has the technical, organizational, and professional capacity to operate the health insurance consumer office within the State;

(4) provide assurances that the entity has no real or perceived conflict of interest in providing advice and assistance to consumers regarding health insurance and that the entity is independent of health insurance plans, companies, providers, payers, and regulators of care; and

(5) demonstrate that, using assistance provided by the State, the entity has the capacity to provide assistance and advice throughout the State to public and private health insurance consumers regardless of the source of coverage.

**SEC. 4. USE OF FUNDS.**

(a) BY STATE.—A State shall use amounts received under a grant under this Act to enter into a contract described in section 2(a) to provide funds for the establishment and operation of a health insurance consumer office.

(b) BY ENTITY.—

(1) IN GENERAL.—An entity that enters into a contract with a State under this Act shall use amounts received under the contract to establish and operate a health insurance consumer office.

(2) NONCOMPLIANCE.—If the State fails to enter into a contract under subsection (a), the Secretary shall withhold amounts to be provided to the State under this Act and use such amounts to enter into the contract described in paragraph (1) for the State.

(c) ACTIVITIES OF OFFICE.—A health insurance consumer office established under this Act shall—

(1) provide information to health insurance consumers within the State relating to choice of health insurance products and the rights and responsibilities of consumers and insurers under such products;

(2) operate toll-free telephone hotlines to respond to requests for information, advice or assistance concerning health insurance in a timely and efficient manner;

(3) produce and disseminate educational materials concerning health insurance consumer and patient rights;

(4) provide assistance and representation (in nonlitigative settings) to individuals who desire to appeal the denial, termination, or reduction of health care services, or the refusal to pay for such services, under a health insurance plan;

(5) make referrals to appropriate private and public individuals or entities so that inquiries, problems, and grievances with respect to health insurance can be handled promptly and efficiently; and

(6) collect data concerning inquiries, problems, and grievances handled by the office and periodically disseminate a compilation and analysis of such information to employers, health plans, health insurers, regulatory agencies, and the general public.

(d) AVAILABILITY OF SERVICES.—The office shall not discriminate in the provision of services regardless of the source of the individual's health insurance coverage or prospective coverage, including individuals covered under employer-provided insurance, self-funded plans, the medicare or medicaid programs under title XVIII or XIX of the Social Security Act (42 U.S.C. 1395 and 1396 et seq.), or under any other Federal or State health care program.

(e) SUBCONTRACTS.—An office established under this section may carry out activities and provide services through contracts entered into with 1 or more nonprofit entities so long as the office can demonstrate that all of the requirements of this Act are met by the office.

(f) TRAINING.—

(1) IN GENERAL.—An office established under this section shall ensure that personnel employed by the office possess the skills, expertise, and information necessary to provide the services described in subsection (c).

(2) CONTRACTS.—To meet the requirement of paragraph (1), an office may enter into contracts with 1 or more nonprofit entities for the training (both through technical and educational assistance) of personnel and volunteers. To be eligible to receive a contract under this paragraph, an entity shall be independent of health insurance plans, companies, providers, payers, and regulators of care.

(3) LIMITATION.—Not to exceed 7 percent of the amount awarded to an entity under a contract under subsection (a) for a fiscal year may be used for the provision of training under this section.

(g) ADMINISTRATIVE COSTS.—Not to exceed 1 percent of the amount of a block grant awarded to the State under subsection (a) for a fiscal year may be used for administrative expenses by the State.

(h) TERM.—A contract entered into under subsection (a) shall be for a term of 3 years.

**SEC. 5. FUNDING.**

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary in each fiscal year to carry out this Act.

(b) REPORT OF SECRETARY.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary shall prepare and submit to the appropriate committees of Congress a report that contains—

(1) a determination by the Secretary of whether amounts appropriated to carry out this Act for the fiscal year for which this report is being prepared are sufficient to fully fund this Act in such fiscal year; and

(2) with respect to a fiscal year for which the Secretary determines under paragraph (1) that sufficient amounts are not appropriated, the recommendations of the Secretary for fully funding this Act through the use of additional funding sources.

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By Mr. WYDEN:

S. 498. A bill to require vessels entering the United States waters to provide earlier notice of the entry, to clarify the requirements for those vessels and the authority of the Coast Guard over those vessels, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE COASTAL PROTECTION AND VESSEL CONTROL IMPROVEMENT ACT

Mr. WYDEN. Mr. President, as we speak, rescue crews are fighting valiantly to contain the damage from the wreck of the tanker New Carissa off of Coos Bay, Oregon three weeks ago. But the clock is ticking, the water is rising, and time is running short. An environmental disaster of truly alarming proportions is staring my state in the face.

Thousands of gallons of fuel oil have already leaked out of the wrecked ship and thousands more may be spilled along our precious coastline within days, if not hours.

As Oregonians struggle to make the best of a bad situation, it is not too early to start talking about how we prevent the next addition to the legacy of New Carissa. It seems clear to me that we need to look at the pernicious practice of foreign flagging. How many gallons of oil need to spill and how many miles of coastline have to be destroyed before we stop allowing unseaworthy vessels manned by untrained crews into our coastal waters.

It seems easier to register a supertanker in some foreign countries than it is to register an automobile in Portland, Oregon. As long as this so-called Flag of Convenience system continues, it's only a matter of time before the next New Carissa runs aground on a local beach. Yet our maritime policy continues to allow it.

Grave concerns have also been raised about the amount and quality of information being released to the public about this disaster. People who live in the area simply have not been told what to expect. That is unacceptable. When disaster strikes, government has an ironclad responsibility to give people as much information as possible.

Today, I am introducing legislation that focuses on avoiding disasters like the New Carissa. We need to stop playing Russian roulette with our coastal resources and the communities that depend on them.

Congressman DEFAZIO has authored companion legislation in the House of Representatives, which was adopted as an amendment to the Coast Guard Reauthorization Bill.

This legislation requires all vessels, foreign and domestic, to notify the Coast Guard when they intend to enter our country's territorial waters, allows the Coast Guard to bar them from entry if there are safety concerns, and gives the Coast Guard the authority to direct the movements of such vessels in our waters in hazardous situations. This bill would have given the Coast Guard the ability to block the New Carissa from allowing its deadly course of sailing so close to shore during a hazardous gale, a practice that local pilots shun.

In other words, had this bill been in place, the Coast Guard would have had the ability to stop this tragedy before it occurred, instead of having to clean up after it.

I urge my colleagues to support this important legislation, and 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. 498

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

**SECTION 1. CLARIFICATION OF COAST GUARD AUTHORITY TO CONTROL VESSELS IN TERRITORIAL WATERS OF THE UNITED STATES.**

The Ports and Waterways Safety Act (33 U.S.C. 1221 et seq.) is amended by adding at the end the following:

**''SEC. 15. ENTRY OF VESSELS INTO TERRITORIAL SEA; DIRECTION OF VESSELS BY COAST GUARD.**

''(a) NOTIFICATION OF COAST GUARD.—

''(1) NOTIFICATION.—Under regulations prescribed by the Secretary, a commercial vessel entering the territorial sea of the United States shall notify the Secretary not later than 24 hours before that entry.

''(2) INFORMATION.—The regulations under paragraph (1) shall specify that the notification shall contain the following information:

''(A) The name of the vessel.

''(B) The port or place of destination in the United States.

''(C) The time of entry into the territorial sea.

''(D) With respect to the fuel oil tanks of the vessel—

''(i) the capacity of those tanks; and

''(ii) the estimated quantity of fuel oil that will be contained in those tanks at the time of entry into the territorial sea.

''(E) Any information requested by the Secretary to demonstrate compliance with applicable international agreements to which the United States is a party.

''(F) If the vessel is carrying dangerous cargo, a description of that cargo.

''(G) A description of any hazardous conditions on the vessel.

''(H) Any other information requested by the Secretary.

''(b) DENIAL OF ENTRY.—The Secretary may deny entry of a vessel into the territorial sea of the United States if—

''(1) the Secretary has not received notification for the vessel in accordance with subsection (a); or

''(2) the vessel is not in compliance with any other applicable law relating to marine safety, security, or environmental protection.

''(c) DIRECTION OF VESSEL.—The Secretary may direct the operation of any vessel in the navigable waters of the United States as necessary during hazardous circumstances, including the absence of a pilot required by Federal or State law, weather, casualty, vessel traffic, or the poor condition of the vessel.''.

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By Mr. FRIST (for himself, Mr. JEFFORDS, Mr. DORGAN, Mr. LEVIN, Mrs. MURRAY, Mr. DEWINE, Mr. MURKOWSKI, Mr. THURMOND, Mr. DURBIN, and Mr. INOUYE):

S. 499. A bill to establish a congressional commemorative medal for organ donors and their families; to the Committee on Banking, Housing, and Urban Affairs.

THE GIFT OF LIFE CONGRESSIONAL MEDAL ACT OF 1999

Mr. FRIST. Mr. President, I take great pleasure today in introducing the Gift of Life Congressional Medal Act of 1999. With this legislation, which doesn't cost taxpayers a penny, Congress has the opportunity to recognize and encourage potential donors, and give hope to over 52,000 Americans who have end-stage disease. As a heart and lung transplant surgeon, I saw one in four of my patients die because of the lack of available donors. Public awareness simply has not kept up with the relatively new science of transplantation. As public servants, we need to do all we can to raise awareness about the gift of life.

Under this bill, each donor or donor family will be eligible to receive a commemorative Congressional medal. It is not expected that all families, many of whom wish to remain anonymous, will take advantage of this opportunity. The program will be coordinated by the regional organ procurement organizations [OPO's] and managed by the entity administering the Organ Procurement and Transplantation Network. Upon request of the family or individual, a public official will present the medal to the donor or the family. This creates a wonderful opportunity to honor those sharing life through donation and increase public awareness. Some researchers have estimated that it may be possible to increase the number of organ donations by 80 percent through public education.

Any one of us, or any member of our families, could need a life saving transplant. We would then be placed on a waiting list to anxiously await our turn, or our death. The number of people on the list has more than doubled since 1990—and a new name is added to the list every 18 minutes. In my home State of Tennessee, 62 Tennesseans died in 1998 while waiting, and more than 775 people are in need of a transplant. Nationally, because of a lack of organs, close to 5,000 listed individuals died in 1998.

However, the official waiting list reflects only those who have been lucky enough to make it into the medical care system and to pass the financial hurdles. If you include all those reaching end-stage disease, the number of people potentially needing organs or bone marrow, very likely over 120,000, becomes staggering. Only a small fraction of that number would ever receive transplants, even if they had adequate insurance. There simply are not enough organ and tissue donors, even to meet present demand.

Federal policies surrounding the issue of organ transplantation are difficult. Whenever you deal with whether someone lives or dies, there are no easy answers. There are between 15,000 and 20,000 potential cadaveric donors each year, yet inexcusably, in 1997 there were only some 5,400 actual donors. That's why we need you to help us educate others about the facts surrounding tissue and organ donation.

Mr. President, there has been unprecedented cooperation, on both sides of the aisle, and a growing commitment to awaken public compassion on behalf of those who need organ transplants. It is my very great pleasure to introduce this bill on behalf of a group of Senators who have already contributed in extremely significant ways to the cause of organ transplantation. And we are proud to ask you to join us, in encouraging people to give life to others.

By Mr. SMITH of New Hampshire (for himself, Mr. JEFFORDS, and Mr. HELMS):

S. 500. A bill to amend section 991(a) of title 28, United States Code, to require certain members of the United States Sentencing Commission to be selected from among individuals who are victims of a crime of violence; to the Committee on the Judiciary.

UNITED STATES SENTENCING COMMISSION LEGISLATION

Mr. SMITH of New Hampshire. Mr. President, I rise to introduce a bill that I sponsored in the last Congress to give victims of crime a greater voice in sentencing. My bill, which is being cosponsored by Senators JEFFORDS and HELMS, would reserve two of the seven seats on the United States Sentencing Commission for victims of violent crimes.

Mr. President, the Sentencing Commission is an independent entity within the judicial branch that establishes sentencing policies and practices for the Federal courts. This includes sentencing guidelines that prescribe the appropriate form and severity of punishment for offenders convicted of Federal crimes.

The U.S. sentencing Commission is composed of seven voting members who are appointed by the President, with the advice and consent of the Senate, for six-year terms. The Commission also includes two non-voting members. Of the seven voting members of the Sentencing Commission, three must be Federal judges.

Under my bill, two of the four seats on the Sentencing Commission that are not filled by Federal judges would be reserved for victims of a crime of violence or, in the case of a homicide, an immediate family member of such a victim. My bill utilizes the definition of a crime of violence that is found in section 16 of title 18 of the United States Code.

All seven voting seats on the Sentencing Commission are vacant. Now is the right time to give victims of crime a voice by requiring that two of those vacant seats must be filled by Americans who have been victimized by violent crimes.

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

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

S. 500

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

**SECTION 1. COMPOSITION OF UNITED STATES SENTENCING COMMISSION.**

(a) IN GENERAL.—Section 991(a) of title 28, United States Code, is amended by inserting after ''same political party,'' the following: ''Of the members who are not Federal judges, not less than 2 members shall be individuals who are victims of a crime of violence (as that term is defined in section 16 of title 18) or, in the case of a homicide, an immediate family member of such a victim.''.

(b) APPLICABILITY.—The amendment made by this section shall apply with respect to

any appointment made on or after the date of enactment of this Act.

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By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 501. A bill to address resource management issues in Glacier Bay National Park, Alaska; to the Committee on Energy and Natural Resources.

GLACIER BAY FISHERIES ACT

Mr. MURKOWSKI. Mr. President, I am today introducing—together with my good friend Senator STEVENS—new legislation to ensure that the marine waters of Glacier Bay National Park remain open to the fisheries that have been conducted there for many, many years.

For a number of years, the Park Service has attempted to seize authority over fisheries management in Glacier Bay from the State of Alaska, which holds title to the marine waters and submerged lands within Glacier Bay National Park. This is an infringement of the State's sovereignty under the constitutional doctrine of equal footing, as confirmed by Congress in the Submerged Lands Act, and the Alaska Statehood Act.

As my colleagues should all be aware, commercial fisheries have been conducted in these waters for well over 100 years, since long before the federal government became interested in them. Subsistence fishing and gathering by local residents has been practiced for up to 9,000 years, and perhaps longer.

Yet today, officials of the National Park Service want Glacier Bay off limits to those who have depended on it for their sustenance and livelihoods for generations.

Most recently, agents of the Park Service harassed a number of commercial crab fishermen who were fishing in areas which have always been open to them. Some of these were areas which may be closed under legislation adopted last year, but for which the Park Service has not yet promulgated regulations to effect the closure.

Although Park Service officials now say they merely asked for voluntary compliance and attempted to educate fishermen about their plans, the fishermen tell a different, and more sinister, story.

This particular crab fishery is only six days long, with the first two days being crucial to a fisherman's financial success. Because of this, fishermen must work literally around the clock for the first 48 to 72 hours. After the first two days, their earning potential—even for a top fisherman—drops from almost $60,000 per day to less than $20,000.

It is important to note that these are not large scale fisheries. We are talking about a small handful of fishermen, some working solely with their families.

Out of the 14 vessels working in the Bay during the recent fishery, 11 were boarded—right in the middle of those crucial first two days—by armed and intimidating Park Service agents. Many were either told they were in closed waters, or threatened that if they did not move, they would be prosecuted. Needless to say, these fishermen are law-abiding members of society, so they pulled up their fishing gear and moved, taking very serious financial losses as a result.

Mr. President, let me ask you how difficult it would have been to write a letter before the season opened and send it to these 14 fishermen? How hard would it be to send a letter to 20 fishermen? or to 50? In other words, Mr. President, how hard would it have been to avoid such confrontational and damaging tactics?

It would not have been hard at all, Mr. President, and the fact that the agency did not choose to do so is just one more example of how unfairly the Park Service has behaved to those who live and work in Alaska.

It is time for this to stop, and to ensure that it does, I am today offering a simple, clean solution. First, the bill authorizes subsistence fishing and gathering under the existing federal governing authority for such activities. Second, the bill authorizes the State of Alaska to conduct its marine fisheries without interference, except a fishery for Dungeness crab, for which a compensation plan has already been adopted. And third, the bill authorizes the use of up to $2,000,000 per year—which the Park Service is already collecting but which it has failed to use for the purpose intended by Congress—to be used to pay damages to fishermen who were unfairly harmed.

Mr. President, this is a matter of simple fairness. These are not new fisheries, but old ones—fisheries which throughout their long history have never caused a problem, and are today more tightly controlled than ever by State of Alaska law and regulation.

Fishermen have caused no harm here. The only harm has been caused either by the arrogant demands of those who want the park to themselves, or those who are well-meaning but ignorant of the facts. It is time the former become better neighbors, and time for the latter to learn the truth.

I ask unanimous consent that the text of our legislation be printed in the RECORD.

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

S. 501

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Glacier Bay Fisheries Act''.

**SAEC. 2. RESOURCE HARVESTING.**

(a) In Glacier Bay National Park, the Secretary of the Interior shall accommodate—

(1) the conduct of subsistence fishing and gathering under Title VIII of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3111 et. seq.); and

(2) the conduct by the State of Alaska, in accordance with the principles of sustained yield, of marine commercial fisheries, except fishing for Dungeness crab in the waters of the Beardslee Islands and upper Dundas Bay.

**SEC. 3. CLAIMS FOR LOST EARNINGS.**

Section 3(g) of Public Law 91–383 (16 U.S.C. 1a–2(g)) is amended—

(1) in paragraph (1), by striking ''and'' at the end'

(2) in paragraph (2), by striking the period at the end and inserting ''; and''; and

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

''(3) to pay an aggregate of not more than $2,000,000 per fiscal year in actual and punitive damages to persons that, at any time after January 1, 1999, suffered or suffer a loss in earnings from commercial fisheries legally conducted in the marine waters of Glacier Bay National Park, due to any action by an officer, employee, or agent of any Federal department or agency, that interferes with any person legally fishing or attempting to fish in such commercial fisheries.

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By Mr. ASHCROFT (for himself and Mr. DOMENICI):

S. 502. A bill to protect social security; 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.

THE PROTECT SOCIAL SECURITY BENEFITS ACT OF 1999

Mr. ASCHROFT. Mr. President, there is no more worthy government obligation than ensuring that those who paid a lifetime of Social Security taxes will receive their full Social Security benefits. Social Security is a national, cultural and legal obligation. Social Security is our most import social program, a contact between the government and its citizens. Americans, including one million Missourians, depend on this commitment.

This is more than just a governmental commitment. We have a responsibility as a culture to care for the elderly. Social Security is the only retirement income most of our seniors receive. It is our obligation, passed down from generation to generation, to provide retirement security for every American.

As individuals, all of us care about Social Security because we know the benefits it pays to our mothers and fathers, relatives and friends. And we think of the Social Security taxes we and our children pay—up to 12.4 percent of our income. We pay these taxes with the understanding that they help our parents and their friends, and we hope that our taxes will somehow, someday make it possible to help pay for our own retirements.

In my case, thinking of Social Security brings to mind friends and constituents such as Lenus Hill of Bolivar, MO, who relies on her Social Security to meet living expenses. Billy Yarberry lives on a farm near Springfield and depends on Social Security. And there is Rev. Walter Keisker of Cape Girardeau, who will be 100 years old next July and lives on Social Security. These faces bring meaning to Social Security.

Whenever I meet with folks in Missouri, I am asked, ''Senator, you won't let them use my Social Security taxes to pay for the United Nations, will you?'' Or, ''Why can't I get my full benefits if I work after 65?'' Or, ''You know I need my Social Security, don't you?''

And then there are the letters on Social Security I get every day.

Ed and Beverly Shelton of Independence, MO, write: ''Aren't the budget surpluses the result of Social Security taxes generating more revenue than is needed to fund current benefits? Therefore, the Social Security surplus is the surplus!* * * Yes, we are senior citizens and receive a very limited amount of Social Security. We are children who survived the Great Depression and World War II so we know how to stretch a dollar and rationed goods—just wish Congress were as careful with spending our money as we are!''

These concerns are why I am introducing today the Protect Social Security Benefits Act. Americans who have devoted 12% of their wages to the Social Security Trust Fund deserve their full Social Security payments now and in the century to come. The bill is part of a five part package that, taken together, seeks to provide greater protection for the Social Security Trust Fund.

The substance and message of these provisions is that Social Security must be protected: protected from politicians who raid Social Security to finance additional deficits; protected from those who want to gamble with Social Security in the stock market; protected so that investment decisions ensure current and future benefits; protected so that seniors who work get full benefits; protected so that we keep our commitment to America's retirees.

The Ashcroft Protect Social Security Benefits Act of 1999 prevents the use of surpluses in the Social Security Trust Funds to finance deficits in the rest of the federal budget. We must build a wall so high around the Social Security Trust Funds so that it cannot be used to pay for new government spending. Social Security should not finance new spending. But that is exactly what has happened in the past, is now happening, and will continue happening in the future, unless changes are made. It must end.

Specifically, the bill makes it out of order for the House or Senate to pass, or even debate, a budget or bill that uses Social Security surpluses to finance deficits in the rest of the budget. In both the House and Senate, a three-fifths vote, or a super majority, would be required to change that. Let me assure you that this is extremely unlikely. We have enough trouble getting 51 Senators to agree to anything, let alone 60. Thus, it would be extremely difficult to use the Social Security surplus to fund new deficit spending.

Two other bills I am supporting will also reduce debt and thereby strengthen our economy, Social Security and our future. The first bill structures the payment of the national debt by amortizing it—paying it off in installments—over the next 30 years. The second bill reduces the public debt limit every two years as an additional incentive to reduce borrowing. Additional surpluses in the Social Security Trust Fund can buy down publicly-held debt. By reducing the public debt, my plan will make it easier for America to meet its Social Security obligations in three ways. First, over the long run, paying off the debt will lower interest payments, which are now over $200 billion annually, equaling about 15% of the budget. Second, by relieving America of the burden of the $3.8 trillion national debt over the next 30 years, it will free up more resources that may be able to meet Social Security obligations in the future. Finally, a debt-free America will have a stronger, faster-growing economy, and will be better equipped to come up with the money to redeem the Trust Fund when we need it.

We must remember that federal debt incurs very real costs, in the form of interest payments and higher interest rates. With that in mind, we cannot afford not to pay off the debt. While it will cost money to pay off the debt, it is better to budget for those costs now. On this point, I agree with President Clinton. His idea to use Social Security surpluses to pay down our existing debt is a wise one, and I am offering a responsible plan to make it happen.

Finally, and given the fact that Social Security surpluses are routinely being used to finance deficits in the rest of the budget of the federal government, it is time to decide carefully how Social Security should be treated in any proposed constitutional amendment to balance the budget. I have always supported a balanced budget amendment. In the past, I have supported an effort that did not distinguish between Social Security accounts and the rest of the federal budget. However, last year's raid of the Social Security surplus to fund other government spending under the guise of ''emergency spending'' has convinced me that Social Security must be protected under our constitution. Social Security must be walled off for special treatment in any proposed balanced budget amendment. We must make clear that the federal budget should be balanced without counting any Social Security surpluses.

Walling off the trust funds is the first step, not the only step, needed to protect Social Security. This is the right way to start the effort to improve Social Security so it is strong for our children and grandchildren.

To do this, we need to be honest, realizing that, for now, time is on our side to make thoughtful improvements. For the past few months, I have comprehensively reviewed Social Security. My conviction is that understanding must always come before reforming. The following summarizes the facts about Social Security.

Social Security does now and will in the near future accumulate annual surpluses. Together, income from payroll taxes and interest is greater than the amount of benefits being paid out. The Social Security Trustees believe that these surpluses will continue each year for the next 14 years. In that time, a $2.8 trillion total surplus will accumulate.

In the year 2013, however, when more baby boomers will be in retirement, annual benefit payments will exceed annual taxes received by Social Security through taxes and interest. As a result, Social Security will run an annual deficit. By 2021, annual benefit payments will exceed annual taxes received by Social Security and interest earned on the accumulated surpluses. In the year 2032, Social Security payroll taxes will not only be insufficient to pay benefits; the surpluses will be used up. Social Security will be bankrupt.

Bipartisan efforts are underway to address this long-term situation. I will take an active part in this work. We must strengthen Social Security's capacity to pay benefits in full beyond the year 2032.

But there is no getting around the fact that a key to the long-term solvency of Social Security is how the current mushrooming Social Security surplus is invested, managed and spent. That's why the Protect Social Security Benefits Act focuses on how the current Social Security surplus is invested and managed.

Where is the Social Security surplus? This question helps us understand what the Social Security surplus is, and is not. In truth, the Trust Funds have no money, only interest-bearing notes. It would be foolish to have money in the trust fund that earned no interest or had no return. In return for the Social Security notes, Social Security taxes are sent to the U.S. Treasury and mingled with other government revenues, where the entire pool of cash pays the government's day-to-day expenses. While the Trust Funds records now show a total of $857 billion in the fund, these assets exist only in the form of government securities, or debt. According to the Washington Post, ''The entire Social Security Trust Fund, all [$857] billion or so of it, fits readily in four ordinary, brown, accordion-style folders that one can easily hold in both hands. The 174 certificates reside in a plain combination-lock filing cabinet on the third floor of the bureau's office building.''

In recent years, Social Security surpluses have been used to finance deficit spending in the rest of the federal budget. Take Fiscal Year 1998 for example. The Social Security surplus was $99 billion. The deficit in the rest of the government budget was $29 billion. So $29 billion—or 30% of the Social Security surplus—financed other government programs that were not paid for with general tax revenues. this occurred despite President Clinton's promise to save ''every penny of any surplus'' for Social Security.

For next year, this money shuffling is even greater. To quote the Senate Budget Committee's February 1, 1999, analysis:

Conclusion: the President's budget, despite the rhetoric, not only spends all the non-Social Security surplus over the next five years, while providing no meaningful tax relief to American families, but also dips in the Social Security surplus for $146 billion to pay for the President's spending priorities.

This kind of money shuffling must end. I cannot go back to Lenus Hill or Billy Yarberry and tell them that I stood by silently as the government devoted—spent half of their retirement money to paying for the President's new spending initiatives. We must stop the dishonest practice of hiding new government deficits with Social Security surpluses.

The Protect Social Security Benefits Act of 1999 is designed to cripple attempts to use surpluses in the Social Security Trust Funds to pay for deficits in the rest of the federal budget. Specifically, the bill states that it is out of order for the House and Senate to pass—or even debate—a budget that uses Social Security surpluses to finance new debt in the rest of the budget. This provision could only be overridden if three-fifths of the House or Senate openly vote to bypass this rule.

Three times Congress has passed laws that tried to take Social Security off-budget. These efforts have called for accounting statements that require the government to keep the financial status of Social Security separate from the rest of the budget. But these efforts are inadequate unless Congress puts in place safeguards that protect surpluses in Social Security from financing new government spending.

Right now, such procedures do not exist in current law or in senate rules. On the contrary, current law and senate rules create 21 separate points of order that apply to spending increases and tax increases, making it difficult to protect Social Security surpluses. But none actually stop these surpluses from paying for new budget deficits. We need a point of order protecting Social Security surpluses from irresponsible government raiding.

The Protect Social Security Benefits Act would create precisely such a point of order. This would prohibit the federal government from running a federal funds (on-budget) deficit without 60 votes, or what is known as a super-majority. With no on-budget deficit to finance, we would use the entire Social Security surplus to shrink the publicly-held federal debt. Reducing the publicly-held debt would cut annual interest costs that now cost $200 billion and 15% of the entire federal government budget. Eliminating this interest cost would provide more flexibility to address the long-term financing difficulties Social Security now faces that could someday jeopardize payment of full benefits.

The only exception to this point of order would be in time of war. If Congress were to declare war, and the government needed to go into deficit in order to protect our national security, then the point of order would not apply. It would remain in effect at all other times. In the event that the House or Senate did not pass a budget resolution, the point of order would apply to all appropriations bills passed after September 1. This fail-safe would ensure that the President and the Congress could not raid the Social Security fund for irresponsible spending, as they did last year to the tune of $22 billion.

The Ashcroft Protect Social Security Benefits Act is the first provision in a multi-part Social Security package that will address vital issues relating to the management, investment, and taxation of Social Security. This plan is designed to protect the Social Security system. More importantly, it is designed to protect the American people—from debt, from bad investments, from misinformation, and from attempts to spend our retirement dollars on current government spending. While I value the Social Security system, I value the American people, people like Lenus Hill and the one million other Missourians who receive Social Security benefits, more. My primary responsibility is to them. My plan to protect the Social Security system will protect the American people first, and I urge my colleagues to join me in support of this plan.

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By Mr. ALLARD:

S. 503. A bill designating certain land in the San Isabel National Forest in the State of Colorado as the ''Spanish Peaks Wilderness''; to the Committee on Energy and Natural Resources.

SPANISH PEAKS WILDERNESS ACT OF 1999

Mr. ALLARD. Mr. President, wilderness is described in the law as lands that are, ''* * * in contrast with those areas where man and his own works dominate the landscape, * * * an area where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain.'' With today's introduction of the Spanish Peaks Wilderness bill congressmen SCOTT MCINNIS, BOB SCHAFFER and I are setting aside around 18,000 acres of land that more than meets the intent of the authors of the 1964 Wilderness Act. This land will be an important addition to wilderness in Colorado.

Spanish Peaks had been considered for inclusion in previous wilderness bills. However, because of unresolved issues it was not appropriate to designate it in the past. Those issues included various inholdings, the use of an old access road in the wilderness area, as well as the potential coal bed methane production on portions of the land. Those issues have either been resolved in this bill or they have been resolved through other methods. The resolution of these issues has maintained the integrity of the proposed wilderness area as well as protecting the needs of the local community.

Because of this, the legislation should have the backing of the local community, Colorado environmental groups, and the majority of the Colorado delegation. There is no reason why it cannot be passed quickly.

All Colorado wilderness bills should go through the process this bill went through. Congressman MCINNIS, Congressman SCHAFFER and I decided that cooperation, consensus, and communication were essential to success. Therefore, we casted our net broadly for concerns, and when they were raised in good faith we actually sat down and worked them out. I have been struck by the fact that when people are given the opportunity to be part of the process they feel like they have a stake in the outcome and they try to be constructive in their criticisms. Because of constructive critics like the Huerfano County Commissioners, this legislation is better now then it was when they first looked at it.

Whil the legislation is complete, we are still seeking clarification on one point. The Huerfano County Commissioners are seeking to have a trail that is slightly inside the wilderness area, as designated in the legislation, excluded. My staff has spoken with the local Forest Service staffer and they appear to have no objection to this change. It is still uncertain whether we actually need to change the legislation to do this or whether the map can be adjusted by the Forest Service without any legislative changes. If it is the former than we will make that change prior to passing it out of the Senate. If it is the latter, we will exchange letters with the Forest Service to ensure we are talking about the same trail in the same place. This change should not be of concern. It is only slightly inside the boundaries and any changes we make to exclude it would be of only a slight impact on the entire designation.

I want to thank Congressman MCINNIS, Congressman SCHAFFER, and the local community for working through this process. When the Colorado delegation works as a team they work the best for the State of Colorado.

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By Mr. CLELAND:

S. 504. A bill to reform Federal election campaigns; to the Committee on Rules and Administration.

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THE FEDERAL ELECTION ENFORCEMENT AND DISCLOSURE REFORM ACT

Mr. CLELAND. Mr. President. I rise today to address the important issue of campaign finance reform. As we begin the 106th Congress, campaign finance reform continues to be an important national need. Therefore, I am again introducing my Federal Election Enforcement And Disclosure Reform Act with the hope that this will be the year that Congress makes positive strides towards meaningful reform.

After participating in the Governmental Affairs Committee's extensive 1997 campaign finance hearings, it was apparent to me that there is a critical need for reform of our entire campaign finance system. What I witnessed, heard and read made me even more convinced that we must strengthen our campaign financing laws, and provide strong enforcement through the Federal Election Commission of these laws, or risk seeing our election process be swept away in a tidal wave of money. In spite of public support, and positive action in the House, the Senate failed last year to enact meaningful legislation addressing these problems, and we have now gone through yet another election cycle in which the abuses continued to persist. With the record high of $1 billion spent in pursuit of federal office in 1996—a 73 percent increase since 1992, I had hoped that the 1998 election would at least reflect a natural decline from the grossly inflated figures. However, post-election reports filed with the FEC show that spending in Senate general election campaigns went from $220.8 million in 1996, to $244.3 in 1998, an 11% increase. It has been estimated that if these trends continue, by 2025 it will take $145 million to finance an average Senate campaign. This absurd trend cannot continue.

Although the Senate failed last year to enact meaningful reform, I am hopeful that, with a new Congress, we will take up this important issue in earnest. The legislation I am re-introducing today, the Federal Election Enforcement and Disclosure Reform Act, addresses one of the most serious problems with our current system, the inability of the Federal Election Commission (FEC) to adequately enforce our existing campaign laws. I recently read a compelling article entitled ''No Cop on the Beat,'' which appeared in the January 23, 1999 issue of the National Journal. The author, Eliza Newlin Carney, perhaps summarizes best the current judgment on the effectiveness of the FEC when she states that ''[a] long-standing joke around town is that the commission is a government success story: It is precisely the weak and ineffective agency that Congress intended it to be.''

The article was written following a December 1998 FEC hearing on the 1996 elections during which FEC auditors alleged that the national campaign committees of both major parties violated campaign finance rules with respect to broadcast advertising. Although party leaders maintained that the advertisements in question were legitimate ''issue'' ads appropriately paid for by millions of dollars in ''soft'' money, based on their investigation, the FEC auditors alleged that they were illegal ads which caused both major party Presidential campaigns to exceed the federal spending limit and, more importantly, allowed both campaigns to ''essentially bilk . . . the federal Treasury out of no less than $25 million.'' The auditors recommended that the campaigns repay the money. However, the commissioners unanimously rejected these recommendations and refused to specifically address the alleged grievous violations of federal campaign laws.

Although the author of the National Journal piece is very critical of the enforcement system, her criticism correctly does not end with the FEC. ''[T]he FEC isn't the only cop that seems to have deserted the beat.'' According to the author, the FEC's refusal to enforce the campaign regulations has also had a chilling effect on the Justice Department's willingness to complete thorough investigations of the abuses in the 1996 election cycle. Furthermore, she points out that last year Congress again failed to enact new campaign finance laws to help correct the problems. She concludes by mentioning the movement by some politicians to totally deregulate the system—''By default, the no-holds-barred camp seems to be winning. Their deregulation model is starting to look an awful lot like the system we have today.''

As we can see in the preliminary preparations already underway, the 2000 election cycle is likely to be heading in the same direction and I believe that this is the optimal time for us to act in order to prevent such abuses. Although my bill will not address all of the campaign finance system problems, it will revitalize the Federal Election Commission to enable it to more effectively enforce current campaign finance laws, and to close some loopholes in current campaign disclosure requirements in order to provide the American people with more comprehensive and more timely information on campaign finances.

As I made clear last year, I do not intend my legislation to fix all of the problems with the campaign finance system. It is my understanding that Senators MCCAIN and FEINGOLD also intend to re-introduce their important legislation, which I intend to again cosponsor. I continue to believe that enactment of McCain-Feingold or similar legislation is an essential step for the Senate to take this year in beginning the process of repairing a campaign finance system which is totally out of control. Banning soft money and imposing disclosure and contribution requirements on sham issue ads aired close to an election, as provided for under McCain-Feingold, are absolutely vital reforms, without which the campaign finance system will only grow less accountable, and more vulnerable to the appearance, if not the fact, of undue influence by big money.

However, I want to broaden the scope of debate, and to begin the process of seeking common ground on important reforms which go beyond the problems of soft money and issue ads. As previously discussed, one of the most glaring deficiencies in our current federal campaign system is the ineffectiveness of its supposed referee, the Federal Election Commission. The FEC, whether by design or through circumstance, has been beset by partisan gridlock, uncertain and insufficient resources, and lengthy proceedings which offer no hope of timely resolution of charges of campaign violations.

Thus, the first major element of my bill is to strengthen the ability of the Federal Election Commission to be an effective and impartial enforcer of federal campaign laws. Among the most significant FEC-related changes I am proposing are the following:

Alter the Commission structure to remove the possibility of partisan gridlock by establishing a 7-member Commission, appointed by the President based on qualifications, for single 7-year terms. The Commission would be composed of two Republicans, two Democrats, one third party member, and two members nominated by the Supreme Court.

Give the FEC independent litigating authority, including before the Supreme Court, and establish a right of private civil action to seek court enforcement in cases where the FEC fails to act, both of which should dramatically improve the prospects for timely enforcement of the law.

Provide sufficient funding of the FEC from a source independent of Congressional intervention by the imposition of filing fees on federal candidates, with such fees being adequate to meet the needs of the Commission—estimated to be $50 million a year.

A second major component of the Federal Election Enforcement and Disclosure Reform Act is to create a new Advisory Committee on Federal Campaign Reform to provide for a body outside of Congress to continually review and recommend changes in our federal campaign system. The Committee would be charged, ''to study the laws (including regulations) that affect how election campaigns for Federal office are conducted and the implementation of such laws and may make recommendations for change,'' which are to be submitted to Congress by April 15 of every odd-numbered year. As with the FEC, the Advisory Committee would receive independent and sufficient funding via the new federal candidate filing fees.

The impetus for the Advisory Committee is two-fold: (1) to build a ''continuous improvement'' mechanism into the Federal campaign system, and (2) to address the demonstrable fact that Congress responds slowly, if at all, to the need for changes and updates in our campaign laws. In both instances, the conclusion is the same: we cannot afford to wait twenty-five years or until a major scandal develops to adapt our campaign finance system to changing circumstances.

The final section of my bill seeks to enhance the effectiveness of campaign

contribution disclosure requirements. As Justice Brandeis observed, ''Publicity is justly commended as a remedy for social and industrial diseases. Sunlight is said to be the best of disinfectants; electric light the most effective policeman.'' This is certainly true in the realm of campaign finance, and perhaps the most enduring legacy of the Watergate Reforms of a quarter-century ago is the expanded campaign and financial disclosure requirements which emerged. By and large, they have served us well, but as with everything else, they need to be periodically reviewed and updated in light of experience. Therefore, based in part on testimony I heard during the 1997 Governmental Affairs Committee investigation and in part on the FEC's own recommendations for improved disclosure, my bill will make several changes in current disclosure requirements.

Specifically, I am recommending two reforms which will make it more difficult for contributors and campaigns alike to turn a blind eye to current disclosure requirements by, first, preventing a campaign from depositing a contribution until all of the requisite disclosure information is provided; and second, requiring those who contribute $200 or more to provide a signed certification that their contribution is not from a foreign national, and is not the result of a contribution in the name of another person.

In addition, my legislation adopts a number of disclosure recommendations made by the FEC in its 1997 report to Congress, including provisions: requiring all reports to be filed by the due date of the report; requiring all authorized candidate committee reports to be filed on a campaign-to-date basis, rather than on a calendar year cycle; and mandating monthly reporting for multi candidate committees which have raised or spent, or anticipate raising or spending, in excess of $100,000 in the current election cycle.

It is easy to be pessimistic when considering campaign finance reform efforts especially after last year's inaction by the Senate. The public and the media are certainly expecting Congress to fail to take significant action to clean up the scandalous campaign system under which we now run. But ladies and gentlemen of the Senate, I suggest that we cannot afford the luxury of complacency. We may think we will be able to win the next re-election because the level of outrage and the awareness of the extent of the vulnerability of our political system have perhaps not yet reached critical mass. But I am confident that it is only a matter of time, and perhaps the next election cycle—which will undoubtedly feature more unaccountable soft money, more sham issue ads of unknown parentage, more circumvention of the spirit and in some cases the letter of current campaign finance law—before the scales are decisively tilted in favor of reform.

We will have campaign finance reform. The only question is whether this Congress will step up to the plate, and fulfill its responsibilities, to give the American people a campaign system they can have faith in and which can preserve and protect our noble democracy as we enter a new century.

Mr. President, I ask unanimous consent that a summary of my bill be printed in the RECORD.

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

SUMMARY OF FEDERAL ELECTION ENFORCEMENT AND DISCLOSURE REFORM ACT

I. FEC REFORM

A. The Federal Election Commission (FEC) would be restructured as follows:

The Commission will be composed of 7 members appointed by the President who are specially qualified to serve on the Commission by reason of relevant knowledge: two Republican members appointed by the President; two Democratic members appointed by the President; one member appointed by the President from among all other political parties whose candidates received at least 3% of the national popular vote in the most recent Presidential or U.S. House or U.S. Senate elections; in the event no third party reached this threshold, the President may consider all third parties in making this appointment; and two members appointed by the President from among 10 nominees submitted by the U.S. Supreme Court. One of these two members would be chosen by the Commission to serve as Chairman.

Relevant knowledge (for purposes of qualification for appointment to the FEC) is defined to include:

A higher education degree in government, politics, or public or business administration, or 4 years of relevant work experience in the fields of government or politics, and

A minimum of two years experience in working on or in relation to Federal election law or other Federal electoral issues, or four years of such experience at the state level.

Commissioners will be limited to one 7 year term.

B. The FEC would be given the following additional powers:

Electronic filing of all reports required to be filed with the FEC would be mandatory, with a waiver permitted for candidates or other entities whose total expenditures or receipts fall below a threshold amount set by the Commission. The requirement for the submission of hard (paper) copies of such reports would be continued.

The Commission would be authorized to conduct random audits and investigations in order to increase voluntary compliance with campaign finance laws.

The FEC would be authorized to seek court enforcement when the Commission believes a substantial violation is occurring, failure to act will result in ''irreparable harm'' to an affected party, expeditious action will not cause ''undue harm'' to the interests of other parties, and the public interest would best be served by the issuance of an injunction.

The Commission would be authorized to implement expedited procedures for complaints filed within 60 days of a general election.

Penalties for knowing and willful violations of the Federal Election Campaign Act would be increased.

The Commission would be expressly granted independent litigating authority, including before the Supreme Court.

Private individuals or groups would be authorized to independently seek court enforcement when the FCC fails to act within 120 days of when a complaint is filed. A ''loser pays'' standard would apply in such proceedings.

The Commission would be authorized to levy fines, not to exceed $5,000, for minor reporting violations, and to publish a schedule for fines for such violations.

Candidates for the Senate would be required to file with the FEC rather than the Secretary of the Senate.

C. The FEC would be provided with resources in the following manner:

Consistent with its expanded duties, the FEC would be authorized to receive $50 million in FY2000 and FY2001, with this amount indexed for inflation thereafter.

The funding would be derived from a ''user fee'' imposed on federal candidate and party committees. The FEC would establish a fee schedule and determine the requisite fee level to fund the operations of the FEC and the new Advisory Committee on Federal Campaign Reform. This determination will include a waiver for the first $50,000 raised by campaigns.

II. ADVISORY COMMITTEE ON FEDERAL CAMPAIGN REFORM

A. A new Advisory Committee on Federal Campaign Reform would be created.

B. The Committee would be composed of 9 members, who are specially qualified to serve on the Committee by reason of relevant knowledge, to be appointed as follows: 1 appointed by the President of the United States, 1 appointed by the Speaker of the House, 1 each appointed by the Majority and Minority Leaders of the U.S. House and Senate, 1 appointed by the Supreme Court, 1 appointed by the Reform Party (or whatever third party's candidate for President received the largest number of popular votes in the most recent Presidential election), and 1 appointed by the American Political Science Association. Committee members would elect the Chairman.

C. Committee members would each serve four-year terms, and would be limited to two consecutive terms.

D. The appointees by the Supreme Court, the Reform Party (or other third party), and the American Political Science Association must be individuals who, during the five years before their appointment, have not held elective office as a member of the Democratic or Republican Parties, have not received any wages or salaries from the Democratic or Republican Parties, or have not provided substantial volunteer services or made any substantial contribution to the Democratic or Republican Parties, or to a Democratic or Republican party public office-holder or candidate for office.

E. Relevant knowledge (for purposes of qualification for appointment to the Committee) is defined to include:

A higher education degree in government, politics, or public or business administration, or 4 years of relevant work experience in the fields of government or politics, and

A minimum of two years experience in working on or in relation to national campaign finance or other electoral issues, or four years of such experience at the state level.

F. The Committee would be authorized to spend $1 million a year in its first year, indexed for inflation thereafter. Funding would be provided by the new campaign user fee discussed above.

G. The Committee would be required to monitor the operation of federal election laws and to submit a report, including recommended changes in law, to Congress by April 15 of every odd numbered year.

H. Congress would be required to consider the Committee's recommendations under ''fast track'' procedures to guarantee expeditious consideration in both houses of Congress.

III. ENHANCED CAMPAIGN FINANCE DISCLOSURE

A. Campaign would be prohibited from putting contributions which lack all requisite contributor information into any account other than an escrow account from which money cannot be spent. Contributions placed in such an account would not be subject to the current ten-day maximum holding period on checks.

B. A new requirement would be placed on contributions in excess of $200 (aggregate): a written certification by the contributor that the contribution is not derived from any foreign income source, and is not the result of a reimbursement by another party.

C. The current option to file reports submitted by registered or certified mail based on postmark date would be deleted, thus requiring all reports to be filed by the due date of the report.

D. Authorized candidate committee reports would be required to be filed on a campaign-to-date basis, rather than on a calendar year cycle.

E. Monthly reporting would be mandated for multi candidate committees which have raised or spent, or anticipate raising or spending, in excess of $100,000 in the current election cycle.

F. The requirement for filing of last-minute independent expenditures would be clarified to make clear that such report must be received within 24 hours after the independent expenditure is made.

G. Campaign disbursements to secondary payees who are independent subcontractors would have to be reported.

H. Political committees, other than authorized candidate committees, which have received or spent, or anticipate receiving or spending, $100,000 or more in the current election cycle would be subjected to the same ''last minute'' contribution reporting requirements as candidate committees. (Under current law, all contributions of $1,000 or more received after the 205th day, but before 48 hours, before an election must be reported to the FEC within 48 hours.)

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By Mrs. LINCOLN (for herself, Mr. MOYNIHAN, Mr. BREAUX, Mr. KERREY, Ms. LANDRIEU, and Mr. COCHRAN):

S. 506. A bill to amend the Internal Revenue Code of 1986 to permanently extend the provisions which allow nonrefundable personal credits to be fully allowed against regular tax liability; to the Committee on Finance.

THE WORKING FAMILIES TAX RELIEF ACT

Mrs. LINCOLN. Mr. President, today I am introducing legislation to ensure that middle income working families receive the tax credits that Congress intended for them.

There are many absurdities in our tax code, and I look forward to working with my colleagues to reform and simplify our entire tax system. Today, however, I offer a small first step toward making our tax laws sensible. The legislation I am introducing will protect millions of working families by allowing taxpayers to deduct their nonrefundable personal credits without having to include those credits in any determination of Alternative Minimum Tax (AMT) liability. Tax laws created to deal with wealthy folks who overuse tax shelters simply should not apply to middle income families. This legislation is necessary, and it will actually remove language from the tax code making it more simple and more user friendly.

Imagine for a moment two working parents in Arkansas making $33,800. They work hard to spread their incomes far enough to pay their mortgage and care for their two school-age children and one in college. It may surprise you to know that this family falls under a tax burden that was created to ensure that the very wealthy pay their fair share of taxes. This family would have to pay the AMT.

While the threshold income limits of the AMT have been set since 1986, incomes have slowly crept up due to inflation. This, coupled with the inclusion of family tax credits in AMT liability determination, has led to the ironic situation that my legislation seeks to correct. The Alternative Minimum Tax must be changed so that a family will not be strapped with an added tax burden simply because they choose to have children or educate them.

Not only must we change the AMT, we must change it permanently. Last year, Congress provided a one year provision which removed the nonrefundable personal credits from AMT liability determination. I was pleased to see the President extend this provision for two more years in his budget. But we need to fix this problem permanently rather than using a band-aid approach of year-to-year alterations.

The AMT is a looming peril for a massive number of middle-income Americans. Two Treasury Department economists recently projected that the number of households earning from $30,000 to $50,000 that are subjected to the AMT will more than triple in the coming decade. Because the individual AMT parameters are not indexed for inflation, 2.8 million taxpayers will completely lose these important family credits by 2008. On top of this injustice, many unwitting taxpayers will owe penalties and interest on underpaid taxes. Such a situation cannot be allowed to exist. While Congress must soon address the issue of indexing the AMT for inflation, permanently removing the nonrefundable personal credits from the reach of the AMT is the first step to ensuring that America's middle-income taxpayers will receive the financial relief they deserve while avoiding the confusion and frustration of year-to-year tax legislation.

American families were given a child tax credit to help them raise their kids. Education credits were created to help make a college education more affordable for all Americans. These tax credits are good for families. They are important to working people and they are great for the long term future of our economy. As our law currently stands, however, many middle-income families will not be able to use these credits because they will be either totally eliminated or significantly reduced by the AMT. The education and child credits are not, however, the only credits that stand to be voided by the growing menace of the AMT. People who bring children into their homes will lose the value of the adoption credit. The credit for the elderly and the disabled will lose its value, and the dependant care credit will be effectively canceled by the AMT. This is absurd and the problem must be rectified.

I would like to thank the ranking member of the Finance Committee, Senate MOYNIHAN, and his very capable staffer, Stan Fendley, for working with me on this legislation. And I'd like to thank Senators MOYNIHAN, COCHRAN, BREAUX, KERREY, and LANDRIEU for signing on as original co-sponsors. I encourage our colleagues to join us in this common sense approach to helping working families.

Mr. President I ask unanimous consent that this bill be printed in the RECORD with these comments as well as the January 10, 1999 New York Times article by David Cay Johnston titled ''Funny, They Don't Look Like Fat Cats.''

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

S. 506

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

**SECTION 1. NONREFUNDABLE PERSONAL CREDITS FULLY ALLOWED AGAINST REGULAR TAX LIABILITY.**

(a) IN GENERAL.—Section 26(a) of the Internal Revenue Code of 1986 (relating to limitation based on amount of tax) is amended to read as follows:

''(a) LIMITATION BASED ON AMOUNT OF TAX.—The aggregate amount of credits allowed by this subpart for the taxable year shall not exceed the taxpayer's regular tax liability for the taxable year.''

(b) CONFORMING AMENDMENTS.—Section 24(d) of the Internal Revenue Code of 1986 is amended by striking paragraphs (2) and by redesignating paragraph (3) as paragraph (2).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1998.

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[From the New York Times, Jan. 10, 1999]

FUNNY, THEY DON'T LOOK LIKE FAT CATS

(By David Cay Johnston)

Three decades ago, Congress, embarrassed by the disclosure that 155 wealthy Americans had paid no Federal income taxes, enacted legislation aimed at preventing the very rich from shielding their wealth in tax shelters.

Today, that legislation, creating the alternative minimum tax, is instead snaring a rapidly growing number of middle-class taxpayers, forcing them to pay additional tax or to lose some of their tax breaks.

Of the more than two million taxpayers who will be subject this year to the alternative minimum tax, or A.M.T., about half have incomes of $30,000 to $100,000. Some are single parents with jobs; some are people making as little as $527 a week. Over all, the number of people affected by the tax is expected to grow 26 percent a year for the next decade.

But many of the wealthy will not be among them. Even with the A.M.T., the number of taxpayers making more than $200,000 who pay no taxes has risen to more than 2,000 each year.

How a 1969 law aimed at the tax-shy rich became a growing burden on moderate earners illustrates how tax policy in Washington can be a fall of mirrors.

While some Republican Congressmen favor eliminating the tax, other lawmakers say such a move would be an expensive tax break for the wealthy—or at lest would be perceived that way, and thus would be politically unpalatable. And any overhaul of the system would need to compensate for the $6.6 billion that individuals now pay under the A.M.T. This year, such payments will account for almost 1 percent of all individual income tax revenue.

''This is a classic case of both Congress and the Administration agreeing that the tax doesn't make much sense, but not being able to agree on doing anything about it,'' said C. Eugene Steuerle, an economist with the Urban Institute, a nonprofit research organization in Washington.

Mr. Steuerle was a Treasury Department tax official in 1986, when an overhaul of the tax code set the stage for drawing the middle class into the A.M.T.

In eliminating most tax shelters for the wealthy, Congress decided to treat exemptions for children and deductions for medical expenses just like special credits for investors in oil wells, in they cut too deeply into a household's taxable income.

Congress decided that once these ''tax preferences'' exceeded certain amounts—$40,000 for a married couple, for example—people would be moved out of the regular income tax and into the alternative minimum tax. At the time, the threshold was high enough to affect virtually no one but the rich. But it has since been raised only once—by 12.5 percent, to $45,000 for a married couple—while the cost of living has risen 43 percent. And so the limits have sneaked up on growing numbers of taxpayers of more modest means.

''Everyone knew back then that it had problems that had to be fixed,'' Mr. Steuerle recalled. ''They just said, 'next year.' ''

But ''next year'' has never come—and it is unlikely to arrive in 1999, either. While tax policy experts have known for years that the middle class would be drawn into the A.M.T., few taxpayers have been clamoring for change.

Among those few, however, are David and Margaret Klaassen of Marquette, Kan. Mr. Klaassen, a lawyer who lives and works out of a farmhouse, made $89,751.07 in 1997 and paid $5,989 in Federal income taxes. Four weeks ago, the Internal Revenue Service sent the Klaassens a notice demanding $3,761 more under the alternative minimum tax, including a penalty because the I.R.S. said the Klaassens knew they owed the A.M.T.

Mr. Klaassen acknowledges that he knew the I.R.S. would assert that he was subject to the A.M.T., but he says the law was not meant to apply to his family. ''I've never invested in a tax shelter,'' he said. ''I don't even have municipal bonds.''

The Klaassens do, however, have 13 children and their attendant medical expenses—including the costs of caring for their second son, Aaron, 17, who has battled leukemia for years. It was those exemptions and deductions that subjected them to the A.M.T.

''What kind of policy taxes you for spending money to save your child's life?'' Mr. Klaassen asked.

The tax affects taxpayers in three ways. Some, like the Klaassens, pay the tax at either a 26 percent or a 28 percent rate because they have more than $45,000 in exemptions and deductions. Others do not pay the A.M.T. itself, but they cannot take the full tax breaks they would have received under the regular income tax system without running up against limits set by the A.M.T. The A.M.T. can also convert tax-exempt income from certain bonds and from exercising incentive stock options into taxable income.

It may be useful to think of the alternative minimum tax as a parallel universe to the regular income tax system, similar in some ways but more complex and with its own classifications of deductions, its own rates and its own paperwork. The idea was that taxpayers who had escaped the regular tax universe by piling on credits and deductions would enter this new universe to pay their fair share. (Likewise, there is a corporate A.M.T. that parallels the corporate income tax.)

At first, the burden of the A.M.T. fell mainly on the shoulders of business owners and investors, said Robert S. McIntyre, executive director of Citizens for Tax Justice, a nonprofit group in Washington that says the tax system favors the rich. Based on I.R.S. data, Mr. McIntyre said he found that 37 percent of A.M.T. revenue in 1990 was a result of business owners using losses from previous years to reduce their regular income taxes; an additional 18 percent was because of big deductions for state and local taxes.

But that has begun to shift, largely as a result of the 1986 changes, which eliminated most tax shelters and lowered tax rates.

When President Reagan and Congress were overhauling the tax code, they could not make the projected revenues under the new rules equal those under the old system. Huge, and growing, budget deficits made it politically essential for the official estimates to show that after tax reform, the same amount of money would flow to Washington.

One solution, said Mr. Steuerle, the former Treasury official, was to count personal and dependent exemptions and some medical expenses as preferences to be reduced or ignored under the A.M.T., just as special credits for petroleum investments and other tax shelters are.

Mortgage interest and charitable gifts were not counted as preferences, according to tax policy experts who worked on the legislation, because they generated more money than was needed.

But the A.M.T. has not stayed ''revenue neutral,'' in Washington parlance.

The regular income tax was indexed for inflation in 1984, so that taxpayers would not get pushed into higher tax brackets simply because their income kept pace with the cost of living.

The A.M.T. limits, however, have not been indexed. The total allowable exemptions before the tax kicks in have been fixed since 1993 at $45,000 for a married couple filing jointly. For unmarried people, the total amount is now $33,750, and for married people filing separately, it is $22,500.

If the limit had been indexed since 1986, when the A.M.T. was overhauled, it would be about $57,000 for married couples filing jointly—and most middle-income households would still be exempt.

Mr. Steuerle said he warned at the time that including ''normal, routine deductions and exemptions that everyone takes'' in the list of preferences would eventually turn the A.M.T. into a tax on the middle class.

That appears to be exactly what has happened.

For example, a married person who makes just $527 a week and files her tax return separately can be subject to the tax, said David S. Hulse, an assistant professor of accounting at the University of Kentucky.

And the Taxpayer Relief Act of 1997, which allows a $500-a-child tax credit as well as education credits, may make even more middle-class families subject to the A.M.T. by reducing the value of those credits.

Two Treasury Department economists recently calculated that largely because of the new credits, the number of households making $30,000 to $50,000 who must pay the alternative minimum tax will more than triple in the coming decade. The economists, Robert Rebelein and Jerry Tempalski, also calculated that for households making $15,000 to $30,000 annually, A.M.T. payments will grow 25-fold, to $1.2 billion, by 2008.

Last year, many more people would have been subject to the A.M.T. if Congress had not made a last-minute fix pushed by Representative Richard E. Neal, Democrat of Massachusetts, that—for 1998 only—exempted the new child and education credits. The move came after I.R.S. officials told Congress that the credits added enormous complexity to calculating tax liability. Figuring out how much the A.M.T. would reduce the credits was beyond the capacity of most taxpayers and even many paid tax preparers, the I.R.S. officials said.

EVEN if Congress makes a permanent fix to the problems created by the child and education credits, it will put only a minor drag on the spread of the A.M.T. as long as the tax is not indexed for inflation. The two Treasury economists calculated that revenues from the tax would climb to $25 billion in 2008 without a fix, or to $21.9 billion with one.

In 1999, if there is no exemption for the credits, a single parent who does not itemize deductions but who makes $50,000 and takes a credit for the costs of caring for two children while he works, will be subject to the A.M.T., estimated Jeffrey Pretsfelder, an editor at RIA Group, a publisher of tax information for professionals.

If the tax laws are not changed, 8.8 million taxpayers will have to pay the A.M.T. a decade from now, the Congressional Joint Committee on Taxation estimated last month. Add in the taxpayers who will not receive the full value of their deductions because they run up against the limits set by the A.M.T., and the total grows to 11.6 million taxpayers—92 percent of whom have incomes of less than $200,000, the two Treasury economists estimated.

While many lawmakers and Treasury officials have criticized the impact of the tax on middle-class taxpayers, there are few signs of change, as Republicans and the Administration talk past each others.

Representative Bill Archer, the Texas Republican who as the chairman of the House Ways and Means Committee is the chief tax writer, said the A.M.T. should be eliminated in the next budget.

''Unfortunately, the A.M.T. tax can penalize large families, which is part of the reason why Republicans for years have tried to eliminate it or at least reduce it,'' Mr. Archer said. ''Unfortunately, President Clinton blocked our efforts each time.''

Lawrence H. Summers, the Deputy Treasury Secretary, said the Administration was ''very concerned that the A.M.T. has a growing impact on middle-class families, including by diluting the child credit, education credits and other crucial tax benefits, and we hope to address this issue in the President's budget.

''Subject to budget constraints, we look forward to working with Congress on this important issue,'' he continued.

That revenue concerns have thwarted exempting the middle class runs counter to the reason Congress initially imposed the tax.

''You need an A.M.T. because people who make a lot of money should pay some income taxes,'' said Mr. McIntrye, of Citizens for Tax Justice. ''If you believe, like Mr. Archer and a lot of Republicans do, that the more you make the less in taxes you should pay, then of course you are against the A.M.T. But somehow I don't think some people see it that way.''

The Klaassens, meanwhile, are challenging the A.M.T. in Federal Court. The United

States Court of Appeals for the 10th Circuit is scheduled to hear arguments in March on their claim that the tax infringes their religious freedom. The Klaassens, who are Presbyterians, said they believe children ''are a blessing from God, and so we do not practice birth control,'' Mr. Klaassen said.

When Mr. Klaassen wrote to an I.R.S. official complaining that a $1,085 bill for the A.M.T. for 1994 resulted from the size of his family, he got back a curt letter saying that his ''analysis of the alternative minimum tax's effect on large families was interesting but inappropriate'' and advising him that it was medical deductions, not family size, that subjected him to the A.M.T.

Under the regular tax system, medical expenses above 7.5 percent of adjusted gross income—the last line on the front page of Form 1040—are deductible. Under the A.M.T., the threshold is raised to 10 percent.

Still doubting the I.S.R.'s math, Mr. Klaassen decided to test what would have happened had he filed the same tax return, changing only the number of children he claimed as dependents. He found that if he has seven or fewer children, the A.M.T. would not have applied in 1994.

But the eighth child set off the A.M.T., at a cost of $223. Having nine children raised the bill to $717. And 10 children, the number he had in 1994, increased that sum to $1,085—the amount the I.R.S. said was due.

''We love this country and we believe in paying taxes,'' Mr. Klaassen said. ''But we cannot believe that Congress ever intended to apply this tax to our family solely because of how many children we choose to have. And I have shown that we are subject to the AMT solely because we have chosen not to limit the size of our family.''

The IRS, in papers opposing the Klaassens, noted that tax deductions are not a right but a matter of ''legislative grace.''

Mr. Klaassen turned to the Federal courts after losing in Tax court. The opinion by Tax Court Judge Robert N. Armen Jr. was summed up this way by Tax Notes, a magazine that critiques tax policy: ''Congress intended the alternative minimum tax to affect large families when it made personal exemptions a preference item.''

Several tax experts said that Mr. Klaassen had little chance of success in the courts because the statute treating children as tax preferences was clear. They also said that nothing in the AMT laws was specifically aimed at his religious beliefs.

Meanwhile, for people who make $200,000 or more, the AMT will be less of a burden this year because of the Taxpayer Relief Act of 1997, which included a provision lowering the maximum tax rate on capital gains for both the regular tax and the AMT to 20 percent.

Mr. Rebelein and Mr. Tempalski, the Treasury Department economists, calculated recently that people making more than $200,000 would pay a total of 4 percent less in AMT for 1998 because of the 1997 law. By 2008, their savings will be 9 percent, largely as a result of lower capital gains rates and changed accounting rules for business owners.

''This law was passed to catch people who use tax shelters to avoid their obligations,'' Mr. Klaassen said. ''But instead of catching them it hits people like me. This is just nuts.''

THREE WAYS TO DEAL WITH A TAXING PROBLEM

President Clinton, his tax policy advisers and the Republicans who control the tax writing committees in Congress all agree that the alternative minimum tax is a growing problem for the middle class. But there is no agreement on what to do. Here are some options that have been discussed.

Raise the exemption—Representative Bill Archer, the Texas Republican who is the chairman of the House Ways and Means Committee, two years ago proposed raising the $45,000 AMT exemption for a married couple by $1,000. But that would leave many middle-class families subject to the tax, because it would not fully account for inflation. To do that would require an exemption of about $57,000, followed by automatic inflation adjustments. That is the most widely favored approach, drawing support from people like J.D. Foster, executive director of the Tax Foundation, a group supported by corporations, and Robert S. McIntyre, executive director of Citizens for Tax Justice, which is financed in part by unions and contends that the tax system favors the rich.

Exempt child and education credits—For 1998 only, Congress exempted the child tax credit and the education tax credits from the AMT. But millions of taxpayers will lose these credits, or get only part of them, unless Congress makes a fix each year or permanently exempts them.

Eliminate it—Mr. Archer and other Republicans want to get rid of the AMT but have not proposed how to make up for the lost revenue, which in a decade is expected to grow to $25 billion annually. Recently, however, Mr. Archer has said that in a period of Federal budget surpluses, it may be time to scrap the budget rules that require paying for tax cuts with reduced spending or tax increases elsewhere.

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By Mr. WARNER (for himself, Mr. CHAFEE, Mr. BAUCUS, Mr. VOINOVICH, Mr. LAUTENBERG, Mr. BENNETT, and Mrs. BOXER):

S. 507. A bill to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; to the Committee on Environment and Public Works.

THE WATER RESOURCES DEVELOPMENT ACT OF 1999

Mr. WARNER. Mr. President, I am pleased to introduce today legislation to reauthorize the civil works mission of the Corps of Engineers.

I am joined today by the Chairman of the Committee on Environment and Pubic Works, Senator CHAFEE; the Committee's Ranking Member, Senator BAUCUS; the new Chairman of the Subcommittee on Transportation and Infrastructure, Senator VOINOVICH; Senator BENNETT, Senator LAUTENBERG, and Senator BOXER in cosponsoring this legislation.

Since 1986, it has been the policy and practice of the Congress to reauthorize Corps of Engineers civil works activities—projects for flood control, navigation, hurricane protection and erosion control, and environmental restoration—on a two-year cycle. Last year, the Senate passed S. 2131 by unanimous consent. Regrettably, the House was unable to consider companion legislation.

In an effort to keep these critically needed projects on schedule, I am pleased that the Chairman CHAFEE and Majority Leader LOTT have indicated their strong support for promptly considering this bill this year. The bill I am introducing today mirrors S. 2131 passed last year with updated cost estimates and project revisions provided by the Corps of Engineers.

This legislation authorizes the construction of 37 new flood control, navigation, environmental restoration, hurricane protection and shoreline erosion control and recreation projects. It modifies 43 previously authorized projects and calls on the Corps of Engineers to conduct 29 studies to determine the economic justification of future water resource projects.

Mr. President, the landmark Water Resources Development Act of 1986 established the principle of cost-sharing of economically justified projects that have a federal interest. Local interests are required to share 35 percent of the cost of construction of flood control and hurricane protection and shoreline erosion control projects. The non-federal financial requirements for navigation projects depend on the depth of the project and range from 25 percent to 50 percent of the cost of construction.

The legislation we are introducing today is consistent with the cost sharing provisions of prior water resource laws. Also, the Committee has been consistent in requiring that every new construction project receive a cmpleted project report by the Chief of Engineers before it is included in this legislation.

As the former Chairman of the Subcommittee on Transportation and Infrastructure, I commend Chairman CHAFEE and Senator BAUCUS for standing firm in support of these cost-sharing and economic benefits tests. These policies have proven effective in authorizing projects that are worthy of federal investment and have the strong support of local sponsors. No other approach has been more effective in weeding out questionable projects than requiring either a state or the local government to contribute to the cost of engineering, design and construction of a project.

I am pleased that this financial commitments from local sponsors, that have been thoroughly evaluated and received a report from the Chief of Engineers, and have demonstrated that the economic benefits to be achieved by the project exceed the federal costs.

These fundamental requirements are applied to each project and only those that meet all of these tests are included in this legislation.

Mr. President, this legislation is critically important to many communities who have already contributed significant resources to prepare these projects for authorization. There is ample evidence to confirm that the federal investment in water resource projects is a wise investment of taxpayer dollars. In 1997 alone, Corps flood control projects prevented approximately $45.2 billion in damages. The continued maintenance and deepening of our commercial waterways remains critical to the U.S. successfully competing in a one-world marketplace. The value of commerce on these waterways

totaled over $600 billion in 1996, generating 15.9 million jobs.

It is important for the Committee to enact this bill prior to the appropriations cycle this year. I pledge to work with my colleagues so that the full Senate can soon consider this bill.

At this time, Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

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

S. 507

*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 ''Water Resources Development Act of 1999''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Definition of Secretary.

TITLE I—WATER RESOURCES PROJECTS

Sec. 101. Project authorizations.
Sec. 102. Project modifications.
Sec. 103. Project deauthorizations.
Sec. 104. Studies.

TITLE II—GENERAL PROVISIONS

Sec. 201. Flood hazard mitigation and riverine ecosystem restoration program.
Sec. 202. Shore protection.
Sec. 203. Small flood control authority.
Sec. 204. Use of non-Federal funds for compiling and disseminating information on floods and flood damages.
Sec. 205. Everglades and south Florida ecosystem restoration.
Sec. 206. Aquatic ecosystem restoration.
Sec. 207. Beneficial uses of dredged material.
Sec. 208. Voluntary contributions by States and political subdivisions.
Sec. 209. Recreation user fees.
Sec. 210. Water resources development studies for the Pacific region.
Sec. 211. Missouri and Middle Mississippi Rivers enhancement project.
Sec. 212. Outer Continental Shelf.
Sec. 213. Environmental dredging.
Sec. 214. Benefit of primary flood damages avoided included in benefit-cost analysis.
Sec. 215. Control of aquatic plant growth.
Sec. 216. Environmental infrastructure.
Sec. 217. Watershed management, restoration, and development.
Sec. 218. Lakes program.
Sec. 219. Sediments decontamination policy.
Sec. 220. Disposal of dredged material on beaches.
Sec. 221. Fish and wildlife mitigation.
Sec. 222. Reimbursement of non-Federal interest.
Sec. 223. National Contaminated Sediment Task Force.
Sec. 224. Great Lakes basin program.
Sec. 225. Projects for improvement of the environment.
Sec. 226. Water quality, environmental quality, recreation, fish and wildlife, flood control, and navigation.
Sec. 227. Irrigation diversion protection and fisheries enhancement assistance.
Sec. 228. Small storm damage reduction projects.
Sec. 229. Shore damage prevention or mitigation.

TITLE III—PROJECT-RELATED PROVISIONS

Sec. 301. Dredging of salt ponds in the State of Rhode Island.
Sec. 302. Upper Susquehanna River basin, Pennsylvania and New York.
Sec. 303. Small flood control projects.
Sec. 304. Small navigation projects.
Sec. 305. Streambank protection projects.
Sec. 306. Aquatic ecosystem restoration, Springfield, Oregon.
Sec. 307. Guilford and New Haven, Connecticut.
Sec. 308. Francis Bland Floodway Ditch.
Sec. 309. Caloosahatchee River basin, Florida.
Sec. 310. Cumberland, Maryland, flood project mitigation.
Sec. 311. City of Miami Beach, Florida.
Sec. 312. Sardis Reservoir, Oklahoma.
Sec. 313. Upper Mississippi River and Illinois waterway system navigation modernization.
Sec. 314. Upper Mississippi River management.
Sec. 315. Research and development program for Columbia and Snake Rivers salmon survival.
Sec. 316. Nine Mile Run habitat restoration, Pennsylvania.
Sec. 317. Larkspur Ferry Channel, California.
Sec. 318. Comprehensive Flood Impact-Response Modeling System.
Sec. 319. Study regarding innovative financing for small and medium-sized ports.
Sec. 320. Candy Lake project, Osage County, Oklahoma.
Sec. 321. Salcha River and Piledriver Slough, Fairbanks, Alaska.
Sec. 322. Eyak River, Cordova, Alaska.
Sec. 323. North Padre Island storm damage reduction and environmental restoration project.
Sec. 324. Kanopolis Lake, Kansas.
Sec. 325. New York City watershed.
Sec. 326. City of Charlevoix reimbursement, Michigan.
Sec. 327. Hamilton Dam flood control project, Michigan.
Sec. 328. Holes Creek flood control project, Ohio.
Sec. 329. Overflow management facility, Rhode Island.

**SEC. 2. DEFINITION OF SECRETARY.**

In this Act, the term ''Secretary'' means the Secretary of the Army.

## TITLE I—WATER RESOURCES PROJECTS

**SEC. 101. PROJECT AUTHORIZATIONS.**

(a) PROJECTS WITH CHIEF'S REPORTS.—The following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, described in the respective reports designated in this section:

(1) SAND POINT HARBOR, ALASKA.—The project for navigation, Sand Point Harbor, Alaska: Report of the Chief of Engineers dated October 13, 1998, at a total cost of $11,760,000, with an estimated Federal cost of $6,964,000 and an estimated non-Federal cost of $4,796,000.

(2) RIO SALADO (SALT RIVER), ARIZONA.—The project for environmental restoration, Rio Salado (Salt River), Arizona: Report of the Chief of Engineers dated August 20, 1998, at a total cost of $88,048,000, with an estimated Federal cost of $56,355,000 and an estimated non-Federal cost of $31,693,000.

(3) TUCSON DRAINAGE AREA, ARIZONA.—The project for flood damage reduction, environmental restoration, and recreation, Tucson drainage area, Arizona: Report of the Chief of Engineers dated May 20, 1998, at a total cost of $29,900,000, with an estimated Federal cost of $16,768,000 and an estimated non-Federal cost of $13,132,000.

(4) AMERICAN RIVER WATERSHED, CALIFORNIA.—

(A) IN GENERAL.—The project for flood damage reduction described as the Folsom Stepped Release Plan in the Corps of Engineers Supplemental Information Report for the American River Watershed Project, California, dated March 1996, at a total cost of $505,400,000, with an estimated Federal cost of $329,300,000 and an estimated non-Federal cost of $176,100,000.

(B) IMPLEMENTATION.—

(i) IN GENERAL.—Implementation of the measures by the Secretary pursuant to subparagraph (A) shall be undertaken after completion of the levee stabilization and strengthening and flood warning features authorized by section 101(a)(1) of the Water Resources Development Act of 1996 (110 Stat. 3662).

(ii) FOLSOM DAM AND RESERVOIR.—The Secretary may undertake measures at the Folsom Dam and Reservoir authorized under subparagraph (A) only after reviewing the design of such measures to determine if modifications are necessary to account for changed hydrologic conditions and any other changed conditions in the project area, including operational and construction impacts that have occurred since completion of the report referred to in subparagraph (A). The Secretary shall conduct the review and develop the modifications to the Folsom Dam and Reservoir with the full participation of the Secretary of the Interior.

(iii) REMAINING DOWNSTREAM ELEMENTS.—

(I) IN GENERAL.—Implementation of the remaining downstream elements authorized pursuant to subparagraph (A) may be undertaken only after the Secretary, in consultation with affected Federal, State, regional, and local entities, has reviewed the elements to determine if modifications are necessary to address changes in the hydrologic conditions, any other changed conditions in the project area that have occurred since completion of the report referred to in subparagraph (A) and any design modifications for the Folsom Dam and Reservoir made by the Secretary in implementing the measures referred to in clause (ii), and has issued a report on the review.

(II) PRINCIPLES AND GUIDELINES.—The review shall be prepared in accordance with the economic and environmental principles and guidelines for water and related land resources implementation studies, and no construction may be initiated unless the Secretary determines that the remaining downstream elements are technically sound, environmentally acceptable, and economically justified.

(5) LLAGAS CREEK, CALIFORNIA.—The project for completion of the remaining reaches of the Natural Resources Conservation Service flood control project at Llagas Creek, California, undertaken pursuant to section 5 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1005), substantially in accordance with the requirements of local cooperation as specified in section 4 of that Act (16 U.S.C. 1004) at a total cost of $45,000,000, with an estimated Federal cost of $21,800,000 and an estimated non-Federal share of $23,200,000.

(6) SOUTH SACRAMENTO COUNTY STREAMS, CALIFORNIA.—The project for flood control, environmental restoration, and recreation, South Sacramento County streams, California: Report of the Chief of Engineers dated October 6, 1998, at a total cost of $65,500,000, with an estimated Federal cost of $41,200,000 and an estimated non-Federal cost of $24,300,000.

(7) UPPER GUADALUPE RIVER, CALIFORNIA.—Construction of the locally preferred plan for flood damage reduction and recreation, Upper Guadalupe River, California, described as the Bypass Channel Plan of the Chief of Engineers dated August 19, 1998, at a total

cost of $137,600,000, with an estimated Federal cost of $44,000,000 and an estimated non-Federal cost of $93,600,000.

(8) YUBA RIVER BASIN, CALIFORNIA.—The project for flood damage reduction, Yuba River Basin, California: Report of the Chief of Engineers dated November 25, 1998, at a total cost of $26,600,000, with an estimated Federal cost of $17,350,000 and an estimated non-Federal cost of $9,250,000.

(9) DELAWARE BAY COASTLINE: DELAWARE AND NEW JERSEY-BROADKILL BEACH, DELAWARE.—

(A) IN GENERAL.—The project for hurricane and storm damage reduction and shore protection, Delaware Bay coastline: Delaware and New Jersey-Broadkill Beach, Delaware, Report of the Chief of Engineers dated August 17, 1998, at a total cost of $9,049,000, with an estimated Federal cost of $5,674,000 and an estimated non-Federal cost of $3,375,000.

(B) PERIODIC NOURISHMENT.—Periodic nourishment is authorized for a 50-year period at an estimated average annual cost of $538,200, with an estimated annual Federal cost of $349,800 and an estimated annual non-Federal cost of $188,400.

(10) DELAWARE BAY COASTLINE: DELAWARE AND NEW JERSEY-PORT MAHON, DELAWARE.—

(A) IN GENERAL.—The project for ecosystem restoration and shore protection, Delaware Bay coastline: Delaware and New Jersey-Port Mahon, Delaware: Report of the Chief of Engineers dated September 28, 1998, at a total cost of $7,644,000, with an estimated Federal cost of $4,969,000 and an estimated non-Federal cost of $2,675,000.

(B) PERIODIC NOURISHMENT.—Periodic nourishment is authorized for a 50-year period at an estimated average annual cost of $234,000, with an estimated annual Federal cost of $152,000 and an estimated annual non-Federal cost of $82,000.

(11) HILLSBORO AND OKEECHOBEE AQUIFER STORAGE AND RECOVERY PROJECT, FLORIDA.—The project for aquifer storage and recovery described in the Corps of Engineers Central and Southern Florida Water Supply Study, Florida, dated April 1989, and in House Document 369, dated July 30, 1968, at a total cost of $27,000,000, with an estimated Federal cost of $13,500,000 and an estimated non-Federal cost of $13,500,000.

(12) INDIAN RIVER COUNTY, FLORIDA.—Notwithstanding section 1001(a) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(a)), the project for shoreline protection, Indian River County, Florida, authorized by section 501(a) of that Act (100 Stat. 4134), shall remain authorized for construction through December 31, 2002.

(13) LIDO KEY BEACH, SARASOTA, FLORIDA.—

(A) IN GENERAL.—The project for shore protection at Lido Key Beach, Sarasota, Florida, authorized by section 101 of the River and Harbor Act of 1970 (84 Stat. 1819) and deauthorized by operation of section 1001(b) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)), is authorized to be carried out by the Secretary at a total cost of $5,200,000, with an estimated Federal cost of $3,380,000 and an estimated non-Federal cost of $1,820,000.

(B) PERIODIC NOURISHMENT.—Periodic nourishment is authorized for a 50-year period at an estimated average annual cost of $602,000, with an estimated annual Federal cost of $391,000 and an estimated annual non-Federal cost of $211,000.

(14) TAMPA HARBOR-BIG BEND CHANNEL, FLORIDA.—The project for navigation, Tampa Harbor-Big Bend Channel, Florida: Report of the Chief of Engineers dated October 13, 1998, at a total cost of $12,356,000, with an estimated Federal cost of $6,235,000 and an estimated non-Federal cost of $6,121,000.

(15) BRUNSWICK HARBOR, GEORGIA.—The project for navigation, Brunswick Harbor, Georgia: Report of the Chief of Engineers dated October 6, 1998, at a total cost of $50,717,000, with an estimated Federal cost of $32,966,000 and an estimated non-Federal cost of $17,751,000.

(16) BEARGRASS CREEK, KENTUCKY.—The project for flood damage reduction, Beargrass Creek, Kentucky: Report of the Chief of Engineers dated May 12, 1998, at a total cost of $11,172,000, with an estimated Federal cost of $7,262,000 and an estimated non-Federal cost of $3,910,000.

(17) AMITE RIVER AND TRIBUTARIES, LOUISIANA, EAST BATON ROUGE PARISH WATERSHED.—The project for flood damage reduction and recreation, Amite River and Tributaries, Louisiana, East Baton Rouge Parish Watershed: Report of the Chief of Engineers, dated December 23, 1996, at a total cost of $112,900,000, with an estimated Federal cost of $73,400,000 and an estimated non-Federal cost of $39,500,000.

(18) BALTIMORE HARBOR ANCHORAGES AND CHANNELS, MARYLAND AND VIRGINIA.—The project for navigation, Baltimore Harbor Anchorages and Channels, Maryland and Virginia: Report of the Chief of Engineers, dated June 8, 1998, at a total cost of $28,430,000, with an estimated Federal cost of $19,000,000 and an estimated non-Federal cost of $9,430,000.

(19) RED LAKE RIVER AT CROOKSTON, MINNESOTA.—The project for flood damage reduction, Red Lake River at Crookston, Minnesota: Report of the Chief of Engineers, dated April 20, 1998, at a total cost of $8,950,000, with an estimated Federal cost of $5,720,000 and an estimated non-Federal cost of $3,230,000.

(20) NEW JERSEY SHORE PROTECTION, TOWNSENDS INLET TO CAPE MAY INLET, NEW JERSEY.—

(A) IN GENERAL.—The project for hurricane and storm damage reduction, ecosystem restoration, and shore protection, New Jersey coastline, Townsends Inlet to Cape May Inlet, New Jersey: Report of the Chief of Engineers dated September 28, 1998, at a total cost of $56,503,000, with an estimated Federal cost of $36,727,000 and an estimated non-Federal cost of $19,776,000.

(B) PERIODIC NOURISHMENT.—Periodic nourishment is authorized for a 50-year period at an estimated average annual cost of $2,000,000, with an estimated annual Federal cost of $1,300,000 and an estimated annual non-Federal cost of $700,000.

(21) PARK RIVER, NORTH DAKOTA.—

(A) IN GENERAL.—Subject to the condition stated in subparagraph (B), the project for flood control, Park River, Grafton, North Dakota, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4121) and deauthorized under section 1001(a) of the Water Resources Development Act of 1986 (33 U.S.C. 579a), at a total cost of $28,100,000, with an estimated Federal cost of $18,265,000 and an estimated non-Federal cost of $9,835,000.

(B) CONDITION.—No construction may be initiated unless the Secretary determines through a general reevaluation report using current data, that the project is technically sound, environmentally acceptable, and economically justified.

(22) SALT CREEK, GRAHAM, TEXAS.—The project for flood control, environmental restoration, and recreation, Salt Creek, Graham, Texas: Report of the Chief of Engineers dated October 6, 1998, at a total cost of $10,080,000, with an estimated Federal cost of $6,560,000 and an estimated non-Federal cost of $3,520,000.

(b) PROJECTS SUBJECT TO A FINAL REPORT.—The following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions recommended in a final report of the Chief of Engineers as approved by the Secretary, if the report of the Chief is completed not later than December 31, 1999:

(1) NOME HARBOR IMPROVEMENTS, ALASKA.—The project for navigation, Nome Harbor Improvements, Alaska, at a total cost of $24,608,000, with an estimated first Federal cost of $19,660,000 and an estimated first non-Federal cost of $4,948,000.

(2) SEWARD HARBOR, ALASKA.—The project for navigation, Seward Harbor, Alaska, at a total cost of $12,240,000, with an estimated first Federal cost of $4,364,000 and an estimated first non-Federal cost of $7,876,000.

(3) HAMILTON AIRFIELD WETLAND RESTORATION, CALIFORNIA.—The project for environmental restoration at Hamilton Airfield, California, at a total cost of $55,200,000, with an estimated Federal cost of $41,400,000 and an estimated non-Federal cost of $13,800,000.

(4) OAKLAND, CALIFORNIA.—

(A) IN GENERAL.—The project for navigation and environmental restoration, Oakland, California, at a total cost of $214,340,000, with an estimated Federal cost of $143,450,000 and an estimated non-Federal cost of $70,890,000.

(B) BERTHING AREAS AND OTHER LOCAL SERVICE FACILITIES.—The non-Federal interests shall provide berthing areas and other local service facilities necessary for the project at an estimated cost of $42,310,000.

(5) DELAWARE BAY COASTLINE: DELAWARE AND NEW JERSEY-ROOSEVELT INLET-LEWES BEACH, DELAWARE.—

(A) IN GENERAL.—The project for navigation mitigation, shore protection, and hurricane and storm damage reduction, Delaware Bay coastline: Delaware and New Jersey-Roosevelt Inlet-Lewes Beach, Delaware, at a total cost of $3,393,000, with an estimated Federal cost of $2,620,000 and an estimated non-Federal cost of $773,000.

(B) PERIODIC NOURISHMENT.—Periodic nourishment is authorized for a 50-year period at an estimated average annual cost of $196,000, with an estimated annual Federal cost of $152,000 and an estimated annual non-Federal cost of $44,000.

(6) DELAWARE COAST FROM CAPE HENELOPEN TO FENWICK ISLAND, BETHANY BEACH/SOUTH BETHANY BEACH, DELAWARE.—

(A) IN GENERAL.—The project for hurricane and storm damage reduction and shore protection, Delaware Coast from Cape Henelopen to Fenwick Island, Bethany Beach/South Bethany Beach, Delaware, at a total cost of $22,205,000, with an estimated Federal cost of $14,433,000 and an estimated non-Federal cost of $7,772,000.

(B) PERIODIC NOURISHMENT.—Periodic nourishment is authorized for a 50-year period at an estimated average annual cost of $1,584,000, with an estimated annual Federal cost of $1,030,000 and an estimated annual non-Federal cost of $554,000.

(7) JACKSONVILLE HARBOR, FLORIDA.—The project for navigation, Jacksonville Harbor, Florida, at a total cost of $26,116,000, with an estimated Federal cost of $9,129,000 and an estimated non-Federal cost of $16,987,000.

(8) LITTLE TALBOT ISLAND, DUVAL COUNTY, FLORIDA.—The project for hurricane and storm damage prevention and shore protection, Little Talbot Island, Duval County, Florida, at a total cost of $5,915,000, with an estimated Federal cost of $3,839,000 and an estimated non-Federal cost of $2,076,000.

(9) PONCE DE LEON INLET, VOLUSIA COUNTY, FLORIDA.—The project for navigation and recreation, Ponce de Leon Inlet, Volusia County, Florida, at a total cost of $5,454,000, with an estimated Federal cost of $2,988,000 and an estimated non-Federal cost of $2,466,000.

(10) SAVANNAH HARBOR EXPANSION, GEORGIA.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary may carry out the project for navigation, Savannah Harbor expansion, Georgia, substantially in accordance with the plans, and subject to the conditions, recommended in a final report of the Chief of Engineers, with such modifications as the Secretary deems appropriate, at a total cost of $230,174,000 (of which amount a portion is authorized for implementation of the mitigation plan), with an estimated Federal cost of $145,160,000 and an estimated non-Federal cost of $85,014,000.

(B) CONDITIONS.—The project authorized by subparagraph (A) may be carried out only after—

(i) the Secretary, in consultation with affected Federal, State, regional, and local entities, has reviewed and approved an Environmental Impact Statement that includes—

(I) an analysis of the impacts of project depth alternatives ranging from 42 feet through 48 feet; and

(II) a selected plan for navigation and associated mitigation plan as required by section 906(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2283); and

(ii) the Secretary of the Interior, the Secretary of Commerce, and the Administrator of the Environmental Protection Agency, with the Secretary, have approved the selected plan and have determined that the mitigation plan adequately addresses the potential environmental impacts of the project.

(C) MITIGATION REQUIREMENTS.—The mitigation plan shall be implemented in advance of or concurrently with construction of the project.

(11) TURKEY CREEK BASIN, KANSAS CITY, MISSOURI AND KANSAS CITY, KANSAS.—The project for flood damage reduction, Turkey Creek Basin, Kansas City, Missouri, and Kansas City, Kansas, at a total cost of $42,875,000 with an estimated Federal cost of $25,596,000 and an estimated non-Federal cost of $17,279,000.

(12) LOWER CAPE MAY MEADOWS, CAPE MAY POINT, NEW JERSEY.—

(A) IN GENERAL.—The project for navigation mitigation, ecosystem restoration, shore protection, and hurricane and storm damage reduction, Lower Cape May Meadows, Cape May Point, New Jersey, at a total cost of $15,952,000, with an estimated Federal cost of $12,118,000 and an estimated non-Federal cost of $3,834,000.

(B) PERIODIC NOURISHMENT.—Periodic nourishment is authorized for a 50-year period at an estimated average annual cost of $1,114,000, with an estimated annual Federal cost of $897,000 and an estimated annual non-Federal cost of $217,000.

(13) NEW JERSEY SHORE PROTECTION, BRIGANTINE INLET TO GREAT EGG HARBOR, BRIGANTINE ISLAND, NEW JERSEY.—

(A) IN GENERAL.—The project for hurricane and storm damage reduction and shore protection, New Jersey Shore protection, Brigantine Inlet to Great Egg Harbor, Brigantine Island, New Jersey, at a total cost of $4,970,000, with an estimated Federal cost of $3,230,000 and an estimated non-Federal cost of $1,740,000.

(B) PERIODIC NOURISHMENT.—Periodic nourishment is authorized for a 50-year period at an estimated average annual cost of $465,000, with an estimated annual Federal cost of $302,000 and an estimated annual non-Federal cost of $163,000.

(14) MEMPHIS HARBOR, MEMPHIS, TENNESSEE.—

(A) IN GENERAL.—Subject to subparagraph (B), the project for navigation, Memphis Harbor, Memphis, Tennessee, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4145) and deauthorized under section 1001(a) of that Act (33 U.S.C. 579a(a)) is authorized to be carried out by the Secretary.

(B) CONDITION.—No construction may be initiated unless the Secretary determines through a general reevaluation report using current data, that the project is technically sound, environmentally acceptable, and economically justified.

(15) HOWARD HANSON DAM, WASHINGTON.—The project for water supply and ecosystem restoration, Howard Hanson Dam, Washington, at a total cost of $75,600,000, with an estimated Federal cost of $36,900,000 and an estimated non-Federal cost of $38,700,000.

**SEC. 102. PROJECT MODIFICATIONS.**

(a) PROJECTS WITH REPORTS.—

(1) SAN LORENZO RIVER, CALIFORNIA.—The project for flood control, San Lorenzo River, California, authorized by section 101(a)(5) of the Water Resources Development Act of 1996 (110 Stat. 3663), is modified to authorize the Secretary to include as a part of the project streambank erosion control measures to be undertaken substantially in accordance with the report entitled ''Bank Stabilization Concept, Laurel Street Extension'', dated April 23, 1998, at a total cost of $4,000,000, with an estimated Federal cost of $2,600,000 and an estimated non-Federal cost of $1,400,000.

(2) WOOD RIVER, GRAND ISLAND, NEBRASKA.—The project for flood control, Wood River, Grand Island, Nebraska, authorized by section 101(a)(19) of the Water Resources Development Act of 1996 (110 Stat. 3665) is modified to authorize the Secretary to construct the project in accordance with the Corps of Engineers report dated June 29, 1998, at a total cost of $17,039,000, with an estimated Federal cost of $9,730,000 and an estimated non-Federal cost of $7,309,000.

(3) ABSECON ISLAND, NEW JERSEY.—The project for Absecon Island, New Jersey, authorized by section 101(b)(13) of the Water Resources Development Act of 1996 (110 Stat. 3668) is amended to authorize the Secretary to reimburse the non-Federal interests for all work performed, consistent with the authorized project.

(4) ARTHUR KILL, NEW YORK AND NEW JERSEY.—

(A) IN GENERAL.—The project for navigation, Arthur Kill, New York and New Jersey, authorized by section 202(b) of the Water Resources Development Act of 1986 (100 Stat. 4098) and modified by section 301(b)(11) of the Water Resources Development Act of 1996 (110 Stat. 3711), is further modified to authorize the Secretary to construct the project at a total cost of $276,800,000, with an estimated Federal cost of $183,200,000 and an estimated non-Federal cost of $93,600,000.

(B) BERTHING AREAS AND OTHER LOCAL SERVICE FACILITIES.—The non-Federal interests shall provide berthing areas and other local service facilities necessary for the project at an estimated cost of $38,900,000.

(5) WAURIKA LAKE, OKLAHOMA, WATER CONVEYANCE FACILITIES.—The requirement for the Waurika Project Master Conservancy District to repay the $2,900,000 in costs (including interest) resulting from the October 1991 settlement of the claim of the Travelers Insurance Company before the United States Claims Court related to construction of the water conveyance facilities authorized by the first section of Public Law 88–253 (77 Stat. 841) is waived.

(b) PROJECTS SUBJECT TO REPORTS.—The following projects are modified as follows, except that no funds may be obligated to carry out work under such modifications until completion of a final report by the Chief of Engineers, as approved by the Secretary, finding that such work is technically sound, environmentally acceptable, and economically justified, as applicable:

(1) THORNTON RESERVOIR, COOK COUNTY, ILLINOIS.—

(A) IN GENERAL.—The Thornton Reservoir project, an element of the project for flood control, Chicagoland Underflow Plan, Illinois, authorized by section 3(a)(5) of the Water Resources Development Act of 1988 (102 Stat. 4013), is modified to authorize the Secretary to include additional permanent flood control storage attributable to the Thorn Creek Reservoir project, Little Calumet River Watershed, Illinois, approved under the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001 et seq.).

(B) COST SHARING.—Costs for the Thornton Reservoir project shall be shared in accordance with section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213).

(C) TRANSITIONAL STORAGE.—The Secretary of Agriculture may cooperate with non-Federal interests to provide, on a transitional basis, flood control storage for the Thorn Creek Reservoir project in the west lobe of the Thornton quarry.

(D) CREDITING.—The Secretary may credit against the non-Federal share of the Thornton Reservoir project all design and construction costs incurred by the non-Federal interests before the date of enactment of this Act.

(E) REEVALUATION REPORT.—The Secretary shall determine the credits authorized by subparagraph (D) that are integral to the Thornton Reservoir project and the current total project costs based on a limited reevaluation report.

(2) WELLS HARBOR, WELLS, MAINE.—

(A) IN GENERAL.—The project for navigation, Wells Harbor, Maine, authorized by section 101 of the River and Harbor Act of 1960 (74 Stat. 480), is modified to authorize the Secretary to realign the channel and anchorage areas based on a harbor design capacity of 150 craft.

(B) DEAUTHORIZATION OF CERTAIN PORTIONS.—The following portions of the project are not authorized after the date of enactment of this Act:

(i) The portion of the 6-foot channel the boundaries of which begin at a point with coordinates N177,992.00, E394,831.00, thence running south 83 degrees 58 minutes 14.8 seconds west 10.38 feet to a point N177,990.91, E394,820.68, thence running south 11 degrees 46 minutes 47.7 seconds west 991.76 feet to a point N177,020.04, E394,618.21, thence running south 78 degrees 13 minutes 45.7 seconds east 10.00 feet to a point N177,018.00, E394,628.00, thence running north 11 degrees 46 minutes 22.8 seconds east 994.93 feet to the point of origin.

(ii) The portion of the 6-foot anchorage the boundaries of which begin at a point with coordinates N177,778.07, E394,336.96, thence running south 51 degrees 58 minutes 32.7 seconds west 15.49 feet to a point N177,768.53, E394,324.76, thence running south 11 degrees 46 minutes 26.5 seconds west 672.87 feet to a point N177,109.82, E394,187.46, thence running south 78 degrees 13 minutes 45.7 seconds east 10.00 feet to a point N177,107.78, E394,197.25, thence running north 11 degrees 46 minutes 25.4 seconds east 684.70 feet to the point of origin.

(iii) The portion of the 10-foot settling basin the boundaries of which begin at a point with coordinates N177,107.78, E394,197.25, thence running north 78 degrees 13 minutes 45.7 seconds west 10.00 feet to a point N177,109.82, E394,187.46, thence running south 11 degrees 46 minutes 15.7 seconds west 300.00 feet to a point N176,816.13, E394,126.26, thence running south 78 degrees 12 minutes 21.4 seconds east 9.98 feet to a point N176,814.09, E394,136.03, thence running north

11 degrees 46 minutes 29.1 seconds east 300.00 feet to the point of origin.

(iv) The portion of the 10-foot settling basin the boundaries of which begin at a point with coordinates N177,018.00, E394,628.00, thence running north 78 degrees 13 minutes 45.7 seconds west 10.00 feet to a point N177,020.04, E394,618.21, thence running south 11 degrees 46 minutes 44.0 seconds west 300.00 feet to a point N176,726.36, E394,556.97, thence running south 78 degrees 12 minutes 30.3 seconds east 10.03 feet to a point N176,724.31, E394,566.79, thence running north 11 degrees 46 minutes 22.4 seconds east 300.00 feet to the point of origin.

(C) REDESIGNATIONS.—The following portions of the project shall be redesignated as part of the 6-foot anchorage:

(i) The portion of the 6-foot channel the boundaries of which begin at a point with coordinates N177,990.91, E394,820.68, thence running south 83 degrees 58 minutes 40.8 seconds west 94.65 feet to a point N177,980.98, E394,726.55, thence running south 11 degrees 46 minutes 22.4 seconds west 962.83 feet to a point N177,038.40, E394,530.10, thence running south 78 degrees 13 minutes 45.7 seconds east 90.00 feet to a point N177,020.04, E394,618.21, thence running north 11 degrees 46 minutes 47.7 seconds east 991.76 feet to the point of origin.

(ii) The portion of the 10-foot inner harbor settling basin the boundaries of which begin at a point with coordinates N177,020.04, E394,618.21, thence running north 78 degrees 13 minutes 30.5 seconds west 160.00 feet to a point N177,052.69, E394,461.58, thence running south 11 degrees 46 minutes 45.4 seconds west 299.99 feet to a point N176,759.02, E394,400.34, thence running south 78 degrees 13 minutes 17.9 seconds east 160 feet to a point N176,726.36, E394,556.97, thence running north 11 degrees 46 minutes 44.0 seconds east 300.00 feet to the point of origin.

(iii) The portion of the 6-foot anchorage the boundaries of which begin at a point with coordinates N178,102.26, E394,751.83, thence running south 51 degrees 59 minutes 42.1 seconds west 526.51 feet to a point N177,778.07, E394,336.96, thence running south 11 degrees 46 minutes 26.6 seconds west 511.83 feet to a point N177,277.01, E394,232.52, thence running south 78 degrees 13 minutes 17.9 seconds east 80.00 feet to a point N177,260.68, E394,310.84, thence running north 11 degrees 46 minutes 24.8 seconds east 482.54 feet to a point N177,733.07, E394,409.30, thence running north 51 degrees 59 minutes 41.0 seconds east 402.63 feet to a point N177,980.98, E394,726.55, thence running north 11 degrees 46 minutes 27.6 seconds east 123.89 feet to the point of origin.

(D) REALIGNMENT.—The 6-foot anchorage area described in subparagraph (C)(iii) shall be realigned to include the area located south of the inner harbor settling basin in existence on the date of enactment of this Act beginning at a point with coordinates N176,726.36, E394,556.97, thence running north 78 degrees 13 minutes 17.9 seconds west 160.00 feet to a point N176,759.02, E394,400.34, thence running south 11 degrees 47 minutes 03.8 seconds west 45 feet to a point N176,714.97, E394,391.15, thence running south 78 degrees 13 minutes 17.9 seconds 160.00 feet to a point N176,682.31, E394,547.78, thence running north 11 degrees 47 minutes 03.8 seconds east 45 feet to the point of origin.

(E) RELOCATION.—The Secretary may relocate the settling basin feature of the project to the outer harbor between the jetties.

(3) NEW YORK HARBOR AND ADJACENT CHANNELS, PORT JERSEY, NEW JERSEY.—The project for navigation, New York Harbor and Adjacent Channels, Port Jersey, New Jersey, authorized by section 202(b) of the Water Resources Development Act of 1986 (100 Stat. 4098), is modified to authorize the Secretary to construct the project at a total cost of $103,267,000, with an estimated Federal cost of $76,909,000 and an estimated non-Federal cost of $26,358,000.

(c) BEAVER LAKE, ARKANSAS, WATER SUPPLY STORAGE REALLOCATION.—The Secretary shall reallocate approximately 31,000 additional acre-feet at Beaver Lake, Arkansas, to water supply storage at no cost to the Beaver Water District or the Carroll-Boone Water District, except that at no time shall the bottom of the conservation pool be at an elevation that is less than 1,076 feet, NGVD.

(d) TOLCHESTER CHANNEL S-TURN, BALTIMORE, MARYLAND.—The project for navigation, Baltimore Harbor and Channels, Maryland, authorized by section 101 of the River and Harbor Act of 1958 (72 Stat. 297), is modified to direct the Secretary to straighten the Tolchester Channel S-turn as part of project maintenance.

(e) TROPICANA WASH AND FLAMINGO WASH, NEVADA.—Any Federal costs associated with the Tropicana and Flamingo Washes, Nevada, authorized by section 101(13) of the Water Resources Development Act of 1992 (106 Stat. 4803), incurred by the non-Federal interest to accelerate or modify construction of the project, in cooperation with the Corps of Engineers, shall be considered to be eligible for reimbursement by the Secretary.

(f) REDIVERSION PROJECT, COOPER RIVER, CHARLESTON HARBOR, SOUTH CAROLINA.—

(1) IN GENERAL.—The rediversion project, Cooper River, Charleston Harbor, South Carolina, authorized by section 101 of the River and Harbor Act of 1968 (82 Stat. 731) and modified by title I of the Energy and Water Development Appropriations Act, 1992 (105 Stat. 517), is modified to authorize the Secretary to pay the State of South Carolina not more than $3,750,000, if the State enters into an agreement with the Secretary providing that the State shall perform all future operation of the St. Stephen, South Carolina, fish lift (including associated studies to assess the efficacy of the fish lift).

(2) CONTENTS.—The agreement shall specify the terms and conditions under which payment will be made and the rights of, and remedies available to, the Secretary to recover all or a portion of the payment if the State suspends or terminates operation of the fish lift or fails to perform the operation in a manner satisfactory to the Secretary.

(3) MAINTENANCE.—Maintenance of the fish lift shall remain a Federal responsibility.

(g) TRINITY RIVER AND TRIBUTARIES, TEXAS.—The project for flood control and navigation, Trinity River and tributaries, Texas, authorized by section 301 of the River and Harbor Act of 1965 (79 Stat. 1091), is modified to add environmental restoration as a project purpose.

(h) BEACH EROSION CONTROL AND HURRICANE PROTECTION, VIRGINIA BEACH, VIRGINIA.—

(1) ACCEPTANCE OF FUNDS.—In any fiscal year that the Corps of Engineers does not receive appropriations sufficient to meet expected project expenditures for that year, the Secretary shall accept from the city of Virginia Beach, Virginia, for purposes of the project for beach erosion control and hurricane protection, Virginia Beach, Virginia, authorized by section 501(a) of the Water Resources Development Act of 1986 (100 Stat. 4136), such funds as the city may advance for the project.

(2) REPAYMENT.—Subject to the availability of appropriations, the Secretary shall repay, without interest, the amount of any advance made under paragraph (1), from appropriations that may be provided by Congress for river and harbor, flood control, shore protection, and related projects.

(i) ELIZABETH RIVER, CHESAPEAKE, VIRGINIA.—Notwithstanding any other provision of law, after the date of enactment of this Act, the city of Chesapeake, Virginia, shall not be obligated to make the annual cash contribution required under paragraph 1(9) of the Local Cooperation Agreement dated December 12, 1978, between the Government and the city for the project for navigation, southern branch of Elizabeth River, Chesapeake, Virginia.

(j) PAYMENT OPTION, MOOREFIELD, WEST VIRGINIA.—The Secretary may permit the non-Federal interests for the project for flood control, Moorefield, West Virginia, to pay without interest the remaining non-Federal cost over a period not to exceed 30 years, to be determined by the Secretary.

(k) MIAMI DADE AGRICULTURAL AND RURAL LAND RETENTION PLAN AND SOUTH BISCAYNE, FLORIDA.—Section 528(b)(3) of the Water Resources Development Act of 1996 (110 Stat. 3768) is amended by adding at the end the following:

''(D) CREDIT AND REIMBURSEMENT OF PAST AND FUTURE ACTIVITIES.—The Secretary may afford credit to or reimburse the non-Federal sponsors (using funds authorized by subparagraph (C)) for the reasonable costs of any work that has been performed or will be performed in connection with a study or activity meeting the requirements of subparagraph (A) if—

''(i) the Secretary determines that—

''(I) the work performed by the non-Federal sponsors will substantially expedite completion of a critical restoration project; and

''(II) the work is necessary for a critical restoration project; and

''(ii) the credit or reimbursement is granted pursuant to a project-specific agreement that prescribes the terms and conditions of the credit or reimbursement.''.

(l) LAKE MICHIGAN, ILLINOIS.—

(1) IN GENERAL.—The project for storm damage reduction and shoreline protection, Lake Michigan, Illinois, from Wilmette, Illinois, to the Illinois-Indiana State line, authorized by section 101(a)(12) of the Water Resources Development Act of 1996 (110 Stat. 3664), is modified to provide for reimbursement for additional project work undertaken by the non-Federal interest.

(2) CREDIT OR REIMBURSEMENT.—The Secretary shall credit or reimburse the non-Federal interest for the Federal share of project costs incurred by the non-Federal interest in designing, constructing, or reconstructing reach 2F (700 feet south of Fullerton Avenue and 500 feet north of Fullerton Avenue), reach 3M (Meigs Field), and segments 7 and 8 of reach 4 (43rd Street to 57th Street), if the non-Federal interest carries out the work in accordance with plans approved by the Secretary, at an estimated total cost of $83,300,000.

(3) REIMBURSEMENT.—The Secretary shall reimburse the non-Federal interest for the Federal share of project costs incurred by the non-Federal interest in reconstructing the revetment structures protecting Solidarity Drive in Chicago, Illinois, before the signing of the project cooperation agreement, at an estimated total cost of $7,600,000.

(m) MEASUREMENTS OF LAKE MICHIGAN DIVERSIONS, ILLINOIS.—Section 1142(b) of the Water Resources Development Act of 1986 (100 Stat. 4253) is amended by striking ''$250,000 per fiscal year for each fiscal year beginning after September 30, 1986'' and inserting ''a total of $1,250,000 for each of fiscal years 1999 through 2003''.

(n) PROJECT FOR NAVIGATION, DUBUQUE, IOWA.—The project for navigation at Dubuque, Iowa, authorized by section 101 of the River and Harbor Act of 1960 (74 Stat. 482), is modified to authorize the development of a

wetland demonstration area of approximately 1.5 acres to be developed and operated by the Dubuque County Historical Society or a successor nonprofit organization.

(o) LOUISIANA STATE PENITENTIARY LEVEE.—The Secretary may credit against the non-Federal share work performed in the project area of the Louisiana State Penitentiary Levee, Mississippi River, Louisiana, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4117).

(p) JACKSON COUNTY, MISSISSIPPI.—The project for environmental infrastructure, Jackson County, Mississippi, authorized by section 219(c)(5) of the Water Resources Development Act of 1992 (106 Stat. 4835) and modified by section 504 of the Water Resources Development Act of 1996 (110 Stat. 3757), is modified to direct the Secretary to provide a credit, not to exceed $5,000,000, against the non-Federal share of the cost of the project for the costs incurred by the Jackson County Board of Supervisors since February 8, 1994, in constructing the project, if the Secretary determines that such costs are for work that the Secretary determines was compatible with and integral to the project.

(q) RICHARD B. RUSSELL DAM AND LAKE, SOUTH CAROLINA.—

(1) IN GENERAL.—Except as otherwise provided in this paragraph, the Secretary shall convey to the State of South Carolina all right, title, and interest of the United States in the parcels of land described in subparagraph (B) that are currently being managed by the South Carolina Department of Natural Resources for fish and wildlife mitigation purposes for the Richard B. Russell Dam and Lake, South Carolina, project authorized by the Flood Control Act of 1966 and modified by the Water Resources Development Act of 1986.

(2) LAND DESCRIPTION.—

(A) IN GENERAL.—The parcels of land to be conveyed are described in Exhibits A, F, and H of Army Lease No. DACW21–1–93–0910 and associated supplemental agreements or are designated in red in Exhibit A of Army License No. DACW21–3–85–1904, excluding all designated parcels in the license that are below elevation 346 feet mean sea level or that are less than 300 feet measured horizontally from the top of the power pool.

(B) MANAGEMENT OF EXCLUDED PARCELS.—Management of the excluded parcels shall continue in accordance with the terms of Army License No. DACW21–3–85–1904 until the Secretary and the State enter into an agreement under subparagraph (F).

(C) SURVEY.—The exact acreage and legal description of the land shall be determined by a survey satisfactory to the Secretary, with the cost of the survey borne by the State.

(3) COSTS OF CONVEYANCE.—The State shall be responsible for all costs, including real estate transaction and environmental compliance costs, associated with the conveyance.

(4) PERPETUAL STATUS.—

(A) IN GENERAL.—All land conveyed under this paragraph shall be retained in public ownership and shall be managed in perpetuity for fish and wildlife mitigation purposes in accordance with a plan approved by the Secretary.

(B) REVERSION.—If any parcel of land is not managed for fish and wildlife mitigation purposes in accordance with the plan, title to the parcel shall revert to the United States.

(5) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance as the Secretary considers appropriate to protect the interests of the United States.

(6) FISH AND WILDLIFE MITIGATION AGREEMENT.—

(A) IN GENERAL.—The Secretary may pay the State of South Carolina not more than $4,850,000 subject to the Secretary and the State entering into a binding agreement for the State to manage for fish and wildlife mitigation purposes in perpetuity the lands conveyed under this paragraph and excluded parcels designated in Exhibit A of Army License No. DACW21–3–85–1904.

(B) FAILURE OF PERFORMANCE.—The agreement shall specify the terms and conditions under which payment will be made and the rights of, and remedies available to, the Federal Government to recover all or a portion of the payment if the State fails to manage any parcel in a manner satisfactory to the Secretary.

(r) LAND CONVEYANCE, CLARKSTON, WASHINGTON.—

(1) IN GENERAL.—The Secretary shall convey to the Port of Clarkston, Washington, all right, title, and interest of the United States in and to a portion of the land described in the Department of the Army lease No. DACW68–1–97–22, consisting of approximately 31 acres, the exact boundaries of which shall be determined by the Secretary and the Port of Clarkston.

(2) ADDITIONAL LAND.—The Secretary may convey to the Port of Clarkston, Washington, at fair market value as determined by the Secretary, such additional land located in the vicinity of Clarkston, Washington, as the Secretary determines to be excess to the needs of the Columbia River Project and appropriate for conveyance.

(3) TERMS AND CONDITIONS.—The conveyances made under subsections (a) and (b) shall be subject to such terms and conditions as the Secretary determines to be necessary to protect the interests of the United States, including a requirement that the Port of Clarkston pay all administrative costs associated with the conveyances, including the cost of land surveys and appraisals and costs associated with compliance with applicable environmental laws (including regulations).

(4) USE OF LAND.—The Port of Clarkston shall be required to pay the fair market value, as determined by the Secretary, of any land conveyed pursuant to subsection (a) that is not retained in public ownership or is used for other than public park or recreation purposes, except that the Secretary shall have a right of reverter to reclaim possession and title to any such land.

(s) WHITE RIVER, INDIANA.—The project for flood control, Indianapolis on West Fork of the White River, Indiana, authorized by section 5 of the Act entitled ''An Act authorizing the construction of certain public works on rivers and harbors for flood control, and other purposes'', approved June 22, 1936 (49 Stat. 1586, chapter 688), as modified by section 323 of the Water Resources Development Act of 1996 (110 Stat. 3716), is modified to authorize the Secretary to undertake the riverfront alterations described in the Central Indianapolis Waterfront Concept Plan, dated February 1994, for the Canal Development (Upper Canal feature) and the Beveridge Paper feature, at a total cost not to exceed $25,000,000, of which $12,500,000 is the estimated Federal cost and $12,500,000 is the estimated non-Federal cost, except that no such alterations may be undertaken unless the Secretary determines that the alterations authorized by this subsection, in combination with the alterations undertaken under section 323 of the Water Resources Development Act of 1996 (110 Stat. 3716), are economically justified.

(t) FOX POINT HURRICANE BARRIER, PROVIDENCE, RHODE ISLAND.—The project for hurricane-flood protection, Fox Point, Providence, Rhode Island, authorized by section 203 of the Flood Control Act of 1958 (72 Stat. 306) is modified to direct the Secretary to undertake the necessary repairs to the barrier, as identified in the Condition Survey and Technical Assessment dated April 1998 with Supplement dated August 1998, at a total cost of $3,000,000, with an estimated Federal cost of $1,950,000 and an estimated non-Federal cost of $1,050,000.

**SEC. 103. PROJECT DEAUTHORIZATIONS.**

(a) BRIDGEPORT HARBOR, CONNECTICUT.—The portion of the project for navigation, Bridgeport Harbor, Connecticut, authorized by section 101 of the River and Harbor Act of 1958 (72 Stat. 297), consisting of a 2.4-acre anchorage area 9 feet deep and an adjacent 0.60-acre anchorage area 6 feet deep, located on the west side of Johnsons River, Connecticut, is not authorized after the date of enactment of this Act.

(b) BASS HARBOR, MAINE.—

(1) DEAUTHORIZATION.—The portions of the project for navigation, Bass Harbor, Maine, authorized on May 7, 1962, under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) described in paragraph (2) are not authorized after the date of enactment of this Act.

(2) DESCRIPTION.—The portions of the project referred to in paragraph (1) are described as follows:

(A) Beginning at a bend in the project, N149040.00, E538505.00, thence running easterly about 50.00 feet along the northern limit of the project to a point, N149061.55, E538550.11, thence running southerly about 642.08 feet to a point, N148477.64, E538817.18, thence running southwesterly about 156.27 feet to a point on the westerly limit of the project, N148348.50, E538737.02, thence running northerly about 149.00 feet along the westerly limit of the project to a bend in the project, N148489.22, E538768.09, thence running northwesterly about 610.39 feet along the westerly limit of the project to the point of origin.

(B) Beginning at a point on the westerly limit of the project, N148118.55, E538689.05, thence running southeasterly about 91.92 feet to a point, N148041.43, E538739.07, thence running southerly about 65.00 feet to a point, N147977.86, E538725.51, thence running southwesterly about 91.92 feet to a point on the westerly limit of the project, N147927.84, E538648.39, thence running northerly about 195.00 feet along the westerly limit of the project to the point of origin.

(c) BOOTHBAY HARBOR, MAINE.—The project for navigation, Boothbay Harbor, Maine, authorized by the Act of July 25, 1912 (37 Stat. 201, chapter 253), is not authorized after the date of enactment of this Act.

(d) EAST BOOTHBAY HARBOR, MAINE.—Section 364 of the Water Resources Development Act of 1996 (110 Stat. 3731) is amended by striking paragraph (9) and inserting the following:

''(9) EAST BOOTHBAY HARBOR, MAINE.—The project for navigation, East Boothbay Harbor, Maine, authorized by the first section of the Act entitled 'An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes', approved June 25, 1910 (36 Stat. 657).''.

**SEC. 104. STUDIES.**

(a) CADDO LEVEE, RED RIVER BELOW DENISON DAM, ARIZONA, LOUISIANA, OKLAHOMA, AND TEXAS.—The Secretary shall conduct a study to determine the feasibility of undertaking a project for flood control, Caddo Levee, Red River Below Denison Dam, Arizona, Louisiana, Oklahoma, and Texas, including incorporating the existing levee, along Twelve Mile Bayou from its juncture with the existing Red River Below Denison Dam Levee approximately 26 miles upstream

to its terminus at high ground in the vicinity of Black Bayou, Louisiana.

(b) FIELDS LANDING CHANNEL, HUMBOLDT HARBOR, CALIFORNIA.—The Secretary—

(1) shall conduct a study for the project for navigation, Fields Landing Channel, Humboldt Harbor and Bay, California, to a depth of minus 35 feet (MLLW), and for that purpose may use any feasibility report prepared by the non-Federal sponsor under section 203 of the Water Resources Development Act of 1986 (33 U.S.C. 2231) for which reimbursement of the Federal share of the study is authorized subject to the availability of appropriations; and

(2) may carry out the project under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), if the Secretary determines that the project is feasible.

(c) STRAWBERRY CREEK, BERKELEY, CALIFORNIA.—The Secretary shall conduct a study to determine the feasibility of restoring Strawberry Creek, Berkeley, California, and the Federal interest in environmental restoration, conservation of fish and wildlife resources, recreation, and water quality.

(d) WEST SIDE STORM WATER RETENTION FACILITY, CITY OF LANCASTER, CALIFORNIA.—The Secretary shall conduct a study to determine the feasibility of undertaking measures to construct the West Side Storm Water Retention Facility in the city of Lancaster, California.

(e) APALACHICOLA RIVER, FLORIDA.—The Secretary shall conduct a study for the purpose of identifying—

(1) alternatives for the management of material dredged in connection with operation and maintenance of the Apalachicola River Navigation Project; and

(2) alternatives that reduce the requirements for such dredging.

(f) BROWARD COUNTY, SAND BYPASSING AT PORT EVERGLADES, FLORIDA.—The Secretary shall conduct a study to determine the feasibility of constructing a sand bypassing project at the Port Everglades Inlet, Florida.

(g) CITY OF DESTIN-NORIEGA POINT BREAKWATER, FLORIDA.—The Secretary shall conduct a study to determine the feasibility of—

(1) restoring Noriega Point, Florida, to serve as a breakwater for Destin Harbor; and

(2) including Noriega Point as part of the East Pass, Florida, navigation project.

(h) GATEWAY TRIANGLE REDEVELOPMENT AREA, FLORIDA.—

(1) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of undertaking measures to reduce the flooding problems in the vicinity of Gateway Triangle Redevelopment Area, Florida.

(2) STUDIES AND REPORTS.—The study shall include a review and consideration of studies and reports completed by the non-Federal interests.

(i) CITY OF PLANT CITY, FLORIDA.—

(1) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of a flood control project in the city of Plant City, Florida.

(2) STUDIES AND REPORTS.—In conducting the study, the Secretary shall review and consider studies and reports completed by the non-Federal interests.

(j) GOOSE CREEK WATERSHED, OAKLEY, IDAHO.—The Secretary shall conduct a study to determine the feasibility of undertaking flood damage reduction, water conservation, ground water recharge, ecosystem restoration, and related purposes along the Goose Creek watershed near Oakley, Idaho.

(k) ACADIANA NAVIGATION CHANNEL, LOUISIANA.—The Secretary shall conduct a study to determine the feasibility of assuming operations and maintenance for the Acadiana Navigation Channel located in Iberia and Vermillion Parishes, Louisiana.

(l) CAMERON PARISH WEST OF CALCASIEU RIVER, LOUISIANA.—The Secretary shall conduct a study to determine the feasibility of a storm damage reduction and ecosystem restoration project for Cameron Parish west of Calcasieu River, Louisiana.

(m) BENEFICIAL USE OF DREDGED MATERIAL, COASTAL LOUISIANA.—The Secretary shall conduct a study to determine the feasibility of using dredged material from maintenance activities at Federal navigation projects in coastal Louisiana to benefit coastal areas in the State.

(n) CONTRABAND BAYOU NAVIGATION CHANNEL, LOUISIANA.—The Secretary shall conduct a study to determine the feasibility of assuming the maintenance at Contraband Bayou, Calcasieu River Ship Canal, Louisiana.

(o) GOLDEN MEADOW LOCK, LOUISIANA.—The Secretary shall conduct a study to determine the feasibility of converting the Golden Meadow floodgate into a navigation lock to be included in the Larose to Golden Meadow Hurricane Protection Project, Louisiana.

(p) GULF INTRACOASTAL WATERWAY ECOSYSTEM PROTECTION, CHEF MENTEUR TO SABINE RIVER, LOUISIANA.—

(1) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of undertaking ecosystem restoration and protection measures along the Gulf Intracoastal Waterway from Chef Menteur to Sabine River, Louisiana.

(2) MATTERS TO BE ADDRESSED.—The study shall address saltwater intrusion, tidal scour, erosion, and other water resources related problems in that area.

(q) LAKE PONTCHARTRAIN, LOUISIANA, AND VICINITY, ST. CHARLES PARISH PUMPS.—The Secretary shall conduct a study to determine the feasibility of modifying the Lake Pontchartrain Hurricane Protection Project to include the St. Charles Parish Pumps and the modification of the seawall fronting protection along Lake Pontchartrain in Orleans Parish, from New Basin Canal on the west to the Inner Harbor Navigation Canal on the east.

(r) LAKE PONTCHARTRAIN AND VICINITY SEAWALL RESTORATION, LOUISIANA.—The Secretary shall conduct a study to determine the feasibility of undertaking structural modifications of that portion of the seawall fronting protection along the south shore of Lake Pontchartrain in Orleans Parish, Louisiana, extending approximately 5 miles from the new basin Canal on the west to the Inner Harbor Navigation Canal on the east as a part of the Lake Pontchartrain and Vicinity Hurricane Protection Project, authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1077).

(s) DETROIT RIVER, MICHIGAN, GREENWAY CORRIDOR STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of a project for shoreline protection, frontal erosion, and associated purposes in the Detroit River shoreline area from the Belle Isle Bridge to the Ambassador Bridge in Detroit, Michigan.

(2) POTENTIAL MODIFICATIONS.—As a part of the study, the Secretary shall review potential project modifications to any existing Corps projects within the same area.

(t) ST. CLAIR SHORES FLOOD CONTROL, MICHIGAN.—The Secretary shall conduct a study to determine the feasibility of constructing a flood control project at St. Clair Shores, Michigan.

(u) WOODTICK PENINSULA, MICHIGAN, AND TOLEDO HARBOR, OHIO.—The Secretary shall conduct a study to determine the feasibility of utilizing dredged material from Toledo Harbor, Ohio, to provide erosion reduction, navigation, and ecosystem restoration at Woodtick Peninsula, Michigan.

(v) TUNICA LAKE WEIR, MISSISSIPPI.—

(1) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of constructing an outlet weir at Tunica Lake, Tunica County, Mississippi, and Lee County, Arkansas, for the purpose of stabilizing water levels in the Lake.

(2) ECONOMIC ANALYSIS.—In carrying out the study, the Secretary shall include as a part of the economic analysis the benefits derived from recreation uses at the Lake and economic benefits associated with restoration of fish and wildlife habitat.

(w) PROTECTIVE FACILITIES FOR THE ST. LOUIS, MISSOURI, RIVERFRONT AREA.—

(1) STUDY.—The Secretary shall conduct a study to determine the optimal plan to protect facilities that are located on the Mississippi River riverfront within the boundaries of St. Louis, Missouri.

(2) REQUIREMENTS.—In conducting the study, the Secretary shall—

(A) evaluate alternatives to offer safety and security to facilities; and

(B) use state-of-the-art techniques to best evaluate the current situation, probable solutions, and estimated costs.

(3) REPORT.—Not later than April 15, 1999, the Secretary shall submit to Congress a report on the results of the study.

(x) YELLOWSTONE RIVER, MONTANA.—

(1) STUDY.—The Secretary shall conduct a comprehensive study of the Yellowstone River from Gardiner, Montana to the confluence of the Missouri River to determine the hydrologic, biological, and socioeconomic cumulative impacts on the river.

(2) CONSULTATION AND COORDINATION.—The Secretary shall conduct the study in consultation with the United States Fish and Wildlife Service, the United States Geological Survey, and the Natural Resources Conservation Service and with the full participation of the State of Montana and tribal and local entities, and provide for public participation.

(3) REPORT.—Not later than 5 years after the date of enactment of this Act, the Secretary shall submit a report to Congress on the results of the study.

(y) LAS VEGAS VALLEY, NEVADA.—

(1) IN GENERAL.—The Secretary shall conduct a comprehensive study of water resources located in the Las Vegas Valley, Nevada.

(2) OBJECTIVES.—The study shall identify problems and opportunities related to ecosystem restoration, water quality, particularly the quality of surface runoff, water supply, and flood control.

(z) OSWEGO RIVER BASIN, NEW YORK.—The Secretary shall conduct a study to determine the feasibility of establishing a flood forecasting system within the Oswego River basin, New York.

(aa) PORT OF NEW YORK-NEW JERSEY NAVIGATION STUDY AND ENVIRONMENTAL RESTORATION STUDY.—

(1) NAVIGATION STUDY.—The Secretary shall conduct a comprehensive study of navigation needs at the Port of New York-New Jersey (including the South Brooklyn Marine and Red Hook Container Terminals, Staten Island, and adjacent areas) to address improvements, including deepening of existing channels to depths of 50 feet or greater, that are required to provide economically efficient and environmentally sound navigation to meet current and future requirements.

(2) ENVIRONMENTAL RESTORATION STUDY.—The Secretary, acting through the Chief of Engineers, shall review the report of the Chief of Engineers on the New York Harbor, printed in the House Management Plan of the Harbor Estuary Program, and other pertinent reports concerning the New York Harbor Region and the Port of New York-New Jersey, to determine the Federal interest in advancing harbor environmental restoration.

(3) REPORT.—The Secretary may use funds from the ongoing navigation study for New York and New Jersey Harbor to complete a reconnaissance report for environmental restoration by December 31, 1999. The navigation study to deepen New York and New Jersey Harbor shall consider beneficial use of dredged material.

(bb) BANK STABILIZATION, MISSOURI RIVER, NORTH DAKOTA.—

(1) STUDY.—

(A) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of bank stabilization on the Missouri River between the Garrison Dam and Lake Oahe in North Dakota.

(B) ELEMENTS.—In conducting the study, the Secretary shall study—

(i) options for stabilizing the erosion sites on the banks of the Missouri River between the Garrison Dam and Lake Oahe identified in the report developed by the North Dakota State Water Commission, dated December 1997, including stabilization through nontraditional measures;

(ii) the cumulative impact of bank stabilization measures between the Garrison Dam and Lake Oahe on fish and wildlife habitat and the potential impact of additional stabilization measures, including the impact of nontraditional stabilization measures;

(iii) the current and future effects, including economic and fish and wildlife habitat effects, that bank erosion is having on creating the delta at the beginning of Lake Oahe; and

(iv) the impact of taking no additional measures to stabilize the banks of the Missouri River between the Garrison Dam and Lake Oahe.

(C) INTERESTED PARTIES.—In conducting the study, the Secretary shall, to the maximum extent practicable, seek the participation and views of interested Federal, State, and local agencies, landowners, conservation organizations, and other persons.

(D) REPORT.—

(i) IN GENERAL.—The Secretary shall report to Congress on the results of the study not later than 1 year after the date of enactment of this Act.

(ii) STATUS.—If the Secretary cannot complete the study and report to Congress by the day that is 1 year after the date of enactment of this Act, the Secretary shall, by that day, report to Congress on the status of the study and report, including an estimate of the date of completion.

(2) EFFECT ON EXISTING PROJECTS.—This subsection does not preclude the Secretary from establishing or carrying out a stabilization project that is authorized by law.

(cc) CLEVELAND HARBOR, CLEVELAND, OHIO.—The Secretary shall conduct a study to determine the feasibility of undertaking repairs and related navigation improvements at Dike 14, Cleveland, Ohio.

(dd) EAST LAKE, VERMILLION AND CHAGRIN, OHIO.—

(1) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of undertaking flood damage reduction at East Lake, Vermillion and Chagrin, Ohio.

(2) ICE RETENTION STRUCTURE.—In conducting the study, the Secretary may consider construction of an ice retention structure as a potential means of providing flood damage reduction.

(ee) TOUSSAINT RIVER, CARROLL TOWNSHIP, OHIO.—The Secretary shall conduct a study to determine the feasibility of undertaking navigation improvements at Toussaint River, Carroll Township, Ohio.

(ff) SANTEE DELTA WETLAND HABITAT, SOUTH CAROLINA.—Not later than 18 months after the date of enactment of this Act, the Secretary shall complete a comprehensive study of the ecosystem in the Santee Delta focus area of South Carolina to determine the feasibility of undertaking measures to enhance the wetland habitat in the area.

(gg) WACCAMAW RIVER, SOUTH CAROLINA.—The Secretary shall conduct a study to determine the feasibility of a flood control project for the Waccamaw River in Horry County, South Carolina.

(hh) UPPER SUSQUEHANNA-LACKAWANNA, PENNSYLVANIA, WATERSHED MANAGEMENT AND RESTORATION STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of a comprehensive flood plain management and watershed restoration project for the Upper Susquehanna-Lackawanna Watershed, Pennsylvania.

(2) GEOGRAPHIC INFORMATION SYSTEM.—In conducting the study, the Secretary shall use a geographic information system.

(3) PLANS.—The study shall formulate plans for comprehensive flood plain management and environmental restoration.

(4) CREDITING.—Non-Federal interests may receive credit for in-kind services and materials that contribute to the study. The Secretary may credit non-Corps Federal assistance provided to the non-Federal interest toward the non-Federal share of study costs to the maximum extent authorized by law.

(ii) NIOBRARA RIVER AND MISSOURI RIVER SEDIMENTATION STUDY, SOUTH DAKOTA.—The Secretary shall conduct a study of the Niobrara River watershed and the operations of Fort Randall Dam and Gavins Point Dam on the Missouri River to determine the feasibility of alleviating the bank erosion, sedimentation, and related problems in the lower Niobrara River and the Missouri River below Fort Randall Dam.

(jj) SANTA CLARA RIVER, UTAH.—

(1) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of undertaking measures to alleviate damage caused by flooding, bank erosion, and sedimentation along the watershed of the Santa Clara River, Utah, above the Gunlock Reservoir.

(2) CONTENTS.—The study shall include an analysis of watershed conditions and water quality, as related to flooding and bank erosion, along the Santa Clara River in the vicinity of the town of Gunlock, Utah.

(kk) AGAT SMALL BOAT HARBOR, GUAM.—The Secretary shall conduct a study to determine the feasibility of undertaking the repair and reconstruction of Agat Small Boat Harbor, Guam, including the repair of existing shore protection measures and construction or a revetment of the breakwater seawall.

(ll) APRA HARBOR SEAWALL, GUAM.—The Secretary shall conduct a study to determine the feasibility of undertaking measures to repair, upgrade, and extend the seawall protecting Apra Harbor, Guam, and to ensure continued access to the harbor via Route 11B.

(mm) APRA HARBOR FUEL PIERS, GUAM.—The Secretary shall conduct a study to determine the feasibility of undertaking measures to upgrade the piers and fuel transmission lines at the fuel piers in the Apra Harbor, Guam, and measures to provide for erosion control and protection against storm damage.

(nn) MAINTENANCE DREDGING OF HARBOR PIERS, GUAM.—The Secretary shall conduct a study to determine the feasibility of Federal maintenance of areas adjacent to piers at harbors in Guam, including Apra Harbor, Agat Harbor, and Agana Marina.

(oo) ALTERNATIVE WATER SOURCES STUDY.—

(1) IN GENERAL.—The Administrator of the Environmental Protection Agency shall conduct a study of the water supply needs of States that are not currently eligible for assistance under title XVI of the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. 390h et seq.).

(2) REQUIREMENTS.—The study shall—

(A) identify the water supply needs (including potable, commercial, industrial, recreational and agricultural needs) of each State described in paragraph (1) through 2020, making use of such State, regional, and local plans, studies, and reports as are available;

(B) evaluate the feasibility of various alternative water source technologies such as reuse and reclamation of wastewater and stormwater (including indirect potable reuse), aquifer storage and recovery, and desalination to meet the anticipated water supply needs of the States; and

(C) assess how alternative water sources technologies can be utilized to meet the identified needs.

(3) REPORT.—The Administrator shall report to Congress on the results of the study not more than 180 days after the date of enactment of this Act.

## TITLE II—GENERAL PROVISIONS

### SEC. 201. FLOOD HAZARD MITIGATION AND RIVERINE ECOSYSTEM RESTORATION PROGRAM.

(a) IN GENERAL.—

(1) AUTHORIZATION.—The Secretary may carry out a program to reduce flood hazards and restore the natural functions and values of riverine ecosystems throughout the United States.

(2) STUDIES.—In carrying out the program, the Secretary shall conduct studies to identify appropriate flood damage reduction, conservation, and restoration measures and may design and implement watershed management and restoration projects.

(3) PARTICIPATION.—The studies and projects carried out under the program shall be conducted, to the extent practicable, with the full participation of the appropriate Federal agencies, including the Department of Agriculture, the Federal Emergency Management Agency, the Department of the Interior, the Environmental Protection Agency, and the Department of Commerce.

(4) NONSTRUCTURAL APPROACHES.—The studies and projects shall, to the extent practicable, emphasize nonstructural approaches to preventing or reducing flood damages.

(b) COST-SHARING REQUIREMENTS.—

(1) STUDIES.—The cost of studies conducted under subsection (a) shall be shared in accordance with section 105 of the Water Resources Development Act of 1986 (33 Stat. 2215).

(2) PROJECTS.—The non-Federal interests shall pay 35 percent of the cost of any project carried out under this section.

(3) IN-KIND CONTRIBUTIONS.—The non-Federal interests shall provide all land, easements, rights-of-way, dredged material disposal areas, and relocations necessary for the projects. The value of the land, easements, rights-of-way, dredged material disposal areas, and relocations shall be credited toward the payment required under this subsection.

(4) RESPONSIBILITIES OF THE NON-FEDERAL INTERESTS.—The non-Federal interests shall be responsible for all costs associated with operating, maintaining, replacing, repairing, and rehabilitating all projects carried out under this section.

(c) PROJECT JUSTIFICATION.—

(1) IN GENERAL.—The Secretary may implement a project under this section if the Secretary determines that the project—

(A) will significantly reduce potential flood damages;

(B) will improve the quality of the environment; and

(C) is justified considering all costs and beneficial outputs of the project.

(2) SELECTION CRITERIA; POLICIES AND PROCEDURES.—Not later than 180 days after the date of enactment of this Act, the Secretary shall—

(A) develop criteria for selecting and rating the projects to be carried out as part of the program authorized by this section; and

(B) establish policies and procedures for carrying out the studies and projects undertaken under this section.

(d) REPORTING REQUIREMENT.—The Secretary may not implement a project under this section until—

(1) the Secretary provides to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a written notification describing the project and the determinations made under subsection (c); and

(2) a period of 21 calendar days has expired following the date on which the notification was received by the Committees.

(e) PRIORITY AREAS.—In carrying out this section, the Secretary shall examine the potential for flood damage reductions at appropriate locations, including—

(1) Le May, Missouri;

(2) the upper Delaware River basin, New York;

(3) Tillamook County, Oregon;

(4) Providence County, Rhode Island; and

(5) Willamette River basin, Oregon.

(f) PER-PROJECT LIMITATION.—Not more than $25,000,000 in Army Civil Works appropriations may be expended on any single project undertaken under this section.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $75,000,000 for the period of fiscal years 2000 and 2001.

(2) PROGRAM FUNDING LEVELS.—All studies and projects undertaken under this authority from Army Civil Works appropriations shall be fully funded within the program funding levels provided in this subsection.

**SEC. 202. SHORE PROTECTION.**

Section 103(d) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(d)) is amended—

(1) by striking ''Costs of constructing'' and inserting the following:

''(1) CONSTRUCTION.—Costs of constructing''; and

(2) by adding at the end the following:

''(2) PERIODIC NOURISHMENT.—In the case of a project authorized for construction after December 31, 1999, or for which a feasibility study is completed after that date, the non-Federal cost of the periodic nourishment of projects or measures for shore protection or beach erosion control shall be 50 percent, except that—

''(A) all costs assigned to benefits to privately owned shores (where use of such shores is limited to private interests) or to prevention of losses of private land shall be borne by non-Federal interests; and

''(B) all costs assigned to the protection of federally owned shores shall be borne by the United States.''.

**SEC. 203. SMALL FLOOD CONTROL AUTHORITY.**

Section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) is amended—

(1) in the first sentence, by striking ''construction of small projects'' and inserting ''implementation of small structural and nonstructural projects''; and

(2) in the third sentence, by striking ''$5,000,000'' and inserting ''$7,000,000''.

**SEC. 204. USE OF NON-FEDERAL FUNDS FOR COMPILING AND DISSEMINATING INFORMATION ON FLOODS AND FLOOD DAMAGES.**

Section 206(b) of the Flood Control Act of 1960 (33 U.S.C. 709a(b)) is amended in the third sentence by inserting before the period at the end the following: '', but the Secretary of the Army may accept funds voluntarily contributed by such entities for the purpose of expanding the scope of the services requested by the entities''.

**SEC. 205. EVERGLADES AND SOUTH FLORIDA ECOSYSTEM RESTORATION.**

Subparagraphs (B) and (C)(i) of section 528(b)(3) of the Water Resources Development Act of 1996 (110 Stat. 3769) are amended by striking ''1999'' and inserting ''2000''.

**SEC. 206. AQUATIC ECOSYSTEM RESTORATION.**

Section 206(c) of the Water Resources Development Act of 1996 (33 U.S.C. 2330(c)) is amended—

(1) by striking ''Construction'' and inserting the following:

''(1) IN GENERAL.—Construction''; and

(2) by adding at the end the following:

''(2) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for any project carried out under this section, a non-Federal interest may include a nonprofit entity, with the consent of the affected local government.''.

**SEC. 207. BENEFICIAL USES OF DREDGED MATERIAL.**

Section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326) is amended by adding at the end the following:

''(g) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for any project carried out under this section, a non-Federal interest may include a nonprofit entity, with the consent of the affected local government.''.

**SEC. 208. VOLUNTARY CONTRIBUTIONS BY STATES AND POLITICAL SUBDIVISIONS.**

Section 5 of the Act of June 22, 1936 (33 U.S.C. 701h), is amended by inserting ''or environmental restoration'' after ''flood control''.

**SEC. 209. RECREATION USER FEES.**

(a) WITHHOLDING OF AMOUNTS.—

(1) IN GENERAL.—During fiscal years 1999 through 2002, the Secretary may withhold from the special account established under section 4(i)(1)(A) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–6a(i)(1)(A)) 100 percent of the amount of receipts above a baseline of $34,000,000 per each fiscal year received from fees imposed at recreation sites under the administrative jurisdiction of the Department of the Army under section 4(b) of that Act (16 U.S.C. 460l–6a(b)).

(2) USE.—The amounts withheld shall be retained by the Secretary and shall be available, without further Act of appropriation, for expenditure by the Secretary in accordance with subsection (b).

(3) AVAILABILITY.—The amounts withheld shall remain available until September 30, 2005.

(b) USE OF AMOUNTS WITHHELD.—In order to increase the quality of the visitor experience at public recreational areas and to enhance the protection of resources, the amounts withheld under subsection (a) may be used only for—

(1) repair and maintenance projects (including projects relating to health and safety);

(2) interpretation;

(3) signage;

(4) habitat or facility enhancement;

(5) resource preservation;

(6) annual operation (including fee collection);

(7) maintenance; and

(8) law enforcement related to public use.

(c) AVAILABILITY.—Each amount withheld by the Secretary shall be available for expenditure, without further Act of appropriation, at the specific project from which the amount, above baseline, is collected.

**SEC. 210. WATER RESOURCES DEVELOPMENT STUDIES FOR THE PACIFIC REGION.**

Section 444 of the Water Resources Development Act of 1996 (110 Stat. 3747) is amended by striking ''interest of navigation'' and inserting ''interests of water resources development (including navigation, flood damage reduction, and environmental restoration)''.

**SEC. 211. MISSOURI AND MIDDLE MISSISSIPPI RIVERS ENHANCEMENT PROJECT.**

(a) DEFINITIONS.—In this section:

(1) MIDDLE MISSISSIPPI RIVER.—The term ''middle Mississippi River'' means the reach of the Mississippi River from the mouth of the Ohio River (river mile 0, upper Mississippi River) to the mouth of the Missouri River (river mile 195).

(2) MISSOURI RIVER.—The term ''Missouri River'' means the main stem and floodplain of the Missouri River (including reservoirs) from its confluence with the Mississippi River at St. Louis, Missouri, to its headwaters near Three Forks, Montana.

(3) PROJECT.—The term ''project'' means the project authorized by this section.

(b) PROTECTION AND ENHANCEMENT ACTIVITIES.—

(1) PLAN.—

(A) DEVELOPMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall develop a plan for a project to protect and enhance fish and wildlife habitat of the Missouri River and the middle Mississippi River.

(B) ACTIVITIES.—

(i) IN GENERAL.—The plan shall provide for such activities as are necessary to protect and enhance fish and wildlife habitat without adversely affecting—

(I) the water-related needs of the region surrounding the Missouri River and the middle Mississippi River, including flood control, navigation, recreation, and enhancement of water supply; and

(II) private property rights.

(ii) REQUIRED ACTIVITIES.—The plan shall include—

(I) modification and improvement of navigation training structures to protect and enhance fish and wildlife habitat;

(II) modification and creation of side channels to protect and enhance fish and wildlife habitat;

(III) restoration and creation of island fish and wildlife habitat;

(IV) creation of riverine fish and wildlife habitat;

(V) establishment of criteria for prioritizing the type and sequencing of activities based on cost-effectiveness and likelihood of success; and

(VI) physical and biological monitoring for evaluating the success of the project, to be performed by the River Studies Center of the United States Geological Survey in Columbia, Missouri.

(2) IMPLEMENTATION OF ACTIVITIES.—

(A) IN GENERAL.—Using funds made available to carry out this section, the Secretary shall carry out the activities described in the plan.

(B) USE OF EXISTING AUTHORITY FOR UNCONSTRUCTED FEATURES OF THE PROJECT.—Using funds made available to the Secretary under other law, the Secretary shall design and construct any feature of the project that may be carried out using the authority of the Secretary to modify an authorized project, if the Secretary determines that the design and construction will—

(i) accelerate the completion of activities to protect and enhance fish and wildlife habitat of the Missouri River or the middle Mississippi River; and

(ii) be compatible with the project purposes described in this section.

(c) INTEGRATION OF OTHER ACTIVITIES.—

(1) IN GENERAL.—In carrying out the activities described in subsection (b), the Secretary shall integrate the activities with other Federal, State, and tribal activities.

(2) NEW AUTHORITY.—Nothing in this section confers any new regulatory authority on any Federal or non-Federal entity that carries out any activity authorized by this section.

(d) PUBLIC PARTICIPATION.—In developing and carrying out the plan and the activities described in subsection (b), the Secretary shall provide for public review and comment in accordance with applicable Federal law, including—

(1) providing advance notice of meetings;

(2) providing adequate opportunity for public input and comment;

(3) maintaining appropriate records; and

(4) compiling a record of the proceedings of meetings.

(e) COMPLIANCE WITH APPLICABLE LAW.—In carrying out the activities described in subsections (b) and (c), the Secretary shall comply with any applicable Federal law, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(f) COST SHARING.—

(1) NON-FEDERAL SHARE.—The non-Federal share of the cost of the project shall be 35 percent.

(2) FEDERAL SHARE.—The Federal share of the cost of any 1 activity described in subsection (b) shall not exceed $5,000,000.

(3) OPERATION AND MAINTENANCE.—The operation and maintenance of the project shall be a non-Federal responsibility.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to pay the Federal share of the cost of carrying out activities under this section $30,000,000 for the period of fiscal years 2000 and 2001.

**SEC. 212. OUTER CONTINENTAL SHELF.**

(a) SAND, GRAVEL, AND SHELL.—Section 8(k)(2)(B) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(k)(2)(B)) is amended in the second sentence by inserting before the period at the end the following: ''or any other non-Federal interest subject to an agreement entered into under section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b)''.

(b) REIMBURSEMENT FOR LOCAL INTERESTS.—Any amounts paid by non-Federal interests for beach erosion control, hurricane protection, shore protection, or storm damage reduction projects as a result of an assessment under section 8(k) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(k)) shall be fully reimbursed.

**SEC. 213. ENVIRONMENTAL DREDGING.**

Section 312(f) of the Water Resources Development Act of 1990 (33 U.S.C. 1272(f)) is amended by adding at the end the following:

''(6) Snake Creek, Bixby, Oklahoma.''.

**SEC. 214. BENEFIT OF PRIMARY FLOOD DAMAGES AVOIDED INCLUDED IN BENEFIT-COST ANALYSIS.**

Section 308 of the Water Resources Development Act of 1990 (33 U.S.C. 2318) is amended—

(1) in the heading of subsection (a), by striking ''BENEFIT-COST ANALYSIS'' and inserting ''ELEMENTS EXCLUDED FROM COST-BENEFIT ANALYSIS'';

(2) by redesignating subsections (b) through (e) as subsections (c) through (f), respectively;

(3) by inserting after subsection (a) the following:

''(b) ELEMENTS INCLUDED IN COST-BENEFIT ANALYSIS.—The Secretary shall include primary flood damages avoided in the benefit base for justifying Federal nonstructural flood damage reduction projects.''; and

(4) in the first sentence of subsection (e) (as redesignated by paragraph (2)), by striking ''(b)'' and inserting ''(d)''.

**SEC. 215. CONTROL OF AQUATIC PLANT GROWTH.**

Section 104(a) of the River and Harbor Act of 1958 (33 U.S.C. 610(a)) is amended—

(1) by inserting ''Arundo dona,'' after ''water-hyacinth,''; and

(2) by inserting ''tarmarix'' after ''melaleuca''.

**SEC. 216. ENVIRONMENTAL INFRASTRUCTURE.**

Section 219(c) of the Water Resources Development Act of 1992 (106 Stat. 4835) is amended by adding at the end the following:

''(19) LAKE TAHOE, CALIFORNIA AND NEVADA.—Regional water system for Lake Tahoe, California and Nevada.

''(20) LANCASTER, CALIFORNIA.—Fox Field Industrial Corridor water facilities, Lancaster, California.

''(21) SAN RAMON, CALIFORNIA.—San Ramon Valley recycled water project, San Ramon, California.''.

**SEC. 217. WATERSHED MANAGEMENT, RESTORATION, AND DEVELOPMENT.**

Section 503 of the Water Resources Development Act of 1996 (110 Stat. 3756) is amended—

(1) in subsection (d)—

(A) by striking paragraph (10) and inserting the following:

''(10) Regional Atlanta Watershed, Atlanta, Georgia, and Lake Lanier of Forsyth and Hall Counties, Georgia.''; and

(B) by adding at the end the following:

''(14) Clear Lake watershed, California.

''(15) Fresno Slough watershed, California.

''(16) Hayward Marsh, Southern San Francisco Bay watershed, California.

''(17) Kaweah River watershed, California.

''(18) Lake Tahoe watershed, California and Nevada.

''(19) Malibu Creek watershed, California.

''(20) Truckee River basin, Nevada.

''(21) Walker River basin, Nevada.

''(22) Bronx River watershed, New York.

''(23) Catawba River watershed, North Carolina.'';

(2) by redesignating subsection (e) as subsection (f); and

(3) by inserting after subsection (d) the following:

''(e) NONPROFIT ENTITIES.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), for any project undertaken under this section, with the consent of the affected local government, a non-Federal interest may include a nonprofit entity.''.

**SEC. 218. LAKES PROGRAM.**

Section 602(a) of the Water Resources Development Act of 1986 (100 Stat. 4148) is amended—

(1) in paragraph (15), by striking ''and'' at the end;

(2) in paragraph (16), by striking the period at the end; and

(3) by adding at the end the following:

''(17) Clear Lake, Lake County, California, removal of silt and aquatic growth and development of a sustainable weed and algae management program;

''(18) Flints Pond, Hollis, New Hampshire, removal of excessive aquatic vegetation; and

''(19) Osgood Pond, Milford, New Hampshire, removal of excessive aquatic vegetation.''.

**SEC. 219. SEDIMENTS DECONTAMINATION POLICY.**

Section 405 of the Water Resources Development Act of 1992 (33 U.S.C. 2239 note; Public Law 102–580) is amended—

(1) in subsection (a), by adding at the end the following:

''(4) PRACTICAL END-USE PRODUCTS.—Technologies selected for demonstration at the pilot scale shall result in practical end-use products.

''(5) ASSISTANCE BY THE SECRETARY.—The Secretary shall assist the project to ensure expeditious completion by providing sufficient quantities of contaminated dredged material to conduct the full-scale demonstrations to stated capacity.''; and

(2) in subsection (c), by striking the first sentence and inserting the following: ''There is authorized to be appropriated to carry out this section a total of $22,000,000 to complete technology testing, technology commercialization, and the development of full scale processing facilities within the New York/New Jersey Harbor.''.

**SEC. 220. DISPOSAL OF DREDGED MATERIAL ON BEACHES.**

(a) IN GENERAL.—Section 145 of the Water Resources Development Act of 1976 (33 U.S.C. 426j) is amended in the first sentence by striking ''50'' and inserting ''35''.

(b) GREAT LAKES BASIN.—The Secretary shall work with the State of Ohio, other Great Lakes States, and political subdivisions of the States to fully implement and maximize beneficial reuse of dredged material as provided under section 145 of the Water Resources Development Act of 1976 (33 U.S.C. 426j).

**SEC. 221. FISH AND WILDLIFE MITIGATION.**

Section 906(e) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(e)) is amended by inserting after the second sentence the following: ''Not more than 80 percent of the non-Federal share of such first costs may be in kind, including a facility, supply, or service that is necessary to carry out the enhancement project.''.

**SEC. 222. REIMBURSEMENT OF NON-FEDERAL INTEREST.**

Section 211(e)(2)(A) of the Water Resources Development Act of 1996 (33 U.S.C. 701b–13(e)(2)(A)) is amended by striking ''subject to amounts being made available in advance in appropriations Acts'' and inserting ''subject to the availability of appropriations''.

**SEC. 223. NATIONAL CONTAMINATED SEDIMENT TASK FORCE.**

(a) DEFINITION OF TASK FORCE.—In this section, the term ''Task Force'' means the National Contaminated Sediment Task Force established by section 502 of the National Contaminated Sediment Assessment and Management Act (33 U.S.C. 1271 note; Public Law 102–580).

(b) CONVENING.—The Secretary and the Administrator shall convene the Task Force not later than 90 days after the date of enactment of this Act.

(c) REPORTING ON REMEDIAL ACTION.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Task Force shall submit to Congress a report on the status of remedial actions at aquatic sites in the areas described in paragraph (2).

(2) AREAS.—The report under paragraph (1) shall address remedial actions in—

(A) areas of probable concern identified in the survey of data regarding aquatic sediment quality required by section 503(a) of the National Contaminated Sediment Assessment and Management Act (33 U.S.C. 1271);

(B) areas of concern within the Great Lakes, as identified under section 118(f) of the Federal Water Pollution Control Act (33 U.S.C. 1268(f));

(C) estuaries of national significance identified under section 320 of the Federal Water Pollution Control Act (33 U.S.C. 1330);

(D) areas for which remedial action has been authorized under any of the Water Resources Development Acts; and

(E) as appropriate, any other areas where sediment contamination is identified by the Task Force.

(3) ACTIVITIES.—Remedial actions subject to reporting under this subsection include remedial actions under—

(A) the Comprehensive Environmental Response, Compensation, and Liability Act of

1980 (42 U.S.C. 9601 et seq.) or other Federal or State law containing environmental remediation authority;

(B) any of the Water Resources Development Acts;

(C) section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344); or

(D) section 10 of the Act of March 3, 1899 (30 Stat. 1151, chapter 425).

(4) CONTENTS.—The report under paragraph (1) shall provide, with respect to each remedial action described in the report, a description of—

(A) the authorities and sources of funding for conducting the remedial action;

(B) the nature and sources of the sediment contamination, including volume and concentration, where appropriate;

(C) the testing conducted to determine the nature and extent of sediment contamination and to determine whether the remedial action is necessary;

(D) the action levels or other factors used to determine that the remedial action is necessary;

(E) the nature of the remedial action planned or undertaken, including the levels of protection of public health and the environment to be achieved by the remedial action;

(F) the ultimate disposition of any material dredged as part of the remedial action;

(G) the status of projects and the obstacles or barriers to prompt conduct of the remedial action; and

(H) contacts and sources of further information concerning the remedial action.

**SEC. 224. GREAT LAKES BASIN PROGRAM.**

(a) STRATEGIC PLANS.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, and every 2 years thereafter, the Secretary shall report to Congress on a plan for programs of the Corps of Engineers in the Great Lakes basin.

(2) CONTENTS.—The plan shall include details of the projected environmental and navigational projects in the Great Lakes basin, including—

(A) navigational maintenance and operations for commercial and recreational vessels;

(B) environmental restoration activities;

(C) water level maintenance activities;

(D) technical and planning assistance to States and remedial action planning committees;

(E) sediment transport analysis, sediment management planning, and activities to support prevention of excess sediment loadings;

(F) flood damage reduction and shoreline erosion prevention;

(G) all other activities of the Corps of Engineers; and

(H) an analysis of factors limiting use of programs and authorities of the Corps of Engineers in existence on the date of enactment of this Act in the Great Lakes basin, including the need for new or modified authorities.

(b) GREAT LAKES BIOHYDROLOGICAL INFORMATION.—

(1) INVENTORY.—

(A) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall request each Federal agency that may possess information relevant to the Great Lakes biohydrological system to provide an inventory of all such information in the possession of the agency.

(B) RELEVANT INFORMATION.—For the purpose of subparagraph (A), relevant information includes information on—

(i) ground and surface water hydrology;

(ii) natural and altered tributary dynamics;

(iii) biological aspects of the system influenced by and influencing water quantity and water movement;

(iv) meteorological projections and weather impacts on Great Lakes water levels; and

(v) other Great Lakes biohydrological system data relevant to sustainable water use management.

(2) REPORT.—

(A) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary, in consultation with the States, Indian tribes, and Federal agencies, and after requesting information from the provinces and the federal government of Canada, shall—

(i) compile the inventories of information;

(ii) analyze the information for consistency and gaps; and

(iii) submit to Congress, the International Joint Commission, and the Great Lakes States a report that includes recommendations on ways to improve the information base on the biohydrological dynamics of the Great Lakes ecosystem as a whole, so as to support environmentally sound decisions regarding diversions and consumptive uses of Great Lakes water.

(B) RECOMMENDATIONS.—The recommendations in the report under subparagraph (A) shall include recommendations relating to the resources and funds necessary for implementing improvement of the information base.

(C) CONSIDERATIONS.—In developing the report under subparagraph (A), the Secretary, in cooperation with the Secretary of State, the Secretary of Transportation, and other relevant agencies as appropriate, shall consider and report on the status of the issues described and recommendations made in—

(i) the Report of the International Joint Commission to the Governments of the United States and Canada under the 1977 reference issued in 1985; and

(ii) the 1993 Report of the International Joint Commission to the Governments of Canada and the United States on Methods of Alleviating Adverse Consequences of Fluctuating Water Levels in the Great Lakes St. Lawrence Basin.

(c) GREAT LAKES RECREATIONAL BOATING.—Not later than 18 months after the date of enactment of this Act, the Secretary shall, using information and studies in existence on the date of enactment of this Act to the maximum extent practicable, and in cooperation with the Great Lakes States, submit to Congress a report detailing the economic benefits of recreational boating in the Great Lakes basin, particularly at harbors benefiting from operation and maintenance projects of the Corps of Engineers.

(d) COOPERATION.—In undertaking activities under this section, the Secretary shall—

(1) encourage public participation; and

(2) cooperate, and, as appropriate, collaborate, with Great Lakes States, tribal governments, and Canadian federal, provincial, tribal governments.

(e) WATER USE ACTIVITIES AND POLICIES.—The Secretary may provide technical assistance to the Great Lakes States to develop interstate guidelines to improve the consistency and efficiency of State-level water use activities and policies in the Great Lakes basin.

(f) COST SHARING.—The Secretary may seek and accept funds from non-Federal entities to be used to pay up to 25 percent of the cost of carrying out subsections (b), (c), (d), and (e).

**SEC. 225. PROJECTS FOR IMPROVEMENT OF THE ENVIRONMENT.**

Section 1135(c) of the Water Resources Development Act of 1986 (33 U.S.C. 2309a(c)) is amended—

(1) by striking ''The Secretary'' and inserting the following:

''(1) IN GENERAL.—The Secretary''; and

(2) by adding at the end the following:

''(2) CONTROL OF SEA LAMPREY.—Congress finds that—

''(A) the Great Lakes navigation system has been instrumental in the spread of sea lamprey and the associated impacts to its fishery; and

''(B) the use of the authority under this subsection for control of sea lamprey at any Great Lakes basin location is appropriate.''.

**SEC. 226. WATER QUALITY, ENVIRONMENTAL QUALITY, RECREATION, FISH AND WILDLIFE, FLOOD CONTROL, AND NAVIGATION.**

(a) IN GENERAL.—The Secretary may investigate, study, evaluate, and report on—

(1) water quality, environmental quality, recreation, fish and wildlife, flood control, and navigation in the western Lake Erie watershed, including the watersheds of the Maumee River, Ottawa River, and Portage River in the States of Indiana, Ohio, and Michigan; and

(2) measures to improve water quality, environmental quality, recreation, fish and wildlife, flood control, and navigation in the western Lake Erie basin.

(b) COOPERATION.—In carrying out studies and investigations under subsection (a), the Secretary shall cooperate with Federal, State, and local agencies and nongovernmental organizations to ensure full consideration of all views and requirements of all interrelated programs that those agencies may develop independently or in coordination with the Corps of Engineers.

**SEC. 227. IRRIGATION DIVERSION PROTECTION AND FISHERIES ENHANCEMENT ASSISTANCE.**

The Secretary may provide technical planning and design assistance to non-Federal interests and may conduct other site-specific studies to formulate and evaluate fish screens, fish passages devices, and other measures to decrease the incidence of juvenile and adult fish inadvertently entering into irrigation systems. Measures shall be developed in cooperation with Federal and State resource agencies and not impair the continued withdrawal of water for irrigation purposes. In providing such assistance priority shall be given based on the objectives of the Endangered Species Act, cost-effectiveness, and the potential for reducing fish mortality. Non-Federal interests shall agree by contract to contribute 50 percent of the cost of such assistance. Not more than one-half of such non-Federal contribution may be made by the provision of services, materials, supplies, or other in-kind services. No construction activities are authorized by this section. Not later than 2 years after the date of enactment of this section, the Secretary shall report to Congress on fish mortality caused by irrigation water intake devices, appropriate measures to reduce mortality, the extent to which such measures are currently being employed in the arid States, the construction costs associated with such measures, and the appropriate Federal role, if any, to encourage the use of such measures.

**SEC. 228. SMALL STORM DAMAGE REDUCTION PROJECTS.**

Section 3 of the Act of August 13, 1946 (33 U.S.C. 426g), is amended by striking ''$2,000,000'' and inserting ''$3,000,000''.

**SEC. 229. SHORE DAMAGE PREVENTION OR MITIGATION.**

Section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426(i)) is amended—

(1) in the first sentence, by striking ''The Secretary'' and inserting ''(a) IN GENERAL.—The Secretary'';

(2) in the second sentence, by striking ''The costs'' and inserting the following:

''(b) COST SHARING.—The costs'';

(3) in the third sentence—

(A) by striking ''No such'' and inserting the following:

''(c) REQUIREMENT FOR SPECIFIC AUTHORIZATION.—No such''; and

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

(4) by adding at the end the following:

''(d) COORDINATION.—The Secretary shall—

''(1) coordinate the implementation of the measures under this section with other Federal and non-Federal shore protection projects in the same geographic area; and

''(2) to the extent practicable, combine mitigation projects with other shore protection projects in the same area into a comprehensive regional project.''.

## TITLE III—PROJECT-RELATED PROVISIONS

**SEC. 301. DREDGING OF SALT PONDS IN THE STATE OF RHODE ISLAND.**

The Secretary may acquire for the State of Rhode Island a dredge and associated equipment with the capacity to dredge approximately 100 cubic yards per hour for use by the State in dredging salt ponds in the State.

**SEC. 302. UPPER SUSQUEHANNA RIVER BASIN, PENNSYLVANIA AND NEW YORK.**

Section 567(a) of the Water Resources Development Act of 1996 (110 Stat. 3787) is amended by adding at the end the following:

''(3) The Chemung River watershed, New York, at an estimated Federal cost of $5,000,000.''.

**SEC. 303. SMALL FLOOD CONTROL PROJECTS.**

Section 102 of the Water Resources Development Act of 1996 (110 Stat. 3668) is amended—

(1) by redesignating paragraphs (15) through (22) as paragraphs (16) through (23), respectively;

(2) by inserting after paragraph (14) the following:

''(15) REPAUPO CREEK AND DELAWARE RIVER, GLOUCESTER COUNTY, NEW JERSEY.—Project for tidegate and levee improvements for Repaupo Creek and the Delaware River, Gloucester County, New Jersey.''; and

(3) by adding at the end the following:

''(24) IRONDEQUOIT CREEK, NEW YORK.—Project for flood control, Irondequoit Creek watershed, New York.

''(25) TIOGA COUNTY, PENNSYLVANIA.—Project for flood control, Tioga River and Cowanesque River and their tributaries, Tioga County, Pennsylvania.''.

**SEC. 304. SMALL NAVIGATION PROJECTS.**

Section 104 of the Water Resources Development Act of 1996 (110 Stat. 3669) is amended—

(1) by redesignating paragraphs (9) through (12) as paragraphs (10) through (13), respectively; and

(2) by inserting after paragraph (8) the following:

''(9) FORTESCUE INLET, DELAWARE BAY, NEW JERSEY.—Project for navigation for Fortescue Inlet, Delaware Bay, New Jersey.''.

**SEC. 305. STREAMBANK PROTECTION PROJECTS.**

(a) ARCTIC OCEAN, BARROW, ALASKA.—The Secretary shall evaluate and, if justified under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r), carry out storm damage reduction and coastal erosion measures at the town of Barrow, Alaska.

(b) SAGINAW RIVER, BAY CITY, MICHIGAN.—The Secretary may construct appropriate control structures in areas along the Saginaw River in the city of Bay City, Michigan, under authority of section 14 of the Flood Control Act of 1946 (33 Stat. 701r).

(c) YELLOWSTONE RIVER, BILLINGS, MONTANA.—The streambank protection project at Coulson Park, along the Yellowstone River, Billings, Montana, shall be eligible for assistance under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r).

(d) MONONGAHELA RIVER, POINT MARION, PENNSYLVANIA.—The Secretary shall evaluate and, if justified under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r), carry out streambank erosion control measures along the Monongahela River at the borough of Point Marion, Pennsylvania.

**SEC. 306. AQUATIC ECOSYSTEM RESTORATION, SPRINGFIELD, OREGON.**

(a) IN GENERAL.—Under section 1135 of the Water Resources Development Act of 1990 (33 Stat. 2309a) or other applicable authority, the Secretary shall conduct measures to address water quality, water flows and fish habitat restoration in the historic Springfield, Oregon, millrace through the reconfiguration of the existing millpond, if the Secretary determines that harmful impacts have occurred as the result of a previously constructed flood control project by the Corps of Engineers.

(b) NON-FEDERAL SHARE.—The non-Federal share, excluding lands, easements, rights-of-way, dredged material disposal areas, and relocations, shall be 25 percent.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,500,000.

**SEC. 307. GUILFORD AND NEW HAVEN, CONNECTICUT.**

The Secretary shall expeditiously complete the activities authorized under section 346 of the Water Resources Development Act of 1992 (106 Stat. 4858), including activities associated with Sluice Creek in Guilford, Connecticut, and Lighthouse Point Park in New Haven, Connecticut.

**SEC. 308. FRANCIS BLAND FLOODWAY DITCH.**

(a) REDESIGNATION.—The project for flood control, Eight Mile Creek, Paragould, Arkansas, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4112) and known as ''Eight Mile Creek, Paragould, Arkansas'', shall be known and designated as the ''Francis Bland Floodway Ditch''.

(b) LEGAL REFERENCES.—Any reference in any law, map, regulation, document, paper, or other record of the United States to the project and creek referred to in subsection (a) shall be deemed to be a reference to the Francis Bland Floodway Ditch.

**SEC. 309. CALOOSAHATCHEE RIVER BASIN, FLORIDA.**

Section 528(e)(4) of the Water Resources Development Act of 1996 (110 Stat. 3770) is amended in the first sentence by inserting before the period at the end the following: '', including potential land acquisition in the Caloosahatchee River basin or other areas''.

**SEC. 310. CUMBERLAND, MARYLAND, FLOOD PROJECT MITIGATION.**

(a) IN GENERAL.—The project for flood control and other purposes, Cumberland, Maryland, authorized by section 5 of the Act of June 22, 1936 (commonly known as the ''Flood Control Act of 1936'') (49 Stat. 1574, chapter 688), is modified to authorize the Secretary to undertake, as a separate part of the project, restoration of the historic Chesapeake and Ohio Canal substantially in accordance with the Chesapeake and Ohio Canal National Historic Park, Cumberland, Maryland, Rewatering Design Analysis, dated February 1998, at a total cost of $15,000,000, with an estimated Federal cost of $9,750,000 and an estimated non-Federal cost of $5,250,000.

(b) IN-KIND SERVICES.—The non-Federal interest for the restoration project under subsection (a)—

(1) may provide all or a portion of the non-Federal share of project costs in the form of in-kind services; and

(2) shall receive credit toward the non-Federal share of project costs for design and construction work performed by the non-Federal interest before execution of a project cooperation agreement and for land, easements, and rights-of-way required for the restoration and acquired by the non-Federal interest before execution of such an agreement.

(c) OPERATION AND MAINTENANCE.—The operation and maintenance of the restoration project under subsection (a) shall be the full responsibility of the National Park Service.

**SEC. 311. CITY OF MIAMI BEACH, FLORIDA.**

Section 5(b)(3)(C)(i) of the Act of August 13, 1946 (33 U.S.C. 426h), is amended by inserting before the semicolon the following: '', including the city of Miami Beach, Florida''.

**SEC. 312. SARDIS RESERVOIR, OKLAHOMA.**

(a) IN GENERAL.—The Secretary shall accept from the State of Oklahoma or an agent of the State an amount, as determined under subsection (b), as prepayment of 100 percent of the water supply cost obligation of the State under Contract No. DACW56–74–JC–0314 for water supply storage at Sardis Reservoir, Oklahoma.

(b) DETERMINATION OF AMOUNT.—The amount to be paid by the State of Oklahoma under subsection (a) shall be subject to adjustment in accordance with accepted discount purchase methods for Government properties as determined by an independent accounting firm designated by the Director of the Office of Management and Budget.

(c) EFFECT.—Nothing in this section shall otherwise affect any of the rights or obligations of the parties to the contract referred to in subsection (a).

**SEC. 313. UPPER MISSISSIPPI RIVER AND ILLINOIS WATERWAY SYSTEM NAVIGATION MODERNIZATION.**

(a) FINDINGS.—Congress finds that—

(1) exports are necessary to ensure job creation and an improved standard of living for the people of the United States;

(2) the ability of producers of goods in the United States to compete in the international marketplace depends on a modern and efficient transportation network;

(3) a modern and efficient waterway system is a transportation option necessary to provide United States shippers a safe, reliable, and competitive means to win foreign markets in an increasingly competitive international marketplace;

(4) the need to modernize is heightened because the United States is at risk of losing its competitive edge as a result of the priority that foreign competitors are placing on modernizing their own waterway systems;

(5) growing export demand projected over the coming decades will force greater demands on the waterway system of the United States and increase the cost to the economy if the system proves inadequate to satisfy growing export opportunities;

(6) the locks and dams on the upper Mississippi River and Illinois River waterway system were built in the 1930s and have some of the highest average delays to commercial tows in the country;

(7) inland barges carry freight at the lowest unit cost while offering an alternative to truck and rail transportation that is environmentally sound, is energy efficient, is safe, causes little congestion, produces little air or noise pollution, and has minimal social impact; and

(8) it should be the policy of the Corps of Engineers to pursue aggressively modernization of the waterway system authorized by Congress to promote the relative competitive position of the United States in the international marketplace.

(b) PRECONSTRUCTION ENGINEERING AND DESIGN.—In accordance with the Upper Mississippi River-Illinois Waterway System Navigation Study, the Secretary shall proceed immediately to prepare engineering design, plans, and specifications for extension

of locks 20, 21, 22, 24, 25 on the Mississippi River and the LaGrange and Peoria Locks on the Illinois River, to provide lock chambers 110 feet in width and 1,200 feet in length, so that construction can proceed immediately upon completion of studies and authorization of projects by Congress.

**SEC. 314. UPPER MISSISSIPPI RIVER MANAGEMENT.**

Section 1103 of the Water Resources Development Act of 1986 (33 U.S.C. 652) is amended—

(1) in subsection (e)—

(A) by striking ''(e)'' and all that follows through the end of paragraph (2) and inserting the following:

''(e) UNDERTAKINGS.—

''(1) IN GENERAL.—

''(A) AUTHORITY.—The Secretary, in consultation with the Secretary of the Interior and the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin, is authorized to undertake—

''(i) a program for the planning, construction, and evaluation of measures for fish and wildlife habitat rehabilitation and enhancement; and

''(ii) implementation of a program of long-term resource monitoring, computerized data inventory and analysis, and applied research.

''(B) REQUIREMENTS FOR PROJECTS.—Each project carried out under subparagraph (A)(i) shall—

''(i) to the maximum extent practicable, simulate natural river processes;

''(ii) include an outreach and education component; and

''(iii) on completion of the assessment under subparagraph (D), address identified habitat and natural resource needs.

''(C) ADVISORY COMMITTEE.—In carrying out subparagraph (A), the Secretary shall create an independent technical advisory committee to review projects, monitoring plans, and habitat and natural resource needs assessments.

''(D) HABITAT AND NATURAL RESOURCE NEEDS ASSESSMENT.—

''(i) AUTHORITY.—The Secretary is authorized to undertake a systemic, river reach, and pool scale assessment of habitat and natural resource needs to serve as a blueprint to guide habitat rehabilitation and long-term resource monitoring.

''(ii) DATA.—The habitat and natural resource needs assessment shall, to the maximum extent practicable, use data in existence at the time of the assessment.

''(iii) TIMING.—The Secretary shall complete a habitat and natural resource needs assessment not later than 3 years after the date of enactment of this subparagraph.

''(2) REPORTS.—On December 31, 2005, in consultation with the Secretary of the Interior and the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin, the Secretary shall prepare and submit to Congress a report that—

''(A) contains an evaluation of the programs described in paragraph (1);

''(B) describes the accomplishments of each program;

''(C) includes results of a habitat and natural resource needs assessment; and

''(D) identifies any needed adjustments in the authorization under paragraph (1) or the authorized appropriations under paragraphs (3), (4), and (5).'';

(B) in paragraph (3)—

(i) by striking ''paragraph (1)(A)'' and inserting ''paragraph (1)(A)(i)''; and

(ii) by striking ''Secretary not to exceed'' and all that follows and inserting ''Secretary not to exceed $22,750,000 for each of fiscal years 1999 through 2009.'';

(C) in paragraph (4)—

(i) by striking ''paragraph (1)(B)'' and inserting ''paragraph (1)(A)(ii)''; and

(ii) by striking ''$7,680,000'' and all that follows and inserting ''$10,420,000 for each of fiscal years 1999 through 2009.'';

(D) by striking paragraphs (5) and (6) and inserting the following:

''(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out paragraph (1)(C) not to exceed $350,000 for each of fiscal years 1999 through 2009.

''(6) TRANSFER OF AMOUNTS.—

''(A) IN GENERAL.—For each fiscal year beginning after September 30, 1992, the Secretary, in consultation with the Secretary of the Interior and the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin, may transfer appropriated amounts between the programs under clauses (i) and (ii) of paragraph (1)(A) and paragraph (1)(C).

''(B) APPORTIONMENT OF COSTS.—In carrying out paragraph (1)(D), the Secretary may apportion the costs equally between the programs authorized by paragraph (1)(A).''; and

(E) in paragraph (7)—

(i) in subparagraph (A)—

(I) by inserting ''(i)'' after ''paragraph (1)(A)''; and

(II) by inserting before the period at the end the following: ''and, in the case of any project requiring non-Federal cost sharing, the non-Federal share of the cost of the project shall be 35 percent''; and

(ii) in subparagraph (B), by striking ''paragraphs (1)(B) and (1)(C) of this subsection'' and inserting ''paragraph (1)(A)(ii)'';

(2) in subsection (f)(2)—

(A) in subparagraph (A), by striking ''(A)''; and

(B) by striking subparagraph (B); and

(3) by adding at the end the following:

''(k) ST. LOUIS AREA URBAN WILDLIFE HABITAT.—The Secretary shall investigate and, if appropriate, carry out restoration of urban wildlife habitat, with a special emphasis on the establishment of greenways in the St. Louis, Missouri, area and surrounding communities.''.

**SEC. 315. RESEARCH AND DEVELOPMENT PROGRAM FOR COLUMBIA AND SNAKE RIVERS SALMON SURVIVAL.**

Section 511 of the Water Resources Development Act of 1996 (16 U.S.C. 3301 note; Public Law 104–303) is amended by striking subsection (a) and all that follows and inserting the following:

''(a) SALMON SURVIVAL ACTIVITIES.—

''(1) IN GENERAL.—In conjunction with the Secretary of Commerce and Secretary of the Interior, the Secretary shall accelerate ongoing research and development activities, and may carry out or participate in additional research and development activities, for the purpose of developing innovative methods and technologies for improving the survival of salmon, especially salmon in the Columbia/Snake River Basin.

''(2) ACCELERATED ACTIVITIES.—Accelerated research and development activities referred to in paragraph (1) may include research and development related to—

''(A) impacts from water resources projects and other impacts on salmon life cycles;

''(B) juvenile and adult salmon passage;

''(C) light and sound guidance systems;

''(D) surface-oriented collector systems;

''(E) transportation mechanisms; and

''(F) dissolved gas monitoring and abatement.

''(3) ADDITIONAL ACTIVITIES.—Additional research and development activities referred to in paragraph (1) may include research and development related to—

''(A) studies of juvenile salmon survival in spawning and rearing areas;

''(B) estuary and near-ocean juvenile and adult salmon survival;

''(C) impacts on salmon life cycles from sources other than water resources projects;

''(D) cryopreservation of fish gametes and formation of a germ plasm repository for threatened and endangered populations of native fish; and

''(E) other innovative technologies and actions intended to improve fish survival, including the survival of resident fish.

''(4) COORDINATION.—The Secretary shall coordinate any activities carried out under this subsection with appropriate Federal, State, and local agencies, affected Indian tribes, and the Northwest Power Planning Council.

''(5) REPORT.—Not later than 3 years after the date of enactment of this section, the Secretary shall submit to Congress a report on the research and development activities carried out under this subsection, including any recommendations of the Secretary concerning the research and development activities.

''(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $10,000,000 to carry out research and development activities under paragraph (3).

''(b) ADVANCED TURBINE DEVELOPMENT.—

''(1) IN GENERAL.—In conjunction with the Secretary of Energy, the Secretary shall accelerate efforts toward developing and installing in Corps of Engineers-operated dams innovative, efficient, and environmentally safe hydropower turbines, including design of fish-friendly turbines, for use on the Columbia/Snake River hydrosystem.

''(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $35,000,000 to carry out this subsection.

''(c) MANAGEMENT OF PREDATION ON COLUMBIA/SNAKE RIVER SYSTEM NATIVE FISHES.—

''(1) NESTING AVIAN PREDATORS.—In conjunction with the Secretary of Commerce and the Secretary of the Interior, and consistent with a management plan to be developed by the United States Fish and Wildlife Service, the Secretary shall carry out methods to reduce nesting populations of avian predators on dredge spoil islands in the Columbia River under the jurisdiction of the Secretary.

''(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $1,000,000 to carry out research and development activities under this subsection.

''(d) IMPLEMENTATION.—Nothing in this section affects the authority of the Secretary to implement the results of the research and development carried out under this section or any other law.''.

**SEC. 316. NINE MILE RUN HABITAT RESTORATION, PENNSYLVANIA.**

The Secretary may credit against the non-Federal share such costs as are incurred by the non-Federal interests in preparing environmental and other preconstruction documentation for the habitat restoration project, Nine Mile Run, Pennsylvania, if the Secretary determines that the documentation is integral to the project.

**SEC. 317. LARKSPUR FERRY CHANNEL, CALIFORNIA.**

The Secretary shall work with the Secretary of Transportation on a proposed solution to carry out the project to maintain the Larkspur Ferry Channel, Larkspur, California, authorized by section 601(d) of the Water Resources Development Act of 1986 (100 Stat. 4148).

**SEC. 318. COMPREHENSIVE FLOOD IMPACT-RESPONSE MODELING SYSTEM.**

(a) IN GENERAL.—The Secretary may study and implement a Comprehensive Flood Impact-Response Modeling System for the Coralville Reservoir and the Iowa River watershed, Iowa.

(b) STUDY.—The study shall include—

(1) an evaluation of the combined hydrologic, geomorphic, environmental, economic, social, and recreational impacts of operating strategies within the watershed;

(2) creation of an integrated, dynamic flood impact model; and

(3) the development of a rapid response system to be used during flood and emergency situations.

(c) REPORT TO CONGRESS.—Not later than 5 years after the date of enactment of this Act, the Secretary shall transmit a report to Congress on the results of the study and modeling system and such recommendations as the Secretary determines to be appropriate.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated a total of $2,250,000 to carry out this section.

**SEC. 319. STUDY REGARDING INNOVATIVE FINANCING FOR SMALL AND MEDIUM-SIZED PORTS.**

(a) STUDY.—The Comptroller General of the United States shall conduct a study and analysis of various alternatives for innovative financing of future construction, operation, and maintenance of projects in small and medium-sized ports.

(b) REPORT.—Not later than 270 days after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Environment and Public Works of the Senate and Committee on Transportation and Infrastructure of the House of Representatives and the results of the study and any related legislative recommendations for consideration by Congress.

**SEC. 320. CANDY LAKE PROJECT, OSAGE COUNTY, OKLAHOMA.**

(a) DEFINITIONS.—In this section:

(1) FAIR MARKET VALUE.—The term ''fair market value'' means the amount for which a willing buyer would purchase and a willing seller would sell a parcel of land, as determined by a qualified, independent land appraiser.

(2) PREVIOUS OWNER OF LAND.—The term ''previous owner of land'' means a person (including a corporation) that conveyed, or a descendant of a deceased individual who conveyed, land to the Corps of Engineers for use in the Candy Lake project in Osage County, Oklahoma.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Army.

(b) LAND CONVEYANCES.—

(1) IN GENERAL.—The Secretary shall convey, in accordance with this section, all right, title, and interest of the United States in and to the land acquired by the United States for the Candy Lake project in Osage County, Oklahoma.

(2) PREVIOUS OWNERS OF LAND.—

(A) IN GENERAL.—The Secretary shall give a previous owner of land first option to purchase the land described in paragraph (1).

(B) APPLICATION.—

(i) IN GENERAL.—A previous owner of land that desires to purchase the land described in paragraph (1) that was owned by the previous owner of land, or by the individual from whom the previous owner of land is descended, shall file an application to purchase the land with the Secretary not later than 180 days after the official date of notice to the previous owner of land under subsection (c).

(ii) FIRST TO FILE HAS FIRST OPTION.—If more than 1 application is filed for a parcel of land described in paragraph (1), first options to purchase the parcel of land shall be allotted in the order in which applications for the parcel of land were filed.

(C) IDENTIFICATION OF PREVIOUS OWNERS OF LAND.—As soon as practicable after the date of enactment of this Act, the Secretary shall, to the extent practicable, identify each previous owner of land.

(D) CONSIDERATION.—Consideration for land conveyed under this subsection shall be the fair market value of the land.

(3) DISPOSAL.—Any land described in paragraph (1) for which an application has not been filed under paragraph (2)(B) within the applicable time period shall be disposed of in accordance with law.

(4) EXTINGUISHMENT OF EASEMENTS.—All flowage easements acquired by the United States for use in the Candy Lake project in Osage County, Oklahoma, are extinguished.

(c) NOTICE.—

(1) IN GENERAL.—The Secretary shall notify—

(A) each person identified as a previous owner of land under subsection (b)(2)(C), not later than 90 days after identification, by United States mail; and

(B) the general public, not later than 90 days after the date of enactment of this Act, by publication in the Federal Register.

(2) CONTENTS OF NOTICE.—Notice under this subsection shall include—

(A) a copy of this section;

(B) information sufficient to separately identify each parcel of land subject to this section; and

(C) specification of the fair market value of each parcel of land subject to this section.

(3) OFFICIAL DATE OF NOTICE.—The official date of notice under this subsection shall be the later of—

(A) the date on which actual notice is mailed; or

(B) the date of publication of the notice in the Federal Register.

**SEC. 321. SALCHA RIVER AND PILEDRIVER SLOUGH, FAIRBANKS, ALASKA.**

The Secretary shall evaluate and, if justified under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), carry out flood damage reduction measures along the lower Salcha River and on Piledriver Slough, from its headwaters at the mouth of the Salcha River to the Chena Lakes Flood Control Project, in the vicinity of Fairbanks, Alaska, to protect against surface water flooding.

**SEC. 322. EYAK RIVER, CORDOVA, ALASKA.**

The Secretary shall evaluate and, if justified under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), carry out flood damage reduction measures along the Eyak River at the town of Cordova, Alaska.

**SEC. 323. NORTH PADRE ISLAND STORM DAMAGE REDUCTION AND ENVIRONMENTAL RESTORATION PROJECT.**

The Secretary shall carry out a project for ecosystem restoration and storm damage reduction at North Padre Island, Corpus Christi Bay, Texas, at a total estimated cost of $30,000,000, with an estimated Federal cost of $19,500,000 and an estimated non-Federal cost of $10,500,000, if the Secretary finds that the work is technically sound, environmentally acceptable, and economically justified.

**SEC. 324. KANOPOLIS LAKE, KANSAS.**

(a) WATER SUPPLY.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in cooperation with the State of Kansas or another non-Federal interest, shall complete a water supply reallocation study at the project for flood control, Kanopolis Lake, Kansas, as a basis on which the Secretary shall enter into negotiations with the State of Kansas or another non-Federal interest for the terms and conditions of a reallocation of the water supply.

(2) OPTIONS.—The negotiations for storage reallocation shall include the following options for evaluation by all parties:

(A) Financial terms of storage reallocation.

(B) Protection of future Federal water releases from Kanopolis Dam, consistent with State water law, to ensure that the benefits expected from releases are provided.

(C) Potential establishment of a water assurance district consistent with other such districts established by the State of Kansas.

(D) Protection of existing project purposes at Kanopolis Dam to include flood control, recreation, and fish and wildlife.

(b) IN-KIND CREDIT.—

(1) IN GENERAL.—The Secretary may negotiate a credit for a portion of the financial repayment to the Federal Government for work performed by the State of Kansas, or another non-Federal interest, on land adjacent or in close proximity to the project, if the work provides a benefit to the project.

(2) WORK INCLUDED.—The work for which credit may be granted may include watershed protection and enhancement, including wetland construction and ecosystem restoration.

**SEC. 325. NEW YORK CITY WATERSHED.**

Section 552(d) of the Water Resources Development Act of 1996 (110 Stat. 3780) is amended by striking ''for the project to be carried out with such assistance'' and inserting '', or a public entity designated by the State director, to carry out the project with such assistance, subject to the project's meeting the certification requirement of subsection (c)(1)''.

**SEC. 326. CITY OF CHARLEVOIX REIMBURSEMENT, MICHIGAN.**

The Secretary shall review and, if consistent with authorized project purposes, reimburse the city of Charlevoix, Michigan, for the Federal share of costs associated with construction of the new revetment connection to the Federal navigation project at Charlevoix Harbor, Michigan.

**SEC. 327. HAMILTON DAM FLOOD CONTROL PROJECT, MICHIGAN.**

The Secretary may construct the Hamilton Dam flood control project, Michigan, under authority of section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

**SEC. 328. HOLES CREEK FLOOD CONTROL PROJECT, OHIO.**

(a) IN GENERAL.—Notwithstanding any other provision of law, the non-Federal share of project costs for the project for flood control, Holes Creek, Ohio, shall not exceed the sum of—

(1) the total amount projected as the non-Federal share as of September 30, 1996, in the Project Cooperation Agreement executed on that date; and

(2) 100 percent of the amount of any increases in the cost of the locally preferred plan over the cost estimated in the Project Cooperation Agreement.

(b) REIMBURSEMENT.—The Secretary shall reimburse the non-Federal interest any amount paid by the non-Federal interest in excess of the non-Federal share.

**SEC. 329. OVERFLOW MANAGEMENT FACILITY, RHODE ISLAND.**

Section 585(a) of the Water Resources Development Act of 1996 (110 Stat. 3791) is amended by striking ''river'' and inserting ''sewer''.

Mr. CHAFEE. Mr. President, today I am pleased to join other members of the Committee on Environment and Public Works in introducing the Water Resources Development Act of 1999. This measure, similar to water resources legislation enacted in 1986, 1988, 1990, 1992, and 1996, is comprised of water resources project and study authorizations and policy modifications for the U.S. Army Corps of Engineers Civil Works program.

The bill we are proposing today is virtually identical to legislation that was approved unanimously by the Senate last October. That measure, S. 2131,

was sent to the House late in the previous Congress and, despite and best efforts of our colleagues in the other body, went no further. As such, it is our desire to advance this year's bill as expeditiously as possible.

We have carefully reviewed each item within the bill and have included those that are consistent with the committee's traditional authorization criteria. Mr. President, let me take a few moments here to discuss these criteria—that is—the criteria used by the Committee to judge project authorization requests.

On November 17, 1986, President Reagan signed into law the Water Resources Development Act of 1986. Importantly, the 1986 act marked an end to the 16-year deadlock between Congress and the Executive Branch regarding authorization of the Army Corps Civil Works program.

In addition to authorizing numerous projects, the 1986 act resolved longstanding disputes relating to cost-sharing between the Army Corps and nonfederal sponsors, waterway user fees, environmental requirements and, importantly, the types of projects in which Federal involvement is appropriate and warranted.

The criteria used to develop the legislation before us are consistent with the reforms and procedures established in the landmark Water Resources Development Act of 1986.

Is a project for flood control, navigation or some other purpose cost-shared in a manner consistent with the 1986 act?

Have all of the requisite reports and studies on economic, engineering and environmental feasibility been completed for a project?

Is a project consistent with the traditional and appropriate mission of the Army Corps?

Should the federal government be involved?

These, Mr. President, are the fundamental questions that we have applied to each and every project included here for authorization.

This legislation, only slightly modified from last year's Senate-passed bill, authorizes the Secretary of the Army to construct some 36 projects for flood control, navigation, and environmental restoration. The bill also modifies 43 existing Army Corps projects and authorizes 29 project studies. In total, this bill authorizes an estimated federal cost of 2.1 billion dollars. The only significant changes in this year's version are that we have extracted projects authorized in the FT99 Omnibus Appropriations Act.

Mr. President, this legislation includes other project-specific and general provisions related to Army Corps operations. Among them are two provisions sought by Senator BOND and others to enhance the environment along the Missouri and Mississippi Rivers. We have also included a modified version of the Administration's so-called Challenge 21 initiative to encourage more non-structural flood control and environmental projects. In addition, we are recommending that the cost-sharing formula be changed for maintenance of future shoreline protection projects.

Finally, Mr. President, I want to indicate that we have encouraged our colleagues in the House of Representatives to try to resolve their differences on the proposed Sacramento, California, flood control project. It seems to me that there are legitimate concerns and issues on both sides, but I am optimistic that they will reach an agreement. I stand ready to do whatever I can to facilitate a successful resolution.

This legislation is vitally important for countless states and communities across the country. For economic and life-safety reasons, we must maintain our harbors, ports and inland waterways, our flood control levees and shorelines, and the environment. I ask for the cooperation of colleagues so that we can swiftly complete this unfinished business from 1998. It would be my strong desire to complete action on this bill within the next several weeks so that we can prepare for WRDA 2000.

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By Mr. DODD (for himself and Mr. COVERDELL):

S. 509. A bill to amend the Peace Corps Act to authorize appropriations for fiscal years 2000 through 2003 to carry out that Act, and for other purposes; to the Committee on Foreign Relations.

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PEACE CORPS ACT AMENDMENTS

Mr. DODD. Mr. President, I rise today to speak about the Peace Corps and to join with my colleague Senator PAUL COVERDELL to introduce legislation to make technical modifications to the Peace Corps Act.

The changes made by this legislation are purely technical and largely designed to remove certain outmoded restrictions on Peace Corps activities. I would ask unanimous consent to have printed in the RECORD a section-by-section analysis of this bill at the conclusion of my remarks.

Now let me turn to the general subject of the Peace Corps as today is the thirty eighth anniversary of its establishment. Thirty eight years ago, a young President recognized the power that American ingenuity, idealism and, most of all, volunteerism could have on the lives of people around the world. In order to harness that energy, President Kennedy formed a small army, not of soldiers to make war, but of volunteers to build peace through mutual understanding.

Since its inception in 1961, more than 151,000 Peace Corps volunteers have battled against the scourges of malnutrition, illiteracy and economic underdevelopment in 132 countries around the world. I can speak with some personal experience about the Peace Corps as I have had the privilege to serve as a volunteer. In fact, slightly more than thirty years ago, I arrived back in the United States after spending two years as a Peace Corps Volunteer in a rural village in the Dominican Republic. Like many who heeded President Kennedy's call to do something larger than ourselves, to be a part of something greater than our own existence, my service in the Peace Corps remains one of the most important periods in my life.

When I served in the Peace Corps, nearly all of us volunteers had similar experiences. We worked in small isolated villages with little in the way of modern conveniences. The world since that time has changed and the Peace Corps has been evolving to meet new demands. Today's volunteers specialize in education, the environment, small business, agriculture and other fields. In 1996, the Peace Corps developed a ''Crisis Corps'' to provide short term emergency and humanitarian assistance in situations ranging from natural disasters to refugee crises. While many volunteers continue to live in remote villages, this is no longer an iron clad rule. Some now labor in urban areas, passing on the skills needed to start and run businesses.

The more than 6,500 volunteers who today serve in 87 nations are a more diverse group than the one I joined three decades ago. When I served, the Corps was mostly male and mostly young. Today, however, nearly sixty percent of all volunteers are women, a quarter are over 29, and six percent are over fifty. While the face and methods of the Peace Corps have changed over the years, its goal has remained constant: to help people of other countries meet their needs for trained personnel; to help promote understanding of the American people by those we serve; and to help promote better understanding among the American people about the world beyond our borders.

By building bridges between the United States and other countries, the Peace Corps advances our foreign policy by communicating America's values and ideas to other peoples around the globe.

It is an indication of the success of the Peace Corps that, while the current class of volunteers is providing new services and working in countries never served before, the demand continues to outpace supply. We need only look at a newspaper, Mr. President, to see where Peace Corps volunteers are needed. In the Caribbean countries ravaged by Hurricane Georges and Mitch, in formerly war-torn areas of Africa and in countries where the skills needed to start a business have been nearly erased by decades of communist rule. In order to meet these needs, Congress and President Clinton have set the admirable goal of reaching 10,000 Peace Corps volunteers by 2000.

The Peace Corps, Mr. President, stands as an example of what is great about the United States. Our volunteerism, humanity and sense of justice are proudly displayed in the face of each volunteer we send overseas. And

every time I meet volunteers about to embark on their two years of service, I share their sense of excitement. If each of us, in our daily lives, work in the same spirit as those volunteers—helping those around us and sharing the values of our nation—the United States will indeed have a proud and bright future.

Mr. President, I ask unanimous consent that a summary and the text of the bill be printed in the RECORD.

There being no objection, the material was orderd printed in the RECORD, as follows:

S. 509

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

**SECTION 1. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEARS 2000 THROUGH 2003 TO CARRY OUT THE PEACE CORPS ACT.**

Section 3(b) of the Peace Corps Act (22 U.S.C. 2502(b)) is amended to read as follows:

''(b)(1) There are authorized to be appropriated to carry out the purposes of this Act $270,000,000 for fiscal year 2000, $298,000,000 for fiscal year 2001, $327,000,000 for fiscal year 2002, and $365,000,000 for fiscal year 2003.

''(2) Amounts authorized to be appropriated under paragraph (1) for a fiscal year are authorized to remain available for that fiscal year and the subsequent fiscal year.''.

**SEC. 2. MISCELLANEOUS AMENDMENTS TO THE PEACE CORPS ACT.**

(a) INTERNATIONAL TRAVEL.—Section 15(d) of such Act (22 U.S.C. 2514(d)) is amended—

(1) in paragraph (11), by striking ''and'' at the end;

(2) in paragraph (12), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(13) the transportation of Peace Corps employees, Peace Corps volunteers, dependents of such employees and volunteers, and accompanying baggage, by a foreign air carrier when the transportation is between two places outside the United States without regard to section 40118 of title 49, United States Code.''.

(b) TECHNICAL AMENDMENTS.—(1) Section 5(f)(1)(B) of such Act (22 U.S.C. 2504(f)(1)(B)) is amended by striking ''Civil Service Commission'' and inserting ''Office of Personnel Management''.

(2) Section 5(h) of such Act (22 U.S.C. 2504(h)) is amended by striking ''the Federal Voting Assistance Act of 1955 (5 U.S.C. 2171 et seq.)'' and all that follows through ''(31 U.S.C. 492a),'' and inserting ''section 3342 of title 31, United States Code, section 5732 and''.

(3) Section 5(j) of such Act (22 U.S.C. 2504(j)) is amended by striking ''section 1757 of the Revised Statutes of the United States'' and all that follows and inserting ''section 3331 of title 5, United States Code.''.

(4) Section 10(a)(4) of such Act (22 U.S.C. 2509(a)(4)) is amended by striking ''31 U.S.C. 665(b)'' and inserting ''section 1342 of title 31, United States Code''.

(5) Section 15(c) of such Act (22 U.S.C. 2514(c)) is amended by striking ''Public Law 84–918 (7 U.S.C. 1881 et seq.)'' and inserting ''subchapter VI of chapter 33 of title 5, United States Code''.

(6) Section 15(d)(2) of such Act (22 U.S.C. 2514(d)(2)) is amended by striking ''section 9 of Public Law 60–328 (31 U.S.C. 673)'' and inserting ''section 1346 of title 31, United States Code''.

(7) Section 15(d)(6) of such Act (22 U.S.C. 2514(d)(6)) is amended by striking ''without regard to section 3561 of the Revised Statutes (31 U.S.C. 543)''.

(8) Section 15(d)(11) of such Act (22 U.S.C. 2514(d)(11)), as amended by this section, is further amended by striking ''Foreign Service Act of 1946, as amended (22 U.S.C. 801 et seq.)'' and inserting ''Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.)''.

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SECTION-BY-SECTION ANALYSIS

SEC. 1. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEARS 2000 THROUGH 2003 TO CARRY OUT THE PEACE CORPS ACT

This section amends the Peace Corps Act to provide the following authorizations of appropriations: Fiscal Year 2000—$270 million, Fiscal Year 2001—$298 million, Fiscal Year 2002—$327 million, Fiscal Year 2003—$365 million. The Committee understands that these amounts are consistent with Office of Management & Budget and Peace Corps estimates of amounts required to meet the 10,000 volunteer target by the end of Fiscal Year 2003. The Committee also understands that these amounts are already part of the Administration's outyear projections for Fiscal Years 2001–2003.

SEC. 2. MISCELLANEOUS AMENDMENTS TO THE PEACE CORPS ACT

Section 2(a) adds a new paragraph (13) to subsection 15(d).1

[Footnote] The new paragraph would exempt the Peace Corps from 49 U.S.C. 40118 with respect to flights between two points abroad to the same extent other foreign service agencies are exempt from that section.

[Footnote] 122 U.S.C. subsection 2214(d).

Under 49 U.S.C. subsection 40118(d), the Department of State and the Agency for International Development (AID) are exempt from the requirements of 49 U.S.C. 40118 for travel between two places outside the United States by employees and their dependents. Determining which carriers overseas are U.S. certified or have agreements with the U.S. that qualify them under section 40118 is a complex undertaking. Posts and individuals must make decisions in this area at the risk of having their travel costs disallowed. The Committee believes that administrative provisions affecting foreign service agencies should be as consistent as possible. For instance, a Peace Corps employee who is flying with an AID employee to attend a meeting should be able to fly on the same plane without fear of being penalized under section 40118. This provision would extend to Peace Corps employees and Volunteers the same treatment now available to other foreign service agency employees.

Section 2(b) makes technical changes to sections 5, 10 and 15 of the Peace Corps Act (hereinafter the Act) to reflect changes in statutory citations that have occurred since enactment of the Act.

Section 2(b)(1) strikes out 'Civil Service Commission' in section 5(f)(1)(B) and inserts in lieu thereof 'Office of Personnel Management.' The Civil Service Commission was replaced by the Office of Personnel Management in 1966.

Section 2(b)(2) amends section 5(h) of the Act (22 U.S.C. 2504(h)) in several respects. It strikes out references to the Federal Voting Assistance Act of 1955 (5 U.S.C. 2171 et seq.), the Act of June 4, 1954, chapter 264, section 4 (5 U.S.C. 73b–5, the Act of December 23, 1944, chapter 716, section 1, as amended (31 U.S.C. 492a) and inserts references to 5 U.S.C. 5732 and 31 U.S.C. 3342. The Federal Voting Assistance Act has been repealed and replaced by a provision (42 U.S.C. 1973cc et seq.) which is available to all American citizens overseas. It is unnecessary, therefore, to consider Volunteers federal employees to provide them with the benefits of the Act; therefore, the reference to voter assistance in this provision can be deleted. The replacement of references to sections of titles 5 and 31 with references to 5 U.S.C. 5732 and 31 U.S.C. 3342 reflect recodification of provisions relating to reimbursement for the cost of transportation of baggage and effects, and check cashing privileges in those titles. No substantive change is involved.

Section 2(b)(3) replaces the reference to 'section 1757 of the Revised Statutes of the United States, as amended (5 U.S.C. 16)' with 'section 3331 of title 5, United States Code,' reflecting the codification of the statutory oath for employees in 1966.

Section 2(b)(4) replaces the reference to 31 U.S.C. 665(b) with '31 U.S.C. 1342,' reflecting the 1982 revision of title 31.

Section 2(b)(5) amends section 15(c)2

[Footnote] by striking out 'Public Law 84–918 (7 U.S.C. 1881 et seq.)' and inserting in lieu thereof subchapter VI of chapter 33, title 5, United States Code (5 U.S.C. 3371 et seq.).' Section 15(c) of the Peace Corps Act authorizes training for employees at private and public agencies. The statutory provisions relating to employee training were transferred from title 7 to title 5 in 1970.

[Footnote] 222 U.S.C. subsection 2514(c).

Section 2(b)(6) amends paragraph 15(d)(2)3

[Footnote] by striking out 'section 9 of Public Law 60–328 (31 U.S.C. 673)' and inserts in lieu thereof 31 U.S.C. 1346.' This section of the Peace Corps Act authorizes the payment of expenses to attend meetings related to the Peace Corps Act. No substantive change is intended. It is another change required by the 1982 revision of title 31.

[Footnote] 322 U.S.C. subsection 2514(d)(2).

Section 2(b)(7) strikes out 'without regard to section 3561 of the Revised Statutes (31 U.S.C. 543)'. This statute, which contained a restriction on currency exchanges, has been repealed and apparently was not replaced.

Section 2(b)(8) strikes out 'Foreign Service Act of 1946, as amended (22 U.S.C. 801 et seq.)' and inserts in lieu thereof: 'Foreign Service Act of 1980, as amended (22 U.S.C. 3901 et seq.)'. The Foreign Service Act was rewritten and renamed in 1980.

Mr. COVERDELL. Mr. President, I am pleased to join my colleague from Connecticut, Senator DODD, and my colleagues in the House, in introducing a reauthorization of the Peace Corps Act. This legislation authorizes a 12 percent increase for the fiscal year Peace Corps budget and is part of a multi-year plan to enable the Peace Corps to reach its goal of 10,000 volunteers. Reaching this level has been a long standing goal—set into law in 1985—and I am pleased that this legislation would accomplish this as the Peace Corps readies to enter the 21st century.

As former Director of the Peace Corps, I have learned first-hand of the tremendous impact that the relatively small amount we spend on the Peace Corps has throughout the world. Not only does the Peace Corps continue to be a cost effective tool for providing assistance and developing stronger ties with the international community, it has also trained over 150,000 Americans in the cultures and languages of countries around the world. Returned volunteers often use these skills and experiences to contribute to myriad sectors of our society—government, business, education, health, and social services, just to name a few. What a rich resource the Peace Corps is for the United States as the world grows closer.

Peace Corps volunteers continue to provide unique leadership around the world by representing the finest characteristics of the American people: a strong work ethic, generosity of spirit, and a commitment to service. The interpersonal nature of the Peace Corps has allowed volunteers to establish a collective record of public service that is well respected and recognized in all corners of the world.

Several Members of Congress, including Senator DODD, have contributed to this legacy of service and volunteerism. I believe they have experienced the value of the Peace Corps and its commitment to serving others, and I am certain that my colleague from Connecticut would consider this Peace Corps experience invaluable to his work today. As I have said before and I think it deserves repeating, virtually every ambassador and official representative I have met from countries with volunteers is an enthusiastic supporter of the Peace Corps. They all have viewed the Peace Corps as the most successful program of its kind.

Mr. President, I believe that the time is right to expand the number of Peace Corps volunteers. As the needs of people in developing countries continue to grow, so too does the number of enthusiastic Americans desiring to serve. Over the last 4 years, the number of Americans requesting information about joining the Peace Corps increased by almost 40 percent. Yet, during the same period, the Peace Corps has only been able to support a 2 percent-increase in volunteers.

In addition, the Peace Corps has taken steps to streamline agency operations to channel more resources in support of additional volunteers. Headquarter staffing has been reduced 13 percent since 1993. Five of 16 domestic recruiting offices and 13 country programs have been closed since fiscal year 1996. Financial savings in basic business operations have been achieved by realigning the headquarters organization and improving overseas financial operations. The sum of all the financial savings have contributed to a 14 percent-reduction in the average cost per volunteer (in constant dollars) since 1993.

Today, nearly 6,700 volunteers serve in 80 countries around the world, working with local communities to build a better future. This increase in Volunteers will help the Peace Corps expand in areas such as the Caucasus, Central Asia, and Africa as well as in Jordan, China, Bangladesh, and Mozambique. Increased funding will also help expand the work of the ''Crisis Corps,'' a group of experienced Peace Corps volunteers who have the necessary background to make valuable contributions in emergency situations. Crisis Corp volunteers, by the way, are serving today in Central America, assisting the region in its recovery from the terrible devastation of Hurricane Mitch.

Finally, this proposed authorization will serve to strengthen the Peace Corps as it prepares to enter the 21st century, putting it on the firm footing it needs and deserves. I firmly believe that a rejuvenated Peace Corps will help ensure that America continues to be an engaged world leader, and that we continue to share with other countries our own legacy of freedom, independence, and prosperity. This is an investment in our country and our world that we need to make.

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By Mr. CAMPBELL (for himself, Mr. CRAIG, Mr. KYL, Mr. CRAPO, Mr. GORTON, and Mr. GRAMS):

S. 510. A bill to preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve State sovereignty and private property rights in non-Federal lands surrounding those public lands and acquired lands; to the Committee on Energy and Natural Resources.

THE AMERICAN LAND SOVEREIGNTY PROTECTION ACT

Mr. CAMPBELL. Mr. President, today I introduce the American Land Sovereignty Protection Act of 1999. I am pleased to be joined by my colleagues, Senators CRAIG, KYL, CRAPO, GORTON, and GRAMS who are original cosponsors of the bill.

This bill enforces our position as strong supporters of American public lands and private property rights, and is based upon legislation which I introduced in the 105th Congress, S. 2098. Since then I have received input from Coloradans and revised the bill accordingly, as I am concerned about the setting aside of public lands by the federal government for international agreements and oversight.

The absence of congressional oversight in such programs as the United Nations Biosphere Reserve is of special concern to me. The United Nations has designated 47 Biosphere Reserves in the United States which contain a total area greater than the size of my home state of Colorado.

The United Nations remains the only multi-national body to share perspectives on a global scale. The United States, as the leading economic and military world power, should maintain an influential role. However, the intrusive implications of the U.N. Biosphere Reserve program have created a problem that must be addressed by the Congress.

A Biosphere Reserve is a federally-zoned and coordinated region that could prohibit certain uses of private lands outside of the designated international area. The executive branch is agreeing to manage the designated area in accordance with an underlying agreement which may have implications on non-federal land outside the affected area. For example, when residents of Arkansas discovered a plan by the United Nations and the administration to advance a proposed Ozark Highland Man and Biosphere Reserve without public input, the plan was withdrawn in the face of public pressure. This type of stealth tactic to accommodate international interests does not serve the needs and desires of the American people. Rather, it is an encroachment by the Executive branch on congressional authority.

We are facing a threat to our sovereignty by the creation of these land reserves in our public lands. I also believe the rights of private landowners must be protected if these international land designations are made. Even more disturbing is the fact the executive branch elected to be a party to this ''Biosphere Reserve'' program without the approval of Congress or the American people. The absence of congressional oversight in this area is a serious concern.

In fact most of these international land reserves have been created with minimal, if any, congressional input or oversight or public consultation. The current system for implementing international land reserves diminishes the power and sovereignty of the Congress to exercise its constitutional power to make laws that govern lands belonging to the United States. Congress must protect individual property owners, local communities, and state sovereignty which may be adversely impacted economically by any such international agreements.

As policymaking authority is further centralized by the executive branch at the federal level, the role of ordinary citizens in the making of this policy through their elected representatives is diminished. The administration has allowed some of America's most symbolic monuments of freedom, such as the Statue of Liberty and Independence Hall to be listed as World Heritage Sites. Furthermore the United Nations has listed national parks including Yellowstone National Park—our nation's first national park—as a World Heritage Site.

Federal legislation is needed to require the specific approval of Congress before any area within the borders of the United States is made part of an international land reserve. My bill reasserts Congress' Constitutional role in the creation of rules and regulations governing lands belonging to the United States and its people.

I ask unanimous consent that the bill be printed in the RECORD and urge my colleagues to support its passage.

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

S. 510

*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 ''American Land Sovereignty Protection Act''.

**SEC. 2. FINDINGS AND PURPOSE.**

(a) FINDINGS.—Congress finds the following:

(1) The power to dispose of and make all needful rules and regulations governing lands belonging to the United States is vested in the Congress under article IV, section 3, of the Constitution.

(2) Some Federal land designations made pursuant to international agreements concern land use policies and regulations for lands belonging to the United States which under article IV, section 3, of the Constitution can only be implemented through laws enacted by the Congress.

(3) Some international land designations, such as those under the United States Biosphere Reserve Program and the Man and Biosphere Program of the United Nations Scientific, Educational, and Cultural Organization, operate under independent national committees, such as the United States National Man and Biosphere Committee, which have no legislative directives or authorization from the Congress.

(4) Actions by the United States in making such designations may affect the use and value of nearby or intermixed non-Federal lands.

(5) The sovereignty of the States is a critical component of our Federal system of government and a bulwark against the unwise concentration of power.

(6) Private property rights are essential for the protection of freedom.

(7) Actions by the United States to designate lands belonging to the United States pursuant to international agreements in some cases conflict with congressional constitutional responsibilities and State sovereign capabilities.

(8) Actions by the President in applying certain international agreements to lands owned by the United States diminishes the authority of the Congress to make rules and regulations respecting these lands.

(b) PURPOSE.—The purposes of this Act are the following:

(1) To reaffirm the power of the Congress under article IV, section 3, of the Constitution over international agreements which concern disposal, management, and use of lands belonging to the United States.

(2) To protect State powers not reserved to the Federal Government under the Constitution from Federal actions designating lands pursuant to international agreements.

(3) To ensure that no United States citizen suffers any diminishment or loss of individual rights as a result of Federal actions designating lands pursuant to international agreements for purposes of imposing restrictions on use of those lands.

(4) To protect private interests in real property from diminishment as a result of Federal actions designating lands pursuant to international agreements.

(5) To provide a process under which the United States may, when desirable, designate lands pursuant to international agreements.

**SEC. 3. CLARIFICATION OF CONGRESSIONAL ROLE IN WORLD HERITAGE SITE LISTING.**

Section 401 of the National Historic Preservation Act Amendments of 1980 (Public Law 96–515; 94 Stat. 2987) is amended—

(1) in subsection (a) in the first sentence, by—

(A) striking ''The Secretary'' and inserting ''Subject to subsections (b), (c), (d), and (e), the Secretary''; and

(B) inserting ''(in this section referred to as the 'Convention')'' after ''1973''; and

(2) by adding at the end the following new subsections:

''(d)(1) The Secretary of the Interior may not nominate any lands owned by the United States for inclusion on the World Heritage List pursuant to the Convention, unless—

''(A) the Secretary finds with reasonable basis that commercially viable uses of the nominated lands, and commercially viable uses of other lands located within 10 miles of the nominated lands, in existence on the date of the nomination will not be adversely affected by inclusion of the lands on the World Heritage List, and publishes that finding;

''(B) the Secretary has submitted to the Congress a report describing—

''(i) natural resources associated with the lands referred to in subparagraph (A); and

''(ii) the impacts that inclusion of the nominated lands on the World Heritage List would have on existing and future uses of the nominated lands or other lands located within 10 miles of the nominated lands; and

''(C) the nomination is specifically authorized by a law enacted after the date of enactment of the American Land Sovereignty Protection Act and after the date of publication of a finding under subparagraph (A) for the nomination.

''(2) The President may submit to the Speaker of the House of Representatives and the President of the Senate a proposal for legislation authorizing such a nomination after publication of a finding under paragraph (1)(A) for the nomination.

''(e) The Secretary of the Interior shall object to the inclusion of any property in the United States on the list of World Heritage in Danger established under Article 11.4 of the Convention, unless—

''(1) the Secretary has submitted to the Speaker of the House of Representatives and the President of the Senate a report describing—

''(A) the necessity for including that property on the list;

''(B) the natural resources associated with the property; and

''(C) the impacts that inclusion of the property on the list would have on existing and future uses of the property and other property located within 10 miles of the property proposed for inclusion; and

''(2) the Secretary is specifically authorized to assent to the inclusion of the property on the list, by a joint resolution of the Congress after the date of submittal of the report required by paragraph (1).

''(f) The Secretary of the Interior shall submit an annual report on each World Heritage Site within the United States to the Chairman and Ranking Minority member of the Committee on Resources of the House of Representatives and of the Committee on Energy and Natural Resources of the Senate, that contains for the year covered by the report the following information for the site:

''(1) An accounting of all money expended to manage the site.

''(2) A summary of Federal full time equivalent hours related to management of the site.

''(3) A list and explanation of all nongovernmental organizations that contributed to the management of the site.

''(4) A summary and account of the disposition of complaints received by the Secretary related to management of the site.''.

**SEC. 4. PROHIBITION AND TERMINATION OF UNAUTHORIZED UNITED NATIONS BIOSPHERE RESERVES.**

Title IV of the National Historic Preservation Act Amendments of 1980 (16 U.S.C. 470a–1 et seq.) is amended by adding at the end the following new section:

''SEC. 403. (a) No Federal official may nominate any lands in the United States for designation as a Biosphere Reserve under the Man and Biosphere Program of the United Nations Educational, Scientific, and Cultural Organization.

''(b) Any designation on or before the date of enactment of the American Land Sovereignty Protection Act of an area in the United States as a Biosphere Reserve under the Man and Biosphere Program of the United Nations Educational, Scientific, and Cultural Organization shall not have, and shall not be given, any force or effect, unless the Biosphere Reserve—

''(1) is specifically authorized by a law enacted after that date of enactment and before December 31, 2000;

''(2) consists solely of lands that on that date of enactment are owned by the United States; and

''(3) is subject to a management plan that specifically ensures that the use of intermixed or adjacent non-Federal property is not limited or restricted as a result of that designation.

''(c) The Secretary of State shall submit an annual report on each Biosphere Reserve within the United States to the Chairman and Ranking Minority member of the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, that contains for the year covered by the report the following information for the reserve:

''(1) An accounting of all money expended to manage the reserve.

''(2) A summary of Federal full time equivalent hours related to management of the reserve.

''(3) A list and explanation of all nongovernmental organizations that contributed to the management of the reserve.

''(4) A summary and account of the disposition of the complaints received by the Secretary related to management of the reserve.''.

**SEC. 5. INTERNATIONAL AGREEMENTS IN GENERAL.**

Title IV of the National Historic Preservation Act Amendments of 1980 (16 U.S.C. 470a–1 et seq.) is further amended by adding at the end the following new section:

''SEC. 404. (a) No Federal official may nominate, classify, or designate any lands owned by the United States and located within the United States for a special or restricted use under any international agreement unless such nomination, classification, or designation is specifically authorized by law. The President may from time to time submit to the Speaker of the House of Representatives and the President of the Senate proposals for legislation authorizing such a nomination, classification, or designation.

''(b) A nomination, classification, or designation, under any international agreement, of lands owned by a State or local government shall have no force or effect unless the nomination, classification, or designation is specifically authorized by a law enacted by the State or local government, respectively.

''(c) A nomination, classification, or designation, under any international agreement, of privately owned lands shall have no force or effect without the written consent of the owner of the lands.

''(d) This section shall not apply to—

''(1) agreements established under section 16(a) of the North American Wetlands Conservation Act (16 U.S.C. 4413); and

''(2) conventions referred to in section 3(h)(3) of the Fish and Wildlife Improvement Act of 1978 (16 U.S.C. 712(2)).

''(e) In this section, the term 'international agreement' means any treaty, compact, executive agreement, convention, bilateral agreement, or multilateral agreement between the United States or any agency of the United States and any foreign entity or agency of any foreign entity, having a primary purpose of conserving, preserving, or protecting the terrestrial or marine environment, flora, or fauna.''.

**SEC. 6. CLERICAL AMENDMENT.**

Section 401(b) of the National Historic Preservation Act Amendments of 1980 (16 U.S.C. 470a–1(b)) is amended by striking ''Committee on Natural Resources'' and inserting ''Committee on Resources''.

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By Mr. McCAIN:

S. 511. A bill to amend the Voting Accessibility for the Elderly and Handicapped Act to ensure the equal right of individuals with disabilities to vote, and for other purposes; to the Committee on Rules and Administration.

VOTING ACCESSIBILITY FOR THE ELDERLY AND HANDICAPPED ACT AMENDMENTS

Mr. MCCAIN. Mr. President, today I am introducing legislation with my dear friend Senator JOHN KERRY which would protect every American's fundamental right to vote. Our bill, ''Improving Accessibility to Voting for Disabled and Elderly Americans'' will ensure that every citizen who wants to vote will be able to vote despite physical disabilities.

The McCain-Kerry bill would strengthen and redefined the existing law, ''Voting Accessibility for the Elderly and Handicapped.'' As many of my colleagues know, Congress implemented this law in 1984 in an attempt to ensure that all Americans has access to voter registration and polling places. At the time this was quite a progressive initiative since it was 15 years prior to the landmark Americans with Disabilities Act which as since helped opened the door for millions of disabled Americans in many aspects of their lives.

As a Member of the House of Representatives, I proudly supported the original 1984 law and was confident that it would eliminate the barriers facing millions of disabled and elderly citizens when they exercise their basic right to vote. Unfortunately, it did not. While it was a step in the right direction it has not completely eradicated inaccessible polling facilities. According to the most recent Federal Election Commission report, which relies on self-reporting by local election officials during the 1992 election, there were at least 19,500 inaccessible polling places. This is not including 9,500 polling places which did not file reports. And since this information is based on self-reporting I am afraid that the actual number of inaccessible polling places may be much higher.

It is deplorable that millions of disabled and elderly voters are not voting because they are faced with too many obstacles, including inaccessible polling places and ballots which are not accessible to blind or visually impaired voters. I find it particularly disconcerning that many of our nation's disabled veterans, the very men and women who have sacrificed so much for our country, are unable to cast their vote because of polling facilities which are not accessible. This is simply wrong. The right to vote is the heat and soul of our democracy, and we must work together to eliminate barriers preventing millions from participating in our democracy.

As America works together for our journey into the new millennium we must ensure that our Democracy continues to include everyone and address the unique needs of each citizen. I am concerned about voter turnout in the last election cycle, 1998 was the lowest since 1942—only 36 percent of eligible voters participated. It is difficult to have representation of the people by the people if the majority of people are not participating.

I find this lack of participation quite disturbing, particularly as our Nation prepares to enter the next century facing a multitude of important issues. What is even more disturbing is the number of citizens who wanted to participate in our election process but were unable to because of inaccessible polling facilities. This is why I am committed to working with Senator KERRY to get this bill passed so that every citizen, particularly the men and women who pledged their lives, fortunes and sacred honor to preserve and protect our Nation, can participate in the voting process.

I hope that my colleagues in the Senate will work with us to enact this important piece of legislation this year so that all Americans can exercise their right to vote with dignity and respect.

This legislation is supported by the Paralyzed Veterans of America, American Foundation for the Blind, New Hampshire Disabilities Rights Center, New Hampshire Developmental Disabilities Council, Granite State Independent Living Foundation, and National Association of Protection and Advocacy Systems. I would like to thank each of them for their commitment to protecting the rights of disabled and elderly Americans.

Mr. President, I request unanimous consent that a copy of the legislation be printed in the RECORD.

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

S. 511

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

**SECTION 1. AMENDMENT OF VOTING ACCESSIBILITY FOR THE ELDERLY AND HANDICAPPED ACT.**

(a) PURPOSE.—Section 2 of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee) is amended by—

(1) striking ''It'' and inserting ''(a) It''; and

(2) adding at the end the following:

''(b) It is the intention of Congress in enacting this Act to ensure that—

''(1) no individual may be denied the right to vote in a Federal election on the basis of being disabled; and

''(2) every voter has the right to vote independently in a Federal election.''.

(b) ACCESSIBILITY OF POLLING PLACES.—Section 3 of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee-1) is amended—

(1) in subsection (a), by striking ''each political subdivision'' and all that follows through ''conducting elections'' and inserting ''the chief election officer of the State'';

(2) by striking subsection (b) and inserting the following:

''(b) Subsection (a) shall not apply to a polling place in the case of any unforeseeable natural disaster such as a fire, storm, earthquake, or flood.''; and

(3) by striking subsection (c) and inserting the following:

''(c) The chief election officer of a State shall ensure that all polling methods selected and used for Federal elections are accessible to disabled and elderly voters, including—

''(1) the provision of ballots in a variety of accessible media;

''(2) the provision of instructions that are printed in large type, conspicuously displayed at each polling place;

''(3) the provision of printed information that is generally available to other voters using a variety of accessible media; and

''(4) ensuring that all polling methods used enable disabled and elderly voters to cast votes at polling places during times and under conditions of privacy available to other voters.''.

(c) ACCESSIBILITY OF REGISTRATION FACILITIES AND SERVICES.—Section 5(a) of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee-3(a)) is amended—

(1) in paragraph (1), by striking ''and'' at the end; and

(2) by striking paragraph (2) and inserting the following:

''(2) registration information by telecommunications devices for the deaf and in a variety of accessible media; and

''(3) accessible registration procedures to allow each eligible voter to register at the residence of the voter, by mail, or by other means.''.

(d) ENFORCEMENT.—Section 6 of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee-4) is amended—

(1) in subsection (b), by striking ''45'' and inserting ''21''; and

(2) by striking subsection (c) and inserting the following:

''(c) In an action brought under subsection (a), the State or political subdivision shall be fined an amount—

''(1) not to exceed $5,000 for the first violation of such section; and

''(2) not to exceed $10,000 for each subsequent violation.''.

(e) RELATIONSHIP WITH OTHER LAWS.—Section 7 of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee-5) is amended—

(1) in the heading, by striking ''VOTING RIGHTS ACT OF 1965'' and inserting ''OTHER LAWS;

(2) by striking ''This'' and inserting ''(a) This''; and

(3) by adding at the end the following:

''(b) Nothing in this Act shall be construed to invalidate or limit the laws of any State or political subdivision that provide greater or equal access to registration or polling for disabled and elderly voters.''.

(f) DEFINITIONS.—Section 8 of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee-6) is amended—

(1) in paragraph (1), by striking ''chief election'' through ''involved'' and inserting ''Access Board'';

(2) in paragraph (4), by striking ''permanent physical disability; and'' and inserting ''permanent disability;'';

(3) in paragraph (5), by striking the period and inserting a semicolon; and

(4) by adding at the end the following:

''(6) 'Access Board' means the Architectural and Transportation Barriers Compliance Board established under section 502 of the Rehabilitation Act of 1973 (29 U.S.C. 792);

''(7) 'chief election officer' means the State officer or entity, designated by State law or established by practice, responsible for elections within the State;

''(8) 'independently' means without the assistance of another individual; and

''(9) 'media' includes formats using large type, braille, sound recording, or digital text.''.

(g) REFERENCES.—

(1) IN GENERAL.—The Voting Accessibility for the Elderly and Handicapped Act (42

U.S.C. 1973ee et seq.) is amended by striking ''handicapped'' each place it appears and inserting ''disabled''.

(2) REFERENCES IN OTHER LAWS.—Except where inappropriate, any reference to ''handicapped'' in relation to the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.) in any law, Executive Order, rule, or other document shall include a reference to ''disabled''.

(h) CONFORMING AMENDMENT.—Section 502(b)(3) of the Rehabilitation Act of 1973 (29 U.S.C. 792(b)(3)) is amended by inserting before the semicolon ''and section 3 of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee-1)''.

**SEC. 2. REGULATIONS.**

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall promulgate regulations implementing this Act. Such regulations shall be consistent with the minimum guidelines established by the Access Board.

(b) ACCESS BOARD GUIDELINES.—Not later than 9 months after the date of enactment of this Act, the Access Board shall issue minimum guidelines relating to the requirements in the amendments made by section 1(b) of this Act.

(c) DEFINITION.—In this section, the term ''Access Board'' means the Architectural and Transportation Barriers Compliance Board.

**SEC. 3. TRANSITION PLAN.**

(a) IN GENERAL.—Not later than 3 months after the date on which regulations are promulgated under section 2(a), the chief election officer of each State shall develop a transition plan to ensure that polling places in the State are in compliance with the requirements of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.), as amended by this Act.

(b) COORDINATION WITH LOCAL ELECTION OFFICIALS.—The plan under subsection (a) shall be developed in coordination with—

(1) local election officials; and

(2) individuals with disabilities or organizations representing individuals with disabilities.

(c) CONTENTS AND AVAILABILITY OF PLAN.—The plan under subsection (a) shall—

(1) include specific recommendations necessary to comply with the requirements of the Voting Accessibility for the Elderly and Handicapped Act; and

(2) be available for public inspection in such manner as the chief election officer determines appropriate.

**SEC. 4. EFFECTIVE DATE.**

The amendments made by section 1 of this Act shall apply beginning on the earliest of—

(1) the date that is 6 months after the date on which regulations are promulgated under section 2(a); or

(2) the date of the first Federal election taking place in the State after December 31, 2000.

Mr. KERRY. Mr. President, I am pleased to join my good friend JOHN MCCAIN to introduce the Voting Accessibility for the Elderly and Handicapped Act, to ensure that our disabled and elderly citizens have the same opportunity to vote as the rest of us—in private and at a polling place. Despite the intention of a voter accessibility law passed in 1984, many individuals with physical challenges are literally left outside the polling place, unable to exercise their fundamental right to vote without embarrassing themselves or relying on others to cast their ballot for them.

As abysmally low as voter turnout is for the population as a whole, it is estimated that the rate of voter participation by persons with disabilities is even lower—as much as 15–20 percent according to some surveys. Among the reasons for this gap is that polling places are not accessible to people with physical disabilities. This is the case, despite the Voting Accessibility for the Elderly and Handicapped Act (VAEHA) of 1984, which requires polling places to be physically accessible to both older voters and voters with disabilities. Unfortunately, the VAEHA does not define an ''accessible'' voting place, nor does it place responsibility for making a voting place accessible with any particular agency or official.

Since the 1984 act was passed, many polling places have improved their accessibility. Nevertheless, according to the Federal Election Commission, which tracks accessibility under the 1984 act, there were some 19,500 inaccessible polling places in 1992—the last time for which statistics are available. And, since the FEC report relied on self-reporting by voting precincts, the actual number of inaccessible polling places in likely to be even higher.

The result is that there are still too many instances where disabled voters must resort to what is known as ''curbside voting.'' According to a survey by the National Voter Independence Project, 47 percent of polling places are inaccessible because they don't have a wide enough path from the street, there are no signs directing disabled people where to go, or stairs or narrow doorways block wheelchair access. Disabled voters who go to inaccessible polling places are told to honk their car horn, or ask a passerby to get the attention of the polling official, who must then bring a ballot out to the disabled voter or carry him or her into the voting place. Rather than face this indignity, many disabled voters choose not to vote.

Why shouldn't they just vote by absentee ballot? Because voting is a community event in which those without disabilities can choose to participate. Disabled voters deserve the same voting rights as everyone else. If they vote by absentee ballot, they should do so because they choose to, not because they have to.

Visually impaired voters—many of whom are older Americans—also often face certain indignities when they attempt to exercise their fundamental right of a secret vote. If they cannot see the ballot, they are told to bring someone into the voting booth with them, to read the ballot for them and cast their vote. An extraordinary 81 percent of visually impaired individuals had to rely on others to mark their ballots for them, according to the National Voter Independence Project. The secret ballot is so basic to our democratic system that it is shocking that it is denied to so many.

The right to vote at a polling place and in private can be provided to the elderly and disabled for a very low price. State election agencies may incur some costs in bringing their polling places into compliance, however, these are expenses already required of the states by the 1984 law. More importantly in most cases, the costs are not likely to be high. The FEC noted that improvements seen in 1992 ''were in many cases achieved merely by relocating polling places to accessible buildings at no cost to the taxpayers.'' Where polling places are not accessible to individuals with physical disabilities, they can be moved to already accessible buildings, such as malls, public libraries and schools. In many instances, access would be improved by putting up signs directing persons with disabilities to accessible entrances. These and other simple solutions have been implemented by some precincts at only minimal cost.

Improving access for the visually impaired can also be a low-cost endeavor for states. Many visually impaired individuals would be able to vote independently if the ballots were simply in larger type. Providing a tape recording of the ballot for the visually impaired to listen to is another solution that has been implemented by a few precincts for very low cost. It is a small price to pay to guarantee our fundamental rights to all of our citizens.

Those who would benefit from this bill include the men and women who were injured serving our country in the armed forces. Other beneficiaries would be elderly citizens who may have voted regularly throughout their lives, and only their failing vision keeps them from voting now. Still others on whose behalf we offer this bill are victims of accidents, illnesses, or genetic disorders. Is there any one among those individuals who should be denied the right to participate in the voting process? Of course not. It is for them, Mr. President, that we offer this very important piece of legislation.

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By Mr. GORTON (for himself, Mrs. FEINSTEIN, Mr. LAUTENBERG, Mr. TORRICELLI, Mr. LIEBERMAN, and Mr. EDWARDS):

S. 512. A bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the Department of Health and Human Services with respect to research on autism; to the Committee on Health, Education, Labor, and Pensions.

ADVANCEMENT IN PEDIATRIC AUTISM RESEARCH ACT

Mr. GORTON. Mr. President, today, I will introduce legislation that will build on current scientific advances in understanding autism and will promote additional research in this promising field. I introduced a very similar bill last year and am greatly encouraged by the progress in this field. In the last 12 months, we've seen an increase in the number of researchers interested in this field, additional funding for autism research and greater public awareness about this disability. It is

my hope that we can continue this momentum and pass meaningful legislation this year.

Many think autism is rare. In fact, it is the third most prevalent childhood disability, affecting an estimated four hundred thousand Americans and their families. It is also a condition that doctors and scientists believe can be cured. It is not something that we simply must accept.

When people think of autism they might remember the character played by Dustin Hoffman in the movie ''Rainman.'' Yet autism has many faces; it affects people from every background, social and ethnic category. Children with autism may be profoundly retarded and may never learn to speak, while other may be extremely hyperactive and bright. Some may have extraordinary talents, such as an exceptional memory or skill in mathematics. However, all share the common traits of difficulty with communication and social interaction. And for reasons we do not yet understand, eighty percent of those with autism are males.

But autism is not about statistics or medical definitions—it is about children and families. The Kruegers, from Washington state, have an all too typical story. Their little girl Chanel developed like any other child—she happily played with her parents, took her first steps, learned some of her first words and then she started to regress. In four short months, by the time she was two, Chanel had become almost completely enveloped in her own private world. Chanel's mother told me ''it was like somebody came in the middle of the night and took my child.''

Like many children with autism, the Krueger's daughter no longer responded when her parents called her name; words she once spoke clearly became garbled; and socializing became more and more difficult. Fortunately, due to her parents' dedication and intervention Chanel Krueger at age 5, is doing remarkably well.

But, many autistic children completely lose the ability to interact with the outside world. The hours these kids should be spending in little league or playing with their friends are often spent staring out the window, transfixed by the dust floating in the sunlight or the pattern of leaves on the ground.

Even today, with advances in therapy and early intervention, few of these children will go to college, hold a regular job, live independently or marry. More than half never learn how to speak.

The facts about autism can be sobering—but there is hope. Early intervention and treatment has helped many children. Science has also made great strides in understanding this disorder. We now know that autism is a biological condition, it is not an emotional problem and it is not caused by faulty parenting. Scientists believe that autism is one of the most heritable developmental disorders and is the most likely to benefit from the latest advances in genetics and neurology. Once the genetic link is discovered, the opportunities for understanding, treating, and eventually curing autism are endless.

The promise of research is exactly why I am introducing this legislation. This bill will increase the federal commitment to autism research. Its cornerstone is authorization for five Centers of Excellence where basic researchers, clinicians and scientists can come together to increase our understanding of this devastating disorder.

Because so little is known about the prevalence of autism, I have added a provision that establishes at the Centers for Disease Control at least three centers of expertise on autism in an effort to identify the causes of autism. The epidemiology research will help us confirm or dismiss whether a genetic disposition to autism may be triggered by environmental factors. If so, identifying those factors may help us in taking steps to prevent autism from developing.

A library of genetic information will be a valuable tool for researchers trying to identify the genetic basis for autism. The bill includes a provision to fund a gene and brain tissue bank developed from families affected with autism to be available for research purposes.

While we are hoping to advance our understanding and treatment of autism through research, it is also important that pediatricians and other health professionals have the most current information so that children and their families can receive help as early as possible. The bill includes authorization for an Autism Wareness Program to educate doctors and other health professionals about autism.

Finally, it is vital that we encourage collaboration among the scientists conducting this important work throughout the Department of Health and Human Services. The bill establishes an Inter-Agency Autism Coordinating Committee to bring together the scientists at the various Institutes at the NIH, at the Centers for Disease Control and other agencies conducting autism research.

While the focus of this bill is on autism, advances in this area are also likely to shed light on related problems such as attention deficit disorder, obsessive compulsive disorders, and various seizure disorders and learning disabilities.

Research is the key to unlocking the door and freeing those with autism from the isolation and loneliness of their private world. This bill is intended to give the NIH and the CDC the resources to take advantage of the tremendous opportunity before us to find more effective treatments and ultimately a cure for autism. The promise is real. Fulfillment of that promise only requires our commitment. I urge my Senate colleagues to support this important investment in the future of our children and our Nation.

## ADDITIONAL COSPONSORS

S. 38

At the request of Mr. CAMPBELL, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 38, a bill to amend the Internal Revenue Code of 1986 to phase out the estate and gift taxes over a 10-year period.

S. 51

At the request of Mr. BIDEN, the names of the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 51, a bill to reauthorize the Federal programs to prevent violence against women, and for other purposes.

S. 52

At the request of Mr. BOND, the names of the Senator from Florida (Mr. MACK) and the Senator from Georgia (Mr. COVERDELL) were added as cosponsors of S. 52, a bill to provide a direct check for education.

S. 67

At the request of Mr. MOYNIHAN, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 67, a bill to designate the headquarters building of the Department of Housing and Urban Development in Washington, District of Columbia, as the ''Robert C. Weaver Federal Building.''

S. 98

At the request of Mr. MCCAIN, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 98, a bill to authorize appropriations for the Surface Transportation Board for fiscal years 1999, 2000, 2001, and 2002, and for other purposes.

S. 101

At the request of Mr. LUGAR, the names of the Senator from Kentucky (Mr. MCCONNELL), the Senator from Arkansas (Mrs. LINCOLN), and the Senator from Wyoming (Mr. THOMAS) were added as cosponsors of S. 101, a bill to promote trade in United States agricultural commodities, livestock, and value-added products, and to prepare for future bilateral and multilateral trade negotiations.

S. 148

At the request of Mr. ABRAHAM, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 148, a bill to require the Secretary of the Interior to establish a program to provide assistance in the conservation of neotropical migratory birds.

S. 171

At the request of Mr. MOYNIHAN, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 171, a bill to amend the

Clean Air Act to limit the concentration of sulfur in gasoline used in motor vehicles.

S. 185

At the request of Mr. ASHCROFT, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Kentucky (Mr. MCCONNELL) were added as cosponsors of S. 185, a bill to establish a Chief Agricultural Negotiator in the Office of the United States Trade Representative.

S. 192

At the request of Mr. KENNEDY, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 192, a bill to amend the Fair Labor Standards Act of 1938 to increase the Federal minimum wage.

S. 211

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 211, a bill to amend the Internal Revenue Code of 1986 to make permanent the exclusion for employer-provided educational assistance programs, and for other purposes.

S. 223

At the request of Mr. LAUTENBERG, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 223, a bill to help communities modernize public school facilities, and for other purposes.

S. 260

At the request of Mr. GRASSLEY, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 260, a bill to make chapter 12 of title 11, United States Code, permanent, and for other purposes.

S. 271

At the request of Mr. FRIST, the names of the Senator from Wyoming (Mr. ENZI), the Senator from Vermont (Mr. JEFFORDS), and the Senator from New Mexico (Mr. DOMENICI) were added as cosponsors of S. 271, a bill to provide for education flexibility partnerships.

S. 280

At the request of Mr. FRIST, the names of the Senator from Wyoming (Mr. ENZI), the Senator from Vermont (Mr. JEFFORDS), the Senator from New Mexico (Mr. DOMENICI), and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of S. 280, a bill to provide for education flexibility partnerships.

S. 285

At the request of Mr. MCCAIN, the names of the Senator from Missouri (Mr. ASHCROFT), the Senator from South Carolina (Mr. THURMOND), and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 285, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

S. 311

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 311, a bill to authorize the Disabled Veterans' LIFE Memorial Foundation to establish a memorial in the District of Columbia or its environs, and for other purposes.

S. 314

At the request of Mr. BOND, the names of the Senator from Missouri (Mr. ASHCROFT), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Oregon (Mr. SMITH), the Senator from North Carolina (Mr. EDWARDS), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Rhode Island (Mr. REED), the Senator from Montana (Mr. BURNS), and the Senator from Virginia (Mr. ROBB) were added as cosponsors of S. 314, a bill to provide for a loan guarantee program to address the Year 2000 computer problems of small business concerns, and for other purposes.

At the request of Mr. DASCHLE, his name was added as a cosponsor of S. 314, supra.

At the request of Mr. BUNNING, his name was added as a cosponsor of S. 314, supra.

S. 322

At the request of Mr. CAMPBELL, the names of the Senator from North Carolina (Mr. EDWARDS) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 322, a bill to amend title 4, United States Code, to add the Martin Luther King Jr. holiday to the list of days on which the flag should especially be displayed.

S. 327

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 327, a bill to exempt agricultural products, medicines, and medical products from U.S. economic sanctions.

S. 331

At the request of Mr. JEFFORDS, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 331, a bill to amend the Social Security Act to expand the availability of health care coverage for working individuals with disabilities, to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide such individuals with meaningful opportunities to work, and for other purposes.

S. 345

At the request of Mr. ALLARD, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of S. 345, a bill to amend the Animal Welfare Act to remove the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 346

At the request of Mrs. HUTCHISON, the names of the Senator from Idaho (Mr. CRAPO) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 346, a bill to amend title XIX of the Social Security Act to prohibit the recoupment of funds recovered by States from one or more tobacco manufacturers.

S. 349

At the request of Mr. HAGEL, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 349, a bill to allow depository institutions to offer negotiable order of withdrawal accounts to all businesses, to repeal the prohibition on the payment of interest on demand deposits, and for other purposes.

S. 351

At the request of Mr. GRAMS, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 351, a bill to provide that certain Federal property shall be made available to States for State and local organization use before being made available to other entities, and for other purposes.

S. 387

At the request of Mr. MCCONNELL, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 387, a bill to amend the Internal Revenue Code of 1986 to provide an exclusion from gross income for distributions from qualified State tuition programs which are used to pay education expenses.

S. 389

At the request of Mr. MCCAIN, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 389, a bill to amend title 10, United States Code, to improve and transfer the jurisdiction over the troops-to-teachers program, and for other purposes.

At the request of Mr. ROBB, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 389, supra.

S. 393

At the request of Mr. MCCAIN, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 393, a bill to provide Internet access to certain Congressional documents, including certain Congressional Research Service publications, Senate lobbying and gift report filings, and Senate and Joint Committee documents.

S. 395

At the request of Mr. ROCKEFELLER, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. 395, a bill to ensure that the volume of steel imports does not exceed the average monthly volume of such imports during the 36-month period preceding July 1997.

S. 403

At the request of Mr. ALLARD, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 403, a bill to prohibit implementation of ''Know Your Customer'' regulations by the Federal banking agencies.

S. 414

At the request of Mr. GRASSLEY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 414, a bill to amend the Internal Revenue Code of 1986 to provide a 5-year extension of the credit for producing

electricity from wind, and for other purposes.

S. 456

At the request of Mr. CONRAD, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 456, a bill to amend the Internal Revenue Code of 1986 to allow employers a credit against income tax for information technology training expenses paid or incurred by the employer, and for other purposes.

S. 458

At the request of Mr. HAGEL, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 458, a bill to modernize and improve the Federal Home Loan Bank System, and for other purposes.

S. 469

At the request of Mr. BREAUX, the name of the Senator from North Dakota (Mr. CONRAD) was withdrawn as a cosponsor of S. 469, a bill to encourage the timely development of a more cost effective United States commercial space transportation industry, and for other purposes.

S. 484

At the request of Mr. CAMPBELL, the names of the Senator from New Hampshire (Mr. GREGG) and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of S. 484, a bill to provide for the granting of refugee status in the United States to nationals of certain foreign countries in which American Vietnam War POW/MIAs or American Korean War POW/MIAs may be present, if those nationals assist in the return to the United States of those POW/MIAs alive.

SENATE CONCURRENT RESOLUTION 5

At the request of Mr. BROWNBACK, the names of the Senator from Utah (Mr. BENNETT), the Senator from Montana (Mr. BURNS), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Maine (Ms. COLLINS), the Senator from Alabama (Mr. SESSIONS), the Senator from Nebraska (Mr. HAGEL), the Senator from Maine (Ms. SNOWE), the Senator from Arizona (Mr. MCCAIN), the Senator from Nevada (Mr. BRYAN), the Senator from Idaho (Mr. CRAIG), the Senator from Georgia (Mr. COVERDELL), the Senator from Wyoming (Mr. ENZI), the Senator from Hawaii (Mr. INOUYE), and the Senator from New Hampshire (Mr. GREGG) were added as cosponsors of Senate Concurrent Resolution 5, a concurrent resolution expressing congressional opposition to the unilateral declaration of a Palestinian state and urging the President to assert clearly United States opposition to such a unilateral declaration of statehood.

At the request of Mrs. MURRAY, her name was added as a cosponsor of Senate Concurrent Resolution 5, supra.

SENATE CONCURRENT RESOLUTION 11

At the request of Mr. CAMPBELL, the names of the Senator from Iowa (Mr. GRASSLEY), the Senator from Oregon (Mr. SMITH), and the Senator from Montana (Mr. BURNS) were added as cosponsors of Senate Concurrent Resolution 11, a concurrent resolution expressing the sense of Congress with respect to the fair and equitable implementation of the amendments made by the Food Quality Protection Act of 1996.

At the request of Mrs. MURRAY, her name was added as a cosponsor of Senate Concurrent Resolution 11, supra.

SENATE RESOLUTION 19

At the request of Mr. SPECTER, the names of the Senator from Maine (Ms. SNOWE), the Senator from California (Mrs. FEINSTEIN), and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of Senate Resolution 19, a resolution to express the sense of the Senate that the Federal investment in biomedical research should be increased by $2,000,000,000 in fiscal year 2000.

SENATE RESOLUTION 26

At the request of Mr. MURKOWSKI, the names of the Senator from Delaware (Mr. ROTH) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of Senate Resolution 26, a resolution relating to Taiwan's Participation in the World Health Organization.

SENATE RESOLUTION 34

At the request of Mr. TORRICELLI, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Georgia (Mr. COVERDELL) were added as cosponsors of Senate Resolution 34, a resolution designating the week beginning April 30, 1999, as ''National Youth Fitness Week.''

SENATE RESOLUTION 47

At the request of Mr. MURKOWSKI, the names of the Senator from Montana (Mr. BURNS), the Senator from Georgia (Mr. CLELAND), the Senator from New Mexico (Mr. DOMENICI), and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of Senate Resolution 47, a resolution designating the week of March 21 through March 27, 1999, as ''National Inhalants and Poisons Awareness Week.''

SENATE RESOLUTION 48

At the request of Mrs. HUTCHISON, the names of the Senator from Michigan (Mr. ABRAHAM), the Senator from Texas (Mr. GRAMM), the Senator from Massachusetts (Mr. KERRY), the Senator from California (Mrs. FEINSTEIN), the Senator from Virginia (Mr. WARNER), the Senator from Missouri (Mr. BOND), the Senator from Wisconsin (Mr. KOHL), the Senator from Montana (Mr. BURNS), the Senator from Indiana (Mr. LUGAR), the Senator from Kansas (Mr. BROWNBACK), the Senator from Louisiana (Mr. BREAUX), the Senator from Connecticut (Mr. DODD), the Senator from North Dakota (Mr. DORGAN), the Senator from North Carolina (Mr. EDWARDS), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Michigan (Mr. LEVIN), the Senator from Nevada (Mr. REID), the Senator from Maryland (Mr. SARBANES), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Oklahoma (Mr. INHOFE), the Senator from Oregon (Mr. SMITH), the Senator from Utah (Mr. HATCH), and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of Senate Resolution 48, a resolution designating the week beginning March 7, 1999, as ''National Girl Scout Week.''

SENATE RESOLUTION 53

At the request of Mr. HUTCHINSON, the names of the Senator from Washington (Mr. GORTON) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of Senate Resolution 53, a resolution to designate March 24, 1999, as ''National School Violence Victims' Memorial Day.''

## SENATE RESOLUTION 55—MAKING APPOINTMENTS TO CERTAIN SENATE COMMITTEES FOR THE 106TH CONGRESS

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 55

*Resolved,* That notwithstanding the provisions of S. Res. 400 of the 95th Congress, or the provisions of rule XXV, the following shall constitute the membership on those Senate committees listed below for the 106th Congress, or until their successors are appointed:

Committee on Veterans' Affairs: Mr. Specter (Chairman), Mr. Murkowski, Mr. Thurmond, Mr. Jeffords, Mr. Campbell, Mr. Craig, Mr. Hutchinson of Arkansas, Mr. Rockefeller, Mr. Graham of Florida, Mr. Akaka, Mr. Wellstone, and Mrs. Murray.

Special Committee on Aging: Mr. Grassley (Chairman), Mr. Jeffords, Mr. Craig, Mr. Burns, Mr. Shelby, Mr. Santorum, Mr. Hagel, Ms. Collins, Mr. Enzi, Mr. Bunning, Mr. Hutchinson of Arkansas, Mr. Breaux, Mr. Reid of Nevada, Mr. Kohl, Mr. Feingold, Mr. Wyden, Mr. Reed of Rhode Island, Mr. Bayh, Mrs. Lincoln, and Mr. Bryan.

Committee on Indian Affairs: Mr. Campbell (Chairman), Mr. Murkowski, Mr. McCain, Mr. Gorton, Mr. Domenici, Mr. Thomas, Mr. Hatch, Mr. Inhofe, Mr. Inouye (Vice Chairman), Mr. Conrad, Mr. Reid of Nevada, Mr. Akaka, Mr. Wellstone, and Mr. Dorgan.

Special Committee on the Year 2000 Technology Problems: Mr. Bennett (Chairman), Mr. Kyl, Mr. Smith of Oregon, Ms. Collins, Mr. Stevens (ex-officio), Mr. Dodd (Vice Chairman), Mr. Moynihan, Mr. Edwards, and Mr. Byrd (ex-officio).

## SENATE RESOLUTION 56—RECOGNIZING MARCH 2 AS ''NATIONAL READ ACROSS AMERICA DAY,'' AND ENCOURAGING READING THROUGHOUT THE YEAR

Mr. COVERDELL (for himself, Mr. TORRICELLI, and Mr. ROBB) submitted the following resolution; which was considered and agreed to:

S. RES. 56

Whereas reading is a fundamental part of life and every American should be given the chance to experience the many joys it can bring;

Whereas National Read Across America Day calls for every child in every American

community to celebrate and extoll the virtue of reading on the birthday of America's favorite Doctor—Dr. Seuss;

Whereas National Read Across America Day is designed to show every American child that reading can be fun, and encourages parents, relatives and entire communities to read to our nation's children;

Whereas National Read Across America Day calls on every American to take time out of their busy day to pick up a favorite book and read to a young boy or girl, a class or a group of students;

Whereas reading is a catalyst for our children's future academic success, their preparation for America's jobs of the future, and our nation's ability to compete in the global economy;

Whereas the distinguished Chairman Jim Jeffords and Ranking Member Ted Kennedy of the Senate Health, Education, Labor and Pensions Committee have provided significant leadership in the area of community involvement in reading through their participation in the Everybody Wins! program;

Whereas Chairman Jim Jeffords has been recognized for his leadership in reading by Parenting Magazine;

Whereas prominent sports figures such as National Read Across America Day Honorary Chairman Cal Ripken of the Baltimore Orioles baseball team, Sandy Alomar of the Cleveland Indians, and members of the Atlanta Falcons football team have dedicated substantial time, energy and resources to encourage young people to experience the joy and fun of reading;

Whereas the 105th Congress made an historic commitment to reading through the passage of the Reading Excellence Act which focused on traditionally successful phonics instruction, tutorial assistance grants for at-risk kids, and literacy assistance for parents:

Now, therefore, be it *Resolved*, That the Senate—

(1) recognizes March 2, 1999 as National Read Across America Day; and

(2) expresses its wishes that every child in every American city and town has the ability and desire to read throughout the year, and receives the parental and adult encouragement to succeed and achieve academic excellence.

## AMENDMENTS SUBMITTED

### RELATIVE TO THE SPECIAL COMMITTEE ON THE YEAR 2000 TECHNOLOGY-RELATED PROBLEM

#### BENNETT (AND DODD) AMENDMENT NO. 30

Mr. BENNETT (for himself and Mr. DODD) proposed an amendment to the resolution (S. Res. 7) to amend Senate Resolution 208 of the 105th Congress to increase funding of the Special Committee on the Year 2000 Technology-related Problems; as follows:

On page 1, line 5, strike ''both places'' and insert ''the second place''.

## NOTICES OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will meet on Tuesday, March 2, 1999 in SD–106 at 9:00 a.m. The purpose of this meeting will be to review federal child nutrition programs.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Senate Committee on Health, Education, Labor, and Pensions will be held on Tuesday, March 2, 1999, 9:30 a.m., in SD–430 of the Senate Dirksen Building. The subject of the hearing is Medical Necessity: From Theory to Practice. For further information, please call the committee, 202/224–5375.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will meet during the session of the Senate on Wednesday, March 3, 1999 at 9:30 a.m. to Mark-up the Committee's Budget Views & Estimates letter to the Budget Committee for FY 2000 Indian programs. (The Joint Hearing with the Senate Committee on Energy and Natural Resources on American Indian Trust Management Practices in the Department of the Interior will immediately follow). The Meeting/Hearing will be held in room 106 of the Dirksen Senate Office Building.

Those wishing additional information should contact the Committee on Indian Affairs at 202/224–2251.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Senate Committee on Health, Education, Labor and Pensions, Subcommittee on Aging will be held on Wednesday, March 3, 1999, 9:30 a.m., in SD–430 of the Senate Dirksen Building. The subject of the hearing is Older Americans Act: Oversight and Overview. For further information, please call the committee, 202/224–5375.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Subcommittee on Employment, Safety, and Training, Senate Committee on Health, Education, Labor, and Pensions, will be held on Thursday, March 4, 1999, 9:30 a.m., in SD–430 of the Senate Dirksen Building. The subject of the hearing is ''the New SAFE Act.'' For further information, please call the committee, 202/224–5375.

COMMITTEE ON SMALL BUSINESS

Mr. BOND. Mr. President, I wish to announce that the Committee on Small Business will hold a hearing on ''The President's Fiscal Year 2000 Budget Request for the Small Business Administration.'' The hearing will be held on Tuesday, March 6, 1999, beginning at 10:00 a.m. in room 428A of the Russell Senate Office Building.

The hearing will be broadcast live on the Internet from our homepage address: http://www.senate.gov/sbc

For further information, please contact Paul Cooksey at 224–5175.

## AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. BENNETT. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Tuesday, March 2, 1999. The purpose of this meeting will be to review Federal child nutrition programs.

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

COMMITTEE ON ARMED SERVICES

Mr. BENNETT. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Tuesday, March 2, 1999, at 9:30 a.m. in open session, to receive testimony on the defense authorization request for fiscal year 2000 and the future years defense plan.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BENNETT. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Tuesday, March 2, for purposes of conducting a full committee hearing which is scheduled to begin at 10:00 a.m. The purpose of this oversight hearing is to consider the President's budget for FY2000 for the Department of the Interior.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. BENNETT. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on ''Medical Necessity: From Theory to Practice'' during the session of the Senate on Tuesday, March 2, 1999, at 9:30 a.m.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. BENNETT. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a joint hearing with the House Committee on Veterans' Affairs to receive the legislative presentations of the Veterans of World War I of the USA, Non-Commissioned Officers Association, Paralyzed Veterans of America, Jewish War Veterans, and the Blinded Veterans Association. The hearing will be held on Tuesday, March 2, 1999, at 9:30 a.m., in room 345 of the Cannon House Office Building.

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

COMMITTEE ON THE YEAR 2000 TECHNOLOGY PROBLEM SPECIAL

Mr. BENNETT. Mr. President, I ask unanimous consent that the Special

Committee on the Year 2000 Technology Problem be permitted to meet on March 2, 1999 at 8:30 a.m. for the purpose of conducting a hearing.

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

SUBCOMMITTEE ON SURFACE TRANSPORTATION/MERCHANT MARINE

Mr. BENNETT. Mr. President, I ask unanimous consent that the Subcommittee on Surface Transportation/Merchant Marine be allowed to meet on Tuesday, March 2, 1999, at 9:30 am on reauthorization of the Surface Transportation Board.

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

SUBCOMMITTEE ON WESTERN HEMISPHERE, PEACE CORPS, NARCOTICS AND TERRORISM

Mr. BENNETT. Mr. President, I ask unanimous consent that the Subcommittee on Western Hemisphere, Peace Corps, Narcotics and Terrorism of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 2, 1999, at 3:00 pm to hold a hearing.

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

## ADDITIONAL STATEMENTS

### IMPEACHMENT VOTE OF SENATOR ARLEN SPECTER

● Mr. SPECTER. Mr. President, between the time I made my statement in the closed Senate deliberations on February 11th and the time I cast my vote on February 12th, I consulted with the Parliamentarian and examined the Senate precedents and found that if I voted simply ''not proven,'' that I would be marked on the voting roles as ''present.'' I also found that a response of ''present,'' and inferentially the equivalent of ''present,'' could be challenged and that I could be forced to cast a vote of ''yea'' or ''nay.''

I noted the precedent on June 28, 1951, recorded on pages 7403 and 7404 of the CONGRESSIONAL RECORD, when Senator Benton of Connecticut and Senator Lehman of New York voted ''present'' during a roll call vote. Senator Hickenlooper of Iowa challenged these votes and argued that a senator must vote either ''yea'' or ''nay'' unless the Senate votes to excuse the senator from voting. Senator Hickenlooper's challenge was upheld, and the Senate voted against excusing these Senators from voting by a vote of 39 to 35 in the case of Senator Lehman and a vote of 41 to 34 in the case of Senator Benton.

I also noted the precedent on August 3, 1954, on page 13086 of the CONGRESSIONAL RECORD, when Senator Mansfield of Montana voted ''present'' during a roll call vote. Senator Cordon of Oregon objected and asked that the Senate vote on whether Senator Mansfield should be excused from voting. By voice vote, the Senate voted against excusing Senator Mansfield from voting.

In order to avoid the possibility that some Senator might challenge my vote, I decided to state on the Senate floor, ''not proven, therefore not guilty,'' when my name was called on the roll call votes on Article I and Article II of the Articles of Impeachment. That avoided the possibility of a challenge and also more accurately recorded my vote as ''not guilty'' since I did not wish to be recorded as merely ''present.''●

### COMMENDING THE NEBRASKA ARMY NATIONAL GUARD'S 24TH MEDICAL COMPANY ON THEIR DEPLOYMENT TO BOSNIA

● Mr. KERREY. Mr. President, now that the Senate has passed the Soldiers', Sailors', Airmen's, and Marines' Bill of Rights Act of 1999, I would like to take a few moments to express my appreciation for a group of dedicated Nebraskans who have chosen to serve their country in the Nebraska Army National Guard.

Most of the fifty-nine members of the Nebraska Army National Guard's 24th Medical Company left Lincoln on February 21st, for Fort Benning, Georgia. This week, having completed some additional training, these soldiers from the Nebraska Guard are traveling, along with five of the unit's UH–60 Blackhawk helicopters, to participate in Operation Joint Forge in Bosnia, where they are scheduled to serve up to 270 days overseas. The 24th Medical Company will be only the second air medical evacuation unit deployed to Bosnia, where their mission will be to care for casualties as they are flown from the front lines to hospitals.

Earlier this month, I visited with members of the medical unit in their hangar in Lincoln, Nebraska. Mr. President, I am very impressed by the dedication and training of these fine individuals. We are increasingly calling upon our nation's Reserve units to provide support for missions such as Bosnia, as part of America's down-sized military. Unlike the active duty forces, the citizen soldier puts a uniform on, serves his or her country, takes the uniform off, and goes back to work. We Americans should not take this dedication for granted. This current deployment may last for nine months, and that is nine months of time away from their families, their jobs, their education, and their lives. They realize the importance of their mission, and they are willing to make the sacrifices such a mission entails.

Mr. President, I am encouraged by last week's vote in this chamber to increase base pay and benefits for our military forces. The men and women who dedicate their lives to keeping our nation safe need and deserve a pay raise. The decision to join the military is extraordinary, and those who do so need to be properly compensated. However, money has never been and never will be the motivating factor for people who wish to join the Armed Services. We must ensure that the soldiers in our military are not driven away from service by a poor quality-of-life standard. We can accomplish this by making sure that our military have adequate housing, a good, responsive medical care system, proper training and equipment, and support for their families. Even more importantly, we who are not actively involved in military service must continue to hold up individuals such as the 24th Company as exemplars of service and sacrifice in our country. Theirs are the stories that need to be told.

In closing, I would like to give a personal ''Thank you'' to each and every one of the fifty-nine members of the Nebraska Army National Guard's 24th Medical Company. I wish you success in your journey and look forward to your return from what is the noblest mission in the Army, the mission to save lives.●

### AFRICAN-AMERICAN HISTORY MONTH

● Mr. SANTORUM. Mr. President, the month of February has been designated as African-American History Month, however, African-American history is American history. The contributions of African-Americans to America encompass almost every area of American life. African-Americans are recorded in America as early as 1619, one year before the Mayflower landed at Plymouth Rock. The oldest established African-American family are descendants of William Tucker, born in Jamestown, Virginia in 1624.

Unfortunately for many of our youth, African-American role models are limited to those known for their achievements in the world of sports and entertainment. Although their accomplishments in this field are substantial and important, few of our youth know, for instance, about the many African-Americans who, throughout history, displayed tremendous courage and honor in times of war. Cripus Attuk, an African-American, was killed in the Boston Massacre in 1770, becoming the first casualty of the American Revolution. Most of the 5,000 blacks that fought in the Revolutionary War were slaves that fought in place of their owners. After the war had been won, they were immediately put back to work on their plantations, still slaves. More than 200,000 African-Americans served in the Civil War. After the Civil War, many of these trained soldiers were sent west and were reorganized as the 9th & 10th Cavalries, where they were called the ''Buffalo Soldier'' by the Indians they were fighting. The Tuskeegee Airmen of World War II, an air squadron, had the most impressive war record in their theater of action, never losing a bomber they were assigned to escort. Against almost insurmountable odds and racial discrimination, African-Americans have faithfully served America.

Significant in another aspect of America's history are the African-Americans whose endeavors helped fuel

the industrial revolution, contributing to the economic prosperity and standard of life all Americans enjoy today. George Washington Carver discovered over 500 products with the peanut, the sweet potato, and corn. Many important inventions were made by African-Americans with thousands of patents made that have benefitted not only America, but the world. Jan Matzeliger invented the first shoe making machine. Elijah McCoy had forty-two patents, most for lubricating different types of steam engines and machines, as well as the first graphite lubricating device. Garrett A. Morgan invented the three-way traffic light which he sold to General Electric. Frederick McKinley Jones invented a workable way to refrigerate trucks and railroad cars, as well as manufactured movie sound equipment. George R. Curruthers invented image converters for detecting electromagnetic radiation. He was also one of the two people responsible for the development of the lunar service ultraviolet camera/specter graph. Dr. Charles R. Drew is credited with the discovery of blood plasma which supplants blood in transfusions, as was the first person to set up and establish blood banks. Dr. Daniel Hale Williams is the first doctor to successfully perform open heart surgery.

Some of the people mentioned played an important role in America's past wars. Many African-Americans I encounter today, however, are the unsung heroes of a different kind of war. They battle for the hearts and minds of our inner city youth. For example in Philadelphia, The Reverend Herb Lusk, and ''People for People,'' are providing welfare to work training, after school tutoring for grade school children, as well as GED and computer training for the poor and disadvantaged. The Reverend Dr. Ben Smith's Deliverance Church, which owns and operates a shopping mall and sixty-five outreach ministries, has long served the greater community. C. Delores Tucker currently organizes the largest Martin Luther King Center for Non-violence in the nation. One of the many things she does for the community is to arrange for many to gather and celebrate our great Civil Rights leader on his birthday at an annual luncheon.

It is fitting that all Americans salute the invaluable services and contributions of African-Americans and the role that they have played and continue to play in American History.●

## SOLDIERS', SAILORS', AIRMEN'S AND MARINES' BILL OF RIGHTS

● Mr. DURBIN. Mr. President, I support giving our troops a pay raise, and I support improving the retirement package of career military personnel. However, the bill the Senate has considered, S. 4, the Soldiers', Sailors', Airmen's and Marines' Bill of Rights, is not only too expensive, it was also brought to the floor too hastily, without holding hearings on its provisions, and before we considered how the bill might affect the rest of the budget. Even though I want to see a pay raise and retirement reform, I had to vote against this excessively costly bill.

When S. 4 was reported out of committee, it already cost $12 billion more than the President requested over the next five years. The bill as passed by the Senate is estimated to cost $17 billion more than the President asked for. That is just for the next five years. Using Congressional Budget Office (CBO) figures, S. 4 would consume one-quarter of the projected non-Social Security surplus in the next fiscal year. Once personnel start to retire under its provisions, costs will skyrocket. CBO estimates that the retirement changes in S. 4 will eventually raise the costs of military pensions by a whopping 18 percent. These increased costs will come due at the same time the baby boom generation retires, with the attendant strain on Social Security and Medicare.

It is impossible to justify these steep increases in costs, particularly since not one hearing was held on S. 4. We all agree there are problems with recruitment and retention in the military, but we did not get the benefit of expert testimony—or any testimony at all—as to why, nor did we get input on how best to address these problems before passing this very expensive solution. Last year Congress asked the General Accounting Office (GAO) to do a detailed study of recruitment and retention problems. GAO has been conducting surveys and interviewing troops in the field to find out why they may plan to leave the service. GAO's preliminary findings show that ''money has been overstated as a retention factor.'' GAO's report is due in just a few months. Similar studies by CBO and the Pentagon are due out shortly. Some experts have said that dissatisfaction over military health care and the operations tempo were more important issues for those leaving the military.

I find it most troubling that this bill was brought to the floor before we passed a budget resolution, and outside of the normal Defense Authorization bill. With no budget caps, and no other defense priorities to consider, the bill brought us into a never, never land of wishful thinking. The bill sets out the most generous package of benefits, but does not consider what might happen to the rest of the defense budget if these cost increases go into effect. Will we have to cut readiness, operations and maintenance, or procurement accounts? Will we be able to fund steps that could reduce the operations tempo or make it more predictable? Will we be able to fund improvements in military health care?

The so-called firewalls between defense and domestic discretionary spending are down. That means that, rather than cutting other parts of the defense budget to pay for these increases, we may have to cut domestic programs instead, like education, the environment, or transportation. According to the Concord Coalition, 57 percent of the budget was devoted to entitlements in 1998, but we are now on track to devote 73 percent of the budget to entitlements by 2009. This bill will worsen the entitlement picture, and mean that more and more discretionary spending will have to be cut to cover growing entitlements.

This was a very sad first bill for the Senate to consider after we finally turned the corner on deficits. We cannot go back to pre-1974 Budget Act spending patterns. We must not abandon fiscal discipline and spend the surplus before we even see a penny of it. I hope and expect that fiscal sanity will be restored and that, when the bill returns from conference or as part of a larger measure, I will be able to vote for a well-deserved pay raise for our military personnel and a reasonable retirement package, but a package that fits within the budget framework and discipline we have all embraced.●

## FUTURE LEADERS OF THE BIG SKY STATE

● Mr. BAUCUS. Mr. President, in my view, public service is the most noble human endeavor. Today, more than ever, we must look to the younger generation as leaders for tomorrow. For their commitment to community service, I am pleased to recognize two of Montana's young leaders.

Their community work demonstrates an ability to make a difference in the lives of others. The work of these two young Montanans sets an impressive standard for their peers.

I would like to congratulate and honor two young Montana students who have achieved national recognition for exemplary volunteer service in their communities. Mindi Kimp of Corvallis, Montana, and Jill Lombardi of Helena, Montana, have been named State Honorees in The 1999 Prudential Spirit of Community Awards program, an annual honor conferred on only one high school and one middle school student in each state, the District of Columbia and Puerto Rico.

Ms. Kimp is being recognized for her work in coordinating a ''senior citizen prom'' for seniors living in Missoula and Ravalli counties. Mindi, a 4–H member and junior class president, enjoys a close relationship with her grandparents. In helping to plan her own Hamilton High School prom, she conceived the idea of a senior citizen prom. She believed that this would be a great way to honor grandparents and help restore faith in today's younger generation. Mindi worked closely with the Council on Aging in planning the event. She solicited donations to make the event free to all seniors. She also used it to provide prizes, decorations, and a rose for every lady. The event was so successful that she will speak at the State Student Council Convention on how to plan a senior citizen prom.

The event will now be held annually at Hamilton High School.

Ms. Lombardi, a member of the Helena Youth Advisory Council, is being recognized for her leadership role in two projects: a skateboard park and ''Martin Luther King Volunteer Day.'' Jill served on and established the first-ever Helena Youth Advisory Council. As a member, Jill recruited interested skateboarders to advise the council on the design of the park. She also helped to obtain a $50,000 grant from the Turner Foundation for the park's construction. In planning the volunteer day, Jill worked with the council to organize activities such as community clean-up and youth reading programs. She recruited volunteers, analyzed community needs, arranged volunteer projects, and coordinated celebration activities. The event's success has inspired the council to host the event again next year.

Young volunteers like Ms. Kimp and Ms. Lombardi are inspiring examples to all of us, and are among our brightest hopes for a better tomorrow. It is important that we recognize their achievements and support their contributions. Numerous statistics indicate that Americans today are less involved in their communities than they once were, and it is critical that the work of these young people is encouraged.

The program that brought these young role models to our attention—The Prudential Spirit of Community Awards—was created by The Prudential Insurance Company of America in partnership with the National Association of Secondary School Principals in 1995 to impress upon all youth volunteers that their contributions are critically important and highly valued, and to inspire other young people to follow their example. In only four years, the program has become the nation's largest youth recognition effort based solely on community service, with more than 50,000 youngsters participating.

Ms. Kimp and Ms. Lombardi should be extremely proud to have been singled out from such a large group of dedicated volunteers. As part of their recognition, they will come to Washington in early May, along with other 1999 Spirit of Community honorees from across the country. While here in Washington, ten will be selected as America's top youth volunteers of the year by a distinguished national selection committee.

I heartily applaud Ms. Kimp and Ms. Lombardi for their initiative in seeking to make their communities better places to live, and for the positive impact they have had on the lives of Montanans. I also would like to salute two young people in Montana who were named Distinguished Finalists by The Prudential Spirit of Community Awards for their outstanding volunteer service: Nadia Ben-Youssef and Angela Bowlds.

All of these young people have demonstrated a level of commitment and accomplishment that is truly extraordinary in today's world, and deserve our sincere admiration and respect. These young Montana leaders show commendable community spirit and tremendous promise for America's future.●

## CUMBERLAND ISLAND NATIONAL SEASHORE WITH SPECIAL THANKS TO DON BARGER AND TAVIA MCCUEAN

● Mr. CLELAND. Mr. President, last week, after more than two years of negotiations, an agreement was finally reached to release funding for land acquisition on Cumberland Island National Seashore. Located off the coast of Georgia, Cumberland provides a unique experience for visitors by enabling them to view seemingly endless undeveloped beaches and dunes in pristine condition. The beautiful coastline is contrasted by marshes and vast forests of mixed hardwoods. The natural environment plays a critical role in habitat protection for several threatened and endangered species including the bald eagle, the loggerhead sea turtle and the manatee.

The Island also allows individuals to visit the incredible cultural and historical remnants which exist on the Island. The remarkable history of the island indicates human habitation dating back thousands of years. First occupied by the Spanish in the early days of the colonial period, the island was eventually claimed by the English in the mid-1700s. Cumberland also has historical connections to the Revolutionary and Civil Wars. One unique historical reference to the island—brought to my attention by the Senate's own resident historian, the distinguished Senior Senator from West Virginia, relays the story that after his duel with Alexander Hamilton on July 11, 1804, Aaron Burr fled to Cumberland Island in exile—only to eventually leave after being snubbed by the island residents.

With this agreement, we have not only preserved the Island in accordance with its designation as a National Seashore, but we have taken the critical steps necessary to restore and maintain the historic and cultural resources on Cumberland which had been seriously neglected for several years. The agreement also provides additional access to individuals wishing to visit the historic resources on the island. By releasing the monies for the land purchase and implementing these changes, we will be making the ultimate benefactors the future generations of Americans who will have the opportunity to experience the natural and historical treasures possessed by Cumberland Island.

I would like to take a moment to publicly recognize and express my sincere appreciation to Don Barger, Southeast Regional Director of the National Parks and Conservation Association (NPCA), for his assistance in resolving the issues on Cumberland Island National Seashore. Don has been with NPCA since 1992. Having once climbed Mount Rainier, Don transfers this same motivation and dedication to his work. He is an avid and passionate defender of preserving and protecting our National Park System.

Don played a vital role in crafting the Cumberland agreement by actively engaging and compromising with numerous interested stakeholders while at the same time fulfilling his duty to preserve the integrity of the Wilderness Act and the National Park System. His tireless effort and willingness to commit his time, energy and enthusiasm to this process reflect well upon him and on the National Parks and Conservation Association.

I would like to pay special thanks to Tavia McCuean, Georgia State Director of The Nature Conservancy, who vigilantly pursued the critical land acquisition funds for Cumberland. The Cumberland agreement would not have been possible without the generous commitment of The Conservancy to contribute $6 million for the land purchase.

There were certainly several occasions over the past two years in which Tavia and The Nature Conservancy could have lost all patience as repeated efforts to obtain the land acquisition funds were blocked. However, Tavia tirelessly and patiently focused her energy and that of her dedicated staff towards securing the release of these funds. Future generations visiting Cumberland Island will owe a great debt of gratitude for this experience to the efforts of Tavia McCuean and The Nature Conservancy.

President Theodore Roosevelt once said, ''The nation behaves well if it treats the natural resources as assets which it must turn over to the next generation increased, and not impaired, in value.'' Both Tavia McCuean and Don Barger have done well in upholding this doctrine and truly represent the best of public spiritedness.●

## RETIREMENT OF HENRY WOODS

● Mrs. LINCOLN. Mr. President, if you consult any of the numerous Congressional directories that are published here in Washington, you will see that they all list six members of the Arkansas Congressional Delegation—two Senators and four House members. But for the past 25 years, there has been an unofficial seventh member of our delegation: a dynamic, hard-working, can-do staffer named Henry Woods. After two decades in the nation's capital, Henry is retiring, and the state of Arkansas is losing a Washington institution.

Henry has helped one Congressman and three Senators from Arkansas to court and inform constituents, direct Arkansans to the assistance they need, provide intern opportunities for the state's young people, and stage events to advance his members' priorities at home and the state's interest in Washington. For the past 25 years, people

working in the state congressional delegation knew that if you wanted to launch an ambitious project and have it done well, you wanted Henry Woods to be in charge of it.

His institutional memory is as incredible as it has been invaluable. It is not uncommon for him, at a moment's notice, to recall the name of a constituent's wife, the ages of their children and which schools they attend, which of his cousins serve in the State Legislature, and what civic groups he belongs to and who he supported in the last campaign. He can also cite zip code after zip code, not to mention phone prefixes for cities and towns across Arkansas.

Over the years he has made many friends in the halls of the House and Senate, from the doorkeepers to the printing clerks, from the restaurant workers to the Rules Committee staffers who have all helped him accomplish things for the members and constituents. He has an amazing way of finding the people and the resources to accomplish any project he is given.

Henry, a proud Hot Springs native, is legendary for his political savvy and quick wit. His fellow staffers often wondered why someone as busy as Henry was so willing to serve as driver for his employer whenever one was needed. After a while, they realized that those occasions gave Henry as much as a half-hour of interrupted access to the member, which he used to full effect. He has often been heard cautioning members and staffers alike that certain visitors waiting to see them ''may not be right, but they're convinced.'' Another popular Henryism has been an admonition to disgruntled staffers that they ''can just get glad in the same clothes they got mad in.''

Henry has set up and run intern programs that have easily helped more than 1,000 Arkansas students become familiar with the working of Congress and the federal government. His intern program has been so successful that it has been emulated by countless other congressional offices. Henry's interns never sat idly in the office waiting for the next tour, softball game or free reception. He made sure each one had the chance to work in a variety of capacities and learn a number of skills in the offices. It is not surprising that many of his interns have gone on to run for public office and serve in the state's leading corporations, commissions, and charitable organizations.

In addition to his official efforts, he kept the Arkansas State Society and the University of Arkansas alumni society running efficiently for many years, working countless hours of his personal time to organize events ranging from the cherry blossom reception to football watch parties and trips to the horse races—all aimed at keeping Arkansans in Washington in touch.

Several of his friends established an award in his name last year at his beloved University of Arkansas, where he served on the Board of Directors of the Alumni Association. A cash award will be given each year to a student who shows an interest in internships or government services. The award will be formally announced at the University on April 22.

To put it briefly, no matter which office he was working in, Henry quickly became indispensable, a fact that was recognized by countless people both on and off the Hill as the following letters attest. Now he is leaving for sunnier climes in the southern-most point of the continental United States. We are going to miss him, and we are going to be poorer without him. We wish him well, and we want to let him know that the key will be under the doormat for him any time he wants to come back.

Mr. President, I ask that the four letters regarding Henry Wood's retirement be printed in the RECORD.

The letters follow:

THE WHITE HOUSE,
*Washington, DC, February 23, 1999.*

HENRY WOODS,
*Washington, DC.*

DEAR HENRY: As you retire from your lifetime of public service on Capitol Hill, I want to congratulate you and thank you for your commitment, hard work, and generous leadership.

In particular, I am so grateful for your efforts on behalf of the people from our home state. The warm hospitality you have provided to Arkansas visiting the Capitol throughout these 25 years has given them a special feeling of connectedness to their representatives here in Washington. The guidance you have provided people of all ages—and especially youth and students—leaves a wonderful legacy . . . and big shoes to fill!

Hillary joins me in sending our best wishes for all possible happiness in this next phase of your life.

Sincerely,

BILL CLINTON.

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FEBRUARY 22, 1999.

Mr. HENRY WOODS,
*Office of Senator Lincoln, Washington, DC.*

DEAR HENRY: You came to Washington for a summer and stayed a career! And what an illustrious career you've had working in both the House of Representatives and the Senate.

You've held many positions during your tenure, and done a superb job in each one. You developed an intern program that has proved to be one of the best on Capitol Hill. Over the years, you have been very involved with the Arkansas State Society. Some would say, ''If it wasn't for Henry, there wouldn't be a State Society.'' You've worked in more campaigns than I have run. Your tent parties are legendary. You helped coach the winning Capitol Hill softball team in 1982—the Pryorities. You are—the Razorbacks' biggest fan!

Henry, how can we thank you for the tremendous contribution you made to our state, our country—and to all of us.

Barbara and the entire Pryor family join me in wishing you the very best in the years ahead.

Sincerely,

DAVID PRYOR.

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ATTORNEY GENERAL OF ARKANSAS,
*Little Rock, AR, February 19, 1999.*

Mr. HENRY WOODS,
*Office of Senator Lincoln, Washington, DC.*

DEAR HENRY: First let me add my congratulations to the many I know you are receiving from friends and colleagues on Capitol Hill as you retire from 25 years of government service. I can't imagine the Arkansas delegation without Henry. You have done so much for so many (including myself) over the years, we cannot begin to properly thank you.

I remember one of my early campaigns for the Arkansas State Legislature. You took time off and came to Arkansas to help organize a ''Get Out the Vote'' effort. You and your army of ''intern alumni'' worked tirelessly to get me elected, and I will never forget it.

Henry, Capitol Hill will miss you—but not half as much as Arkansas will miss you!

I wish you all the best in your new life.

With warm regards,

MARK PRYOR.

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LITTLE ROCK, AR, *February 11, 1999.*

Mr. HENRY WOODS,
*Senator Blanche Lincoln's Office,*
*Washington, DC.*

DEAR HENRY: I'm still in denial. I can't imagine Washington without you, and if I could change your mind, I would do so in a heartbeat.

But knowing that's not possible, let me just say that ''friends are friends forever'' and our friendship—which began at the University of Arkansas and continues through today—will always be special.

I thank you for being so responsive to so many. I thank you for designing and implementing the best intern program on Capitol Hill. I thank you for giving so many Arkansas young people the chance to participate.

In just a few weeks, we will dedicate the ''Henry Woods Award'' at the University of Arkansas. It has already been endowed by your many friends and will be presented annually to the outstanding student leader on the campus. From this day forward, the most honorable student leader at your alma mater will be recognized with an award bearing your name.

Now, I have a new project for you. Certainly a book about your experiences is in order. I hope you will consider it, and I look forward to talking with you—and the University of Arkansas Press—about it.

Billie is already making Key West family vacation plans. All the Rutherfords wish you much happiness and continued success.

Thank you for making Arkansas very proud.

Best Wishes,

SKIP RUTHERFORD.●

## MENTAL RETARDATION AWARENESS MONTH

● Mr. GRAMS. Mr. President, I rise today to help increase the public's awareness of mental retardation as we focus on the needs and abilities of the nation's 7.2 million Americans with mental retardation. The Arc, the nation's largest organization of volunteer advocates for people with mental retardation, consists of more than 1,000 local and state chapters. For 21 years, the Arc has sponsored the recognition of March as National Mental Retardation Awareness Month.

The Arc began in 1950 as a small army of friends and parents in Minneapolis, Minnesota came together to create the National Association of Parents and Friends of Mentally Retarded Children. From this spark in 1950, Arc members have become advocates not only for their own children, but all children and other Americans denied

services and opportunities because of mental retardation.

According to Arc, a person with mental retardation is one who, from childhood, develops intellectually at a below-average rate and experiences difficulty in learning, social adjustment and economic productivity. Otherwise, he or she is just like anyone else—with the same feelings, interests, goals, needs and desire for acceptance. This intellectual delay requires not only personal support, but environmental support for them to live independently.

There are more than 250 causes of mental retardation. Among the most recognized are chromosomal abnormalities, such as Down syndrome, and prenatal influences, such as smoking or alcohol use by a pregnant mother, which may lead to fetal alcohol syndrome or other complications. Malnutrition, lead poisoning and other environmental problems can also lead to mental retardation in children.

Experts estimate that 50% of mental retardation can be prevented if current knowledge is applied to safeguarding the health of babies and toddlers. Some of the keys are abstinence from alcohol use during pregnancy, obtaining good prenatal care, education programs for pregnant women, and the use of child seats and safety belts for children.

The theme for this year's observance is the elimination of waiting lists for community-based services. In a study conducted by the Arc, more than 218,000 people were identified as waiting for placement in a community-based residential facility, a job training program, a competitive employment situation or other support.

In Minnesota, over 6,600 members in fifty chapters make up the Arc network, each working to both prevent the causes of mental retardation and lessen its effects. With the guidance of the Arc, it is these local and state chapters working at the grassroots levels which have made and continue to make the greatest impact for Americans with mental retardation.

Mr. President, I truly appreciate the unabated commitment to the needs and abilities of people with mental retardation the Arc has demonstrated over the years and am honored to help further public awareness.●

## LEO MELAMED REFLECTS ON THE ACHIEVEMENTS OF THE TWENTIETH CENTURY

● Mr. DURBIN. Mr. President, I rise today to share with my colleagues an essay written by a great Chicagoan, and the father of our modern-day futures industry, Leo Melamed. I believe his essay, Reflections on the Twentieth Century, eloquently captures the essence of this great nation.

Mr. President, Leo Melamed had to travel a long hard road to reach the pinnacle of success. As a boy, he survived the Holocaust, coming to the United States to find a better life for his family. Growing up on the streets of Chicago, Leo was able to climb the ladder of opportunity and make that better life for himself and his family. His early experiences gave him a deep appreciation of the importance of a free society and an open economy.

Leo Melamed's heroic story embodies the American Dream. The young man who came to Chicago with little has, through hard work, tenacity, intellect and energy, given much to the world. In 1972, he launched the International Monetary Market (IMM), the first financial futures market. He has also achieved the position of Chairman Emeritus and Senior Policy Advisor for the Chicago Mercantile Exchange (CME), and is the author of several books. His leadership over the past quarter century has been critical in helping transform the Chicago Mercantile Exchange from a domestic agricultural exchange to the world's foremost financial futures exchange.

Currently, Melamed serves as chairman and CEO of Sakura Dellaher, Inc., a global futures organization which he formed in 1993 by combining the Sakura Bank, Ltd., one of the world's largest banks, and Dellaher Investment Company, Inc., a Futures Commission Merchant (FCM) he established in 1965. As a member of the Chicago Mercantile Exchange and the Chicago Board of Trade, and with an ability to operate in all world futures markets, Sakura Dellaher, Inc., assists financial institutions in their management of risk. Because of Leo's exemplary accomplishments and contributions to the field of financial futures, he has been recognized as ''the father of the futures market concept.''

I should also add, Mr. President, that the March 1999 issue of Chicago magazine has chosen Leo Melamed as one of the Most Important Chicagoans of the 20th Century. The article states: ''As de facto leader of the Chicago Mercantile Exchange for a quarter of a century, Melamed transformed the moribund exchange, introducing foreign currency and gold as commodities to be auctioned off in the trading pits. Thanks to those decisions, Chicago is today the world capital of currency futures trading.'' Leo Melamed deserves great recognition for his outstanding contributions to the city he loves so much.

Mr. President, I ask that the full text of Leo Melamed's essay, Reflections on the Twentieth Century, be printed in the RECORD.

The essay follows:

### REFLECTIONS ON THE TWENTIETH CENTURY

(By Leo Melamed)

The Twentieth Century, my father told me before his death, represented a new low in the history of mankind. ''The Holocaust,'' he said, ''was an indelible blot on human conscience, one that could never be expunged.''

Still, my father always tempered his realism with a large dose of optimism. He had, after all, against all odds, managed to save himself and his immediate family from the inevitability of the gas chambers. Were that not the case, this kid from Bialystok would not be here to receive this incredible Weizmann Institute honor nor tell his story. And quite a story it is!

I don't mean simply the story of how my father snatched his wife and son from the clutches of the Nazis. I don't mean simply the story of how my parents outwitted both the Gestapo and the KGB during a time in history when, in Humphrey Bogart's words, ''the world didn't give a hill of beans about the lives of three people.'' I don't mean simply the story of our race for freedom across Europe and Siberia during a moment in history when the world had gone quite mad. And I don't mean simply the story of Consul General Chiune Sugihara, the Japanese Oscar Schindler who chose the follow the dictates of his God rather than those of his Foreign Office and, in direct violation of their orders, issued life saving transit visas to some 6000 Jews trapped in Lithuania—the Melamdoviches among them. Six months later all of us would have been machine-gunned to death along with 10,000 others in Kovno.

No, I don't mean simply all of that, although all of that is a helluva story. But there is yet another dimension to the story here. I mean the story of the splendor of America! For it was here, here in this land of the free and home of the brave that the kid from Bialystok was given the opportunity to grow up on the streets of Chicago, to climb the rungs of social order without money or clout, and to use his imagination and skills so that in a small way he could contribute to the growth of American markets. In doing so he not only justified fate's decision to spare his life, but more important, attested to the majesty of this nation.

Because within my story lies the essence of America, the fundamental beauty of the United States Constitution and the genius of its creators. For throughout the years, thru ups and downs, thru defeats and victories, thru innovations which challenged sacred market doctrines, and ideas which defied status quo, no one ever questioned my right to dream, nor rejected my views simply because I as an immigrant, without proper credentials, without American roots, without wealth, without influence, or because I was a Jew. Intellectual values always won out over provincial considerations, rational thought always prevailed over irrational prejudice, merit always found its way to the top. Say what you will, point out the defects, protest the inequities, but at the end of the day my story represents the real truth about America.

For these reasons, after all was said and done, my parents were optimists. They agree, that in spite of the two World Wars, in spite of the horrors and atrocities, the Twentieth Century was nevertheless a most remarkable century. They watched the world go from the horse and buggy—to main form of transportation at their birth—to Apollo Eleven which in 1969 took Neil Armstrong to the moon.

Indeed, it is hard to fathom that at the dawn of my parent's century, Britannia was still the empire on which the sun never set; the railroads were in their Golden Age, automobiles were considered nothing but a fad, the phonograph was the most popular form of home entertainment, and life expectancy for the American male was but 48. Sigmund Freud first published his ''Interpretation of Dreams,'' and Albert Einstein, the foremost thinker of the century, had just published his theory of relativity.

Of course, the event that would have the most profound effect on the direction of our present century occurred back in 1848—smack dab in the middle of the Nineteenth Century: Karl Marx and his associate, Friedrich Engels, published the Communist Manifesto. The concept of communism would dominate the political thought of Europe and later Asia for most of the Twentieth Century.

Today, some 150 years after the concept was conceived, we know it to have been an unmitigated failure. Indeed, those of us, citizens of planet Earth fortunate enough to be present in the final decade of the Twentieth Century, have been privileged to witness events equal to any celebrated milestone in the history of mankind. In what seemed like a made for TV video, we were ringside spectators at a global rebellion. In less than an eye-blink the Berlin Wall fell, Germany was unified, Apartheid ended, Eastern Europe was liberated, the Cold War ceased, and a doctrine that impaired the freedom of three generations and misdirected the destiny of the entire planet for seven decades was decisively repudiated.

What a magnificent triumph of democracy and freedom. What a glorious victory for capitalism and free markets. What a majestic tribute to Thomas Jefferson, Adam Smith, Abraham Lincoln, and Milton Friedman. What a divine time to be alive. Surely these events represented some of the defining moments of the Twentieth Century. Ironically, the lynch-pin of all that occurred will not be found in the political or economic arena, but rather in the sciences. One hundred years after the Communist Manifesto, to be precise, on December 23, 1947—smack dab in the middle of the Twentieth Century—two Bell Laboratory scientists invented the first transistor. It was the birth of a technology that would serve to dominate the balance of this century and, I dare say, much of the Twenty-first as well. The Digital Age was upon us.

Transistors and their offspring, the microchip, transformed everything: the computer, the space program, the television, the telephone, the markets, and, to be sure, telecommunications. Modern telecommunications became the common denominator which gave everyone the ability to make a stark, uncompromising comparison of political and economic systems. The truth could no longer be hidden from the people. We had migrated said Walter Wriston of Citicorp from the gold standard to the ''information standard.''

In a very real sense, the technology of the Twentieth Century moved mankind from the big to the little. It is a trend that will surely continue. In physics, this century began with the theory of General Relativity; this dealt with the vast, with the universe. From there we journeyed to comprehension of the infinitesimal, to quantum physics. Physicists were now able to decode nature's age-old secrets. Similarly, in biology we also moved from macro to micro—from individual cells to gene engineering. We entered an era of biomedical research where we can probe the fundamental components of life and remedy mankind's most distressing afflictions.

Thus, in stark contrast to the signals at the turn of the last century, the evidence today is overwhelming that the next century will be dominated by the information standard. Today, millions of transistors are etched on wafers of silicon. On these microchips all the world's information can be stored in digital form and transmitted to every corner of the globe via the Internet. This will change the way we live, the way we work, and the way we play. Indeed, the Digital Revolution will direct the next century just as the Industrial Revolution directed much of the Twentieth.

So there you have it: the pain, the progress, and the promise of my parent's century. It would be grand to believe that we have learned from our mistakes, that only enlightened times await us, but I am afraid that would be a bit pollyannaish. Still, we stand on the threshold of immense scientific breakthroughs and the future looks brighter than it ever was. Indeed, the Weizman Institute of Science symbolizes the scientific miracles of the Twentieth Century and points the direction for the world as we enter the Twenty First. If my parents were still present, they would surely tell this kid from Bialystok to await the next century with great anticipation and with infinite optimism.

Thank you.●

## RETIREMENT OF SOUTH CAROLINA CHIEF JUSTICE ERNEST FINNEY

● Mr. HOLLINGS. Mr. President, today it is my great privilege and honor to salute one of South Carolina's foremost jurists and public servants, South Carolina Supreme Court Chief Justice Ernest A. Finney.

On February 23, Chief Justice Finney announced he would retire from the Court after 14 years. This is a bittersweet day for my state. All of us who admire Judge Finney and appreciate his legacy are sorry to see him leave the bench; but we also are happy for Judge Finney if he has decided it is time to take a richly deserved rest from the rigorous demands of public service—demands he has shouldered over five decades.

When Ernest Finney graduated from law school in 1954, blacks were not allowed to join the South Carolina bar or serve on juries. Judge Finney worked as hard as anyone in the country to change that. One of only a handful of black lawyers in South Carolina in the 1950s, he began his legal career as an advocate for equal rights and desegregation.

Ernest Finney and his law partner, Matthew Perry, who went on to become the first black federal Judge in South Carolina, tirelessly represented over 6,000 defendants arrested during civil rights demonstrations in the 1960s. Although they lost all the cases at the state level, they won almost all of them on appeal in federal courts.

After helping lead the fight to desegregate South Carolina, Ernest Finney turned his attention to another form of public service. In 1973, he became one of the first blacks elected to the South Carolina House in this century. He served until 1976, during which time he founded the South Carolina Legislative Black Caucus.

From 1976 to 1985, Judge Finney sat on the South Carolina Circuit Court bench. Always the pioneer, he was the first black Circuit Court judge in South Carolina.

In 1985, he became the first black member of the state Supreme Court since Reconstruction. He served with great distinction as an Associate Justice and earned respect and accolades from his peers and from attorneys appearing before the Court.

In 1994, Judge Finney was elected Chief Justice, the first black South Carolinian to attain that position. Without a doubt, he is one of the finest jurists in South Carolina history. As senior Associate Justice Jean Toal commented on the announcement of Judge Finney's retirement: ''He's a giant of the judicial system in South Carolina. His tenure will be remembered as one of the outstanding tenures of the modern system.''

Mr. President, today it is my immense pleasure to salute the gigantic achievements of Judge Ernest Finney, one of the most estimable public servants in recent South Carolina history. I join his friends and admirers in wishing him well as he begins his retirement, during which I suspect he will continue influencing South Carolina for the better.●

## HUMAN RIGHTS AND JUSTICE IN SIERRA LEONE

● Mrs. FEINSTEIN. Mr. President, I rise to join my colleagues from Wisconsin and Tennessee in co-sponsoring Senate Resolution 54, which was introduced on February 25. This resolution makes a strong, and much needed statement about U.S. concern and commitment to African peace and stability.

In the past several years, Sierra Leonians have seen their country go through a tumultuous period. On May 24, 1997, the Armed Forces Revolutionary Council (AFRC) and the Revolutionary United Front (RUF) seized control of Sierra Leone. The United States demanded that democratically elected President Tejan Kabbah be reinstated immediately.

Although diplomatic efforts by the United States and the Economic Community of West African States failed, a West African intervention force, (ECOMOG), was authorized by the international community to intervene, and it was successful in removing the unrecognized military rulers from power. On March 10, 1998, President Kabbah returned after 10 months in exile and reassumed control.

Unfortunately violence continues to ravage the country. In January of this year, RUF launched an offensive to take the capital, Freetown. Though ECOMOG drove rebel forces from the city, numerous reports of rape, mutilations, kidnapping of children for forced combat, and killings of innocent civilians by RUF forces continue to surface.

Official estimates report that in the last 2 months alone, the death toll has reached 2,000 to 3,000 people, with many also dying from lack of food and medicine. The United Nations High Commissioner for Refugees estimates the number of refugees fleeing to Guinea and Liberia at 440,000.

The administration has expressed shock and horror regarding the desperate situation in Sierra Leone and I am pleased that they have indicated they will provide $1.3 million for logistical support for ECOMOG in 1999, and $55 million for humanitarian assistance for the people of Sierra Leone. This Resolution builds on the administration's efforts, and calls for a strong U.S. commitment to end the violence and suffering in Sierra Leone.

First, it condemns the violence committed by the rebel troops and those

that provide them with financial, political, and other types of assistance.

Second, it supports increased U.S. political and logistical support for ECOMOG, while recognizing the need for ECOMOG to improve its performance and increase its respect for humanitarian law.

Third, it calls for immediate cessation of hostilities and the observance of human rights.

Fourth, it supports a dialogue between members of the conflict in order to bring about a resolution.

Finally, it expresses support for the people of Sierra Leone in their endeavor to create and maintain a stable democratic society.

The situation in Sierra Leone and the influx of refugees to neighboring countries threatens the stability of the entire West African region. This is not a time for the United States and the international community to turn our backs. The people of Sierra Leone have already suffered too much and will suffer even more if we do not act. Rather, this is the time to stand firmly on the side of peace and democracy and the betterment of the lives of all Sierra Leonians.

By passing this legislation, we are making a strong statement in support of the efforts to contain and bring to a peaceful end this conflict. We have seen all too many times, in all too many places around the world the price that is paid if we choose to avert our eyes and allow violence to flourish. We should not make that mistake. We should not hesitate to raise our voice. I encourage all my colleagues to vote in favor of this resolution and in favor of human rights and justice in Sierra Leone.●

## DR. GLENN T. SEABORG

● Mr. MOYNIHAN. Mr. President, I rise today to salute a pioneering scientist and a great American, Dr. Glenn T. Seaborg, who died on February 25 at the age of 86. Although a chemist by training, Dr. Seaborg is best remembered for his contributions to nuclear physics. Dr. Seaborg was the co-discoverer of plutonium, and led a research team which created a total of nine elements, all of which are heavier than uranium. For this he was awarded the Nobel Prize in Chemistry in 1951 which he shared with Dr. Edwin M. McMillan.

In 1942, as a member of the Manhattan Project, Dr. Seaborg was assigned to a laboratory at the University of Chicago. There he headed a unit that worked to isolate plutonium from uranium—the fuel used in the atomic bomb dropped on Nagasaki. After the war ended, Dr. Seaborg returned to the University of California at Berkeley until 1961, when, at the request of President John F. Kennedy, he became chairman of the Atomic Energy Commission (AEC). It was a position he held for ten years, spanning three administrations. Dr. Seaborg was the first scientist to direct the Commission. It was in this capacity that Dr. Seaborg acted as an advisor to the U.S. negotiator, Averell Harriman, in talks that led to the Limited Test Ban Treaty and was an advocate for the peaceful use of atomic energy.

Dr. Seaborg kept a journal while chairman of the AEC. The journal consisted of a diary written at home each evening, correspondence, announcements, minutes, and the like. He was careful about classified matters; nothing was included that could not be made public, and the journal was reviewed by the AEC before his departure in 1971. Nevertheless, more than a decade after his departure from the AEC, the Department of Energy subjected two copies of Dr. Seaborg's journals—one of which it had borrowed—to a number of classification reviews. He came unannounced to my Senate office in September of 1997 to tell me of the problems he was having getting his journal released, saying it was something he wished to have resolved prior to his death. I introduced a bill to return to Dr. Seaborg his journal in its original, unredacted form but to no avail, so bureaucracy triumphed. It was never returned. Now he has left us without having the satisfaction of resolving the fate of his journal. It is devastating that a man who gave so much of his life to his country was so outrageously treated by his own government.

Dr. Seaborg continued to lead a productive life until the very end. After his tenure as chairman of the AEC, Dr. Seaborg returned to the University of California at Berkeley where he was a University Professor—the highest academic distinction—and later a professor in the university's graduate school of education as a result of his concern about the quality of science education. He was the director of the Lawrence Berkeley Laboratory and until his death its director emeritus.

And there were well deserved accolades. In 1991 Dr. Seaborg was awarded the nation's highest award for scientific achievement, the National Medal of Science. In 1997 the International Union of Pure and Applied Chemistry named an element after a living person for the first time. Thus element 106 became Seaborgium (Sg), and Dr. Seaborg was immortalized as a permanent part of the periodic table to which he had already added so much.

So today I remember Dr. Seaborg for his contributions to nuclear physics, and I salute him for his service as chairman of the Atomic Energy Commission. Dr. Seaborg's family is in my prayers at this time of great loss; his wife of 57 years, Helen, and five of their six children: Lynne Annette Seaborg, Cobb, David Seaborg, Stephen Seaborg, John Eric Seaborg, and Dianne Karole Seaborg. Their son Peter Glenn Seaborg died in May of 1997.

Mr. President, I ask that Dr. Seaborg's obituary, which appeared in the Washington Post on Saturday, February 27, 1999, be printed in the RECORD.

The obituary follows:

[From the Washington Post, Feb. 27, 1999]

NOBEL-WINNING CHEMIST GLENN SEABORG DIES

(By Bart Barnes)

Glenn T. Seaborg, 86, the chemist whose work leading to the discovery of plutonium won a Nobel Prize and helped bring about the nuclear age, died Feb. 25 at his home near Berkeley, Calif.

He had been convalescing since suffering a stroke in August while being honored at a meeting in Boston of the American Chemical Society.

Dr. Seaborg was a major player on the team of scientists that developed the world's first atomic bomb used in warfare, which was dropped on Hiroshima, Japan, on Aug. 6, 1945, in the closing days of World War II. His research was later a critical element in the peacetime operation of nuclear power plants.

For 10 years, during the Kennedy, Johnson and Nixon administrations, he was chairman of the U.S. Atomic Energy Commission. It was a period of Cold War tension and mounting international anxiety over the nuclear arms race. As the president's primary nuclear adviser, Dr. Seaborg participated in negotiations that led to the Limited Nuclear Test Ban Treaty of 1963, and he was an articulate and forceful advocate for the peaceful use of atomic energy.

A former chancellor of the University of California at Berkeley, Dr. Seaborg returned to the university as a chemistry professor on leaving the AEC chairmanship in 1971.

It was at the Berkeley laboratories three decades earlier that he created from uranium a previously unknown element that he called plutonium. The amount was infinitesimally small, about a millionth of a millionth of an ounce, and it could not be seen with the naked eye.

The process by which this was achieved—the transmutation of uranium into plutonium by bombarding it with neutrons—would win the 1951 Nobel Prize in chemistry, which Dr. Seaborg shared with a Berkeley colleague, Edwin M. McMillan. A form of this new element—known as plutonium 239—was found to undergo fission and to release great energy when bombarded by slow neutrons.

That, Dr. Seaborg would say later, gave plutonium 239 ''the potential for serving as the explosive ingredient for a nuclear bomb.''

In 1942, at the age of 30, Dr. Seaborg took a leave of absence from the University of California to join the Manhattan Project, the code name for the U.S. World War II effort to develop an atomic bomb. Since Nazi Germany was believed to be engaged in a similar effort, the project was given the highest wartime priority.

Assigned to a laboratory at the University of Chicago, Dr. Seaborg was chief of a Manhattan Project unit that was trying to devise a way of isolating large amounts of plutonium from uranium. By 1943, they had separated enough plutonium to send samples to the Manhattan Project scientists working at the laboratories at Los Alamos, N.M., where it was needed for some crucial experiments.

To arrange for the return of the plutonium to the Chicago laboratory, Dr. Seaborg had to devise a shortcut around the cumbersome and top secret wartime security apparatus. Lacking clearance to enter the Los Alamos laboratories, he took his wife on a vacation to nearby Santa Fe, where one morning he had breakfast with one of the Los Alamos physicists. At the restaurant after the meal, the physicist handed over the plutonium, which Dr. Seaborg placed in his suitcase and took back to Chicago on a train.

By 1945, there had been enough plutonium produced to build two atomic bombs, including the one dropped on Nagasaki, Japan,

three days after the atomic bombing of Hiroshima. Shortly thereafter, Japan capitulated and on Aug. 14, 1945, the war ended.

In 1946, Dr. Seaborg returned to Berkeley as a full professor, where he continued his prewar research on the discovery of new elements. He was associate director of the Lawrence Radiation Laboratory and chief of its nuclear chemistry research section from 1954 to 1958. He became chancellor of the University of California at Berkeley in 1958 and served in that capacity until his 1961 appointment as chairman of the AEC.

Glenn Theodore Seaborg was born in the small mining town of Ishpeming, on the Upper Peninsula of Michigan. At the age of 10, he moved to a suburb of Los Angeles with his family. He was first in his class and valedictorian in high school, and in September 1929, he entered the University of California at Los Angeles. To raise money for his college expenses he was a stevedore, an apricot picker, a laboratory assistant at a rubber company and an apprentice Linotype operator for the Los Angeles Herald. He was an assistant in the UCLA chemistry laboratory and a member of Phi Beta Kappa.

On graduating from UCLA, he transferred to the University of California's Berkeley campus where he had a teaching assistantship and a fellowship to study nuclear chemistry under the noted chemist, Gilbert N. Lewis. He received a doctorate in chemistry at Berkeley in 1937, then became a research associate under Lewis and later an instructor in chemistry.

He was a popular classroom teacher, but it was in the laboratory that Dr. Seaborg made his mark in the scientific community. There his co-worker, McMillan, he demonstrated that by bombarding uranium with neutrons, a new element—heavier than uranium—could be identified and produced. He called it neptunium after Neptune, the planet beyond Uranus in the solar system.

Building on this demonstration, Dr. Seaborg directed a team that employed a similar process to isolate the next of what came to be known as the transurnium elements—those with nuclei heavier than uranium, which had been the heaviest of the known elements. This next new element was named plutonium, after Pluto, the planet beyond Neptune in the solar system.

This would become the critical element in the development of atomic war weapons. After World War II, Dr. Seaborg continued his work on transuranium elements in the Berkeley laboratories, discovering substances later called berkelium, californium, einsteinium, fermium, mendelevium, nobelium and ''seaborgium,'' which was officially accepted as the name for element 106 in August 1997.

In his presentation speech on the awarding of the 1951 Nobel Prize, A.F. Westgren of the Royal Swedish Academy said Dr. Seaborg had ''written one of the most brilliant pages in the history of discovery of chemical elements.''

As a member of the General Advisory Committee of the AEC, Dr. Seaborg endorsed—reluctantly—the postwar crash program that developed the hydrogen bomb.

''Although I deplore the prospect of our country's putting a tremendous effort into the H-bomb, I must confess that I have been unable to come to the conclusion that we should not,'' he said.

On his appointment as chancellor of the University of California at Berkeley in 1958, Dr. Seaborg gave up his research work. For the next three years, he supervised what Newsweek magazine called ''possibly the best faculty in the United States.''

His 1961 appointment as AEC chairman made him the first scientist to direct the commission, and he was an insider and adviser to President Kennedy and U.S. negotiator Averell Harriman in the talks with the Soviet Union that led to the Limited Test Ban Treaty. Ratified by the Senate in September 1963, the treaty banned aboveground nuclear tests and committed the United States and the Soviet Union to seeking ''discontinuance of all test explosions of nuclear weapons for all time.'' For Dr. Seaborg, who had hoped for comprehensive prohibition of nuclear tests, the treaty was only a partial victory.

On leaving the AEC in summer 1971, Dr. Seaborg told NBC's ''Meet the Press'' that the commission's major achievement under his leadership was ''the development of economic nuclear power and the placement of that in the domain of private enterprise.'' In addition to the Limited Nuclear Test Ban Treaty, he also mentioned the start-up of the International Atomic Energy Agency and the signing of the Nuclear Nonproliferation Treaty.

He observed, somewhat ruefully, that it was the Department of the Defense, not the AEC, that had full control of the U.S. nuclear weapons program.

On rejoining the faculty of the University of California at Berkeley, following his departure from the AEC, Dr. Seaborg held the rank of university professor—the highest academic distinction. In 1983, concerned with the quality of science education, he became a professor in the university's graduate school of education.

He was a former president of the American Association for the Advancement of Science, and a recipient of the Enrico Fermi Award of the AEC and the Priestly Medal of the American Chemical Society. In 1991, he received the National Medal of Science, the nation's highest award for scientific achievement.

In 1942, Dr. Seaborg married Helen L. Griggs, with whom he had four sons and two daughters. When his children were young, the Nobel Prize-winning scientist was an enthusiastic participant in family baseball, volleyball and basketball games and in swimming contests.

One of his sons, Peter Glenn Seaborg, died in May of 1997.●

## RULES OF THE COMMITTEE ON THE JUDICIARY

● Mr. HATCH. Mr. President, in accordance with rule XXVI, section 2, of the Standing Rules of the Senate, I hereby submit for publication in the CONGRESSIONAL RECORD, the Rules of the Committee on the Judiciary.

The Rules follow:

COMMITTEE ON THE JUDICIARY

I. MEETINGS OF THE COMMITTEE

1. Meetings may be called by the Chairman as he may deem necessary on three days notice or in the alternative with the consent of the Ranking Minority Member or pursuant to the provision of the Standing Rules of the Senate, as amended.

2. Each witness who is to appear before the Committee or any Subcommittee shall file with the Committee, at least 48 hours in advance of the hearing, a written statement of his testimony in as many copies as the Chairman of the Committee or Subcommittee prescribes.

3. On the request of any Member, a nomination or bill on the agenda of the Committee will be held over until the next meeting of the Committee or for one week, whichever occurs later.

II. QUORUMS

1. Ten Members shall constitute a quorum of the Committee when reporting a bill or nomination; provided that proxies shall not be counted in making a quorum.

2. For the purpose of taking sworn testimony, a quorum of the Committee and each Subcommittee thereof, now or hereafter appointed, shall consist of one Senator.

III. PROXIES

When a record vote is taken in the Committee on any bill, resolution, amendment, or any other question, a quorum being present, a Member who is unable to attend the meeting may submit his vote by proxy, in writing or by telephone, or through personal instructions. A proxy must be specific with respect to the matters it addresses.

IV. BRINGING A MATTER TO A VOTE

The Chairman shall entertain a non-debatable motion to bring a matter before the Committee to a vote. If there is objection to bring the matter to a vote without further debate, a rollcall vote of the Committee shall be taken, and debate shall be terminated if the motion to bring the matter to a vote without further debate passes with ten votes in the affirmative, one of which must be cast by the minority.

V. SUBCOMMITTEES

1. Any Member of the Committee may sit with any Subcommittee during its hearings or any other meeting, but shall not have the authority to vote on any matter before the Subcommittee unless he is a Member of such Subcommittee.

2. Subcommittees shall be considered de novo whenever there is a change in the Subcommittee chairmanship and seniority on the particular Subcommittee shall not necessarily apply.

3. Except for matters retained at the full Committee, matters shall be referred to the appropriate Subcommittee or Subcommittees by the chairman, except as agreed by a majority vote of the Committee or by the agreement of the Chairman and the Ranking Minority Member.

VI. ATTENDANCE RULES

1. Official attendance at all Committee markups and executive sessions of the Committee shall be kept by the Committee Clerk. Official attendance at all Subcommittee markups and executive sessions shall be kept by the Subcommittee Clerk.

2. Official attendance at all hearings shall be kept, provided that Senators are notified by the Committee Chairman and ranking Member, in the case of Committee hearings, and by the Subcommittee Chairman and ranking Member, in the case of Subcommittee hearings, 48 hours in advance of the hearing that attendance will be taken; otherwise, no attendance will be taken. Attendance at all hearings is encouraged.●

## RULES OF THE COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

● Mr. JEFFORDS. Mr. President, Senate Standing Rule XXVI requires each committee to adopt rules to govern the procedures of the Committee and to publish those rules in the CONGRESSIONAL RECORD of the first year of each Congress. On January 20, 1999, the committee on Health, Education, Labor, and Pensions held a business meeting during which the members of the Committee unanimously adopted rules to govern the procedures of the Committee. Consistent with Standing Rule XXVI, today I am submitting for printing in the CONGRESSIONAL RECORD a

copy of the Rules of the Senate Committee on Health, Education, Labor, and Pensions.[1]

The rules follow:

RULES OF THE COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

(As adopted in executive session January 20, 1999)

*Rule 1.*—Subject to the provisions of rule XXVI, paragraph 5, of the Standing Rules of the Senate, regular meetings of the committee shall be held on the second and fourth Wednesday of each month, at 10:00 a.m., in room SD–430, Dirksen Senate Office Building. The chairman may, upon proper notice, call such additional meetings as he may deem necessary.

*Rule 2.*—The chairman of the committee or of a subcommittee, or if the chairman is not present, the ranking majority member present, shall preside at all meetings.

*Rule 3.*—Meetings of the committee or a subcommittee, including meetings to conduct hearings, shall be open to the public except as otherwise specifically provided in subsections (b) and (d) of rule 26.5 of the Standing Rules of the Senate.

*Rule 4.—(a)* Subject to paragraph (b), one-third of the membership of the committee, actually present, shall constitute a quorum for the purpose of transacting business. Any quorum of the committee which is composed of less than a majority of the members of the committee shall include at least one member of the majority and one member of the minority.

*(b)* A majority of the members of the subcommittee, actually present, shall constitute a quorum for the purpose of transacting business: provided, no measure or matter shall be ordered reported unless such majority shall include at least one member of the minority who is a member of the subcommittee. If, at any subcommittee meeting, a measure or matter cannot be ordered reported because of the absence of such a minority member, the measure or matter shall lay over for a day. If the presence of a member of the minority is not then obtained, a majority of the members of the subcommittee, actually present, may order such measure or matter reported.

*(c)* No measure or matter shall be ordered reported from the committee or a subcommittee unless a majority of the committee or subcommittee is actually present at the time such action is taken.

*Rule 5.*—With the approval of the chairman of the committee or subcommittee, one member thereof may conduct public hearings other than taking sworn testimony.

*Rule 6.*—Proxy voting shall be allowed on all measures and matters before the committee or a subcommittee if the absent member has been informed of the mater on which he is being recorded and has affirmatively requested that he be so recorded. While proxies may be voted on a motion to report a measure or matter from the committee, such a motion shall also require the concurrence of a majority of the members who are actually present at the time such action is taken.

The committee may poll any matters of committee business as a matter of unanimous consent; provided that every member is polled and every poll consists of the following two questions:

(1) Do you agree or disagree to poll the proposal; and

(2) Do you favor or oppose the proposal.

*Rule 7.*—There shall be prepared and kept a complete transcript or electronic recording adequate to fully record the proceedings of each committee or subcommittee meeting or conference whether or not such meetings or any part thereof is closed pursuant to the specific provisions of subsections (b) and (d) of rule 26.5 of the Standing Rules of the Senate, unless a majority of said members vote to forgo such a record. Such records shall contain the vote cast by each member of the committee or subcommittee on any question on which a ''yea and nay'' vote is demanded, and shall be available for inspection by any committee member. The clerk of the committee, or the clerk's designee, shall have the responsibility to make appropriate arrangements to implement this rule.

*Rule 8.*—The committee and each subcommittee shall undertake, consistent with the provisions of rule XXVI, paragraph 4, of the Standing rules of the Senate, to issue public announcement of any hearing it intends to hold at least one week prior to the commencement of such hearing.

*Rule 9.*—The committee or a subcommittee shall, so far as practicable, require all witnesses heard before it to file written statements of their proposed testimony at least 24 hours before a hearing, unless the chairman and the ranking minority member determine that there is good cause for failure to so file, and to limit their oral presentation to brief summaries of their arguments. The presiding officer at any hearing is authorized to limit the time of each witness appearing before the committee or a subcommittee. The committee or a subcommittee shall, as far as practicable, utilize testimony previously taken on bills and measures similar to those before it for consideration.

*Rule 10.*—Should a subcommittee fail to report back to the full committee on any measure within a reasonable time, the chairman may withdraw the measure from such subcommittee and report that fact to the full committee for further disposition.

*Rule 11.*—No subcommittee may schedule a meeting or hearing at a time designated for a hearing or meeting of the full committee. No more than one subcommittee executive meeting may be held at the same time.

*Rule 12.*—It shall be the duty of the chairman in accordance with section 133(c) of the Legislative Reorganization Act of 1946, as amended, to report or cause to be reported to the Senate, any measure or recommendation approved by the committee and to take or cause to be taken, necessary steps to bring the matter to a vote in the Senate.

*Rule 13.*—Whenever a meeting of the committee or subcommittee is closed pursuant to the provisions of subsection (b) or (d) of rule 26.5 of the Standing Rules of the Senate, no person other than members of the committee, members of the staff of the committee, and designated assistants to members of the committee shall be permitted to attend such closed session, except by special dispensation of the committee or subcommittee or the chairman thereof.

*Rule 14.*—The chairman of the committee or a subcommittee shall be empowered to adjourn any meeting of the committee or a subcommittee if a quorum is not present within fifteen minutes of the time schedule for such meeting.

*Rule 15.*—Whenever a bill or joint resolution repealing or amending any statute or part thereof shall be before the committee or a subcommittee for final consideration, the clerk shall place before each member of the committee or subcommittee a print of the statute or the part or section thereof to be amended or replaced showing by stricken-through type, the part or parts to be omitted and in italics, the matter proposed to be added, if a member makes a timely request for such print.

*Rule 16.*—An appropriate opportunity shall be given the minority to examine the proposed text of committee reports prior to their filing or publication. In the event there are supplemental, minority, or additional view, and appropriate opportunity shall be given the majority to examine the proposed text prior to filing or publication.

*Rule 17.—(a)* The committee, or any subcommittee, may issue subpoenas, or hold hearings to take sworn testimony or hear subpoenaed witnesses, only if such investigative activity has been authorized by majority vote of the committee.

*(b)* For the purpose of holding a hearing to take sworn testimony or hear subpoenaed witnesses, three members of the committee or subcommittee shall constitute a quorum: provided, with the concurrence of the chairman and ranking minority member of the committee or subcommittee, a single member may hear subpoenaed witnesses or take sworn testimony.

*(c)* the committee may, by a majority vote, delegate the authority to issue subpoenas to the chairman of the committee or a subcommittee, or to any member designated by such chairman. Prior to the issuance of each subpoena, the ranking minority member of the committee or subcommittee, and any other member so requesting, shall be notified regarding the identity of the person to whom it will be issued and the nature of the information sought and its relationship to the authorized investigative activity, except where the chairman of the committee or subcommittee, in consultation with the ranking minority member, determines that such notice would unduly impede the investigation. All information obtained pursuant to such investigative activity shall be made available as promptly as possible to each member of the committee requesting same, or to any assistant to a member of the committee, designated by such member in writing, but the use of any such information is subject to restrictions imposed by the rules of the Senate. Such information, to the extent that it is relevant to the investigation shall, if requested by a member, be summarized in writing as soon as practicable. Upon the request of any member, the chairman of the committee or subcommittee shall call an executive session to discuss such investigative activity or the issuance of any subpoena in connection therewith.

(*d*) Any witness summoned to testify at a hearing, or any witness giving sworn testimony, may be accompanied by counsel of his own choosing who shall be permitted, while the witness is testifying, to advise him of his legal rights.

(*e*) No confidential testimony taken or confidential material presented in an executive hearing, or any report of the proceedings of such an executive hearing, shall be made public, either in whole or in part or by way of summary, unless authorized by a majority of the members of the committee or subcommittee.

*Rule 18.*—Presidential nominees shall submit a statement of their background and financial interests, including the financial interests of their spouse and children living in their household, on a form approved by the committee which shall be sworn to as to its completeness and accuracy. The committee form shall be in two parts—

(I) information relating to employment, education and background of the nominee relating to the position to which the individual is nominated, and which is to be made public; and,

(II) information relating to financial and other background of the nominee, to be made public when the committee determines that such information bears directly on the nominee's qualifications to hold the position to which the individual is nominated.

Information relating to background and financial interests (parts I and II) shall not be

[1] Pursuant to S. Res. 20, Committee on Labor and Human Resources name was changed to Committee on Health, Education, Labor, and Pensions on January 19, 1999.

required of (a) candidates for appointment and promotion in the Public Health Service Corps; and (b) nominees for less than full-time appointments to councils, commissions or boards when the committee determines that some or all of the information is not relevant to the nature of the position. Information relating to other background and financial interests (part II) shall not be required of any nominee when the committee determines that it is not relevant to the nature of the position.

Committee action on a nomination, including hearings or meetings to consider a motion to recommend confirmation, shall not be initiated until at least five days after the nominee submits the form required by this rule unless the chairman, with the concurrence of the ranking minority member, waives this waiting period.

*Rule 19.*—Subject to statutory requirements imposed on the committee with respect to procedure, the rules of the committee may be changed, modified, amended or suspended at any time; provided, not less than a majority of the entire membership so determine at a regular meeting with due notice, or at a meeting specifically called for that purpose.

*Rule 20.*—In addition to the foregoing, the proceedings of the committee shall be governed by the Standing Rules of the Senate and the provisions of the Legislative Reorganization Act of 1946, as amended.

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[Excerpts from the Standing Rules of the Senate]

RULE XXV

STANDING COMMITTEES

1. The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the power to act until their successors are appointed, with leave to report by bill or otherwise on matters within their respective jurisdictions:

* * * * *

(m)(1) Committee on Health, Education Labor, and Pensions, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Measures relating to education, labor, health, and public welfare.
2. Aging.
3. Agricultural colleges.
4. Arts and humanities.
5. Biomedical research and development.
6. Child labor.
7. Convict labor and the entry of goods made by convicts into interstate commerce.

Domestic activities of the American National Red Cross.

9. Equal employment opportunity.
10. Gallaudet College, Howard University, and Saint Elizabeths Hospital.

Individuals with disabilities[2]

12. Labor standards and labor statistics.
13. Mediation and arbitration of labor disputes.
14. Occupational safety and health, including the welfare of miners.
15. Private pension plans.
16. Public health.
17. Railway labor and retirement.
18. Regulation of foreign laborers.
19. Student loans.
20. Wages and hours of labor.

(2) Such committee shall also study and review, on a comprehensive basis, matters relating to health, education and training, and public welfare, and report thereon from time to time.

[2] Effective Jan. 21, 1999, pursuant to the Committee Reorganization Amendments of 1999 (S. Res. 28), is amended by striking ''Handicapped individuals'', and inserting ''Individuals with disabilities.''

RULE XXVI

COMMITTEE PROCEDURE

1. Each standing committee, including any subcommittee of any such committee, is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Senate, to require by subpoena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, to take such testimony and to make such expenditures out of the contingent fund of the Senate as may be authorized by resolutions of the Senate. Each such committee may make investigations into any matter within its jurisdiction, may report such hearings as may be had by it, and may employ stenographic assistance at a cost not exceeding the amount prescribed by the Committee on Rules and Administration.[3] The expenses of the committee shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

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5. (a) Notwithstanding any other provision of the rules, when the Senate is in session, no committee of the Senate or any subcommittee thereof may meet, without special leave, after the conclusion of the first two hours after the meeting of the Senate commenced and in no case after two o'clock postmeridian unless consent therefor has been obtained from the majority leader and the minority leader (or in the event of the absence of either of such leaders, from his designee). The prohibition contained in the preceding sentence shall not apply to the Committee on Appropriations or the Committee on the Budget. The majority leader or his designee shall announce to the Senate whenever consent has been given under this subparagraph and shall state the time and place of such meeting. The right to make such announcement of consent shall have the same priority as the filing of a cloture motion.

(b) Each meeting of a committee, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by a committee or a subcommittee thereof on the same subject for a period of no more than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in clauses (1) through (6) would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the members of the committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of committee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

(c) Whenever any hearing conducted by any such committee or subcommittee is open to the public, that hearing may be broadcast by radio or television, or both, under such rules as the committee or subcommittee may adopt.

(d) Whenever disorder arises during a committee meeting that is open to the public, or any demonstration of approval or disapproval is indulged in by any person in attendance of any such meeting, it shall be the duty of the Chair to enforce order on his own initiative and without any point of order being made by a Senator. When the Chair finds it necessary to maintain order, he shall have the power to clear the room, and the committee may act in closed session for so long as there is doubt of the assurance of order.

(e) Each committee shall prepare and keep a complete transcript or electronic recording adequate to fully record the proceeding of each meeting or conference whether or not such meeting or any part thereof is closed under this paragraph, unless a majority of its members vote to forgo such a record

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[3] Pursuant to section 68c of title 2, United States Code, the Committee on Rules and Administration issues Regulations Governing Rates Payable to Commercial Reporting Forms for Reporting Committee Hearings in the Senate.'' Copies of the regulations currently in effect may be obtained from the Committee.

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GUIDELINES OF THE SENATE COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS WITH RESPECT TO HEARINGS, MARKUP SESSIONS, AND RELATED MATTERS

HEARINGS

Section 133A*(a)* of the Legislative Reorganization Act requires each committee of the Senate to publicly announce the date, place, and subject matter of any hearing at least one week prior to the commencement of such hearing.

The spirit of this requirement is to assure adequate notice to the public and other Members of the Senate as to the time and subject matter of proposed hearings. In the spirit of section 133A*(a)* and in order to assure that members of the committee are themselves fully informed and involved in the development of hearings:

1. Public notice of the date, place, and subject matter of each committee or subcommittee hearing should be inserted in the Congressional Record seven days prior to the commencement of such hearing.

2. Seven days prior to public notice of each committee or subcommittee hearing, the committee or subcommittee should provide written notice to each member of the committee of the time, place, and specific subject matter of such hearing, accompanied by a list of those witnesses who have been or are proposed to be invited to appear.

3. The committee and its subcommittee should, to the maximum feasible extent, enforce the provisions of rule 9 of the committee rules as it relates to the submission of

written statements of witnesses twenty-four hours in advance of a hearing. When statements are received in advance of a hearing, the committee or subcommittee (as appropriate) should distribute copies of such statements to each of its members.

EXECUTIVE SESSIONS FOR THE PURPOSE OF MARKING UP BILLS

In order to expedite the process of marking up bills and to assist each member of the committee so that there may be full and fair consideration of each bill which the committee or a subcommittee is marking up the following procedures should be followed:

1. Seven days prior to the proposed date for an executive session for the purpose of marking up bills the committee or subcommittee (as appropriate) should provide written notice to each of its members as to the time, place, and specific subject matter of such session, including an agenda listing each bill or other matters to be considered and including:

*(a)* two copies of each bill, joint resolution, or other legislative matter (or committee print thereof) to be considered at such executive session; and

*(b)* two copies of a summary of the provisions of each bill, joint resolution, or other legislative matter to be considered at such executive session; and

2. Three days prior to the scheduled date for an executive session for the purpose of marking up bills, the committee or subcommittee (as appropriate) should deliver to each of its members two copies of a cordon print or an equivalent explanation of changes of existing law proposed to be made by each bill, joint resolution, or other legislative matter to be considered at such executive session.

3. Insofar as practical, prior to the scheduled date for an executive session for the purpose of marking up bills, each member of the committee or a subcommittee (as appropriate) should provide to all other such members two written copies of any amendment or a description of any amendment which that member proposes to offer to each bill, joint resolution, or other legislative matter to be considered at such executive session.

4. Insofar as practical, prior to the scheduled date for an executive session for the purpose of marking up bills, the committee or a subcommittee (as appropriate) should provide each member with a copy of the printed record or a summary of any hearings conducted by the committee or a subcommittee with respect to each bill, joint resolution, or other legislative matter to be considered at such executive session.

COMMITTEE REPORTS, PUBLICATIONS, AND RELATED DOCUMENTS

Rule 16 of the committee rules requires that the minority be given an opportunity to examine the proposed text of committee reports prior to their filing and that the majority be given an opportunity to examine the proposed text of supplemental, minority, or additional views prior to their filing. The views of all members of the committee should be taken fully and fairly into account with respect to all official documents filed or published by the committee. Thus, consistent with the spirit of rule 16, the proposed text of each committee report, hearing record, and other related committee document or publication should be provided to the chairman and ranking minority member of the committee and the chairman and ranking minority member of the appropriate subcommittee at least forty-eight hours prior to its filing or publication.●

## RULES OF THE SPECIAL COMMITTEE ON AGING

● Mr. GRASSLEY. Mr. President, in accordance with Rule XXVI, paragraph 2, of the Standing Rules of the Senate, I hereby submit for publication in the CONGRESSIONAL RECORD, the Rules of the Special Committee on Aging.

The rules follow:

RULES OF THE SPECIAL COMMITTEE ON AGING

(Rules of Procedure)

I. CONVENING OF MEETINGS AND HEARINGS

1. Meetings. The Committee shall meet to conduct Committee business at the call of the Chairman.

2. Special Meetings. The Members of the Committee may call additional meetings as provided in Senate Rule XXVI (3).

(3) Notice and Agenda: (a) Hearings. The Committee shall make public announcement of the date, place, and subject matter of any hearing at least one week before its commencement.

(b) Meetings. The Chairman shall give the members written notice of any Committee meeting, accompanied by an agenda enumerating the items of business to be considered, at least 5 days in advance of such meeting.

(c) Shortened Notice. A hearing or meeting may be called on not less than 24 hours notice if the Chairman, with the concurrence of the Ranking Minority Member, determines that there is good cause to begin the hearing or meeting on shortened notice. An agenda will be furnished prior to such a meeting.

4. Presiding Officer. The Chairman shall preside when present. If the Chairman is not present at any meeting or hearing, the Ranking majority Member present shall preside. Any Member of the Committee may preside over the conduct of a hearing.

II. CLOSED SESSIONS AND CONFIDENTIAL MATERIALS

1. Procedure. All meetings and hearing shall be open to the public unless closed. To close a meeting or hearing or portion thereof, a motion shall be made and seconded to go into closed discussion on whether the meeting or hearing will concern the matters enumerated in Rule II.3. Immediately after such discussion, the meeting or hearing may be closed by a vote in open session of a majority of the Members of the Committee present.

2. Witness Request. Any witness called for a hearing may submit a written request to the Chairman no later than twenty-four hours in advance for his examination to be in closed or open session. The Chairman shall inform the Committee of any such request.

3. Closed Session Subjects. A meeting or hearing or portion thereof may be closed if the matters to be discussed concern: (1) national security; (2) Committee staff personnel or internal staff management or procedure; (3) matters tending to reflect adversely on the character or reputation or to invade the privacy of the individuals; (4) Committee investigations; (5) other matters enumerated in Senate Rule XXVI (5)(b).

4. Confidential Matter. No record made of a closed session, or material declared confidential by a majority of the Committee, or report of the proceedings of a closed session, shall be made public, in whole or in part or by way of summary, unless specifically authorized by the Chairman and Ranking Minority Member.

5. Broadcasting: (1) Control. Any meeting or hearing open to the public may be covered by television, radio, or still photography. Such coverage must be conducted in an orderly and unobtrusive manner, and the Chairman may for good cause terminate such coverage in whole or in part, or take such other action to control it as the circumstances may warrant.

(b) Request. A witness may request of the Chairman, on grounds of distraction, harassment, personal safety, or physical discomfort, that during his testimony cameras, media microphones, and lights shall not be directed at him.

III. QUORUMS AND VOTING

1. Reporting. A majority shall constitute a quorum for reporting a resolution, recommendation or report to the Senate.

2. Committee Business. A third shall constitute a quorum of the conduct of Committee business, other than a final vote on reporting, providing a minority Member is present. One Member shall constitute a quorum for the receipt of evidence, the swearing of witnesses, and the taking of testimony at hearings.

3. Polling: (a) Subjects. The Committee may poll (1) internal Committee matters including those concerning the Committee's staff, records, and budget; (2) other Committee business which has been designated for polling at a meeting.

(b) Procedure. The Chairman shall circulate polling sheets to each Member specifying the matter being polled and the time limit for completion of the poll. If any Member so requests in advance of the meeting, the matter shall be held for meeting rather than being polled. The clerk shall keep a record of polls, if the Chairman determines that the polled matter is one of the areas enumerated in Rule II.3, the record of the poll shall be confidential. Any Member may move at the Committee meeting following a poll for a vote on the polled decision.

IV. INVESTIGATIONS

1. Authorization for Investigations. All investigations shall be conducted on a bipartisan basis by Committee staff. Investigations may be initiated by the Committee staff upon the approval of the Chairman of the Ranking Minority Member. Staff shall keep the Committee fully informed of the progress of continuing investigations, except where the Chairman and the Ranking Minority Member agree that there exists temporary cause for more limited knowledge

2. Subpoenas. Subpoenas for the attendance of witnesses or the production of memoranda, documents, records, or any other materials shall be issued by the Chairman, or by any other Member of the Committee designated by him. Prior to the issuance of each subpoena, the Ranking Minority Member, and any Member so requesting, shall be notified regarding the identity of the person to whom the subpoena will be issued and the nature of the information sought and its relationship to the investigation.

3. Investigative Reports. All reports containing findings or recommendations stemming from Committee investigations shall be printed only with the approval of a majority of the Members of the Committee.

V. HEARINGS

1. Notice. Witnesses called before the Committee shall be given, absent extraordinary circumstances, at least forty-eight hours notice, and all witnesses called shall be furnished with a copy of these rules upon request.

2. Oath. All witnesses who testify to matters of fact shall be sworn unless the Committee waives the oath. The Chairman, or any member, may request and administer the oath.

3. Statement. Witnesses are required to make an introductory statement and shall file 150 copies of such statement with the Chairman or clerk of the Committee at least 72 hours in advance of their appearance, unless the Chairman and Ranking Minority

Member determine that there is good cause for a witness's failure to do so. A witness shall be allowed no more than ten minutes to orally summarize their prepared statement.

4. Counsel: (a) A witness's counsel shall be permitted to be present during his testimony at any public or closed hearing or depositions or staff interview to advise such witness of his rights, provided, however, that in the case of any witness who is an officer or employee of the government, or of a corporation or association, the Chairman may rule that representation by counsel from the government, corporation, or association creates a conflict of interest, and that the witness shall be represented by personal counsel not from the government, corporation, or association.

(b) A witness is unable for economic reasons to obtain counsel may inform the Committee at least 48 hours prior to the witness's appearance, and it will endeavor to obtain volunteer counsel for the witness. Such counsel shall be subject solely to the control of the witness and not the Committee Failure to obtain counsel will not excuse the witness from appearing and testifying.

5. Transcript. An accurate electronic or stenographic record shall be kept of the testimony of all witnesses in executive and public hearings. Any witness shall be afforded, upon request, the right to review that portion of such record, and for this purpose, a copy of a witness's testimony in public or closed session shall be provided to the witness. Upon inspecting his transcript, within a time limit set by the committee clerk, a witness may request changes in testimony to correct errors of transcription, grammatical errors, and obvious errors of fact, the Chairman or a staff officer designated by him shall rule on such request.

6. Impugned Persons. Any person who believes that evidence presented, or comment made by a Member or staff, at a public hearing or at a closed hearing concerning which there have been public reports, tends to impugn his character or adversely affect his reputation may: (a) file a sworn statement of facts relevant to the evidence or comment, which shall be placed in the hearing record;

(b) request the opportunity to appear personally before the Committee to testify in his own behalf; and

(c) submit questions in writing which he requests be used for the cross-examination of other-witnesses called by the Committee. The Chairman shall inform the Committee of such requests for appearance or cross-examination. If the Committee so decides; the requested questions, or paraphrased versions or portions of them, shall be put to the other witness by a Member of by staff.

7. Minority Witnesses. Whenever any hearing is conducted by the Committee, the minority on the Committee shall be entitled, upon request made by a majority of the minority Members to the Chairman, to call witnesses selected by the minority to testify or produce documents with respect to the measure or matter under consideration during at least one day of the hearing. Such request must be made before the completion of the hearing or, if subpoenas are required to call the minority witnesses, no later than three days before the completion of the hearing.

8. Conduct of Witnesses, Counsel and Members of the Audience. If, during public or executive sessions, a witness, his counsel, or any spectator conducts himself in such a manner as to prevent, impede, disrupt, obstruct, or interfere with the orderly administration of such hearing the Chairman or presiding Member of the Committee present during such hearing may request the Sergeant at Arms of the Senate, his representative or any law enforcement official to eject said person from the hearing room.

VI. DEPOSITIONS AND COMMISSIONS

1. Notices. Notices for the taking of depositions in an investigation authorized by the Committee shall be authorized and issued by the Chairman or by a staff officer designated by him. Such notices shall specify a time and place for examination, and the name of the staff officer or officers who will take the deposition. Unless otherwise specified, the deposition shall be in private. The Committee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness's failure to appear unless the deposition notice was accompanied by a Committee subpoena.

2. Counsel. Witness may be accompanied at a deposition by counsel to advise them of their rights, subject to the provisions of Rule V.4.

3. Procedure. Witnesses shall be examined upon oath administered by an individual authorized by local law to administer oaths. Questions shall be propounded orally by Committee staff. Objections by the witnesses as to the form of questions shall be noted for the record. If a witness objects to a question and refuses to testify on the basis of relevance or privilege, the Committee staff may proceed with the deposition, or may at that time or at a subsequent time, seek a ruling by telephone or otherwise on the objection from a Member of the Committee. If the Member overrules the objection, he may refer the matter to the Committee or he may order and direct the witness to answer the question, but the Committee shall not initiate the procedures leading to civil or criminal enforcement unless the witness refuses to testify after he has been ordered and directed to answer by a Member of the Committee.

4. Filing. The Committee staff shall see that the testimony is transcribed or electronically recorded. If it is transcribed, the witness shall be furnished with a copy for review. No later than five days thereafter, the witness shall return a signed copy, and the staff shall enter the changes, if any, requested by the witness in accordance with Rule V.6. If the witness fails to return a signed copy, the staff shall note on the transcript the date a copy was provided and the failutre to return it. The individual administering the oath shall certify on the transcript that the witness was duly sworn in his presence, the transcriber shall certify that the transcript is a true record to the testimony, and the transcript shall then be filed with the Committee Clerk. Committee staff may stipulate with the witness to changes in this procedure; deviations from the procedure which do not substantially impair the reliability of the record shall not relieve the witness from his obligation to testify truthfully.

5. Commissions. The Committee may authorize the staff, by issuance of commissions, to fill in prepared subpoenas, conduct field hearings, inspect locations, facilities, or systems of records, or otherwise act on behalf of the Committee. Commissions shall be accompanied by instructions from the Committee regulating their use.

VII. SUBCOMMITTEES

1. Establishment. The Committee will operate as a Committee of the Whole, reserving to itself the right to establish temporary subcommittees at any time by majority vote. The Chairman of the full Committee and the Ranking Minority Member shall be ex officio Members of all subcommittees.

2. Jurisdiction. Within its jurisdiction as described in the Staffing Rules of the Senate, each subcommittee is authorized to conduct investigations, including use of subpoenas, depositions, and commissions.

3. Rules. A subcommittee shall be governed by the Committee rules, except that its quorum for all business shall be one-third of the subcommittee Membership, and for hearings shall be one Member.

VIII. REPORTS

Committee reports incorporating Committee findings and recommendations shall be printed only with the prior approval of the Committee, after an adequate period for review and comment. The printing, as Committee documents, of materials prepared by staff for informational purposes, or the printing of materials not originating with the Committee or staff, shall require prior consultation with the minority staff; these publications shall have the following language printed on the cover of the document: ''Note: This document has been printed for informational purposes. It does not represent either findings or recommendations formally adopted by the Committee.''

IX. AMENDMENT OF RULES

The rules of the Committee may be amended or revised at any time, provided that not less than a majority of the Committee present so determine at a Committee meeting preceded by at least 3 days notice of the amendments or revisions proposed.●

## RULES OF THE COMMITTEE ON VETERANS' AFFAIRS

● Mr. SPECTER. Mr. President, pursuant to paragraph 2 of Rule XXVI, Standing Rules of the Senate, I submit for printing in the CONGRESSIONAL RECORD the Rules of the Committee on Veterans' Affairs for the 106th Congress, as adopted by the Committee on March 1, 1999.

The rules follow:

COMMITTEE ON VETERANS' AFFAIRS RULES OF PROCEDURE

I. MEETINGS

(a) Unless otherwise ordered, the Committee shall meet on the first Wednesday of each month. The Chairman may, upon proper notice, call such additional meetings as he deems necessary.

(b) Except as provided in subparagraphs (b) and (d) of paragraph 5 of rule XXVI of the Standing Rules of the Senate, meetings of the Committee shall be open to the public. The Committee shall prepare and keep a complete transcript or electronic recording adequate to fully record the proceedings of each meeting whether or not such meeting or any part thereof is closed to the public.

(c) The Chairman of the Committee or the Ranking Majority Member present in the absence of the Chairman, or such other Member as the Chairman may designate, shall preside at all meetings.

(d) No meeting of the Committee shall be scheduled except by majority vote of the Committee or by authorization of the Chairman of the Committee.

(e) The Committee shall notify the office designated by the Committee on Rules and Administration of the time, place, and purpose of each meeting. In the event such meeting is canceled, the Committee shall immediately notify such designated office.

(f) Written notice of a Committee meeting, accompanied by an agenda enumerating the items of business to be considered, shall be sent to all Committee members at least 72 hours (not counting Saturdays, Sundays, and Federal holidays) in advance of each meeting. In the event that the giving of such 72-hour notice is prevented by unforeseen requirements or Committee business, the Committee staff shall communicate notice by the quickest appropriate means to members or appropriate staff assistants of Members and

an agenda shall be furnished prior to the meeting.

(g) Subject to the second sentence of this paragraph, it shall not be in order for the Committee to consider any amendment in the first degree proposed to any measure under consideration by the Committee unless a written copy of such amendment has been delivered to each member of the Committee at least 24 hours before the meeting at which the amendment is to be proposed. This paragraph may be waived by a majority vote of the members and shall apply only when 72-hour written notice has been provided in accordance with paragraph (f).

II. QUORUMS

(a) Subject to the provisions of paragraph (b), seven members of the Committee shall constitute a quorum for the reporting or approving of any measure or matter or recommendation. Four members of the Committee shall constitute a quorum for purposes of transacting any other business.

(b) In order to transact any business at a Committee meeting, at least one member of the minority shall be present. If, at any meeting, business cannot be transacted because of the absence of such a member, the matter shall lay over for a calendar day. If the presence of a minority member is not then obtained, business may be transacted by the appropriate quorum.

(c) One member shall constitute a quorum for the purpose of receiving testimony.

III. VOTING

(a) Votes may be cast by proxy. A proxy shall be written and may be conditioned by personal instructions. A proxy shall be valid only for the day given.

(b) There shall be a complete record kept of all Committee action. Such record shall contain the vote cast by each member of the Committee on any question on which a roll call vote is requested.

IV. HEARINGS AND HEARING PROCEDURES

(a) Except as specifically otherwise provided, the rules governing meetings shall govern hearings. (b) At least 1 week in advance of the date of any hearing, the Committee shall undertake, consistent with the provisions of paragraph 4 of rule XXVI of the Standing Rules of the Senate, to make public announcements of the date, place, time, and subject matter of such hearing.

(c) The Committee shall require each witness who is scheduled to testify at any hearing to file 40 copies of such witness' testimony with the Committee not later than 48 hours prior to the witness' scheduled appearance unless the Chairman and Ranking Minority Member determine there is good cause for failure to do so.

(d) The presiding member at any hearing is authorized to limit the time allotted to each witness appearing before the Committee.

(e) The Chairman, with the concurrence of the Ranking Minority Member of the Committee, is authorized to subpoena the attendance of witnesses and the production of memoranda, documents, records, and any other materials. If the Chairman or a Committee staff member designated by the Chairman has not received from the Ranking Minority Member or a Committee staff member designated by the Ranking Minority Member notice of the Ranking Minority Member's nonconcurrence in the subpoena within 48 hours (excluding Saturdays, Sundays, and Federal holidays) of being notified of the Chairman's intention to subpoena attendance or production, the Chairman is authorized following the end of the 48-hour period involved to subpoena the same without the Ranking Minority Member's concurrence. Regardless of whether a subpoena has been concurred in by the Ranking Minority Member, such subpoena may be authorized by vote of the Members of the Committee. When the Committee or Chairman authorizes a subpoena, the subpoena may be issued upon the signature of the Chairman or of any other member of the Committee designated by the Chairman.

(f) Except as specified in Committee Rule VII (requiring oaths, under certain circumstances, at hearings to confirm Presidential nominations), witnesses at hearings will be required to give testimony under oath whenever the presiding member deems such to be advisable.

V. MEDIA COVERAGE

Any Committee meeting or hearing which is open to the public may be covered by television, radio, and print media. Photographers, reporters, and crew members using mechanical recording, filming or broadcasting devices shall position and use their equipment so as not to interfere with the seating, vision, or hearing of the Committee members or staff or with the orderly conduct of the meeting or hearing. The presiding member of the meeting or hearing may for good cause terminate, in whole or in part, the use of such mechanical devices or take such other action as the circumstances and the orderly conduct of the meeting or hearing may warrant.

VI. GENERAL

All applicable requirements of the Standing Rules of the Senate shall govern the Committee.

VII. PRESIDENTIAL NOMINATIONS

(a) Each Presidential nominee whose nomination is subject to Senate confirmation and referred to this Committee shall submit a statement of his or her background and financial interests, including the financial interests of his or her spouse and of children living in the nominee's household, on a form approved by the Committee which shall be sworn to as to its completeness and accuracy. The Committee form shall be in two parts—

(A) information concerning employment, education, and background of the nominee which generally relates to the position to which the individual is nominated, and which is to be made public; and

(B) information concerning the financial and other background of the nominee, to be made public when the Committee determines that such information bears directly on the nominee's qualifications to hold the position to which the individual is nominated.

Committee action on a nomination, including hearings or a meeting to consider a motion to recommend confirmation, shall not be initiated until at least five days after the nominee submits the form required by this rule unless the Chairman, with the concurrence of the Ranking Minority Member, waives this waiting period.

(b) At any hearing to confirm a Presidential nomination, the testimony of the nominee and, at the request of any Member, any other witness shall be under oath.

VIII. NAMING OF DEPARTMENT OF VETERANS AFFAIRS FACILITIES

It is the policy of the Committee that no Department of Veterans Affairs facility shall be named after any individual unless—

(A) such individual is deceased and was—

(1) a veteran who (i) was instrumental in the construction or the operation of the facility to be named, or (ii) was a recipient of the Medal of Honor or, as determined by the Chairman and Ranking Minority Member, otherwise performed military service of an extraordinarily distinguished character;

(2) a member of the United States House of Representatives or Senate who had a direct association with such facility;

(3) an Administrator of Veterans' Affairs, a Secretary of Veterans Affairs, a Secretary of Defense or of a service branch, or a military or other Federal civilian official of comparable or higher rank; or

(4) an individual who, as determined by the Chairman and Ranking Minority Member, performed outstanding service for veterans;

(B) each member of the Congressional delegation representing the State in which the designated facility is located has indicted in writing such member's support of the proposal to name such facility after such individual; and

(C) the pertinent State department or chapter of each Congressionally chartered veterans' organization having a national membership of at least 500,000 has indicated in writing its support of such proposal.

IX. AMENDMENTS TO THE RULES

The rules of the Committee may be changed, modified, amended, or suspended at any time, provided, however, that no less than a majority of the entire membership so determine at a regular meeting with due notice, or at a meeting specifically called for that purpose. The rules governing quorums for reporting legislative matters shall govern rules changes, modification, amendments, or suspension.●

## MILITARY PAY AND BENEFITS BILL

● Mr. DODD. Mr. President, I ask that the article entitled ''A Military Problem Money Can't Solve,'' which appeared in this morning's New York Times, be printed in the RECORD. It helps to illustrate why the Senate should have taken a closer look at the provisions of S. 4 before voting on it. Had hearings been held on the bill, and had we awaited the completion of studies by the CBO, GAO and Defense Department, perhaps some Senators would have had a chance to become familiar with the reasons that our service men and women leave the military. As this article makes clear, retention may depend more on improving quality of life than increasing pay and pensions.

The article follows:

[The New York Times, Tuesday, Mar. 2, 1999]

A MILITARY PROBLEM MONEY CAN'T SOLVE

(By Lucian K. Truscott 4th)

LOS ANGELES.—While members of the armed services are underpaid and overworked, the bill recently passed by the Senate that gives them a pay raise doesn't address the real problem: keeping skilled officers and noncommissioned officers from leaving in mid-career.

The Army, Navy and Air Force now face serious enlistment shortfalls. For example, last year the Navy fell 7,000 short of its recruitment goal. The bill would raise military pay 4.8 percent and increase reenlistment bonuses and retirement benefits.

But even if the improved benefit package helps attract more recruits, there will continue to be a shortfall unless the military does more to keep mid-career soldiers from resigning.

Over the past few years, I have been in touch with more than 100 men and women who have resigned from the service, chiefly because my last two books have been about the military. Not once have I heard them say that they left the service because the pay was low. For many, quality-of-life factors drove them away.

They complain that junior officers and enlisted men and women with families are assigned to military housing that is old and badly maintained. On many bases both here and abroad, there is a shortage of housing, forcing many young families to live off the base. Civilian landlords in neighborhoods near military bases often charge above-market rents because they know military families are a captive market.

Deployments to far-off ''peace-keeping'' missions are another reason for mid-career attrition. With all of the services short-handed, assignments to these hardship missions are far more frequent than in the past. Moreover, to soldiers who have been trained to fight, many of these peacekeeping missions seem pointless.

But the complaint I've heard as often as any other has been about the system for advancement. One former officer told me that the military's traditional ''zero defects'' policy now applies to careers, not just to the readiness of a unit or to effectiveness in combat. One bad rating from a senior officer can end a career. ''Everyone seems afraid to take the slightest chance at making a mistake,'' he said, for fear of getting a bad review.

So the mid-level officers may be jumping ship because the solution—which would include dissolving the unfair ratings system—is too radical to ever be considered.

Dissatisfaction with the overall ratings system for officers also helps to explain why the 20 percent increase in retirement benefits called for in the Senate bill is unlikely to improve retention rates. There are fewer slots as you go higher in rank, so promotions get harder.

In the past, for example, a major who wasn't promoted to lieutenant colonel could stay at the same rank and still get full retirement benefits after 20 years of service. Now many of those who don't get promoted are asked to leave the military.

The new officer rating system, established a year ago, has rigorous quotas that insure that only a certain number of soldiers are promoted—and reach retirement age. The ratings system uses four levels, but no more than half of the soldiers a superior officer oversees can be given the top rating. Soldiers who consistently score at the top are the ones who will qualify for retirement benefits, the bulk of which kick in at 20 years of service.

But that means the other half has little or no chance of qualifying for retirement, and it's this group that is more likely to resign from the service at mid-career. Several former military men have told me that after receiving what they considered to be unfair low ratings as junior officers they drew the conclusion that they would never be able to serve 20 years and reach retirement. Each of them decided to resign early rather than stick around and learn late in his career that his services were no longer wanted by the military.

''They tell you that if you're not going to go all the way to 20, you'd better get out by the end of your eighth year, because the corporate world won't take you after that,'' one former soldier explained.

Many former soldiers I have corresponded with have described their decisions to resign from the military as complex and painful. But the emotion they express most frequently is anger.

''I think the most important reason for leaving is that the Army pays lip service to taking care of its own, but it really doesn't,'' one former officer wrote.

Still another former military man described the plight of the mid-career professional soldier this way: ''They are sent to far-off places with inadequate support, pointless missions and foolish rules of engagement so the cocktail party set back in D.C. . . . can have their consciences feel good.''

Many of the military men and women I've interviewed see no one in senior leadership positions standing up and telling the politicians that while a pay raise is nice, there are a lot of other problems that need to be addressed. As one former officer wrote me, ''Money would help, but it will not cure.''●

## NATIONAL TRIO DAY

● Ms. SNOWE. Mr. President, I rise to bring my colleagues attention to the celebration of National TRIO Day which took place on Saturday, February 28. National TRIO Day—which was created by a concurrent resolution during the 99th Congress—is celebrated every year on the last Saturday of February, and serves as a day of recognition for the Federal TRIO Programs.

As my colleagues are aware, the TRIO Programs actually consist of several educational programs: Talent Search; Upward Bound; Upward Bound Math/Science; Veterans Upward Bound; Student Support Services; Ronald E. McNair Postbaccalaureate Achievement Program; and Educational Opportunity Centers. These programs, established over 30 years ago, provide services to low-income students and help them overcome a variety of barriers to obtaining a higher education, including class, social, and cultural barriers.

Currently, 2,000 colleges, universities and community agencies sponsor TRIO Programs, and more than 780,000 low-income middle school, high school, and adult students benefit from the services of these programs. By lifting students out of poverty, these students can pursue their highest aspirations and achieve the American dream, even as our nation is collectively lifted to new heights.

Mr. President, there are 15 TRIO Programs in my home State of Maine that serve 6,000 aspiring students each year. I know that these programs work because I have seen and heard of the tangible impact the programs have had—and continue to have—on individuals in Maine.

The impact of the TRIO Programs speaks for itself when considering that TRIO graduates can be found in every occupation one can think of, including doctors, lawyers, astronauts, television reporters, actors, state senators, and even Members of Congress. In fact, two of our colleagues in the House of Representatives—Congressman HENRY BONILLA and Congressman ALBERT R. WYNN—are graduates of the TRIO Programs.

In closing, as we celebrate National TRIO Day, I would like to encourage my colleagues to learn more about the TRIO Programs in their respective states, and see for themselves the impact the programs have had—and continue to have—on their constituents. Ensuring that all of our nation's students who desire a higher education are able to attain it is a goal that I think we can all agree on—and TRIO makes it possible.●

## UNANIMOUS CONSENT AGREEMENT—S. RES. 51 AND S. RES 52

Mr. ALLARD. Mr. President, I ask unanimous consent that the Senate proceed en bloc to the immediate consideration of Senate resolutions 51 and 52, which are on the calendar.

I further ask consent that the resolutions be agreed to and the motion to reconsider be laid upon the table.

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

## PROVIDING FOR MEMBERS ON THE PART OF THE SENATE OF THE JOINT COMMITTEE ON PRINTING AND THE JOINT COMMITTEE ON THE LIBRARY

The PRESIDING OFFICER. The clerk will state the first resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 51) providing for members on the part of the Senate of the Joint Committee on Printing and the Joint Committee on the Library.

The resolution was considered and agreed to, as follows:

S. RES. 51

*Resolved,* That the following-named Members be, and they are hereby, elected members of the following joint committees of Congress:

Joint Committee on Printing: Mitch McConnell, Thad Cochran, Don Nickles, Dianne Feinstein, and Daniel K. Inouye.

Joint Committee on the Library: Ted Stevens, Mitch McConnell, Thad Cochran, Christopher J. Dodd, and Daniel Patrick Moynihan.

## AUTHORIZING THE PRINTING OF A COLLECTION OF THE RULES OF THE COMMITTEES OF THE SENATE

The PRESIDING OFFICER. The clerk will state the second resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 52) to authorize the printing of a collection of the rules of the committees on the Senate.

The resolution was considered and agreed to, as follows:

S. RES. 52

*Resolved,* That a collection of the rules of the committees of the Senate, together with related materials, be printed as a Senate document, and that there be printed 600 additional copies of such document for the use of the Committee on Rules and Administration.

## MEASURE READ THE FIRST TIME—H.R. 350

Mr. ALLARD. Mr. President, I understand that H.R. 350 is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 350) to improve Congressional deliberation on proposed Federal private sector mandates, and for other purposes.

Mr. ALLARD. I now ask for its second reading and would object to my own request.

The PRESIDING OFFICER. Objection is heard.

## MEASURE READ THE FIRST TIME—S. 508

Mr. ALLARD. Mr. President, I understand that Senate bill 508, which was introduced earlier by Senators SANTORUM and ALLARD, is at the desk, and I ask that it be read the first time.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 508) to prohibit implementation of ''Know Your Customer'' regulations by the Federal banking agencies.

Mr. ALLARD. I now ask for its second reading and would object to my own request.

The PRESIDING OFFICER. Objection is heard.

## REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT 106–2

Mr. ALLARD. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on March 2, 1999, by the President of the United States:

The Extradition Treaty Between the Government of the United States of America and the Government of the Republic of Korea (Treaty Document 106–2).

I further ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

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

The message of the President is as follows:

*To the Senate of the United States:*

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Extradition Treaty Between the Government of the United States of America and the Government of the Republic of Korea, signed at Washington on June 9, 1998 (hereinafter the ''Treaty'').

In addition, I transmit for the information of the Senate, the report of the Department of State with respect to the Treaty. The Treaty will not require implementing legislation.

The Treaty will, upon entry into force, enhance cooperation between the law enforcement communities of the United States and Korea. It will provide, for the first time, a framework and basic protections for extraditions between Korea and the United States, thereby making a significant contribution to international law enforcement efforts.

The provisions in this Treaty follow generally the form and content of extradition treaties recently concluded by the United States.

I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 2, 1999.*

## MAKING APPOINTMENTS TO CERTAIN SENATE COMMITTEES

Mr. ALLARD. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of Senate Resolution 55 submitted earlier today by Senators LOTT and DASCHLE.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 55) making appointments to certain Senate committees for the 106th Congress.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

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

Mr. ALLARD. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 55) reads as follows:

S. RES. 55

*Resolved,* That notwithstanding the provisions of S. Res. 400 of the 95th Congress, or the provisions of Rule XXV, the following shall constitute the membership on those Senate committees listed below for the 106th Congress, or until their successors are appointed:

Committee on Veterans' Affairs: Mr. Specter (Chairman), Mr. Murkowski, Mr. Thurmond, Mr. Jeffords, Mr. Campbell, Mr. Craig, Mr. Hutchinson of Arkansas, Mr. Rockefeller, Mr. Graham of Florida, Mr. Akaka, Mr. Wellstone, and Mrs. Murray.

Special Committee on Aging: Mr. Grassley (Chairman), Mr. Jeffords, Mr. Craig, Mr. Burns, Mr. Shelby, Mr. Santorum, Mr. Hagel, Ms. Collins, Mr. Enzi, Mr. Bunning, Mr. Hutchinson of Arkansas, Mr. Breaux, Mr. Reid of Nevada, Mr. Kohl, Mr. Feingold, Mr. Wyden, Mr. Reed of Rhode Island, Mr. Bayh, Mrs. Lincoln, and Mr. Bryan.

Committee on Indian Affairs: Mr. Campbell (Chairman), Mr. Murkowski, Mr. McCain, Mr. Gorton, Mr. Domenici, Mr. Thomas, Mr. Hatch, Mr. Inhofe, Mr. Inouye (Vice Chairman), Mr. Conrad, Mr. Reid of Nevada, Mr. Akaka, Mr. Wellstone, and Mr. Dorgan.

Special Committee on the Year 2000 Technology Problems: Mr. Bennett (Chairman), Mr. Kyl, Mr. Smith of Oregon, Ms. Collins, Mr. Stevens (ex-officio), Mr. Dodd (Vice Chairman), Mr. Moynihan, Mr. Edwards, and Mr. Byrd (ex-officio).

## APPLICATIONS SUBMITTED BY THE DODSON SCHOOL FOR CERTAIN IMPACT AID PAYMENTS FOR FISCAL YEAR 1999

Mr. ALLARD. Mr. President, I ask unanimous consent that Senate bill 447 be discharged from the Labor Committee and, further, that the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (S. 447) to deem timely filed, and process for payment, the applications submitted by the Dodson School Districts for certain Impact Aid payments for fiscal year 1999.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

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

Mr. ALLARD. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and, finally, that any statements related to the bill appear at this point in the RECORD.

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

The bill was ordered to be engrossed for a third reading, was deemed read the third time, and passed as follows:

S. 447

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

**SECTION 1. IMPACT AID.**

The Secretary of Education shall deem as timely filed, and shall process for payment, an application for a fiscal year 1999 payment under section 8003 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703) from a local educational agency serving each of the following school districts if the Secretary receives that application not later than 30 days after the date of enactment of this Act:

(1) The Dodson Elementary School District #2, Montana.

(2) The Dodson High School District, Montana.

## EXECUTIVE CALENDAR

## EXECUTIVE SESSION

Mr. ALLARD. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nomination on the Executive Calendar: No. 9.

I finally ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, any statements relating to the nomination appear at this point in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The Senate proceeded to consider the nomination.

Mr. SHELBY. Mr. President, I rise today to urge my colleagues to vote in favor of the nomination of James M. Simon, Jr., to be the Assistant Director of Central Intelligence for Administration. As part of the Intelligence Authorization Act for Fiscal Year 1997 (S. 1718), the Senate Created the Office of the Director of Central Intelligence (ODCI), clarified the DCI's responsibilities for managing the Intelligence Community, and crated three new leadership positions in the ODCI: the Assistant Director of Central Intelligence

(ADCI) for Collection, the Assistant Director of Central Intelligence for Analysis and Production, and the Assistant Director of Central Intelligence for Administration. According to the Act, the ADCIs were to be appointed by the President and confirmed by the Senate.

At Conference, the House agreed to create the three new positions provided that the position of Deputy Director of Central Intelligence for Community Management (DDCI/CM) also be created as a position requiring the advise and consent of the Senate. Therefore the Conference Report included the three ADCI positions and added the DDCI/CM position within he Office of the DCI. The ADCIs report directly to the DDCI/CM. This new leadership structure was enacted into law by P.L. 104–293.

The intent was to create a ''Goldwater-Nichols'' equivalent legislation for the intelligence Community by breaking down the barriers to effective community management erected by the very powerful directors of various intelligence agencies. In many cases, these directors act unilaterally on the day-to-day decisions concerning collection, production, and administration within the Community. On May 22, 1998, the Committee favorably reported the nomination of Joan Dempsey to be the first DDCI/CM. The Senate confirmed her on May 22, 1998.

A great deal of the responsibility for management improvement within the Intelligence Community will lie with the Assistant Director of Central Intelligence for Administration. Therefore, the position requires a strong and determined individual that is prepared to confront and overcome the inevitable resistance of an entrenched and calcified bureaucracy.

Mr. James M. Simon, Jr., a career intelligence officer, was nominated by the President to be the first Assistant Director of Central Intelligence for Administration, and the Senate Select Committee on Intelligence held open hearings on his nomination on February 4, 1999. On February 24, 1999, the Committee voted to favorably report the nomination of Mr. Simon to he full Senate.

Mr. Simon was born in Montgomery, Alabama on 1 July 1947. He is married to Susan Woods of Tuscaloosa, Alabama.

Mr. Simon was commissioned in the US Army in 1969, retiring in 1997 from the active reserve. Trained as a signal officer and in intelligence, he has commanded a SIGINT/EW company and has been operations officer of a psychological warfare battalion. He is a graduate of the Military Intelligence Officers Advanced Course, the Command and General Staff College, and has completed the Security Management Course from the national War College.

After discharge, Mr. Simon became a research intern at Radio Free Europe and served as teaching assistant to the Dean of the University of Southern California's Graduate Program in International Relations in Germany prior to returning to the United States to study for a Ph.D.

Mr. Simon has a B.A. in political science from the University of Alabama and a M.A. in international relations from the University of Southern California. He held both Herman and Earhart fellowships while pursuing a Ph.D at USC with emphasis in national security, bureaucracy, Soviet studies, and Marxism-Leninism. He has given lectures at Harvard, Cornell, Utah State, the Joint Military Intelligence College, the Command and General Staff College, the Navy War College, the Air War College, and the national War College. For two years, he taught Soviet war fighting at he Air University's course for general officers.

Mr. Simon left USC before completing his dissertation and joined the CIA in 1975 through its Career Training Program. He served briefly in the clandestine service before joining he Directorate of Intelligence's Office of Strategic Research as a military analyst specializing in tactics and doctrine. He served as chief of a current intelligence branch as well as of two branches concerned with Soviet military strategy, doctrine, and plans. From 1986 to 1990 he was in charge of the intelligence community organization responsible for asking the imagery constellation. In 1990, he was assigned as the senior intelligence representative to the US delegation for the Conventional Forces in Europe (CFE) Treaty in Vienna where he was principal negotiator for the Treaty's information exchange protocol. After ratification, in 1991, Mr. Simon was reassigned as Chief of ACIS Rhein Main in Frankfurt; the Community's facility responsible for the preparation, debriefing, and reporting of information gained by arms control inspection teams throughout Europe. In 1993, Mr. Simon became chief of a division in the Office of European Analysis and in 1996 was named Chief of the Collection Requirements and Evaluation Staff.

The Intelligence Committee believes that Mr. Simon is well qualified for this new position. Accordingly,I again urge my colleagues to support this nomination and vote in favor of the Nominee.

Mr. KERREY. Mr. President, I rise to join Chairman SHELBY in recommending to the Senate that Mr. James M. Simon be confirmed as the new Assistant Director of Central Intelligence for Administration. Mr. Simon has demonstrated the essential qualities required for this position, and I believe the Director of Central Intelligence has acted wisely in proposing to the President Mr. Simon's nomination.

I am glad the Director of Central Intelligence is fulfilling one of the obligations imposed by the Fiscal Year 1997 Intelligence Authorization Act. In that Act, Congress—after extended discussions among the relevant committees—created a new management structure for the Office of the DCI. That structure included the new positions of Assistant Directors of Central Intelligence—one for intelligence collection, one for intelligence analysis, and one for community administration. The nomination to be considered by the Senate, the Assistant Director for Administration, will help to play an important role in ensuring the Intelligence Community is effectively managed.

To date, the DCI has taken the interim steps of appointing acting Assistant Directors for collection and for analysis. I expect Presidential nominations for these positions will be forthcoming soon. I must say, the Senate's wisdom in the Fiscal Year 1997 Intelligence Authorization Act has been confirmed by the DCI's interim appointments. Prior to the appointments of Mr. Charles Allen and Mr. John Gannon, Congress and the American people looked to the DCI to manage both the collection of intelligence information and the analysis of that information. Without any assistance in these areas, it was literally his personal responsibility. When the intelligence community fails to collect adequate information to prevent policy-makers from being surprised, Congress and the American people blame the DCI. Further, when the intelligence community fails to marshal its resources to analyze tough intelligence targets, Congress and the American people again blame the DCI. The blame was clear, for example, in last year's Indian nuclear test incident. Affixing the responsibility on the DCI was warranted, but he did not have the management structure in place to help him fulfill his responsibilities. The Fiscal Year 1997 Intelligence Authorization Act created a structure to help the DCI discharge his responsibilities and, following the Indian nuclear tests, the DCI began filling the new structure. So far, the results of Mr. Allen's and Mr. Gannon's work demonstrate that community-wide coordination is appropriate and sorely needed.

Mr. Simon is eminently qualified. He is a career intelligence officer. He has demonstrated throughout his career the ability to make tough calls and to be held accountable for those calls. In his most recent assignment as the head of the CIA's Requirements Evaluation Staff, he has taken on a task to fix something that has long been broken. He is working on a way to place a value on the different kinds of intelligence we collect. To the uninitiated this may sound fairly unimportant and, perhaps, even easy. But is not. It is hard because it directly challenges the directors of the heads of the agencies within the Intelligence Community. For example, it forces the head of signals intelligence to justify the quality of his efforts relative to the efforts of another agency that controls human intelligence. It has a similar effect on judging the value of satellite collection relative to the other ways we obtain

our intelligence information. No agency director likes this evaluation because it forces questions to be answered on such fundamental issues as to whether or not community-wide budget and personnel resources are being directed in the right areas. Directors naturally resist a comparison of the value of their agency's work versus the value of the work of other agencies. Nonetheless, Mr. Simon chose to take on the agency heads in the Intelligence Community because it was the right thing to do.

The DCI has made an excellent choice in recommending Mr. Simon to the President. Mr. Simon should be confirmed by the Senate. I believe his services as the Assistant Director of Central Intelligence for Administration will have a significant and lasting impact on the Intelligence Community. I urge my colleagues to support this nomination.

The nomination considered and confirmed follows:

CENTRAL INTELLIGENCE

James M. Simon, Jr., of Alabama, to be Assistant Director of Central Intelligence for Administration. (New Position)

## LEGISLATIVE SESSION

Mr. ALLARD. Mr. President, I ask unanimous consent that the Senate now return to legislative session.

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

## NATIONAL GIRL SCOUT WEEK

Mr. ALLARD. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Resolution 48 and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 48) designating the week beginning March 7, 1999, as ''National Girl Scout Week.''

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

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

Ms. MIKULSKI. Mr. President, I am very proud to introduce this Resolution with my colleague Senator HUTCHISON, who, like me, is a former Girl Scout. This Resolution designates next week as National Girl Scout Week. I am so happy that we are able to recognize the important achievements of the Girls Scouts with such broad bipartisan support. Scouting instills the values that really matter—duty, honor, patriotism and service. I am so proud to honor the Girl Scouts for all they do to prepare our young women to be leaders for the future.

As a Girl Scout, you participate in a broad range of activities—from taking nature hikes to taking part in the arts. You serve in local food banks and learn about politics. The skills, values and attitudes you learn as a Girl Scout can help guide you through your life. As your skills grow, so will your self confidence. Eventually you will earn your badges which will serve as symbols that you are succeeding and doing something constructive for your community. You learn the importance of treating other people fairly and with the dignity they deserve. You have the confidence to know that you can reach your goals. You can learn to be a leader.

In today's hectic world, Scouts are more important than ever. Young boys and girls desperately need before and after school activities to keep their active minds' focused. They need adult role models like their Girl Scout leaders, who are dedicated to inspiring young people.

As the Senator from Maryland, one of my highest priorities is to promote structured, community-based after school activities to give children more help and more ways to learn. After school activities also keeps children stay out of trouble and keeps them productive. That's just what the Girl Scouts do. They promote character & responsibility. They teach the arts and cultural activities. They give kids the tools for success.

I applaud the Girl Scouts. I also thank them for what they did for me and what they do for millions of young women across the country. I hope the Resolution that Senator HUTCHISON and I have introduced here today calls more attention to the good work of the Girl Scouts. I hope it shows that there are solid after school activities that children can actively participate in while learning real life skills. Mr. President, I congratulate the Girl Scouts as they celebrate their 87th anniversary. I hope my colleagues will join me in supporting this important Resolution.

Mr. ALLARD. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear in the RECORD.

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

The resolution (S. Res. 48) was agreed to.

The preamble was agreed to.

The resolution (S. Res. 48), with its preamble, reads as follows:

S. RES. 48

Whereas March 12, 1999, is the 87th anniversary of the founding of the Girl Scouts of the United States of America;

Whereas on March 16, 1950, the Girl Scouts became the first national organization for girls to be granted a Federal charter by Congress;

Whereas through annual reports required to be submitted to Congress by its charter, the Girl Scouts regularly informs Congress of its progress and program initiatives;

Whereas the Girl Scouts is dedicated to inspiring girls and young women with the highest ideals of character, conduct, and service to others so that they may become model citizens in their communities;

Whereas the Girl Scouts offers girls aged 5 through 17 a variety of opportunities to develop strong values and life skills and provides a wide range of activities to meet girls' interests and needs;

Whereas the Girl Scouts has a membership of nearly 3,000,000 girls and over 850,000 adult volunteers, and is one of the preeminent organizations in the United States committed to girls growing strong in mind, body, and spirit; and

Whereas by fostering in girls and young women the qualities on which the strength of the United States depends, the Girl Scouts, for 87 years, has significantly contributed to the advancement of the United States: Now, therefore, be it

*Resolved,* That the Senate—

(1) designates the week beginning March 7, 1999, as ''National Girl Scout Week''; and

(2) requests the President to issue a proclamation designating the week beginning March 7, 1999, as ''National Girl Scout Week'' and calling on the people of the United States to observe the day with appropriate ceremonies and activities.

## NATIONAL READ ACROSS AMERICA DAY

Mr. ALLARD. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of Senate Resolution 56 introduced earlier today by Senators COVERDELL and TORRICELLI.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 56) recognizing March 2nd, 1999, as the ''National Read Across America Day,'' and encouraging every child, parent and teacher to read throughout the year.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

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

Mr. ALLARD. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at this point in the RECORD.

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

The resolution (S. Res. 56) was agreed to.

The preamble was agreed to.

The resolution (S. Res. 56), with its preamble, reads as follows:

S. RES. 56

Whereas reading is a fundamental part of life and every American should be given the chance to experience the many joys it can bring;

Whereas National Read Across America Day calls for every child in every American community to celebrate and extoll the virtue of reading on the birthday of America's favorite Doctor—Dr. Seuss;

Whereas National Read Across America Day is designed to show every American child that reading can be fun, and encourages parents, relatives and entire communities to read to our nation's children;

Whereas National Read Across America Day calls on every American to take time

out of their busy day to pick-up a favorite book and read to a young boy or girl, a class or a group of students;

Whereas reading is a catalyst for our children's future academic success, their preparation for America's jobs of the future, and our nation's ability to compete in the global economy;

Whereas the distinguished Chairman Jim Jeffords and Ranking Member Ted Kennedy of the Senate Health, Education, Labor and Pensions Committee have provided significant leadership in the area of community involvement in reading through their participation in the Everybody Wins! program;

Whereas Chairman Jim Jeffords has been recognized for his leadership in reading by Parenting Magazine;

Whereas prominent sports figures such as National Read Across America Day Honorary Chairman Cal Ripken of the Baltimore Orioles baseball team, Sandy Alomar of the Cleveland Indians, and members of the Atlanta Falcons football team have dedicated substantial time, energy and resources to encourage young people to experience the joy and fun of reading;

Whereas the 105th Congress made an historic commitment to reading through the passage of the Reading Excellence Act which focused on traditionally successful phonics instruction, tutorial assistance grants for at-risk kids, and literacy assistance for parents: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes March 2, 1999 as National Read Across America Day; and

(2) expresses its wishes that very child in every American city and town has the ability and desire to read throughout the year, and receives the parental and adult encouragement to succeed and achieve academic excellence.

## ORDERS FOR WEDNESDAY, MARCH 3, 1999

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Wednesday, March 3. I further ask that on Wednesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved, and the Senate then proceed to the time for debate on the motion to proceed to S. 280.

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

## PROGRAM

Mr. LOTT. Mr. President, the Senate, then, will convene tomorrow at 9:30 and resume consideration of the motion to proceed to the education flexibility partnership bill. There will have been a total of 4 hours for debate on the motion tomorrow morning, and following adoption of the motion, we will begin consideration of the bill itself. Amendments to the bill are expected to be offered and debated throughout Wednesday's session and for the remainder of the week. Therefore, Senators should expect rollcall votes throughout the day on Wednesday and Thursday and possibly Friday in an effort to make substantial progress on this important piece of legislation. After I have a chance to consult with the Democratic leader, we will give further information about the schedule on Friday and on Monday of next week.

I yield the floor.

## ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. ALLARD. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:34 p.m., adjourned until Wednesday, March 3, 1999, at 9:30 a.m.

## NOMINATIONS

Executive nominations received by the Senate March 2, 1999:

### DEPARTMENT OF DEFENSE

LAWRENCE J. DELANEY, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF THE AIR FORCE, VICE ARTHUR L. MONEY.

### INTER-AMERICAN DEVELOPMENT BANK

LAWRENCE HARRINGTON, OF TENNESSEE, TO BE UNITED STATES EXECUTIVE DIRECTOR OF THE INTER-AMERICAN DEVELOPMENT BANK FOR A TERM OF THREE YEARS, VICE L. RONALD SCHEMAN, RESIGNED.

### FOREIGN SERVICE

THE FOLLOWING NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF AGRICULTURE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED: CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER:

WARREN J. CHILD, OF MARYLAND

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

MARY E. REVELT, OF FLORIDA
JOHN H. WYSS, OF TEXAS

THE FOLLOWING NAMED CAREER MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF AGRICULTURE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

WEYLAND M. BEEGHLY, OF VIRGINIA
LARRY M. SENGER, OF WASHINGTON
RANDOLPH H. ZEITNER, OF VIRGINIA

### DEPARTMENT OF LABOR

RICHARD M. MCGAHEY, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF LABOR, VICE OLENA BERG, RESIGNED.

## CONFIRMATION

Executive nomination confirmed by the Senate March 2, 1999:

### CENTRAL INTELLIGENCE

JAMES M. SIMON, JR., OF ALABAMA, TO BE ASSISTANT DIRECTOR OF CENTRAL INTELLIGENCE FOR ADMINISTRATION.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.